House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, September 28, 2005.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

PLEDGE OF ALLEGIANCE

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

Ms. LINDA T. SÁNCHEZ of California 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.

WELCOMING FATHER THOMAS JOHNS

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

Mr. LATOURRETTE. Mr. Speaker, it is my pleasure to welcome this morning Father Tom Johns of St. John Vianney Catholic Church in Mentor, OH, as the guest chaplain today. I am honored to have Father Johns here today.

I want to welcome him, his sister and brother-in-law, Trish and Denny, and their two children, Kyle and Kayla, to the House of Representatives.

Father Johns has been with St. John Vianney since 1983 and became pastor in January of 1998. He is a treasured member of our community, and he also has a special Washington connection.

Several years ago, Father Johns presided over the wedding of Kirsti Talikka Garlock, counsel for the House Committee on International Relations, and her husband, Vince. I know it is a thrill for them to have Father Johns here this morning as the guest chaplain.

I first met Father Johns at the home of Jim and Ruthie Jackson a number of years ago, and they referred to him as Father Tom. Even though I am a Methodist and he is a Roman Catholic, I have to tell you that it is probably a good duty when you are marrying somebody like Kirsti and Vince. I have also had the sad occasion of being with him when he was the presiding official at the funeral of not only Jim Jackson but also Mike Brown. And Father Johns’s ability to help friends and family get through those occasions really makes him a special person in my mind. It is a pleasure to have Father Thomas Johns with us today, and I thank him for being here.

IMPRISONED IN THEIR OWN HOMES

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

Mr. POE. Mr. Speaker, every day in this land of the free there are some women who live lives of quiet desperation. These women are not free, but are imprisoned in their own homes. Their crime? Being with the wrong person. Their warden is their spouse or their boyfriend. Their sentence? A lifetime of abuse, sexual assault, intimidation, mental turmoil, and even death.

As a judge in Texas, I saw these victims appear in court to tell their compelling, sad stories of their incarceration in their own homes. This is a family issue. This is a national health issue. This is a public safety issue. And this is a criminal issue. This is an issue that must not go unnoticed by this House. We need to stand beside these victims that are battered, beaten, and bruised. The criminals will be held accountable for their actions. The protections in the Violence Against Women Act need to be reauthorized so women can truly enjoy living in the land of the free.

Mr. Speaker, love should not hurt.
DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today the House will vote on H.R. 3402, the Department of Justice Appropriations Authorization Act.

I rise today to thank the gentleman from Michigan (Mr. CONyers) and the gentleman from Wisconsin (Mr. SENNENRENNER) for their leadership on this bill and to urge my colleagues to support it.

H.R. 3402 contains language from my bill, H.R. 283, the Bullying and Gang Prevention For School Safety and Crime Reduction Act of 2005. By adding this important provision, schools will be able to use Federal dollars to establish gang and bullying prevention programs in their schools and to teach kids not to use e-mail, instant messaging, or cell phones to make threats and insults, a disturbing new behavior known as “cyberbullying.”

Studies show that 31 percent of junior high and high school students in urban areas and 21 percent of all students reported that street gangs were present at their schools and more than 3.2 million children are the victims of repeated bullying every year. That is one in every six students.

Bullying and gangs can be eliminated from our schools and H.R. 3402 is a tremendous step in the right direction. I urge all of my colleagues to vote for the bill.

COMMENDING THE BARRETT FAMILY

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

Mr. HEFLEY. Mr. Speaker, I rise today to recognize a very special family in my district. Billy Jack and Anne Barrett and their six children recently experienced a life-changing event. They were chosen to receive a brand new home from the television show “Extreme Makeover: Home Edition.”

I was amazed at the amount of work that went into replacing the Barretts’ small family 101-year-old farmhouse with a 4,000-square foot two-story home, complete with red school house that Anne Barrett will use to continue home schooling the children.

The Barretts were selected for opening not only their hearts but their home to troubled children. In addition to their own two biological daughters, they adopted four high-risk teens who had been deemed unadoptable. They had seen the potential in these children and decided they would not give up on them.

The Barretts may not have the financial means or space to undertake their new responsibility; but with Christian values, love and horses, they have produced a wonderful family. I would like to thank Keller Homes, Extreme Makeover, and the more than 6,000 people who volunteered to make this daunting challenge a reality. I would like to commend the Barrett family for the example that they set for all of us.

ENDANGERED SPECIES ACT REWRITE

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

Mr. EMANUEL. Mr. Speaker, much of the gulf coast lies in ruins. Iraq is on the verge of a civil war. Government spending has spiraled out of control, leaving structural deficits as far as the eye can see; and we are in the midst of an energy crisis. With these and other challenges mounting, how does the Republican Congress respond? Of course, by gutting the Endangered Species Act.

They are using this time of mounting crises as a way to smuggle their long-held ideological goals through customs, the policies they can never enact because of the public’s opposition to them.

This Congress sees an opportunity to reward their special interests by eliminating the backbone of our environmental laws. The Endangered Species Act needs reform and needs to be updated, but we should not throw the baby out with the bath water.

To add insult to injury, while it guts the very successful environmental policies, the bill will actually cost more than the current Endangered Species Act. CBO estimates that the administration costs will more than double. So much for smaller government.

Mr. Speaker, the American people want leadership, they want solutions to challenges confronting this Nation, not a wholesale auction of everything we hold dear to the special interests. When the Speaker’s gavel comes down, it is intended to open the people’s House, not the auction house.

SIMPLE SCIENCE

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

Mr. DUNCAN. Mr. Speaker, the simple, easy answer to any problem or solution is almost always wrong.

Today the simplistic, politically correct explanation for hurricanes Katrina and Rita is global warming. Yet simple, easy science is almost always wrong.

CNN reported a couple of days ago that the biggest, worst decade for hurricanes was the 1940s, long before there was any thought or theory or even mention of global warming. In addition, Max Mayfield, director of the National Hurricane Center, said in news stories and television reports that hurricanes are cyclical in nature. He said it was wrong to invoke our alleged global warming without valid science or any hard science to back it up. Mr. Mayfield also noted the terrible hurricanes of the 1940s and the hurricane cycles.

The overly simple political science of global warming is just not accurate here, and people should not use the tragedy of these hurricanes to advance or promote political theories.

AMERICANS DESERVE REAL ANSWERS

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

Mr. CARNAHAN. Mr. Speaker, Americans were shocked by our government’s response to Hurricane Katrina. They watched as days passed before the people of New Orleans were rescued from rooftops and attics or before those at the Superdome actually received food and water.

Americans rightly asked, if this is the way our government responds to a natural disaster it knew about days in advance, how would it respond to a surprise terrorist attack? How would it respond to an earthquake?

Americans now deserve and demand answers from an independent commission, not a partisan committee with a political agenda.

Creating this commission is not about a blame game. The purpose of this commission is not really about the past; it is about the future. It is about learning from our mistakes so that we assure that these mistakes are never repeated in this country.

The American people respected the 9/11 Commission because of its independence, and that is exactly what we need now.

A BRAVE VICTORY

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

Mr. PRICE of Georgia. Mr. Speaker, sometimes you just have to celebrate. Our Nation has seen remarkable challenges placed before it over the last few weeks; but our spirit is strong, our enthusiasm unshaken, and our optimism unbroken, and America’s team has done it again.

From their beginnings in Boston in 1876 to their brief tenure in Milwaukee from 1953 to 1965 and now in their rightful home in Atlanta, they are the personification of the American spirit, demonstrating the glory of diligence, persistence, loyalty and unity.

Last evening the Atlanta Braves extended a record unparalleled in all of sports, capturing their 14th straight division championship. Think of the greatest accomplishments of any sports team in history and none of them compare to the length of success by these heroes of America’s pastime.
Congratulations to general manager John Schuerholz and to manager Bobby Cox for their remarkable leadership through thick and thin. Congratulations to the players, from seasoned veterans to rookie contributors. All of them have given Atlanta, Georgia, and America, the thrill and privilege of witnessing their wondrous exploits.

You have blessed us all with your skill and passion. Congratulations to the Atlanta Braves.

EXIT STRATEGY

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

Mr. KUCINICH. Mr. Speaker, whether or not Iraq soon votes for a constitution, whether or not the Sunnis and the Shites soon achieve peace, we in this Congress must soon take action for our Nation, for our troops, for our national interests to plan an exit strategy from Iraq and to commence it by October of 2006.

That is the purpose of House Joint Resolution 55, a bipartisan resolution which requires the administration to create an exit strategy so we are not going to be in Iraq forever, so we do not put our sons’ and daughters’ lives on the line forever, so we have a defined strategy to get out.

It is time for us to take whatever bipartisan energy there is in this Chamber and direct it towards a new direction in Iraq, to bring our troops home, to involve the world community, to put an end to this sorry chapter of U.S. occupation.

ACROSS-THE-BOARD SPENDING REDUCTIONS

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

Mrs. BLACKBURN. Mr. Speaker, last week I received a call from a constituent, and she said, As you are looking at Hurricane Katrina, I want you to remember something. My grandmother used to say, Mind your pennies and your dollars will take care of themselves.

How very true, and in that regard, I filed three bills yesterday, one I think every Member of the House can decide they can support, H.R. 3903, H.R. 3904 and H.R. 3906. Each calls for across-the-board spending reductions in non-defense, non-homeland security discretionary spending.

H.R. 3903 is a 1 percent reduction which would be a $4 billion savings for the year. Two percent is the H.R. 3904 bill. That is an $8 billion savings. $21.5 billion could be saved with H.R. 3906, which is a 5 percent reduction.

One of the things we know, Mr. Speaker, is that across-the-board reductions work. The bureaucrats in buildings are called upon to be responsive to the taxpayers to account for how they are spending every single penny that they are being appropriated.

So I encourage all the Members of the body to join me in cosponsoring H.R. 3903, H.R. 3904 and H.R. 3906 and reduce our Federal outlays.

VAWA REAUTHORIZATION

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

Ms. SOLIS. Mr. Speaker, as we celebrate Domestic Violence Awareness Month in October, I rise today to highlight the issue as it affects minority communities.

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

Just this morning, I learned that the manager’s amendment to today’s VAWA reauthorization bill strikes the language “racial and ethnic minorities” from the definition of underserved communities.

We must acknowledge the devastating effect that domestic violence has on all communities, community of colors. That means African Americans, Latinos and Asians and all other ethnic groups.

Our efforts to educate the public about domestic violence must directly address factors like cultural differences, linguistic differences and immigration status. By removing this language, we are exacerbating the problem of domestic violence in communities of color.

My hope is that the reauthorization of the Violence Against Women Act is comprehensive and meets all the needs of all women in our country.

BUSINESS ACTIVITY TAX SIMPLIFICATION ACT

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT. Mr. Speaker, Bo Horne lives with his wife in Seneca, South Carolina, where they operate a small business from their home. It is their piece of the American dream.

In 1997, they sold a computer software license to a customer in New Jersey for $695, and even though Mr. Horne has no employees or no real property in New Jersey, this one-time sale triggers a New Jersey State law requiring Mr. Horne to pay $600 in taxes and fees every year on the software as long as it remains in use. This tax is stifling to small business investments and entrepreneurs across the country.

Mr. Horne stated yesterday in his testimony before the House Committee on the Judiciary that he is speaking up because of thousands of small businesses that are totally unaware of the risks. Mr. Horne highlighted a commonsense bill that I am a proud co-sponsor of, H.R. 1956, the Business Activity Tax Simplification Act, as introduced by the gentleman from Virginia (Mr. Goodlatte). It protects small businesses by requiring them to be physically present in the State before they are subject to taxes by the State.

I urge my colleagues to stand up for small businesses by supporting this important legislation, and I thank Mr. Horne for his hard work.

POLITICAL HACKS

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

Mr. DEFAZIO. The Bush-Rove administration has delivered cronyism, incompetence and corruption in spades. Mike “you’re-doing-a-heck-of-a-job-Brownie” Brown is the poster child for the hundreds of unqualified, often incompetent, political hacks chosen to head, to demean, demoralize and dismantle critical Federal agencies like FEMA.

Then there is the corruption side. Mr. Brown, as he was resigning, at the same time one of his buddies, David Safarjan, the head of Federal procurement for the entire government of the United States, $300 billion a year, is being led out of the White House in handcuffs for perjury, influence peddling and bribery, but he did his job till the end as a Bush political appointee.

Before they drug him out in handcuffs, he let billions of dollars in no-bid contracts, awarded to Halliburton and other favorites of this administration.

Good job, Mr. Safarjan. I hope prison is a good reward for you.

U.S. TROOPS DELIVER VICTORY AGAINST AL QAEDA

(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. Mr. Speaker, I rise today to acknowledge the important role that our military has played in the war against terrorism.

Mr. BARRETT. Mr. Speaker, Iraq security forces and coalition soldiers this week delivered a striking blow to al Qaeda terrorists in Iraq. By killing Abu Azzam, a top aide to Abu al-Zarqawi, our troops have achieved yet another critical victory in the war on terrorism.

Azzam led the largest group of al Qaeda in Iraq fighters in Fallujah during autumn 2004 and directed current terrorist activity and operations in Baghdad. As a leader of the Iraqi terrorist network, he served as the brains behind numerous attacks on our troops and Iraqi citizens. Not anymore.

The recent victory demonstrates that American soldiers are skilled, focused
and dedicated to finding the cowards who continue to attack democracy and take the lives of innocent civilians. As co-chair of the Victory in Iraq Caucus, I am extremely proud of their success. By capturing and killing terrorists in Iraq, our troops are protecting American civilians from terrorists who threaten our freedoms and our way of life.

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

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

Ms. WOOLSEY. Mr. Speaker, the Violence Against Women Act has made a great difference for countless women and their families when confronting violence, and VAWA has made a significant difference in the health and happiness of hundreds of thousands of women, children and families.

With one in four women in this country experiencing domestic violence, clearly much more remains to be done. So we cannot abandon our commitment to them and to the women around the world.

Women have every right to feel safe in their own homes. They also deserve to know that law enforcement and health officials are equipped to deal with their special needs in these tragic situations, and we must include teaching young people that bullying and violence must be avoided. We must teach them how to handle situations of conflict and anger in other ways besides bullying and violence.

Mr. Speaker, I urge my colleagues to support the reauthorization of VAWA to ensure these protections and make sure that resources are available.

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

Ms. FOXX. Mr. Speaker, September 30, 2005, is a significant day in American higher education. This day marks the 13th president of Lees-McRae College in Banner Elk, North Carolina. Lees-McRae College is an institution of which the entire Nation can be proud. For 165 years, it has prepared young men to take their places as productive citizens. Committed to leadership and service, Lees-McRae is an integral part of the larger community, putting into practice its historic motto: “In the mountains, for the mountains.”

David W. Bushman is an outstanding scholar, educator and administrator. Under his leadership, Lees-McRae College reaffirms its commitment to academic excellence in the liberal arts tradition and to the moral and civic education of its students.

As David Bushman assumes the presidency of Lees-McRae College, I extend sincere congratulations to him and to the college. As President Bushman and Lees-McRae College begin this new chapter in their history, they do so with my best wishes for continued success.

REPUBLICANS FAKING THEIR WAY THROUGH INQUIRY
(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, yesterday House Republicans convened their partisan investigation into what went wrong in the aftermath of Hurricane Katrina. It is clear Republicans want to fix all blame on the back of former FEMA director Michael Brown.

Republicans were willing to ask tough questions yesterday, but that is simply not enough. For 5 years now, House Republicans have ignored their oversight responsibilities of the Bush administration. Are we now supposed to believe that House Republicans will conduct an investigation that will not only determine what exactly went wrong but also how we can prevent such a slow response from ever happening again?

The New York Times said that Washington is faking a Katrina inquiry. The paper determined that a government dominated by one party should be disqualified from investigating itself.

Democrats here in the House strongly agree. We simply will not be a part of a sham investigation. The American people want real answers, not a cover-up. An overwhelming 87 percent of Americans are demanding an independent commission similar to the 9/11 Commission.

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

Mr. GINGREY. Mr. Speaker, I rise today in praise of a new Medicare part D prescription drug benefit that is available to all seniors beginning January 1, 2006.

This week, the Centers for Medicare and Medicaid released information on organizations offering prescription drug plans in each of our 50 States, and the opportunity for sign-up begins November 15.

This announcement holds great news for seniors across America. In every State, seniors will have a choice among plan providers. In my home State of Georgia, for example, seniors will be able to choose from 18 different plans, ensuring they can find one that best suits their individual needs.

Mr. Speaker, there is more good news for our seniors. Not only will they be eligible for prescription drug coverage from a range of organizations, but they will receive this benefit for less money than previously expected, in some cases, for a premium as low as $20 a month. This is the power of competition, and our seniors will benefit from it. We do not need government price controls. The free market works.

Mr. Speaker, for years, our seniors have struggled with the rising cost of prescription drugs without medicine they need to stay healthy. With Medicare part D, seniors will be able to reap the benefits of preventive care and live longer, healthier lives.

RECOVERY FROM HURRICANES
(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, Katrina broke my heart. When I consider the tragic aftermath of this extraordinary storm, now 1 month hence, I cannot help but think of that person in the Bible who speaks of how the rains came down, the winds blew and beat against the house, the floodwaters rose, and the house fell with a great crash.

Congress is now involved in a critical debate about relief and rebuilding and how we will pay for what could be hundreds of billions of dollars in recovery and reconstruction of the Gulf Coast.

Last week, House conservatives offered their own plan, a series of budget
cuts simply known as Operation Offset. It contained many good ideas, and it seems to have engendered, Mr. Speaker, an important debate here in Washington, DC, and all around the country.

It seems that Members of Congress know and the American people know that raising taxes or raising the national debt is no way for this national government to respond to the extraordinary costs of Katrina. We must ensure that a catastrophe of nature does not become a catastrophe of debt for our children and grandchildren through introducing tough budget cuts like Operation Offset.

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

Mr. Speaker, my hometown on that same day that the President had said in his speech that Katrina was a man-made disaster, the residents of New Orleans were beginning to rebuild. But what did Mr. Bernanke not suggest? Raising taxes or raising the national debt.

Ms. BERKLEY. Mr. Speaker, I urge the Republican leadership of the conference to accept that amendment. To prevent the President from getting to act now, the Republicans must not shirk their responsibility to build consensus in the conference.

Mr. Speaker, the Congress is now in a position to address the House for 1 minute. Mr. Speaker, the House is in a position to address the conference for 1 minute. Mr. Speaker, the House is in a position to address the conference for 1 minute.

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Ms. BERKLEY. Mr. Speaker, I urge the Republican leadership of the conference to accept that amendment. To prevent the President from getting to act now, the Republicans must not shirk their responsibility to build consensus in the conference.

Mr. Speaker, the conference asked by the Senate. The Senate amendment thereto, disagreeing votes of the two Houses on the part of the House at the conference on the House-passed bill.

The Speaker pro tempore. Under rule XXII, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

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

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume for the purpose of instructing conferees.

Mr. Speaker, my office called the White House asking him to intervene on behalf of the people in Louisiana and Mississippi.

Ms. BERKLEY. Mr. Speaker, I urge the Republican leadership of the conference to accept that amendment. To prevent the President from getting to act now, the Republicans must not shirk their responsibility to build consensus in the conference.

Mr. Speaker, the conference asked by the Senate. The Senate amendment thereto, disagreeing votes of the two Houses on the part of the House at the conference on the House-passed bill.

The Speaker pro tempore. Under rule XXII, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

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

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume for the purpose of instructing conferees. The Clerk read as follows:

MOTION TO INSTRUCT OFFERED BY MR. SABO
Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

MOTION TO INSTRUCT HOUSE CONFEREES ON H.R. 2360, FY2006 HOME LAND SECURITY APPROPRIATIONS BILL, OFFERED BY MR. SABO
Mr. Sabo moves that the managers on the part of the House at the conference on the House-passed bill.

The motion was agreed to.

The Clerk read as follows:

MOTION TO INSTRUCT HOUSE CONFEREES H.R. 2360, FY2006 HOME LAND SECURITY APPROPRIATIONS BILL, OFFERED BY MR. SABO
Mr. Sabo moves that the managers on the part of the House at the conference on the House-passed bill.

The motion was agreed to.

The Speaker pro tempore. Under rule XXII, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

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

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume for the purpose of instructing conferees.

Mr. Speaker, Hurricane Katrina shined a bright spotlight on troubling gaps in our Nation's homeland security. We all saw what it means to be unprepared: people die and suffer needlessly.

Americans are patiently waiting for competence and accountability from the Congress and the President. Our capacity to deal with catastrophe may actually have gotten worse since the Department of Homeland Security was created in 2003. The people demand that we fix what is broken.

Last week, Secretary Chertoff told me about his vision for national preparedness and response. He said scares the living daylights out of me. In the Department's sixth reorganization plan in 2½ years, the Secretary proposes to sever the last ties between Federal disaster preparedness and response. He unveiled this proposal in July, before Katrina; and he is still determined to implement it on October 1.

With all due respect, the Secretary is dead wrong about what is most needed at the Federal level to coordinate and lead local, State, and Federal agencies in preparing for and responding to a major disaster, whether it is natural or man-made. If we have learned one thing in the past month, it should be that disaster preparedness and response must go hand in hand. Not long ago, FEMA did that well. The agency was robust, proactive and proved how good planning and coordination are critical to effective response. Congress should demand a pause before Secretary Chertoff implements more organizational changes that will further
This motion to instruct would do just that. It directs conferees to insist that the preparedness title of the conference agreement be the same title as the original House bill. The effect is to put a hold on the Secretary’s reorganization plan for preparedness. Let me add that it lets other parts of his reorganization proceed. If he wants to take the air marshals from ICE and put them back in the Senate or the House, they were originally fine. But this puts a hold on his preparedness plans.

The House should take this stand. Otherwise, DHS will simply shuffle organizational boxes again instead of tackling head-on the problems that Hurricane Katrina laid bare. At the very least, we should take time to think through the Department’s preparedness plans in light of Katrina. We need to analyze what went wrong so we know how to fix things before the next catastrophe. It should be clear to everyone that we have not yet learned those hard lessons.

I see two keys to addressing the problems that Hurricane Katrina exposed: first, we need a unified, Federal “all-hazards” emergency management agency. It must have the stature, the resources and the clout to lead, coordinate, and demand the very best of local and State governments and other Federal agencies in planning for and responding to major disasters. Likewise, the President needs to appoint and empower well-qualified and respected emergency management professionals to lead this agency. There is no substitute for competent and accountable leadership.

Mr. Speaker, before FEMA was merged with DHS, it was a robust and experienced FEMA. We can rebuild it. We still have the blueprint. If you want another step in weakening FEMA, vote “no” on this motion to instruct. If you think we should maybe take some time to think, then vote “yes,” because it is the right thing to do.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the real question is, are you happy with the way the planning went to prepare for Katrina, vote for this motion to instruct conferees. But if you think that we can plan better for disasters in this country, including hurricanes like Katrina, then reject this motion and allow the Department, the government to bring together all of the agencies that might be involved in planning for a disaster into the same room. Not just FEMA. Bring the Coast Guard, bring the military, bring the border patrol, bring all of the agencies that deal with disasters or have a part of that into the same place, the same directorate, if you will, in the Department of Homeland Security so that we can properly plan and bring the resources to bear of the government in a timely way, at the outset, by properly preparing. FEMA is a FEMA-centric organization. It stays within its boundary and does a good job basically in responding, but not planning, not preparedness.

The gentleman from Minnesota says early on in his statement, Katrina shined a bright spotlight on troubling gaps in our ability to deal with catastrophes. I could not agree more. That is why I think we need to allow the government to create a directorate for preparedness that is the broadest in its scope it can be, encompassing all of the agencies of the government, not just FEMA.

The gentleman from Minnesota also said in his opening remarks, people demand that we fix what is broken. I agree with that as well. Ironically, however, instead of comprehensive conferees would prevent our capability of being able to fix what is broken. To fix what is broken, which is preparedness, we need to be able to build a much broader-scoped organization, looking just at preparedness for these disasters. A single preparedness directorate will be able to work not just with the Federal agencies but State and local governments as well to build a comprehensive preparedness strategy, focused not just on terrorist activities but certainly an airing of the whole.

Consolidating all preparedness functions will assist the Department in successfully deploying this strategy throughout all levels of government where it is needed the most.

The responsibility for preparedness exists in various agencies and levels of the government outside of FEMA. For example, the Coast Guard is not a part of FEMA. Do you want to prevent the Coast Guard from being able to help plan for responding in case of a flood or disaster like Katrina?

I do not want to exclude the Coast Guard from that process. Do Members want to exclude the military and the National Guard from that process? This motion would keep things just as it is. I am not happy with things just as they are. Hurricane Katrina proved that it is not getting the job done.

Do Members want to exclude the Corps of Engineers? They are not a part of the FEMA, they are part of the Army. Do Members want to prevent the Coast Guard, the National Guard, the military and other agencies from helping plan to prepare for these disasters? I want them included, not excluded. Creating a directorate in the Department whose sole focus is preparedness will bring together all of these agencies and build a preparedness capability in DHS that does not currently exist.

Also, keep in mind that FEMA will continue to be responsible for their portion of preparedness planning within this much-larger construct. They will continue to administer the Emergency Management Institute, which serves as the national focal point for the development and delivery of emergency management training and enhances the capabilities of Federal, State and local governments in order to minimize the impact of disasters. They will still be involved, deeply, in preparedness planning. But I think we need to add them into the mix so we know from the outset, from the get-go who is going to do what, when, where and why. What is wrong with that?

The bottom line is that this reorganization, if it will allow for better coordination among the various preparedness components within the much larger Department of Homeland Security and encourage learning and building off of each other. If FEMA were to be solely responsible for preparedness, the result will be a FEMA-centric approach, just within the small world of FEMA. DHS must develop a broader, all-hazards focus when it comes to preparedness, one that includes natural disasters and terrorist incidents.

We know that somewhere in response to Hurricane Katrina, the system broke. To vote for this motion will perpetuate the status quo. If Members like things just as they are, then vote for the Sabo motion. But if Members want a much broader context of preparing for these disasters with all of the agencies of the government that could be involved in disaster relief and planning, if Members want all of them involved, then reject this motion and let the Department reorganize the preparedness part of getting ready for these terrible storms using all of the assets of the government, not just a subpart.

I urge Members to reject this motion and to allow the conferees to go about the business of conferring with the other body and bringing back a bill responsibly to this body.

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

Mr. SABO. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. Speaker, I would hope that Congress would not repeat the mistakes that it has already made with respect to the Department of Homeland Security and FEMA. We all remember what happened after Congress, in knee-jerk fashion, passed the proposal to create a new Department of Homeland Security, a garrulous agency. Up until that time there were 133 agencies that had something to do with homeland security.

So what happened is that the Congress and the White House, in its infinite wisdom, took 22 of those 133 agencies, lumped them together in a huge bureaucracy. They did not include the FBI, they did not include the CIA, the two agencies most connected with dealing with terrorism. They took 22 agencies, lumped them together in a huge bureaucracy, and...
bureaucracy, set up many layers of bureaucracy within that organization, and dumped FEMA into that organization.

Up until that time, FEMA had been one of the stars of the previous administration. James Lee Witt was the man who had stripped the agency of authority, positions, and dollars. We ought to put him both down here, facing each other face to face, so they can have it out on the outside—not behind closed doors, but on the outside so we can get to the bottom of what the problem is. For Congress to just, in a knee-jerk fashion, approve whatever reorganization program the Homeland Security director sends down to us is patently irresponsible. It is once again neglecting our oversight duties. The problem is we do not pay the price when a mistake is made, the public does, and the best way to avoid that is to pass the Sabo motion.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a very hard-working member of the subcommittee. Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me just say, if Members like the response we had to these natural disasters, they will love this motion to instruct.

The plan that is being proposed was thought of long before the hurricanes struck. It is a plan that recognizes exactly the problems that we have seen in our response to the hurricanes: The fact that there is not a coordinated plan, a preparation in place to respond to these types of disasters, whether they be man-made or natural disasters. This plan was thought out, and again, I want to emphasize before this disaster struck, and it recognizes the problems that we have in the bureaucracy.

I think we should also remember that this is a motion to instruct committees on the Appropriations, and Members are totally avoiding the authorizing committee of jurisdiction. There will be hearings. The Secretary will be brought before the committee to discuss this plan, to finally air out the differences.

The gentleman is quite right in that sometimes we move in haste around here, such as to respond to 9/11. There is a big debate about FEMA being in Homeland Security. I was one of the recommendations of the 9/11 Commission, to basically dilute FEMA by putting it in an agency like that. That is why we have a committee of jurisdiction, the authors. This is not the way to do business around here. To just have a somewhat knee-jerk reaction to make a political point is not what we should be doing in this Congress.

We need to represent the people. We need to represent the idea that we have to be prepared. We haven't been by these disasters that what the Secretary is proposing is exactly right, that we need to have coordination between different agencies in this government to prepare. FEMA is an agency to respond to disasters. To have an agency to prepare that can actually talk to everyone involved in the preparation or should be involved is right.

I also want to make a point that currently the Secretary of Homeland Security has the authority under current law. So no matter what this motion to instruct says, the Secretary can go forward. But this idea of trying to make some kind of a political point and beating up on someone who is trying to put forth a plan to prepare this Nation for man-made or natural disasters is simply wrong.

Mr. Speaker, I would again simply say if Members liked the response we had to these natural disasters, they will love this motion to instruct.

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

Mr. Speaker, let me quickly respond to my friend from Iowa. FEMA, we have spent the last year dismantling FEMA. What was FEMA? FEMA was not an operational agency, it was a coordinating agency. I do not understand all of this talk I am hearing today. I was working with state and local communities and making plans. It was to work with a wide variety of Federal agencies that go way beyond those that are included in the Department of Homeland Security. It existed with cabinet-level status. If the director of FEMA called a department head and they knew that the director of FEMA had the President's ear, they listened.

Today I do not know that. Somebody that is three levels down in a new department that is not working, calls some other agency and there is a slow response, surprise.

Mr. Speaker, we had a system, we should have built on it. Instead, we destroyed it. We are saying okay, let us have Congress look at it a little bit. Mr. Chertoff is going to implement this on October 1.

There have been hearings in Congress, three. Four questions on FEMA: one on preparedness. And that was it. That is Congress' involvement in looking at the major restructuring of this program. Any outside witnesses? No.

It is about time we do our work. Before we let somebody who has not done anything in his new office except draw a plan for restructuring have unbridled authority to do it, let us have Congress do the work.

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me the time and for my statement. Rarely have I seen my colleague so intense on something as he has been here, which shows the depth of his conviction and the seriousness of this issue.

Mr. Speaker, 20 years ago there was another reorganization plan for FEMA proposed by the Reagan administration. It would have drastically altered
the way FEMA conducts its business. It would have dramatically reduced the Federal share of covering the cost of disaster assistance. It elicited an outpouring of anger and animosity from local preparedness agencies and from Members of Congress.

I chaired the investigations and Oversight Subcommittee of our Committee on Public Works and Transportation at the time. My colleague from Pennsylvania, Tom Ridge, who vigorously opposed the administration's plan. Together, we developed legislation to correct the administration's proposal, reshape FEMA, and insert in its mission preparedness.

That has been a constant. That has been a vital link between disaster preparedness and response. It would move disaster preparedness out of FEMA. It would strip FEMA of that responsibility and leave it up to the readiness directorate to respond to disasters.

That is not what local agencies want. That is not what they need in the Gulf States, on the west coast when there is an earthquake, in the Midwest when there are tornadoes. We will not say blizzards because we do pretty well handling blizzards in the upper Midwest. But to cut this critical linkage between preparedness and response is madness, in my view, from having had a vast amount of experience, well over 20 years, looking over this critical agency, which I said, when we created the Department of Homeland Security, do not put FEMA in it.

All they need is a link to Homeland Security to be part of the team in response to whatever, weapons of mass destruction or other terrorist actions; but leave FEMA in its role to provide funding for predisaster mitigation, for preparedness, for coordination, and for response to disasters. That is its role, and that is the role that would be restored, protected, enhanced by the motion of the gentleman from Minnesota.

We saw that tragedy of failure to coordinate, failure to prepare. The lessons of September 11 simply were not learned and applied in advance of Hurricane Katrina. On September 11 we knew that there were failures of communication, among police units, among fire departments; and it was a recommendation of the September 11 Commission that FEMA reorganize itself and fix those problems of communication so that we have an ability to integrate communication systems among all the responders. We take this plan that Secretary Chertoff is going to go forward with and we will disintegrate that recommendation for interoperability, coordination, and preparedness and effective response.

When I opposed the inclusion of FEMA in the Department of Homeland Security, I said imagine the situation the Department of Homeland Security has created. The floodwaters are rising up to the eaves of our house, we are sitting on the rooftop with a cell phone and a white handkerchief calling for FEMA's help, and we get an answer that they are out looking for terrorists. How many of the Members seen sitting on the rooftops of their homes in the tragedy of Katrina? I said that in July, 2002. I said it on this floor on July 25, 2002. Do not put FEMA in this Department. Do not emasculate this agency. Five hundred people have been transferred out of this agency, $250 million cut from its budget; and the result was evident on our screens, television screens, all across America. Do not make that mistake again. Support the motion of the gentleman from Minnesota.

Mr. Speaker, I rise in support of the motion to instruct conferees to H.R. 2360, the Department of Homeland Security Appropriations bill, to stop DHS from going forward one element of its pending reorganization plan because it will further weaken Federal Emergency Management Agency preparedness programs.

The Administration's proposal is the sixth reorganization of DHS in two and a half years. This summer, as part of his new reorganization plan of the Department of Homeland Security (DHS), Secretary Chertoff proposed a new Preparedness Directorate—further stripping FEMA of duties and resources and severing the critical linkage between disaster preparedness and response.

This plan was proposed by Secretary Chertoff before Hurricane Katrina struck and yet, in light of all of the problems, questions, and concerns with FEMA's and DHS' preparedness for and response to Hurricane Katrina, the Administration seems determined to go forward with the plan, disregarding any lesson that can be learned from the Katrina response.

In his request, Secretary Chertoff ignores FEMA's role and ignores the need for a Department-wide directorate for preparedness and response. He states: "... Federal preparedness efforts need to be targeted toward addressing gaps in our terrorism and homeland security capabilities."

I have long believed that the critical preparedness effort must also address the critical gaps in our natural disaster preparedness capabilities. Hurricane Katrina tragically illustrated those critical gaps.

Since the creation of the DHS, FEMA has been systematically weakened, programs and personnel transferred from one Directorate to another. This new plan would take away two more preparedness programs from FEMA—shifting them to the new Preparedness Directorate.

It is critical that disaster preparedness and response be linked. Secretary Chertoff's plan calls for severing the vital link between disaster preparedness and response—moving disaster preparedness out of FEMA and leaving FEMA with only disaster response.

This would be a mistake. The first responder community has told us that disaster preparedness and response go hand-in-hand. By joint planning and training, we best learn how to respond in a real crisis. Our response in a disaster is based on all of the preparedness that has been done in advance.

Finally, this is not the time to further weakening FEMA—we must take the time to learn from the mistakes of the response to Katrina. I urge my colleagues to support the motion to instruct conferees.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the proposal to create within the Department a directorate dealing just with preparedness and bringing into that agency all of the other agencies of the government, Federal, State, and local, to help plan so that we will not have another Katrina episode makes altogether good sense. This was not developed overnight, the idea. In fact, it has been studied by the Secretary and the Department for many months. I want to quote briefly from a letter that I received just this morning from the Department, from Secretary Chertoff, which says as follows: "Our proposal was formed after intensive consultations with preparedness professionals, first responders, law enforcement officials, the former leadership of the Department, and state and local stakeholders. All of these people were involved in the construction of this idea of creating a government-wide directorate for preparedness planning.

"Our objective is to create a stronger capability to do preparedness planning across the full spectrum of all hazards, both natural disasters and terrorist attacks."

Continuing to read: "Critically, no structural changes were made to FEMA prior to Hurricane Katrina. Katrina was under this scheme. "Going forward, our plan will significantly strengthen the planning and preparedness actions of FEMA and the entire Department by ensuring that a dedicated team will focus on these actions on a full-time, urgent basis. Our preparedness directorate, the Secretary says, will integrate and leverage the capabilities of FEMA with those of Coast Guard; TSA; Transportation Security Administration; the customs agents, both on the border and in-land, and Secret Service, among others."

"FEMA is and should be a surge organization." We have forgotten that.
FEMA develops with the surges of the moment. “When incidents occur, every asset of the organization and its entire leadership team surges into the incident. ‘Our proposal,’” the Secretary says, “for a preparedness organization supports FEMA’s capability to surge while maintaining a systematic planning and exercise regime in support of FEMA’s mission and that of other DHS components. The directorate will aggressively support FEMA’s training and exercising needs.”

Continuing to read from the Secretary’s letter: “It aligns our grant-making programs and our crucial training and exercising work in support of the Department’s all-hazards mission. The directorate will include increased focus on issues broader than FEMA, including infrastructure protection, cybersecurity, and a new chief medical officer.” Those are not considered today in the present FEMA. We have got to take a look at the broader picture. So those are the comments of the Secretary.

Now, who supports the Secretary in bringing a broader perspective to preparedness planning? Groups like the International Association of Fire Chiefs, for instance, do. One first responder organization that typifies what they do, it is the fire departments and the fire chiefs, the people who know best about preparing for disasters. They say this is a critical change that is necessary, and I am quoting from their letter to that effect: “This preparedness directorate must be a new function and must be separate and distinct from operational functions, although it must coordinate with those operational functions.”

Quoting further from the International Association of Fire Chiefs: “Currently, the U.S. Fire Administration is located within the Emergency Preparedness and Response directorate. Unfortunately, the preparedness functions are being diminished because EP&R is frequently focused on the operational response to disasters.”

That makes sense.

They go on to say: “It is critical that fire chiefs or other senior fire service leaders be included in this directorate, along with other State, local, and tribal first responders, so that they may provide essential perspective in the creation of policy for DHS and not only in the review or enactment of policy.”

This puts the fire chiefs in the middle of the planning process, not at the other end. They are not being told what to do. They are being asked what to do with this proposal.

If Members vote for the Sabo motion, they are saying to the fire chiefs, we do not care about you. We will tell you what to do. We do not want you to tell us how we should do it before we do it. We want to bring them into the planning process, not tell them what to do at the end of the process.

In bringing about this directorate, the Department of the Secretary over months went out and talked to all sorts of people and organizations. I will give some examples. And I have got three pages here of the listing of some of the people they have talked to.


Also Colonel Tom Robbins, Massachusetts State Police; Sid Casperson, the Director of the New Jersey Office of Counterterrorism; Jim McMahon, Director of New York State Office of Homeland Security; Brian Beatty, Secretary of Public Safety in North Carolina; Doug Friez in North Dakota; Ken Moreck, Director of the Public Safety for Ohio; people from Pennsylvania, Texas and Virginia; the Federal Order of Police; the International Associations of Chiefs of Police; and I could go on.

So, here is a list, a brief list, of some of the people contacted by the Department as they came up with this idea to consolidate preparedness planning in a single place, encompassing all of the agencies of the Federal, State and local governments, people like the fire chiefs and chiefs of police.

From the Major Cities Chiefs Association, a letter saying “law enforcement across the Nation supports the President’s position that the best way to prepare for a terrorist attack is to stop it from happening. We feel that the Department could unify the components that share this common mission. At present, the Prevention and Protection Grants plans and intelligence are each in separate agencies. Long overdue, the Nation would be well served by DHS directorate committed solely to protecting the American people. For the first time, the chiefs of police say, ‘local law enforcement could work with a single DHS directorate focused on our common goal to protect the American people from another terrorist attack.’

Chiefs of police, fire chiefs, first responders, State and local directors of homeland security all say the same thing: We have got to consolidate and bring in one place the preparedness planning process within Homeland Security.

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

Mr. Speaker, it amazes me that Secretary Chertoff thinks there has been no structural change to FEMA. I think everyone who has been there has been a structural change to FEMA. It was an independent, free-standing agency; now it is a weak part of a weak department. Where are the records of all these people that the Secretary has talked to? Maybe Congress, before we approve some fundamental restructuring, should hear from one, two, three, maybe five outside witnesses, maybe from some good functioning agency who has.

There has been no outside testimony that I know of. There was not in our committee. There was not in the authorizing committee that I know of. Maybe there was someplace. Let us have some people come and testify to us so we can ask questions. That has not happened.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from North Carolina (Mr. Price).

Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.

Mr. PRICE of North Carolina. Mr. Speaker, it amazes me that Secretary Chertoff’s plan to further weaken and gut FEMA.

And I and many of my colleagues have been raising those concerns about the systematic deconstruction of FEMA and about reduced funding for our first responders for many years now. Current and former FEMA officials told me months ago that FEMA had become a hollowed-out agency and that it was one major disaster short of collapse. Unfortunately, Katrina was the disaster that substantiated that claim.

We should not be satisfied in laying the blame solely on the former FEMA director. Two years ago, FEMA put out a warning that two-thirds of our fire departments operate with staffing levels that do not meet the minimum safe levels required by OSHA and the National Fire Protection Association. What was the administration’s response to that? It proposed zeroing out the SAFER hiring program for firefighters and proposed massive cuts to fire equipment grants. FEMA officials had publicly called these grants one of the ‘best bangs for the buck the taxpayer gets.’

Overall, we are providing less funding for our first responders now through FEMA and the Department of Justice than we did prior to 9/11. When I asked Secretary Ridge 2 years ago why this administration was cutting funding for police and other first responders, his response was that supporting local law enforcement was not the Federal Government’s responsibility no matter that they were the linchpin in all of the Department of Homeland Security’s planning.

Time and again, we have also warned of the dangers of moving away from an ‘all-hazards’ approach to preparedness and response, to a terrorism-only approach.

FEMA used to be one of the leanest and most effective agencies in the Federal Government. But then its cabinet-level position was taken away by the Bush administration. It was buried under tons of homeland security bureaucracy. Its top posts were stripped
of experts and filled with campaign workers and friends of people in power. Some of its best programs were taken away and stuffed into other offices in Homeland Security.

As former Director Mike Brown testified, FEMA was prioritized in Homeland Security and lost its political power, access and funding. Its failure after Katrina was the result of a series of decisions to underfund key agency functions, to cut key personnel, and to de-emphasize preparations for natural disasters. That failure had dire consequences.

I am not saying this to play the political blame game. I am saying it because we have to understand that this was the consequence of years of neglect of FEMA and of our first responders by this administration and this Congress. We need to understand this so we do not repeat these same mistakes.

Instead of learning from the mistakes of FEMA, the Department of Homeland Security appears intent on plowing ahead with plans to further bury FEMA in the departmental bureaucracy and now to strip it of its planning and preparedness responsibility. Republican leaders of this House seem to be going along with that. But our vote today will show whether politics and partisanship will trump sound policy.

Mr. Speaker, we exist as an institution to do more than just stay in power. We want to do what is right for the American people. Further dismantling and burying FEMA is wrong. Further cutting funding and support for our first responders is wrong.

When we make decisions that are based on a refusal to admit a mistake, rather than a determination to learn from our mistakes, Americans suffer and we lose some of our greatness. So I ask my colleagues to support this motion to instruct.

They are too few. Let us not make them worse.

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

Mr. SABO. Mr. Speaker, I yield 1⅜ minutes to the gentleman from Florida (Mr. HASTINGS), the ranking member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, the gentleman from Minnesota (Mr. SABO) began this discussion by saying Homeland Security appears intent on looking at the problems Katrina exposed and identify solutions before we move organizational boxes again. I cannot agree more. This motion to instruct is timely, and I urge Members to support it.

The truth of the matter is, what Congress needs to do is what we were taught as children, and that is to count to 10 and take a deep breath when there is a problem.

Listen, we are not playing pin the tail on the elephant or the donkey. We are dealing with tragic consequences of our fellow Americans. Before shuffling boxes, we need a clear, unambiguous plan for disaster preparedness, not something prepared in a back room.

We are 4 years out from 9/11, and obviously are woefully unprepared for disaster. The majority is going forward with an Ophelia, an Isabelle, and an Ophelia investigation into what went wrong in Katrina, and that should complement an independent investigation into what went right and what went wrong.

Mr. Speaker, I rise to support this motion to instruct. I respect my colleagues, but I urge Members to support this motion to instruct. I respect my colleagues, but I urge Members to support this motion to instruct. I respect my colleagues, but I urge Members to support this motion to instruct.

Mr. SABO. I yield 1⅜ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am on the authorizing committee of the Committee on Homeland Security of this Congress, but I am also someone who has just recently returned from the area of Rota, and I hope that our vernacular will now be Hurricane Katrina and Hurricane Rita. Mr. Speaker, I rise to support this motion to instruct my colleagues on the other side of the aisle and I would hope that we would break the firewall of partisanship and establish a bipartisan but a forward-thinking mode to deal with the helplessness and hopelessness of Americans.

Many Americans will face tragedy in their life, either by fire, volcano, earthquake, inland flooding or what we experienced, the devastation of Hurricane Katrina and Hurricane Rita. So the question is who should we hold responsible? Secretary Chertoff has offered, a man who may be in many ways qualified, but himself having no experience in understanding how to address the devastation of an ongoing hurricane.

The reason I know this is because I was on the ground yesterday in the damaged areas, listening to local officials, hearing their pain, crying out for the simplest of items, “Where are my generators? Where is my ice? Where is my water? Where are the airplanes to take my evacuees who are bedridden and nursing home patients out of this region?” And the only answer they had was deadening silence, or the silence of generators sitting in buildings because there were no single order.

That is what is the problem, there is no one in charge, and moving boxes, Secretary Chertoff, is not the answer.

Support this motion to instruct, so we can address the lives that are lost and those that are surviving in Hurricane Katrina and Hurricane Rita. We are sick and tired of being sick and tired of being ignored.
plans what they should do in an emergency. Of course, States have their own plans, as they should. And local officials, mayors and the like, have their own plans for response and preparedness. The military has obviously planned for disasters. They have been prepared. And of course, the National Guard, the same way. The Corps of Engineers have their own unit that deals with preparedness for disasters, and we could go on. All across this government there are agencies within all of these, or emergency planners in each of the departments that are preparing for disasters.

The Secretary said we need an agency within Homeland Security where all of these groups can come together under one roof and participate and plan as one unit, not just the agencies of the Federal Government, but States and localities as well. He went out, his people went out and they talked to hundreds, literally hundreds of directors of State homeland security groups, of fire chiefs and police and the first responders all over the country, and there came back from all of those people the unanimous idea: we need a single place where we can all go, and know to go, both to plan and to inquire.

So that was in this plan that the Secretary has, the police and the firemen and the State emergency directors, as well as the Federal agencies, all of them from the Coast Guard to the Secret Service, all can come together in one place and do nothing but plan. They are not concerned about doing the operational part of responding to an emergency, that is FEMA and the various agencies. But for the planning purposes, they want to be together.

So the Secretary says, okay, that is the way it shall be. And in his reorganization plan, he agreed with all of the police chiefs and the fire chiefs, the State planning directors, the emergency planners in each State, the homeland security people in the States, and mayors, he agreed with them and gave them what they wanted: a single place.

Let us not have another Katrina. Let us work together so that we each know what we are supposed to do in the event that a disaster occurs.

So I urge my colleagues to reject this motion to instruct conferences. Let these experts do their work. I am no expert on how to respond to a fire or a disaster. The gentleman from Minnesota (Mr. SABO) may know more than I, but I doubt he is an expert either. We have experts who do nothing but this. Let us put the experts in charge, and let them tell us what we need to do, and let us then follow along and do what has to be done to save lives.

The bottom line: if you are happy with the way FEMA planned for Katrina, vote Sabo. If you think we can improve and we can do better in planning for the next disaster, reject Sabo. Vote "no."

The SPEAKER pro tempore (Mr. GUTENREICH). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to rule 8 of the House, and the Speaker pro tempore's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without an amendment a bill of the House of the following title:

H. R. 2132. An act 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 message also announced that the Senate has passed a bill of the following title in which concurrency of the House is requested:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

PROVIDING FOR CONSIDERATION OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 462 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 462

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes. The first reading of the bill and all amendments thereto for final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 462 is a structured rule. It provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment.

This rule waives all points of order against the amendment on the nature of a substitute recommended by the Committee on the Judiciary. It makes in order only those amendments printed in the Committee on Rules report accompanying the resolution, and it provides that the amendments printed in the report may be considered only in the order printed in the report and 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.

It repeals all points of order against the amendments printed in the report, and provides for one motion to recommit, with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 462 and the underlying bill, H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 to 2009.
First, I would like to take this opportunity to commend the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENIBRINK), and the ranking member, the gentleman from Michigan (Mr. CONVELL). Additionally, I want to commend my colleagues for their hard work and time involved in the completion of this important authorizing legislation.

Mr. Speaker, the American people expect, and they have a right to expect, that Congress uphold its obligation to ensure that their money is spent both wisely and effectively, and some of the most important expenditures made on behalf of the American people are included in this legislation we are considering today. Without question, the Department of Justice is charged with the responsibility to enforce and to uphold the Constitution and statutes of this great country. All Americans benefit from an effective and a fully funded law enforcement apparatus at the Federal level, at the State level, and especially at the local level.

Mr. Speaker, H.R. 3402 would authorize appropriations to fund the agencies under the Department of Justice, including the DEA, Drug Enforcement Administration; the United States Attorneys; and the Bureau of Prisons. This bill authorizes $59 billion for these four agencies through 2010. Additionally, this legislation will reauthorize cost-sharing and implement new programs in the Violence Against Women Act, many of which are slated to expire September 30 of this year.

Mr. Speaker, H.R. 3402 also would build upon many of the reforms instituted by the administration to improve the Department of Justice’s Office of Justice Programs, OJP, and Community-Oriented Policing Services, the COPS program. This bill would merge the current Byrne grant program with the local law enforcement block grant programs into one new Edward Byrne Memorial Justice Assistance Grant program. By merging these two programs, States and local law enforcement will be able to more easily apply for and access vital funding.

Mr. Speaker, this streamlined process will improve flexibility for our State and local governments. A one-size-fits-all mentality is not an acceptable solution for funding individualized, and individual, programs that have specialized and diverse needs. A certain degree of deference must be given to State and local law enforcement as they work to combat individual threats to and problems in their own communities.

However, H.R. 3402 also ratifies our need for continuing oversight of Federal dollars by creating an Office of Audit, Assessment, and Management that will ensure that the Office of Justice program runs efficiently and applies those funds responsibly and effectively. This oversight office will be focused on results, and it will follow the trail of these funds so they can reach their intended target and achieve their full potential.

Mr. Speaker, this authorization would also permanently authorize an Office of Weed and Seed Strategies. This office would replace the current Executive Office of Weed and Seed created by the first Bush administration in 1991 as a community-based, multiagency approach to blend law enforcement, crime prevention, and neighborhood restoration strategies to strengthen our communities.

With respect to the programs created by the Violence Against Women Act, H.R. 3402 will reauthorize and strengthen various court programs, including the STOP grant program which brings police and prosecutors into a collaborative process with victim services that aims to prevent and punish violence committed against women.

As the proud parent of three daughters and the proud grandfather of two granddaughters, I fully recognize the need to give law enforcement every tool available to prevent domestic violence and to protect America’s wives, mothers, daughters and granddaughters.

Mr. Speaker, H.R. 3402 makes significant improvements to these programs. For instance, this legislation assures gender equality by requiring gender neutrality in grant or activities that assist victims of domestic violence, dating violence, stalking, sexual assault or human trafficking. Additionally, H.R. 3402 includes provisions to strengthen the privacy rights of victims, to allow for a more vigorous prosecution of cyberstalking and to double, let me repeat, double the penalty for repeat Federal domestic violence offenders.

The bill not only strengthens the ability of law enforcement but it also provides important tools in the fight against domestic violence, including access to trained attorneys and to lay advocacy services.

H.R. 3402 would also create two new programs focused on children and youth who are victims of or witnesses to domestic violence. Clearly our children do not have to be physically abused to become victims of domestic violence. Exposure to these types of heinous acts can be enough to scar the life of a boy or girl. No parent, nor the reality must be, and it is, addressed by this bill.

So, Mr. Speaker, today as this House considers the rule and the underlying legislation and a number of amendments, I would like to encourage my colleagues to keep this thoughtful debate focused on the topic at hand. Funding the Department of Justice and protecting victims of domestic violence are commonsense priorities on both sides of the aisle.

As I, Mr. Speaker, look forward to the consideration of this rule, I ask my colleagues to support it and, of course, the underlying bill.
Mr. Speaker, as a beacon of freedom, the United States has a responsibility to maintain a justice system that is transparent, fair, and respected throughout the world. The Schiff provision goes a long way toward restoring the respect that America once commanded regarding the treatment of prisoners of war. It is my hope and expectation that this provision will be included in the conference report that is ultimately sent to the President for his signature.

First, of the underlying legislation reauthorizes the Violence Against Women Act, which is set to expire in a few days. First signed into law in 1994 by President Clinton, the Violence Against Women Act provides significant protections to women, children, and families who are victims of sexual assault, domestic violence and abuse, stalking, and sex trafficking.

Under the act, women and children who are victims of these heinous crimes are provided with access to legal aid, social services, counseling, and most importantly, protection under Federal law. The underlying legislation reauthorizes and expands critical programs already in existence under the law while also creating new programs that improve our efforts to protect women and children from the sick and twisted.

Mr. Speaker, as I briefly mentioned, the underlying legislation is a good bill. I will support it. Nevertheless, it is disappointing that Members of this body are being blocked from making this good bill even better.

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

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

Mr. Speaker, regarding the amendments that were made in order, in fact, there are 12. Many of the amendments that were authored were non-germane; but Mr. Speaker, 12 amendments under this structured rule were made in order. And certainly in the interest of being fair and balanced, six Democratic amendments and six Republican amendments are those we will consider later on this morning.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. Pryce).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman for yielding me time. It is great to be speaking on a rule comprising 12 amendments.

Mr. Speaker, the Violence Against Women Act is one of the great legislative success stories of the last 10 years, and today the House of Representatives has the opportunity and the duty to strengthen and improve current law to further protect women across the country from exploitation and abuse.

Since 1994, VAWA, as we affectionately refer to it, has been an invaluable tool in the law enforcement arsenal as well as a crucial resource for victims. I know, Mr. Speaker, because I was on the bench before its passage. So whether it is obtaining a protection order, talking to an advocate or prosecutor, or just making our streets safer for women, we have seen monumental changes in how we protect the vulnerable from violence.

Since 1995, States have passed more than 600 laws to combat domestic violence, sexual assault, and stalking. All States have passed laws making stalking a crime. And since 1996, the National Domestic Violence Hotline has answered over 1 million calls for help. But even though tremendous progress has been made in addressing the dark and devastating issues of sexual assault, incest, rape, and other forms of violence against women and children, crime continues.

Let us never forget, Mr. Speaker, that children in homes where domestic violence is present are more apt to grow up to be abusers themselves or more likely to remain in a relationship they are being abused. It is a cyclical problem, and it needs to be intercepted, and it needs to be stopped.

Today’s reauthorization measure extends core programs and makes improvements to enhance our ability to combat domestic violence, dating violence, sexual assault, and stalking. It also seeks to combat the problem of violence on college campuses by allowing funds to be used for innovative antiviolence programs on college campuses all across America. And for the first time we have a law that addresses cyberstalking and the horrid abuses of the Internet.

By persevering in this fight, we will see justice not only by stopping those who prey on the defenseless but also by assisting and empowering those in need.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and the bipartisan legislation underlying it so that women and children across America can live in a safer and more secure world.

Mr. Speaker, the distinguished gentlewoman from New York (Mrs. Maloney).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me time and for his leadership.

I rise in strong support for the underlying bill. The Violence Against Women Act, enacted in 1994, was a milestone in this country. It moved violence, the unspoken crime against women, into the open; it was the Internet; it was the first ever medical guidelines for rape victims decide between having an abortion or carrying their rapist’s baby to term. It offers women important knowledge and information to decide if emergency contraception is right for them. I find it unconscionable that they will not allow this information to be included.

The Justice Department’s inclusion of EC in a national protocol absolutely runs counter, not only to the consensus in this country, but the consensus of most of the Nation’s and the world’s top organizations and scientists. The American College of Emergency Physicians includes it. The American College of Gynecology explicitly recommends it, and I must say that at least 101 countries around the world make EC available, and 39 of those even offer it over the counter.

So let me say that 101 nations cannot be wrong. This country is counter to world opinion. This is information that would help women that have been victims decide whether to have an abortion or not. I urge a “no” vote on the rule because of these two amendments that are common sense, would help women, were excluded and many others that the gentleman from Florida (Mr. Hastings) mentioned.

So, again, I urge my colleagues to defeat this rule.

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

In regard to the amendment the gentlewoman from New York is referencing, in the jurisdiction of the
Committee on the Judiciary, it was ruled nongermane to this bill. There are other committees certainly that would have jurisdiction over that and need an opportunity to look at that very closely.

Mrs. MALONEY. Madam Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentlewoman from New York.

Mrs. MALONEY. Madam Speaker, I thank the gentleman for saying that this important issue should be looked at. I point out that this is information that 101 countries offer and is not part of our protocol.

My office and I talked to the appropriate people and to the parliamentarians, and it was germane. It was germane to the bill. It was germane to the bill.

Mr. GINGREY. Madam Speaker, re-claiming my time, I appreciate the gentlewoman's comments.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. WATSON), a leader in this field and for a number of years in the California legislature and ambassadorial ranks.

Ms. WATSON. Madam Speaker, I am dismayed that the amendment I wished to offer to this bill has been ruled out of order by the Committee on Rules. By refusing to permit this United to even be debated, the House Republican leadership is dismissing the concerns of Americans, not only in my hometown, but in hometowns across America who believe that we should put all options on the table to fight violent gangs.

Gang violence and gang activities are just not limited to inner city areas. Today, we will find some of the most violent and well-organized youth gangs in our nation's richest suburbs and areas right around here in Arlington and Fairfax County, two of the most affluent counties in the U.S. Local law enforcement officials are dealing with a host of gangs, and according to the FBI, northern Virginia is one of the hottest regions in the Nation for gang activities.

Despite the growing threat of organized gang violence to our national welfare, I know of no Federal Government report that contains a comprehensive listing and description of gangs, as well as an assessment of the demographic characteristics of those gangs that is prepared on an annual basis.

Madam Speaker, I believe that the report my legislation would have mandated could have been widely used by local, State and Federal law enforcement officials. It would be the first Federal report prepared on an annual basis to provide a comprehensive overview of gang activity in the United States. The report will also make available important information on gang activities in schools. It would have been an annual benchmark used by policy-makers, as well as Members of Congress to assess the success or failure of anti-gang activities.

I urge my colleagues to oppose the rule.

Regarding the gentlewoman from California, I want to point out to her that this very issue was addressed in the gang bill that was passed earlier this year. In fact, H.R. 1279, the comprehensive gang violence prevention bill, authorized $20 million to provide assistance to State and local prosecutors to fund technology and other equipment to track gang members and maintain information about their crimes. In fact, if I recall correctly, it was the gentlewoman from California's amendment on the floor on that very bill that was accepted and included in H.R. 1279.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, as I said at the outset, this is a good bill and I plan to support it, but a good bill could have been made better had amendment to Members in this body on both sides been made in order. We are not the workaholic Congress around here, and we have the time to undertake to do things that are critical for the American public. I am absolutely convinced that we could have allowed most, if not all, of the amendments that were included.

I have said on other occasions that my colleagues in the majority were championed by some of the best skilled legislators in 1992 and 1994. One of them, a deceased Member, former chairman of the Committee on Rules, a good friend of mine that I traveled actively with and dearly miss him, was Gerald Solomon. Others of course, like Gingrich and the distinguished Robert Walker. I saw them on this floor repeatedly saying that the big problem that existed with Democrats at that time was that they were operating on closed and restrictive rules.

I guess what changed here is the majority, and there are some who still have not got it, and that is, that people in this body represent all of the people in America. Until such time as we open all of the doors, we are restricting the people who are desirous of offering germane amendments, we will be having restrictive and closed rules and shutting out, blocking out a part of the individuals who represent upwards of 600,000 to 800,000 people each.

I find that anathema, particularly in light of the instruction that came from those in the majority. I remember so vividly hearing on the radio people talking about closed rules and open rules, and people did not even know what a closed rule and an open rule was, but the mantra was that the rules were closed. Open them up, so that the American public can have a trans-
One of our amendments would have allowed a victim of domestic violence to take time off from work, without pay, and without penalty, to make necessary court appearances, seek legal assistance, and get help with safety planning.

Our amendment would have allowed states to provide unemployment benefits to victims who are fired due to circumstances stemming from domestic violence.

This would help victims who find themselves with the unconsolable choice of returning to an abusive home or becoming homeless.

Final victims of domestic violence report rampant insurance discrimination based on their status as a victim of domestic assault.

Insurance providers frequently use information about the abuse history of an applicant—including medical, police, and court records—to deny health coverage.

And our third amendment would prohibit insurance providers from basing coverage decisions on a victim’s history of abuse.

Unfortunately, because the Republican leadership has decided on a restrictive approach to reauthorizing VAWA Congressman POE and I have been prevented from presenting these amendments.

For that reason, I oppose the rule, and will work with Congressional POE to include these amendments in the final version of the House bill in order to help victims of domestic abuse successfully and safely escape their abuser.

Mr. GINGREY. Madam Speaker, I yield back the balance of my time, and successfully and safely escape their abuser.

Mr. HASTINGS of Florida. Madam Speaker, I move the previous question on the motion.
The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the vote on adoption of House Resolution 462 on which the yeas and nays are ordered.

The Clerk reads the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 330, nays 89, not voting 14, as follows:

[Table listing representatives' names and their votes]

The result of the vote was announced by the PRESIDENT pro tempore (Mrs. ROYBAL-ALLARD, Speaker pro tempore).

The SPEAKER pro tempore. So the resolution was agreed to.

CONGRESSIONAL RECORD — HOUSE OF REPRESENTATIVES

September 28, 2005

PROVIDING FOR CONSIDERATION OF H.R. 3402, DEPARTMENT OF AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

The SPEAKER pro tempore (Mrs. EMERSON). Mr. MEEHAN changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFERREES ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPOINTMENTS ACT, 2006

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the Chair appoints the following conferees on H.R. 2360: Messrs. ROGERS of Kentucky, WAMP, LATHAM, Mrs. EMERSON, Messrs. SWEETWATER, TANEZURO, TANNER, THOMAS, TAHART, TIBERT, DURER, UDALL of Oregon, UPTON, VISCUSKY, WALDEN of Ohio, WALSH, WAMP, WEISER, WELDON of Florida, WELDON of Pennsylvania.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Speaker 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 later today.

ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES AFFECTED BY HURRICANE KATRINA OR RITA ACT OF 2005

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the following bill: H.R. 3864 to provide vocational re- habilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita, as amended.

The Clerk reads as follows:

H.R. 3864

Be 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 “Assistance for Individuals with Disabilities Affected by Hurricane Katrina or Rita Act of 2005.”

SEC. 2. ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES.

(a) DEFINITIONS.—In this section:

(1) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA OR RITA.—The term “affected State” means a State that contains an area, or that received a significant number of individuals who resided in an area, in which the President has declared that a major disaster exists.

(2) COMMISSIONER.—The term “Commissioner” means the Commissioner of Rehabilitation Services Administration.

(3) INDIVIDUAL WITH A DISABILITY.—The term “individual with a disability” has the meaning given the term in section 1 of the Rehabilitation Act of 1973 (29 U.S.C. 701).

(4) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA.—The term “individual with a disability affected by Hurricane Katrina” means an individual with a disability who resided on August 22, 2005 in an area in which the President has declared that a major disaster related to Hurricane Katrina exists.

(5) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE RITA.—The term “individual with a disability affected by Hurricane Rita” means an individual with a disability who resided in an area on the date that was 7 days ago.
before the date on which the President declared that a major disaster related to Hurricane Rita exists in such area.

(6) MAJOR DISASTER.—The term ‘‘major disaster’’ is a disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), related to Hurricane Katrina or Rita.

(b) REALLOTTMENTS OF AMOUNTS.—

(1) IN GENERAL.—In reallocating amounts to States under section 110(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(b)(2)) for fiscal year 2005, the Commissioner shall give preference to affected States.

(2) WAIVERS.—If the Commissioner reallocates amounts under section 110(b)(2) of the Rehabilitation Act of 1973 to an affected State for fiscal year 2005, or returns to the State of Louisiana for fiscal year 2005 the funds that Louisiana had previously relinquished pursuant to section 110(b)(1) of that Act (29 U.S.C. 730(b)(1)) due to an inability to meet the non-Federal share requirements relating to Hurricane Katrina or Rita, the Commissioner may grant a waiver of non-Federal share requirements for fiscal year 2005 for the affected State of Louisiana, respectively.

(3) DEFINITION.—In this subsection, the term ‘‘non-Federal share requirements’’ means non-Federal share requirements applicable to programs under title I of such Act (29 U.S.C. 720 et seq.).

(c) USE OF AMOUNTS REALLOTTED UNDER TITLE I OF THE REHABILITATION ACT OF 1973.—

(1) IN GENERAL.—In reallocating amounts under section 110(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(b)(2)) for fiscal year 2005 (as described in subsection (b)) or returning under subsection (b) may use the amount—

(A) individuals with disabilities affected by Hurricane Katrina to participate in reconstruction or other major disaster assistance activities for which the individuals resided on August 22, 2005; and

(B) individuals with disabilities affected by Hurricane Rita to participate in reconstruction or other disaster assistance activities in the areas in which the individuals resided on the date that was 7 days before the date on which the President declared that a major disaster related to Hurricane Rita exists in such areas;

(2) to enable—

(A) individuals with disabilities affected by Hurricane Katrina or Rita to participate in reconstruction or other major disaster assistance activities in the areas in which the individual resided on August 22, 2005; and

(B) individuals with disabilities affected by Hurricane Katrina or Rita to participate in reconstruction or other disaster assistance activities in the areas in which the individual resided on the date that was 7 days before the date of declaration of the disaster related to Hurricane Rita exists in such areas;

(3) to pay for vocational rehabilitation services described in section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(5)); or

(4) to carry out other activities in accordance with title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

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

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

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. 3864.

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 support of H.R. 3864. H.R. 3864, the Assistance for Individuals with Disabilities Affected by Hurricane Katrina or Rita Act of 2005, is a bill that I introduced to provide immediate and critical assistance to individuals with disabilities affected by Hurricanes Katrina and Rita.

Since I introduced H.R. 3864 last week, I have worked with my colleagues throughout the language to create an even better bill, and the amendment I am introducing today reflects the agreement we were able to reach.

I urge my colleagues to adopt this common-sense legislation that will allow individuals with disabilities greater access to vocational rehabilitation services so they may return to work in the aftermath of these devastating hurricanes.

The measure that we are considering today deals with the Rehabilitation Act of 1973, a law that provides job training and other services designed to increase employment opportunities for individuals with disabilities. The bill will provide greater flexibility to the United States Department of Education and the Rehabilitation Services Administration so sufficient funds are made available to States impacted by these hurricanes.

Specifically, this legislation requires the commissioner of the Rehabilitation Services Administration to give preference to States like Louisiana, Alabama, Mississippi, Texas, and others that have taken in large numbers of evacuees when unused vocational rehabilitation services funds are reallocated at the end of this fiscal year under the Rehabilitation Act.

It also assists impacted States by providing a one-time waiver of the requirement that those States match the reallocated funds they receive with non-Federal sources. This will provide the impacted States the necessary flexibility to maximize the use of both State and Federal funds to serve the citizens of those States during the critical months ahead.

The bill also ensures that States like Louisiana will continue to have access to funds under the Rehabilitation Act that had been relinquished to the Department of Education prior to the hurricane. Finally, the measure ensures that States that receive a reallocation of vocational rehabilitation funds to use those funds to provide services to individuals with disabilities affected by the hurricanes. This will give these residents an opportunity to contribute to the economic development of their communities and participate in the reconstruction efforts.

As everyone knows, my State of Louisiana has suffered through two major hurricanes this last month. I spent this past weekend in my district as we prepared for and dealt directly with the aftermath of Hurricane Rita. Those affected by this hurricane and Hurricane Katrina continue to display tremendous courage, and I appreciate all that the American people and this Congress have done to assist our region.

This bill represents yet another step we will take to provide needed resources to the people of the gulf coast, and I urge my colleagues to support this legislation.

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 would like to thank also the gentleman from Louisiana for his hard work and friendship, for offering this common-sense hurricane relief bill that will offer relief to his constituents and many other Americans with disabilities in the gulf region.

This bill offers additional funds to gulf region vocational rehabilitation programs and offers the flexibility needed to continue services.

Madam Speaker, Louisiana is in a difficult position of not having met their Federal share for funds already allotted. Under H.R. 3864, Louisiana can apply for a waiver of that requirement. I commend the gentleman from Louisiana (Mr. BOUSTANY) for introducing this legislation to take care of that.

In the reallocation of unused funds from the previous fiscal year, this bill will give priority to those affected by hurricanes Katrina and Rita. Impacted States can then apply for waivers in meeting their non-Federal share of the reallocated funds as well.

Madam Speaker, impacted gulf coast States can use these funds to pay for vocational rehabilitation services that allow individuals with disabilities to contribute to the rebuilding of their local communities. I am pleased to support this bill, which not only offers relief from previous obligations but also provides additional resources necessary to continue services. Moreover, it reinforces the value of having community members participate in the revitalization of their neighborhoods.

Again, I thank the gentleman from Louisiana (Mr. BOUSTANY) for introducing this very much-needed legislation, and I encourage my colleagues to support its swift passage.

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

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

I want to thank the gentleman from Michigan (Mr. KILDEE). He has been quite an ally in this process.
This is a very important piece of legislation, a small piece of legislation, but important, that will help us get back on our feet; and I urge passage of H.R. 3864.

Mr. DAVIS of Illinois. Madam Speaker, I rise in support of this bill, which provides needed assistance to individuals with disabilities who are affected by the recent hurricanes. The bill requires the Commissioner of the Rehabilitation Services Administration to give preference to States affected by Hurricanes Katrina and/or Rita with respect to the re-allocation of funds for vocational rehabilitation services. This provision is a necessary step in channeling monies to enable individuals with disabilities affected by either hurricane to participate in reconstruction or other major disaster assistance activities.

A strength of this legislation is that it permits affected States to use these re-allotted funds to pay for vital vocational rehabilitation services. This includes important activities such as training, mentoring, or job shadowing that contribute to the economic growth and development of their towns and cities, which in turn will gain critical services, and individuals with disabilities will be able to participate in the rebuilding of their towns and cities.

The bill will help the affected States as well as individuals with disabilities. The affected States will not have to draw upon their already depleted funds to pay for these critical services, and individuals with disabilities will be able to participate in the rebuilding of their towns and cities.

In my district I have seen the amazing work that disabled individuals are capable of. The Chicago Lighthouse for the Blind employs blind individuals to build clocks for the Federal Government. I am glad to support a bill that recognizes and encourages the contributions of this population.

Mr. BOEHNER. Madam Speaker, I rise in strong support of this bill to ensure that individuals with disabilities may gain access to the vocational rehabilitation services they need in the wake of Hurricanes Katrina and Rita. I thank my colleagues on the Education and the Workforce Committee, Mr. BOUSTANY, for his work on this bill and other legislation to bring additional flexibility and resources to the Gulf Coast region.

This bill is critical for individuals with disabilities who are seeking to re-enter the workforce in the aftermath of the two hurricanes. Under the Rehabilitation Act, States must return unused vocational rehabilitation funds at the end of each fiscal year to the Rehabilitation Services Administration, RSA. The RSA then reallocates those funds to States based on the needs of their respective residents. H.R. 3864 directs the Commissioner of the RSA to give consideration to States affected by the hurricanes in this year’s reallocation of those unused funds.

This bill also provides significant flexibility for States impacted by the hurricanes. Under the Rehabilitation Act, States that receive a re-allocation are required to match those funds with non-federal sources. This bill provides a reasonable, one-time waiver of that requirement for States affected by Hurricane Katrina or Hurricane Rita. This recognizes the unique circumstances faced by these States and ensures that State officials will not have their hands tied as they seek to take advantage of these additional resources.

Madam Speaker, in the month since Hurricane Katrina, the House has approved a variety of legislation to cut through bureaucratic red tape and enhance flexibility in the affected regions. We’ve addressed the needs of college students, workers, and their families. With this bill, we turn our attention to the needs of individuals with disabilities as well. As many of these individuals seek to return to work and around the Gulf Coast region, I urge my colleagues to join me in support of this measure to ensure they may do just that.

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

The SPEAKER pro tempore. The title of the bill was amended so as to read: “A bill to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.”

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING JULY 2005 MEASURES OF EXTREME REPRESSION ON PART OF CUBAN GOVERNMENT

Mr. BOOZMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 388) expressing the sense of the House of Representatives regarding July 2005 measures of extreme repression on the part of the Cuban Government against members of Cuba’s prodemocracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to re-examine its policy toward Cuba, and calling on the representative of the United States to the 62nd session of the United Nations Commission on Human Rights to enumerate violations and call upon the Cuban regime to end its human rights violations, and for other purposes.

The Clerk read as follows:

H. Res. 388

Whereas the European Union instituted measures to suspend diplomatic relations with the Cuban Government after the Cuban Government exercised extreme repression on peaceful prodemocracy activists in 2003, but in January 2005 the European Union suspended its measures; Whereas on July 13, 2005, the Cuban Government detained 24 human rights activists who were participating in a solemn event in remembrance of the victims of the tugboat massacre of innocent civilians by the Cuban government of July 13, 1994; Whereas human rights activists Rene Montes de Oca, Emilio Leiva Perez, Camilo Cairo Falcon, Manuel Perez Soira, Roberto Guerra Perez, and Lazaro Alonso Roman were arrested and face trumped up charges of disorderly conduct; Whereas on July 14, 2005, the Government of France invited the Cuban regime’s Foreign Minister to the French Embassy in Havana for a ‘‘Bastille Day’’ celebration; Whereas members of Cuban opposition in Cuba sought, on July 22, 2005, in Havana, to demonstrate in front of the French Embassy in a peaceful and orderly manner, on behalf of all Cuban political prisoners, and to protest the current policy of the European Union toward the Cuban Government; Whereas the Cuban regime mobilized its repressive state security apparatus to intimidate and harass the peaceful demonstrators in order to prevent prodemocracy activists from reaching the French Embassy; Whereas the Cuban regime arrested and detained many who were planning on attending the peaceful protest of July 22 in front of the French Embassy, including Beatriz Roque Cabello, Felix Antonio Bonne Carcasses, Rene Gomez Manzano, Jose Javier Betancourt, Maria de los Angeles Perez, Ernesto Collado Garcia, Emilia Maria Alonso del Monte, Jose Eusebro Marrero, Uldarico Garcia, Yustim Gil Portel, Oscar Mario Gonzalez Perez, Humberto Guerra, Luis Cesar Guerra, Julio Cesar Lopez Rodriguez, Miguel Lopez Santos, Jacqueline Montes de Oca, Raúl Martinez Prieto, Ricardo Medina de la Francisco, Salud Urias, Georgina Noa Montes, Niurka Maria Peña Rodriguez, Luis Manuel Peñalver, Pastor Perez Sanchez, Jesus Adolfo Reyes Sanches, Gloria Cristina Rodriguez Gonzalez, Juan Mario Rodriguez Guillen, Miguel Valdes Tamayo, Santiago Valdeoliva Perez, and Jesus Alejandro Vicente Molina; Whereas Rene Gomez Manzano, a distinguished leader of the struggle for freedom in Cuba, and other prodemocracy activists, continue to be detained without cause; Whereas hundreds of political prisoners and prisoners of conscience languish in the Cuban regime’s prisons for the crime of seeking democracy for Cuba; Whereas thousands of others languish in Cuba’s totalitarian prisons accused of ‘‘common crimes’’, such as illegally attempting to leave the country and violations of the totalitarian economic system, who should be recognized as prisoners of conscience because they are being jailed for attempting to exercise personal freedoms; Whereas the Cuban regime has arrested more than 400 young Cubans, from late 2004 through June of 2005, and according to the regime, the arrest of suspects is out as a measure of pre-delinquent security; Whereas the Cuban regime has continued to repress attempts by the Cuban people to bring democratic change to the island and denies universally recognized liberties, including freedom of speech, association, and movement; the Congress of the United States remains designated as one of 6 state sponsors of terrorism by the United States Department of State; Whereas in response the Cuban government continues to provide safe harbor to fugitives from United States law enforcement agencies and to international terrorists; Whereas the United States has signed and ratified the Universal Declaration of Human Rights, which establishes global human rights standards, asserts that all
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CONGRESSIONAL RECORD—HOUSE H8409

human beings are born free and equal in dignity and rights, and that no one shall be subjected to arbitrary arrest or detention;

Whereas the Cuban regime engages in torture and cruel, inhumane, and degrading treatment, including extended periods of solitary confinement and denial of nutritional and medical attention, according to the Department of State's Country Report on Human Rights 2004;

Whereas the personal representative of the United Nations Human Rights Commissioner has not been allowed by the Cuban regime to enter the island to carry out the mandate assigned by the United Nations Human Rights Council in its resolution of 2002/18 of 19 April 2002 in resolutions 2003/13 of 17 April 2003, 2004/11 of 15 April 2004, and 2005/12 of 14 April 2005; and

Whereas the Cuban regime continues to violate the rights enshrined in the Universal Declaration of Human Rights, the Inter-American Convention on Human Rights, and other international and regional human rights agreements, and has violated the noted Resolutions of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved, That the House of Representa-
tives—

(1) condemns the gross human rights viola-
tions committed by the Cuban regime;

(2) calls on the Secretary of State to in-
tiate an international solidarity campaign on behalf of the immediate release of all Cuban political prisoners,

(3) supports the right of the Cuban people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, the press, and the right to multiparty elections;

(4) calls on the European Union to reex-
amine its current policy toward the Cuban re-
gime, and on the United States to help reverse that policy;

(5) calls on the United States Permanent Representative to the United Nations, and other international organizations, to work with the member countries of the United Na-
tions Commission on Human Rights (UNCHR) throughout the 62nd session of the UNCHR in Geneva, Switzerland, to ensure a resolution that includes the strongest pos-
sible condemnation of the July 2005 measures of extreme repression on opposition activists and of all the human rights violations com-
mited by the Cuban regime;

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Arkansas (Mr. BOOZMAN) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

GENTLEMEN'S LEAVE

Mr. BOOZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to review and extend their remarks and include extraneous material on H. Res. 388.

The SPEAKER pro tempore. Is there objection to the request of the gentle-
man from Arkansas?

There was no objection.

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

Mr. Speaker, the chairman of the Subcommittee on the Western Hem-
isphere, the gentleman from Indiana (Mr. BLOOD), and the distinguished chairman of the Committee on Interna-
tional Relations, the gentleman from Illinois (Mr. HYDE), for facilitating this body's consideration of the Cuba problem once and for all. The Castro regime. Many of the dis-
sidents arrested July remain in cus-
tody, and several of them face long sen-
tences in prison for threatening to un-
dermine Cuba's Communist govern-
ment, including, obviously, International and other organizations.

As U.S. service men and women put their lives on the line to bring freedom and democracy to areas of the world that have long suffered in the shadow of tyranny, Cuba represents a prime ex-
ample in our own hemispheres of what can happen if any nation shuns demo-
cracy and subjugates itself to the whims of dictatorship.

As it stands now, Cuba is the only na-
tion in the hemisphere that is a com-
plete dictatorship, and since the ear-
liest days of the regime, Castro has not only stifled efforts to promote freedom and democracy in Cuba, but he has also actively been involved in promoting communism and dictatorships around the world, most especially in Central and South America. The fall of Castro's principal beneficiary, the Soviet Union, may have caused a shift in Castro's tactics, but he has never abandoned his ambition to export communism.

I urge my colleagues to support this resolution. We owe it to the thousands of Cubans who risk their lives every year to flee the Communist regime by any means necessary, even attempting to brave the hazardous 90-mile crossing between the United States and Cuba on makeshift rafts, as well as those languishing in Cuban jails, to further open the eyes of the world community to the true evils of the Castro regime. We must never forget the circumstances.

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

The SPEAKER pro tempore. Without objection, the gentleman from Cal-
ifornia (Mr. LANTOS) will control the 20 minutes.

There was no objection.

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

Mr. Speaker, I want to commend my good friend and colleague, the dis-
tinguished chairman of the Committee on Interna-
tional Relations, the gentleman from Illinois (Mr. HYDE), for facil-
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Mr. Speaker, I reserve the balance of my time.
Human Rights Commission should call upon the Castro regime to release immediately all prisoners who are incarcerated in violation of their fundamental human rights. The Human Rights Commission should demand that the Cuban Government respect the fundamental rights of all citizens and other international human rights norms. And the Human Rights Commission should press the Castro regime to hold free and fair elections and otherwise not suppress the ability of Cuban citizens to exercise their fundamental political rights.

Although the commission is not scheduled to meet again until early next year, much of the preparatory work that is necessary to secure a strong resolution on Cuba should be occurring now. Cuban emissaries reportedly have colluded with their like-minded brethren from Venezuela, Burma, Turkmenistan, Syria and other countries with very questionable human rights records to block proposed reforms to the commission that would give it the credibility and the institutional capability that it sorely lacks.

Mr. Speaker, I am hopeful that the community of real democracies will no longer allow those countries which flagrantly break the rules to sit in judgment of their own abhorrent practices. I strongly urge all of my colleagues to support this resolution, and, therefore, send a signal to our friends in New York and Havana that we are with them in their struggle against tyranny and oppression.

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

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the original sponsor of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank, first of all, the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from California (Mr. LANTOS) who has devoted his entire life to seeking those inalienable rights, the right to elect leaders in periodic elections, the right of association, for trying to see those inalienable rights, people are languishing and suffering, and we remember them today.

Now, just a year ago, in July, when this latest round-up occurred of opposition leaders inside of Cuba, perhaps the most well-known was the very prestigious jurist Rene Gomez Manzano, as well as the other leaders of the Assembly to Promote Civil Society. A few were subsequently released at the whim of the dictator; they may be picked up at any time. Mr. Gomez Manzano remains in a cell at this time and has engaged and is engaging in a hunger strike. And there are others whose health has already deteriorated to the point where, for example, Mr. Victor Rolando Arroyo, his wife informs us today that she fears his imminent death because he is engaged in a hunger strike protesting the conditions that all political prisoners suffer each day in that oppressed island.

Mr. Arnoldo Ramos Lauzurique is also engaging in a hunger strike. He received a month ago, approximately a month ago, such a brutal beating inside the prison that when he protested that brutal beating, he was put in what they call a punishment cell, as others in that prison, like Adolfo Fernandez Sainz, and others in hunger strikes like Jose Gabriel Ramon Castillo, like Normando Hernandez, and I will, Mr. Speaker, with your authorization, submit for the RECORD a list that I mentioned before is recognized by international organizations, such as the Universal Declaration of Human Rights. So there are countless political prisoners.

The resolution before us calls for the liberation of each and every one of them, immediately; it calls for the legal guarantees to the workers and trade unions and the press by that tyranny; and it calls for free elections, because ultimately the right of self-determination is the only right that guarantees all other human rights, and without the right of self-determination, all other human rights, when they are granted by tyrants, they are but gifts from the tyrants to people, to his people, gifts that can be withdrawn at any time.

In addition, as the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from California (Mr. LANTOS) stated, this resolution remembers those who, as we speak today, as we speak, are languishing in dungeons for the so-called crime of seeking and supporting the changes we cherish and take really for granted, and have for over 200 years in this country, and much of the world certainly takes for granted, the right to speak and the right to elect leaders in periodic elections.

Mr. Speaker, I commend, again, my colleagues who have been supportive. It is in the tradition, it stands in the tradition of this House of Representatives, this Congress that, in April of 1898, passed the resolution asking for the cessation of all other human rights violations in Cuba. We are asking in this resolution for the European Union to reconsider its policy of appeasement, and we are asking also that the United Nations, in its Human Rights Commission, pass a resolution asking for the cessation of human rights violations in Cuba.

So it is a very appropriate resolution. I commend, again, my colleagues who have been supportive. It is in the tradition, it stands in the tradition of this House of Representatives, this Congress that, in April of 1898, passed the resolution that is well-known in Cuban history, saying that Cuba is and, of right, ought to be free and independent, and it is in that tradition that we bring forth this resolution today, and I urge its adoption overwhelmingly by colleagues on both sides of the aisle on this day in which so many continue to suffer on that oppressed island.

BRIEF EXAMPLES—ALL INFORMATION FROM AMNESTY INTERNATIONAL

Mijail Barraga Lugo, 36; Independent Journalist; Sentence: 15 years; Date of arrest: 20 March 2003.

Oscar Elias Biscet Gonzalez, 43; Human Rights Leader; Sentence: 25 years; Date of arrest: 6 December 2002.

Marcelo Cano Rodriguez, 38; Medical Doctor; Human Rights Activist; Sentence: 18 years; Date of arrest: 25 March 2003.

Eduardo Diaz Fleitas, 51; Farmer, Opposition Activist; Sentence: 21 years; Date of arrest: 18 March 2003.

Antonio Ramon Diaz Sánchez, 41; Electrician, member of the Christian Liberation Movement; Sentence: 20 years; Date of arrest: 18 March 2003.

Alfredo Felipe Fuentes, 55; Member of the United Cuban Workers Council; Sentence: 26 years; Date of arrest: 18 March 2003.

"Antunez" Jorge Luis Garcia Perez—18 years (sentenced in 1990).

Partial list of political prisoners in Cuba, provided by Plantados Hasta La Libertad De Cuba.
Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I, too, want to just first commend the two individuals who have brought this resolution forward, two individuals who have a history of fighting for human rights around the world. I thank the gentleman from Arkansas (Mr. BOOZMAN) for his leadership. Once again, those who are oppressed can always count on the gentleman from Arkansas, and the gentleman from California (Mr. LANTOST), a person who is, again, a hero to so many around the world, particularly to those who cannot speak up, cannot speak out, like we are able to do here. I thank him for his leadership. It is a privilege to serve with him.

A lot has been said about why this resolution is needed. My colleague from Florida just mentioned the response that the European Union has had to this latest crackdown. A deplorable response, a response which is the definition of appeasement, if there ever was one.

It is wonderful to see, though, Mr. Speaker, that this Congress, once again, stands up for those who are seeking freedom, but who do not have it. This Congress once again is saying, no, we are not going to stay silent, we are going to speak up for those who cannot speak up, we are going to speak up for those who are in prison.

We do not forget that just 90 miles away from the shores of the United States there is a dictatorship, a tyranny that is not only corrupt, that is not only on the list of terrorist nations, that is not only sponsoring narco trafficking, which also is a dictatorship who practices apartheid against its own people, and who murders not only its own people, but also has over the years murdered numerous Americans. We recall, we remember, and we are going to speak up for those who are in prison.

So how appropriate then that this Congress, this symbol of freedom around the world is, once again, speaking out for those who cannot, is once
again remembering those who are being tortured in prison and, I think, also shows that once again, yes, this is the beacon of freedom. We understand that others are suffering. We do not forget. And, we know that one day the Cuban people will be able to speak up. Thought they are not able to do it right now, they will be able to speak for themselves, because they will not be imprisoned forever.

Mr. BOOZMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, Cuba is a country that has a people with a diverse culture, a rich heritage, a people who came as pioneers, people who came and sought their freedom and built a future. This rich and diverse history was suppressed 46 years ago under a dark veil of Communist re- jection of all freedom, of rights, of dignity and liberty of the individual. I declare that this resolution pass, and I rise today in its support. I cannot stress enough how important it is that human rights and human dignity be afforded to the citizen- s of Cuba who live in oppression under a brutal, tyrannical dictator who cares more for his own power and the advancement of his family and his crony's than his citizens who are starving and are neglected of the basic rights and privileges and necessities that we take for granted in this country.

He is one of those things that we represent, and my family has seen that firsthand. My wife Pat has helped many Cuban families who have made literally the pilgrimage to freedom, in a heartbreaking decision to leave their home country, to leave all that they love, lose all of their worldly possessions, except for their dignity, their self respect, their faith and, ultimately, maintaining cohesiveness in their family, to come seek a new life here, awaiting the day when they may return to their land and live in free- dom.

Unfortunately, some in the international community see fit to recognize Fidel Castro as a power with whom to negotiate and placate. We must remember one thing. Still, today, even in old age, he is a dangerous man. He is an enemy of freedom and has sought on many continents to suppress the entire career of leaders of freedom and a tyrannical govern- ment. He is a supressor of faith, the ability of his people and peoples else- where to express their faith in God, to practice their religion and, ultimately, he is an enemy of the future, an enemy of freedom in this hemisphere of no great value to anyone else.

On July 14, the government of France invited Castro to the French Embassy in Havana to celebrate Bastille Day, but courageous members of Cuba's democratic opposition were not in- vited, so they chose to peacefully protest the French decision. On the morn- ing of the protest, Cuban security forces stormed the homes of those planning to demonstrate and arrested at least 20. This type of dictatorial behavior cannot be tolerated for any length of time whatsoever. Think about it: a dictator invited to a cele- bration of liberation of people and, at the same time, suppressing his own people from peacefully expressing their views. It is illogical and it is illogical for the French to accept this.

For too long, the international community has danced around Castro and his Communist state, while the people live in oppression or risk their lives at- tempting to escape. It is not just the 20 individuals who were simply planning to protest who were arrested. Protest- tant Cubans who are facing new regulations on house churches that can restrict religious freedom.

In order to suppress one house church, I know personally of a case where a pastor was arrested on the pre- text of practicing medicine without a license simply because he prayed for one of his parishioners in the house church.

Imagine for a moment a place where the government supervises church serv- ices, and if an agent of the government arbitrarily decides that the church is breaking government regulations, it can shut it down. Imagine also a place where the government says that two house churches of the same denomina- tion cannot exist within a mile and a half of each other, and imagine a place where human rights activists are taken into custody for simply commemo- rating the deaths of people who were killed when the boat they were fleeing in was rammed by authori- ties. Imagine all of that, and you will be imagining Castro's Cuba.

Mr. Speaker, I urge my colleagues to join me in supporting this critical and important resolution for the message that it sends.

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

Mr. BOOZMAN. Mr. Speaker, I would like to thank Ranking Member LANTOS and Chairman HYDE for their leadership and such a bipartisan effort for these human rights. Again, we truly appreciate their leadership.

Mr. FARR. Mr. Speaker, the Justice Depart- ment is entrusted with one of the most sacred rights of American citizenship—protecting the right to privacy.

The privacy rights of my constituents at Moss Landing Harbor on the central coast of California were recently violated under the guise of “homeland security.” At 10:30 at night, Coast Guard members armed with M–16 rifles approached docked boats, woke my constituents up, and boarded and searched their boats.

When asked why they were subject to these searches, the officers cited safety. “Homeland security” and security, the tragicy the PATRIOT Act.

The PATRIOT Act does not give the Coast Guard the right to violate the privacy of law-abiding citizens. It is exactly these kinds of abuses that prove why we should not be mak- ing the PATRIOT Act any stronger.

As we reauthorize the Department of Justice today, we must be mindful of our obligation to uphold the Constitution and the Bill of Rights.

The U.S. cherishes the rule of Law and the protection of civil liberties. Unlawful search and seizure in the name of Homeland Security is Homeland insecurity.

[From the Monterey Herald, Sept. 18, 2005]

COAST GUARD OVERBOARD WITH SEARCHES

Coast Guard officers apparently were on firm ground legally when they randomly boarded and inspected docked boats in Monterey Bay during the Labor Day weekend, but that doesn't make it right.

An officer with the Coast Guard's Monterey Divi- sion said the operation, carried out with the Monterey County Sheriff's Office, U.S. Immigration and Customs Enforcement and the National Oceanic and Atmospheric Administration, was concerning boating safety during the busiest boating weekend of the year. And officers found problems worthy of citation, including lack of flotation and fire-extinguishing devices.

But some boaties who were subject to the inspections had legitimate complaints. Two who contacted the Herald said their boats were boarded after 10:30 p.m. and that officer’s arrived carrying M-16 rifles. Some of the boats were live-aboards, making the inspec- tions comparable to having law enforcement officers show up at homes for a random search with no probable cause— something banned under the Constitution.

Lt. Mark Warren of the Monterey Coast Guard Station said in light of some of the criticisms, his agency may rethink future, similar actions.

“We take lessons and learn from these types of operations. If the public is genuinely distasteful of it, we might not do it,” he said.

Part of the Coast Guard’s aim was to in- crease public awareness of its law enforce- ment mission. But in an unnecessarily intrusive way. We depend on the Coast Guard for law enforce- ment on open seas. We’re grateful for the role it plays in search-and-rescue operations. And we appreciate its efforts to make sure the boats on the bay are in safe condition.

But random, door-to-door inspections on Federal waters and the water- ways that lead to them. But surprised area harbormasters and boating enthusiasts said they’ve never before seen random, door-to- door inspections. One called it “pretty pre- posturous.” Another described it as “a little scary.”

The Coast Guard said the officers weren’t responding to any particular law enforce- ment report or threat. So why start this intru- sive practice now? Because they can isn’t a good enough answer. Maybe it’s time, in- stead, to shore up maritime law and bring it more in line with the protections we enjoy on land.

Andy Turpin, senior editor of Latitude 38, a popular sailing magazine in Marin County, said the gaps are significant.

All the things we’ve grown used to when we’re living ashore go out the window with maritime law,” Turpin said. “It’s all based on a big-vessel context. There’s very little legislation,” that he knows of, with smaller ves- sels and live-aboard boats.

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But random, door-to-door inspections are going overboard and should be discontinued.

Mr. STARK. Mr. Speaker, I rise in opposi- tion to H. Res. 388, Condemn Cuban Repres- sion.

It is ironic that Congress is busy con- demning Cuba, President Fidel Castro for vio- lating human rights when President George W. Bush, Vice President Dick Cheney, Secretary of Defense Donald Rumsfeld, Attorney General Alberto Gonzales and other members

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of the administration have endorsed the perpetual detention and torture of over 500 detainees held by the United States military in Guantanamo Bay, Cuba.

Until the United States’ foreign policy matches its rhetoric, no country should take these duplicities lightly.

I also oppose this resolution because it singles out and criticizes the European Union for its policies towards Cuba. Again, the United States hypocrisy is on show for the world. As Congress complains about foreign governments having commercial relations with the communist Cuban government, this same Congress has the audacity to pass free trade agreements and expand commercial relations with the communist government of China. Recent history shows that the Chinese government has consistently repressed its citizens. However, I have not seen one recent resolution condemning the Chinese government for its human rights abuses.

Further, the embargo of Cuba has been a failed policy that has only strengthened Fidel Castro’s authority. For Congress to encourage other countries to support a policy that has not worked for 40 years is as misguided as hiring a horse lawyer to run the Federal Emergency Management Agency, FEMA.

I urge my colleagues to vote against this resolution. If this Congress wants to be respected, it must stop any attempts against human rights abuses, then the government it should be condemning first for its practices is our own.

Mr. MENENDEZ. Mr. Speaker, I rise in strong support of this legislation and I want to thank my good friend, Representative LINCOLN Diaz-Balart, for introducing it. I wish I could say I was surprised when the Castro regime again arrested members of the Cuban opposition this July. But I wasn’t.

In Cuba, every opposition member, human rights activist, or citizen who takes any step towards democracy is deemed a threat to the Cuban regime. These opposition members must live under a constant threat of arrest and persecution for themselves, and their families.

In Cuba, we see a persistent, long-term, calculated, and strategic abuse of human rights aimed at keeping any opposition from succeeding in Cuba.

Cuba remains the only dictatorship in our Hemisphere, and Castro must repress the opposition to stay in power.

In July 2005, Castro arrested 24 human rights activists for simply remembering those who had been killed by the regime in 1994. And he arrested many more later that month, who were simply planning on attending a peaceful protest—they hadn’t even actually attended the event yet.

But I also note the only recent example of Castro’s brutal repression. In March 2003, the Cuban regime conducted one of the most repressive and violent actions against dissidents in recent history. We all remember how, with no provocation, 75 political dissidents were subjected to a farcical judicial process and imprisoned for not more than expressing a point of view not sanctioned by the Castro regime.

In May of this year, Cuban opposition leaders organized an historic Assembly on the 103rd Anniversary of Cuban independence. When we had the opportunity to recognize that Assembly here in this committee, I specifically said that we opposed any attempt by the Castro regime to repress or punish the organizers and participants of the Assembly, as Castro has done with so many others who have spoken out against repression.

I also made it clear to the Cuban opposition witnesses in our hearing in the subcommittee in March that we expected no retaliation against them on behalf of freedom or for their participation in our hearing.

Unfortunately, it is my understanding that all three of those witnesses were then arrested during the July crackdown. While Martha Beatriz Roque and Felix Bonjour were subsequently released, I believe that Rene Gomez Manzano remains in prison.

Given the recent arrests, I am still deeply concerned for the safety of all those who participated in the Assembly and those who testified before this Committee.

Hundreds of political prisoners remain in Castro’s jails today, and the world has recognized these injustices.

In March 2005, Amnesty International released a report on Cuba called Prisoners of Conscience: 71 Longing for Freedom. In this report, Amnesty states that they believe that, “the charges are politically motivated and disproportionate to the alleged offenses” and specifically note reports of ill-treatment and harsh conditions suffered by the prisoners of conscience.

Unfortunately, my friends in the European Union appear to have been deceived by Castro’s official release of a few prisoners last year. I cannot understand why else they would think there was a reason to soften their diplomatic approach towards Cuba.

Instead of rewarding Cuba for pretend to take steps towards upholding fundamental civil rights, we should call for the unconditional release of all political prisoners in Cuba. I certainly hope that the European Union will review its policy towards Cuba, as is called for in this resolution.

And I hope that other multinational organizations, such as the UN Commission on Human Rights, join the rest of the world in strongly condemning the most recent crackdown in July by passing a strongly worded resolution against these violations of human and civil liberties, as well as for the release of all political prisoners.

I know Members do not always agree with one another on issues relating to Cuba. And I know that this is, for many of us, a very personal issue.

But I also know that everyone of my colleagues should be willing—and proud—to vote for this resolution, which simply states that the gross human rights violations committed by the Cuban regime are abhorrent.

Every one of my colleagues should be willing, and proud, to vote for the right of the Cuban people to exercise fundamental political and civil liberties that we enjoy here in the United States.

To my brothers and sisters who suffer in Castro’s jails, to their families and friends both here in the United States and Cuba, and to the Cuban people, I say that Castro will not succeed in his vain attempt to suppress the spirit of the Cuban people. I look forward to the day, which is coming soon, when we will all celebrate a free and democratic Cuba. It is the spirit of the Cuban human rights activists and their courage that will ultimately be Castro’s downfall.

So I ask each of you to join me in voting yes for this resolution.

Mr. BOOZMAN. Mr. 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 Arkansas (Mr. BOOZMAN) that the House suspend the rules and agree to the resolution, H. Res. 388.

The question was taken.

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

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

The yeas and nays were ordered taken.

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.

### SERVICEMEMBERS’ GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3200) to amend title 38, United States Code, to enhance the Servicemembers’ Group Life Insurance program, and for other purposes.

The Clerk read as follows: Senate amendment:

SEC. 1. SHORT TITLE. This Act may be cited as the “Service Members’ Group Life Insurance Enhancement Act of 2005”.

SEC. 2. REPEALER. Effective as of August 31, 2005, section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13; 119 Stat. 244), including the amendments made by that section, are repealed, and sections 1967, 1969, 1970, and 1977 of title 38, United States Code, shall be applied as if that section had not been enacted.

SEC. 3. INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICE MEMBERS’ GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SGLLI.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking “$250,000” and inserting “$400,000”; and

(2) in subsection (d), by striking “of $250,000” and inserting “in effect under paragraph (3)(A)(i) of this subsection”.

(b) MAXIMUM UNDER VGLI.—Section 1977(a) of such title is amended—

(1) in paragraph (1), by striking “in excess of $250,000 at any one time” and inserting “at any one time in excess of the maximum amount for Service Members’ Group Life Insurance in effect under section 1967(a)(3)(A)(i) of this title”; and

(2) in paragraph (2)—

(A) by striking “for less than $250,000 under Service Members’ Group Life Insurance” and inserting “under Service Members’ Group Life Insurance for less than the maximum amount for such insurance in effect under section 1967(a)(3)(A)(i) of this title”; and

(B) by striking “does not exceed $250,000” and inserting “does not exceed such maximum amount in effect under such section”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 1, 2005, and shall apply with respect to deaths occurring on or after that date.
Among other things, this bill would provide a permanent authorization for increases in maximum life insurance covered under the Servicemembers’ Group Life Insurance Program and the Veterans Group Life Insurance Program from $250,000 to $400,000.

Public Law 109–13, the Emergency Supplemental Appropriations Act For Defense, the Tsunami, and the Hurricane Relief, 2005, increased the maximum coverage to $400,000 under these programs; however, the authorization expires in just 2 days, that is, September 30.

It is my understanding that during negotiations on the supplemental that the Senate included the termination date which was approved in the conference report to afford the legislative body of jurisdiction the opportunity to hold hearings and further consider the specifics of the emergency authorization before it was made permanent.

The increased level of coverage was requested by the President because of concerns that death benefits for survivors of servicemembers were inadequate as our Nation fights the global war on terrorism. Further, Public Law 109–13 mandated spousal consent even in cases where the couple is estranged, as long as they are still legally married. The committee does not believe providing the spouse such a “veto” authority over life insurance elections is good public policy. The spousal consent requirement could also result, for example, in a servicemember’s spouse excluding stepchildren as beneficiaries. The government should not interfere legally in a servicemember’s highly personal choices about such family matters as this.

H.R. 3200, as amended, which the Senate passed yesterday, would instead require the military service secretary concerned to provide written notification to the secretary concerned to provide written notification to the member on the committee.

Mr. Speaker, I yield myself such time as I may consume.
H.R. 3200, as amended, will receive my full support. It deserves the support of every Member of this body.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. MILLER) for his extraordinary cooperation on this legislation.

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

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

Mr. Speaker, like my colleague, I would like to say thank you to the gentleman from Indiana (Mr. BUYER), the chairman of the committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, for their cooperation in this legislation. I also commend the gentlewoman from Nevada (Ms. BERKLEY), the ranking member on our subcommittee, as well as the gentleman from New Hampshire (Mr. BRADLEY), who worked with me on drafting this compromise agreement.

I particularly want to thank those on the Senate side, Senator CRAIG and Senator AKAKA, for ensuring that this important legislation was considered in the Senate and returned to the House to allow for final passage.

Congress has to act promptly to ensure permanent SGLI authorization is enacted before September 30, or else insurance coverage levels will revert to $250,000 on the first day of October this year. I do not think any Member of this body wants to see this happen.

Mr. Speaker, I strongly urge my colleagues to support H.R. 3200, as amended.

For the benefit of my colleagues, the following is a joint explanatory statement describing the compromise agreement which we have reached with the other body.

JOINT EXPLANATORY STATEMENT ON SENATE AMENDMENTS TO H.R. 3200

H.R. 3200, as amended, the Service members’ Group Life Insurance Enhancement Act of 2005, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans’ Affairs (the Committees) on the following bills considered in the House and Senate during the 109th Congress: H.R. 2046, as amended; H.R. 3200 (House Bills); and S. 1235, as amended (Senate Bill).

H.R. 406, as amended, passed the House on May 23, 2005; H.R. 3200 passed the House on July 26, 2005; and S. 1235, as amended, reported to the Senate on September 21, 2005.

The Committees have prepared the following explanation of H.R. 3200, as amended (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 2046, as amended; H.R. 3200; and S. 1235, as amended, are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

ENHANCED SGLI COVERAGE

Section 101 of the Compromise Agreement follows the House language with minor technical changes.

NOTIFICATION TO MEMBER’S SPOUSE OR NEXT OF KIN OF CERTAIN ELECTIONS UNDER SERVICE MEMBERS’ GROUP LIFE INSURANCE PROGRAM

Current law

Section 101 of title 38, United States Code, requires a married servicemember to receive written notification prior to making a SGLI election for less than the maximum coverage. Similarly, the Secretary concerned is required to notify an unmarried servicemember’s beneficiary or next of kin if the servicemember elects less than the maximum coverage amount. Declinations or elections of less than the maximum amount must be in writing. As of October 1, 2005, the maximum coverage under both SGLI and VGLI will be reduced to $250,000 (section 1012 of Public Law 109-13).

House bills

Section 3 of H.R. 3200 would make permanent the maximum coverage allowable under sections 1967 and 1977(a) of title 38, United States Code, effective September 1, 2005.

Senate bill

Sections 101(a)(1)(A) and 101(c) of S. 1235, as amended, contain similar provisions.

Compromise agreement

Section 3 of the Compromise Agreement follows the House language with minor technical changes.

INCREMENTS OF INSURANCE THAT MAY BE ELECTED

Current law

Section 101 of title 38, United States Code, requires that a servicemember have coverage in $50,000 increments. Section 4 of the Compromise Agreement contains this provision.

LEGISLATIVE PROVISION NOT ADOPTED

Authority to Elect New Traumatic Injury Protection

Current law

Section 101 of Public Law 109-13 added a new section 1980A (Traumatic Injury Protection) to chapter 19 of title 38, United States Code. Section 1980A becomes effective on December 1, 2005. Servicemembers insured under SGLI will be automatically enrolled in the new section 1980A program and are required to participate in the program.
Mr. Speaker, as the original increase in SGLI and VGLI expire at midnight this Friday, I urge my colleagues to support the Servicemembers’ Group Life Insurance Enhancement Act.

Mr. MILLER of Florida. 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 Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3200.

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.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3200.

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

There was no objection.

UNITED STATES GRAIN STANDARDS ACT REAUTHORIZATION

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1752) to amend the United States Grain Standards Act to reauthorize that Act.

The Clerk read as follows:

S. 1752
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,—

SECTION 1. REAUTHORIZATION OF ACT.

(a) In General.—Sections 7(c)(4), 7a(1)(3), 7d, 19, and 21(e) of the United States Grains Standards Act (7 U.S.C. 7a(1)(3), 7a(4), 7a(5), 7a(6), 87d, 87(e)) are amended by striking “2005” each place it appears and inserting “2015”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on September 30, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I am pleased to support S. 1752, a bill to reauthorize the U.S. Grain Standards Act. The other body passed this bill by unanimous consent last week, and I look forward to its swift approval today as the act expires September 30, 2005.

This bill is identical to the language that the Administration provided Congress earlier this year. The bill is a simple 10-year extension of current law. It will reauthorize the Secretary’s authority to charge and collect fees to cover costs of inspection and weighing services and to receive appropriated dollars for standardization and compliance activities.

The House Subcommittee on General Farm Commodities and Risk Management of the Committee on Agriculture held a hearing on May 24, 2005, to review the U.S. Grain Standards Act. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted the need for the U.S. grain industry to remain cost-competitive for bulk exports of U.S. grains and oilseeds in the future.

The American Farm Bureau Federation, the American Soybean Association, the National Association of Wheat Growers, the National Corn Growers Association, the National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies all voiced support for this legislation.

The U.S. Grain Standards Act first became law in 1916. In the intervening 89 years, Congress has reauthorized and amended the U.S. Grain Standards Act so that the law could adapt to changes in grain production, grain marketing, crop diversity, competitive pressure, and fiscal constraints.

The U.S. Grain Standards Act has served agriculture and our Nation well. For nearly a century, it has provided for standard marketing terms, grades, and weights and facilitated domestic and international marketing of our farmers’ product. To perform this important task, the Act authorizes the Federal Grain Inspection Service and establishes and maintains official grades for our Nation’s crop diversity, competitive pressure, and fiscal constraints.

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I urge my colleagues to support this legislation.

I thank the gentleman from Minnesota (Mr. PETERSON), the ranking member of the committee, for his cooperation in working with us to bring this legislation to the floor.

Mr. Speaker, S. 1752 is a bill to reauthorize the U.S. Grain Standards Act. The other body passed this bill by unanimous consent last week. Timely approval of this bill is important because the current law expires September 30, 2005.

This bill is identical to the language the Administration provided Congress earlier this year. This bill is a simple 10-year extension of current law.

The House Agriculture Subcommittee on General Farm Commodities and Risk Management of the Committee on Agriculture held a hearing on May 24, 2005, to review the U.S. Grain Standards Act. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted the need for...
the U.S. grain industry to remain cost-competitive for bulk exports of U.S. grains and oilseeds in the future. Specifically, these organizations proposed that U.S. Department of Agriculture (USDA) utilize third party entities to provide inspection and weighing services at export port locations and that USDA utilize third party entities to provide inspection and weighing services at export port locations. The Grain Inspection, Packers and Stockyards Administration (GIPSA) has reserved this authority to supplement the current Federal workforce if the workload demand exceeded the capability of current staffing. GIPSA has also considered use of this authority as one of several options to address attrition within the Agency and to address expanded service demand as several delegated States have decided or are considering to cancel their Delegation of Authority with GIPSA.

In accordance with Federal contracting requirements, GIPSA would contract with a private entity to provide export grain inspection and weighing services at export port locations. The private entity would be required to adhere to all applicable provisions of the Act to ensure the integrity of the official inspection and weighing services to the export grain industry. The contract would be directly to the export grain customer to cover the cost of service delivery beyond the cost of GIPSA supervision. Contract terms would require reimbursement of the cost of supervising the contractor’s delivery of official inspection and weighing services.

GIPSA would comply with OMB Circular No. A–76 for any contracting activity that may replace or displace Federal employees. The Circular requires that if contracting for outsourcing services intends to fill workforce gaps, not affect Federal employees, or supplement rather than replace the Federal workforce. The A–76 process typically takes two years and involves an initial cost-benefit analysis, an open competitive process, and an implementation period.

I hope that the explanations provided above are fully responsive to the questions you have asked. A similar letter is being sent to Chairman Chambliss.

Sincerely,

MIKE JOHANNS,
Secretary

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad that we are moving this reauthorization before various authorities in the Grain Standards Act. I expect our colleague, Mr. Kucinich, to thank Subcommittee Chairman MORAN, Ranking Member ETHERIDGE, as well as Chairman GODDALTE for their work on moving this reauthorization.

The legislation we are considering today would simply reauthorize the existing Grain Standards Act for 10 years. While I would prefer that the reauthorization be for 5 years to allow for reexamination of the state of the inspection service and industry at that time, I support the legislation as it is.

As we saw with the recent experiences in the aftermath of Hurricane Katrina, the Federal Grain Inspection Service’s Federal workforce is a dedicated group of individuals with many years of experience and a great deal of pride in the work that they do. The folks that work in the Port of New Orleans, for example, have continued to provide valuable public services even as their neighbors lost their homes, farms, and neighborhoods.

The quality of the grain produced on American farms is among the best in the world, and our export inspection system helps to ensure that the integrity of those crops is maintained as it is exported to our foreign customers.

I support the passage of this reauthorization, and I again want to thank my colleagues for their work on this issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), who has worked on this issue.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. PETERSON) for the work he has done on this bill. I rise in support of S. 1752, the Reauthorization of the Grain Standards Act.

Two weeks ago, I was opposed to the bill because it needlessly privatized grain inspectors, which could harm our agricultural export market. In the mid-1970s, the inspection service was federalized following several scandals involving some growers who tried to cheat foreign buyers by, for example, substituting saw dust for grain. Overall, there were indictments of 52 individuals and four corporations.

Today, with Federal inspectors on the job, our foreign customers are confident in the quality of U.S. grain. But many of these buyers, international buyers, have spoken publicly about their reservations of a private inspection system. Such a scheme may harm their exports of grains, something our farmers cannot afford.

Worse yet, the benefits from privatization are almost nil. According to testimony from the National Grain and Feed Association, privatizing the inspector force will save 8 cents per ton of grains per export in the unlikely scenarios that the entire cost savings were passed along to farmers by way of better commodity prices. The average 500-acre soybean farm would gain a measly $40 a year in extra income. For nothing more than pocket change, that kind of privatization could undermine the 30 years of confidence in the quality of U.S. grain. That was an enormous risk for pocket change.

Thankfully, because of the gentleman from Minnesota (Mr. PETERSON) and others, this bill before us today does not include the risky privatization scheme that was contemplated.

I once again want to thank the gentleman from Minnesota and his staff for the opportunity to work with them on this legislation.

Mr. ETHERIDGE, Mr. Speaker, today the House is considering S. 1752, Senate-passed legislation to reauthorize the U.S. Grain Standards Act.
The Grain Standards Act helps farmers maintain a high standard of quality in crop production through a national system for inspecting, weighing and grading grain, both for domestic and foreign shipments.

S. 1752 reauthorizes the U.S. Grain Standards Act for 10 years. This bill will reauthorize the Secretary's authority to charge and collect fees to cover costs of inspection and weighing services and to receive appropriated dollars for standardization and compliance activities.

I support reauthorization of these important components of the Grains Standards Act in order to ensure the United States remains a large producer of quality agricultural products.

I urge my colleagues to support S. 1752 so we can send it to the President for signature.

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

Mr. GOODLATTE. 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 Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1752.

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.

GENERAL LEAVE

Mr. GOODLATTE. 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. Con. Res. 245.

Mr. Speaker, I rise today in support of House Concurrent Resolution 245, expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

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

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

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

Mr. Speaker, I come from a State that has a long tradition in supporting religious freedom. In fact, it was Thomas Jefferson of Virginia who wrote the Virginia Statute for Religious Freedom which predated the amendment to the Constitution.

Unfortunately, H. Con. Res. 245 is not about supporting religious freedom. In fact, this resolution is totally gratuitous, as it will do nothing to change the underlying law. This is because we are dealing with constitutional issues that cannot be altered by resolution. If the judicial branch ultimately finds the Pledge, or the national motto to be unconstitutional, then nothing needs to be done. On the other hand, if the Court ultimately finds it to be unconstitutional, no law that we pass will change that.

Although I tend to agree with the dissent in the 2002 Ninth Circuit decision in Newdow v. U.S. Congress, the Eastern District of California relied on the Ninth Circuit’s decision and held that school district policies of voluntary, teacher-led recitations of the Pledge violate the Establishment Clause.

But, as former Chief Justice Rehnquist stated: ‘The Constitution only requires that a school child be entitled to abstain from the ceremony if they choose to do so. To give the parent of such a child a sort of “heckler’s veto” over a patriotic ceremony willingly participated in by other students, simply because the child believes the Pledge of Allegiance contains the descriptive phrase “under God” is an unwarranted extension of the Establishment Clause, an extension would have the unfortunate effect of prohibiting a commendable patriotic observance.’

The Pledge of Allegiance is simply a patriotic exercise in which one expresses support for the United States of America, that was founded by a generation of framers who saw a belief in God as an integral, coequal part of our moral fabric of a free society. Those who did not share the beliefs of our founding generation as reflected in the Pledge are free to refrain from its recitation, but those who wish to voluntarily recognize the special role of providence in America’s identity and heritage must also continue to be free to do so.

This body affirms its support for the Pledge of Allegiance by starting each session of the House with its recitation. When the Pledge of Allegiance has come under legal and political assault, this body has consistently and overwhelmingly defended it by passing resolutions that express support for its voluntary recitation. Most recently, in 2003, the House passed H. Res. 122 affirming support for the Pledge by a margin of 400 to 7.

I urge my colleagues to continue to affirm their support for the Pledge of Allegiance by supporting the passage of this important resolution.

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

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

Mr. Speaker, I come from a State that has a long tradition in supporting religious freedom. In fact, it was Thomas Jefferson of Virginia who wrote the Virginia Statute for Religious Freedom which predated the amendment to the Constitution.

Unfortunately, H. Con. Res. 245 is not about supporting religious freedom. In fact, this resolution is totally gratuitous, as it will do nothing to change the underlying law. This is because we are dealing with constitutional issues that cannot be altered by resolution. If the judicial branch ultimately finds the Pledge, or the national motto to be unconstitutional, then nothing needs to be done. On the other hand, if the Court ultimately finds it to be unconstitutional, no law that we pass will change that.

Although I tend to agree with the dissent in the 2002 Ninth Circuit decision in Newdow v. U.S. Congress, which
found that the words “under God” in the Pledge are permissible under the Constitution. I believe it is important to review the reasoning of the majority decision in that case which held that the words “under God” are impermissible on constitutional grounds.

The majority in the Newdow case applied each of the three Supreme Court tests that have been used over the last 50 years in evaluating Establishment Clause cases. That review is essential, because if we support the Pledge, we need to make sure that we support it based on appropriate constitutional principles.

One test is the Ninth Circuit case of the Pledge of Allegiance. The majority opinion said it was an endorsement of one view of religion, monotheism, and, therefore, was an unconstitutional endorsement.

Another test was whether the individuals were coerced into being exposed to this message. The majority opinion concluded that the Pledge was unconstitutional because young children are compelled to attend school and “may not be placed in the dilemma of either participating in a religious practice or respecting the religious message.”

Finally, the Court applied the Lemon test, named after the 1971 Supreme Court case Lemon v. Kurtzman. Part of that test holds that a law violates the Establishment Clause if there is no secular purpose. Mr. Speaker, the Pledge was amended in 1954 to add the words “under God” to the existing Pledge, and so the Ninth Circuit concluded that the 1954 law had no secular purpose and was, therefore, unconstitutional.

Mr. Speaker, while I believe that the majority’s reasoning was sound, I indicated that I tend to agree with the dissent in the 2002 Newdow case. The operative language in the dissent which persuades me was as follows:

“Legal world abstractions and ruminations aside, when all is said and done, the danger that ‘under God’ in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone’s belief is so minuscule as to be de minimis. The danger that phrase represents to our first amendment’s freedoms is picayune at best.”

“Judges, including Supreme Court Justices, have recognized the lack of danger or, more accurately, the legitimacy of their concerns. At the time Mr. Speaker, the Pledge was amended in 1954 to add the words ‘under God’ to the existing Pledge, and so the Ninth Circuit concluded that the 1954 law had no secular purpose and was, therefore, unconstitutional.”

Mr. Speaker, while I believe that the majority’s reasoning was sound, I indicated that I tend to agree with the dissent in the 2002 Newdow case. The operative language in the dissent which persuades me was as follows:

“Legal world abstractions and ruminations aside, when all is said and done, the danger that ‘under God’ in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone’s belief is so minuscule as to be de minimis. The danger that phrase represents to our first amendment’s freedoms is picayune at best.”

That difference is profound. It is the difference in American government that we are not the governed of our government but, in fact, the owners of our government.

More importantly, I want the Members on both sides of the aisle to understand that this is not about raising or lowering the importance, it is not about deciding what is appropriate in the Pledge of Allegiance. What it is about is having the indecision between the Ninth and the Fourth Circuit appropriately decided by the U.S. Supreme Court. Once decided by the Supreme Court, it would then become up to the people of the United States to decide if they wanted to change the Constitution, because the Supreme Court is in fact the final decision point.

It is inappropriate, it is always inappropriately, it is never wrong to have the Constitution remain undecided and different in different parts of the United States. Therefore, appropriately, my bill asks the U.S. Supreme
Court on behalf of the House and the Senate to take up this important issue, an appropriate issue, and to decide it. We do not determine how it is to be decided by the vote. Those who vote for this are simply asking the Supreme Court to decide an important issue to end the issue before the Ninth and Fourth and, for that matter, all the other circuits.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution.

Mr. NADLER. Mr. Speaker, it seems that many Members of this House must really be dissatisfied with their jobs. Instead of being legislators, they seem to want to be Federal judges. Every Member, like every citizen, is entitled to express an opinion on any ruling by any court. That is what our system of government is about. What concerns me is that too many people here seem to think it is not the job of Congress to order courts to decide cases certain ways or to consider issues that we want them to consider.

The gentleman from California (Mr. Issa) should read his own resolution. His resolution does not ask the Supreme Court to decide between the Ninth and Fourth Circuit views. It asks them to decide that the Fourth Circuit is right and the Ninth Circuit is wrong. It asks for a certain specific direction. We do not ask the Supreme Court to decide between the Ninth and Fourth Circuit views because some Members do not like certain court decisions. We have heard threats against judges, against the courts, even statements by some who have said that they understand the murder of judges. This resolution is not binding, and it is probably as innocuous as they come; but it is part of a greater campaign of delegitimizing the independent judiciary, by implication our system of checks and balances and our system of government.

Courts are supposed to rule on cases that come before them; to call them as they see them; to decide what the Constitution means as the court sees it, as Judge Roberts recently told the Senate regardless of popular opinion. That is their job. It is not our job to pressure the court to decide the case a specific way. If we do not like a court decision, we can amend the law. We can start a constitutional amendment if we disagree with a court decision.

I am more than a bit concerned that Members seem to want to decide this case for themselves, but I am more concerned by the constant assertions by Members and some courts that the phrase “One Nation Under God” is not a form of religious expression. As the gentleman from Virginia (Mr. Scott) mentioned, constitutionally the only way, since it is clear that we cannot have an establishment of religion, since we are separated from the Church, is that the Supreme Court for the last 40 years says that we cannot mandate a prayer, that we cannot mandate that children in school should say a prayer, we cannot lead an organized prayer in a public school, as I have said repeatedly on this floor, there will always be prayer in the public schools as long as there are math tests, but we cannot have organized prayer where an agent of the State, namely the teacher, says this is the prayer you shall say. That is an establishment of religion, and it is against the first amendment.

The only way around that is by saying that the phrase “under God” in the Pledge of Allegiance does not mean anything. It is a mere patriotic expression. It is not religious. It does not mean anything. I think that is sacrilegious. Frankly, it violates the Second Commandment: “Thou shalt not take the name of the Lord thy God in vain.” Maybe we should have the Ten Commandments here, so people can take a look at it every so often.

Frankly, references to God are inherently religious, and it is a sin to use them for that purpose. It is a religious expression with which not all people, including people of different religions, might agree. It is not out of the question that a court could reasonably conclude that this sentence, “I pledge allegiance to the flag of the United States of America and to the Constitution and the Pledge,” is inherently coercive when the government makes it part of every school day. That is what the Ninth Circuit did conclude.

It is not the job of Congress to tell the court what to decide, and certainly not the job of Congress to tell the court that God is not religious. If God is not religious, then nothing is religious.

I know most people will look at this vote and think it is a vote on whether or not you support the Pledge of Allegiance; whether or not you are loyal, in fact, to this government; or whether or not you are a person of faith or whether you support God. It is unfortunate that we have to politicize this issue in this manner. If that is the real reason for this resolution, since it is totally innocuous, is not binding and has no effect.

But it is even more unfortunate that there is so little respect for our system of government and such enthusiasm for delegitimizing the judiciary every time someone disagrees with a court ruling. That is very dangerous. The future of our Nation depends on the preservation of our system of government, the preservation of the independence of the courts, and not on the text of the Pledge that children are asked to recite in school.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. Congyers), the ranking Democrat on the Committee on the Judiciary.

Mr. CONGERS. Mr. Speaker, I thank the gentleman from Virginia (Mr. Scott) for yielding me this time and for thinking of the bill so ably.

Well, here we are again, as we take this issue up for a fourth time; and I am again disappointed to say that we are not here for a love of this country or the time-honored Pledge that celebrates it, but to take yet another stab at our independent judiciary. Because the Ninth Circuit did not bend to the resolve of Congress and because the Supreme Court skirted the first amendment claims in the Newdow I decision, Members of this House have introduced this resolution in an attempt to strong-arm judges and manipulate the Supreme Court appointment process. How sad.

We respectfully take issue with this resolution. While my reverence for the Pledge of Allegiance is unending, my patience with this sort of political maneuvering has long run out. This resolution is a vehicle simply for a conservative litmus test for new judges, particularly Supreme Court Judges, as we currently face both a vacancy and a confirmation of a new Justice.

This resolution was introduced the day after Newdow II, September 14 it was reported; and opponents immediately put it to confirmation process. One conservative group used the case as a vehicle to endorse the confirmation of Judge John Roberts as Chief Justice and to bash Carter-appointed District Court Judge Lakin. I am sure the gentleman from South Carolina, Senator Lindsey Graham, deliberately invoked the Pledge ruling at the Roberts confirmation hearings.

All of this comes on the heels of our prior Pledge resolution in 2003 that directed the President to appoint and the Senate to confirm circuit judges who would supposedly “interpret the Constitution consistent with the Constitution’s text.”

Today is the next step. We urge the Supreme Court to accept an appeal to resolve the conflict between the circuit court on the one hand and the Congress on the Pledge. While drafters have tried to use the most subtle phrase possible in this series of resolutions, their intent is clear: the resolutions demand the promotion of judges who fall in line with a specific series of conservative ideals and a specific result on the merits.

Our judiciary was meant to be independent. Our Founding Fathers created three distinct branches of government to ensure that no single body could interpret and enforce the laws all at the same time. Today’s resolution is part of a series that overreaches the bounds between the legislature and the judiciary and attempts to make puppets of our judges. Our judges should be impartial arbiters, which they cannot be if they are manipulated by the Congress.

Further, the Model Code of Judicial Conduct reveals that no candidate for a judgeship “make pledges or promises in court, or off the bench, that are contrary to the faithful and impartial performance of the duties of the office,” nor “make statements that commit or appear to commit the candidate with respect to
cases, controversies or issues that are likely to come before the court.” So not only do these resolutions make a mockery of our judicial system, they also, my colleagues, subject our judges to potential ethical violations.

While I disagree with the Newdow decisions, I disagree even more with attempts to influence the constitutional interpretation by politiz- ing judicial appointments. I respect the Pledge of Allegiance so much that I resent that it is being used as a tool for political jockeying and partisani- ty. Our Pledge simply deserves bet- ter.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may con- sume and point out that out of respect for the judicial branch and because the passage of this resolution will actually make it less likely that the Pledge will be found constitutional by the judicial branch, we should defeat this resolu- tion.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. Issa).

Mr. ISSA. Mr. Speaker, in closing, in the past, over 300, sometimes over 400, Members of Congress have affirmed the Pledge as it is. I do not think this is a question about whether or not God is appropriate to be used at times. I think that has been decided within this body. Certainly “In God We Trust” above the Speaker’s head says a great deal about the role of God in our deliberation.

This resolution is about asking, al- beit with a bent in favor of past votes, asking the Supreme Court to decide an issue. Ultimately, when we ask the Su- preme Court to decide an issue, we are not deciding it. We are not binding them to some decision. Just the oppo- site. This is a free and independent ju- diciary that will decide the issue as it sees fit. But it is appropriate both for us to ask them to do it and, when ap- propriate as an amicus, enter into the debate at the Supreme Court. I expect we will do that if and when the Su- preme Court takes this issue up.

Mr. Speaker, I move strongly that the Members support the opportunity and the insistence to the extent of our authority that the Supreme Court take this unreconciled difference between two circuits and decide one way or the other, one time, for the youth of America.

Mr. Speaker, I rise today in support of H. Con. Res. 245. It is time to settle the constitu- tionality of the Pledge of Allegiance. America’s circuit courts are currently split on the issue, and I introduced this resolution to encourage the Supreme Court to resolve this conflict on the side of patriotism.

We come to this juncture because of an at- tempt by a very few to scrounge the public space of religious symbols and expression. They have targeted federal, state and local govern- ments in a determined effort to erase every single reference to the existence of a higher power from public life. While they claim to be fighting the establishment of religion, what they are really doing is eliminating the free- dom of religious expression. They have forgot- ten that the inclusion of “under God” in the Pledge is no more egregious than Thomas Jefferson including the phrase “Laws of Na- ture and of Nature’s God” in the Declaration of Independence.

In 2002, the 9th Circuit Court of Appeals ruled that recitation of the Pledge of Al- legiance in classrooms is unconstitutional. Far be it for us in Congress to criticize the wis- dom of the 9th Circuit and instead com- pliment the 4th Circuit’s ruling last month that the Pledge is constitutional. The 4th Circuit noted that the primary reason for the Estab- lishment Clause within the First Amendment was to combat the practice of European na- tions compelling individuals to support govern- ment favored churches. The 4th Circuit stated that the inclusion of the words “under God” in the Pledge of Allegiance does not pose a threat to freedom of religion.

We are not in a position to adjudicate the constitutional interpretation of the Pledge of Allegiance. America’s Constitution bars Congress from passing any law which shall abridge the freedom of speech or of the press. The First Amendment provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. The Constitution bars Congress from passing any law that recognizes religion. The Constitution bars Congress from passing any law that recognizes religion.

Likewise, the words “under God” were used by President Abraham Lincoln in the Gettysburg Address in 1863. After paying tribute to the soldiers who had died in an effort to end slavery, Lincoln turned to the responsibilities of those who would benefit from their sac- rifices.

He said, “It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedi- cated to the great task remaining before us— that from these honored dead we take in- creased devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, shall not perish from the earth.”

There are many other examples of how reli- gion and God have been woven into the fabric of our Nation’s history.

By pledging allegiance to this Nation and acknowledging that we are under God, that our Nation is indivisible, and that we enjoy lib- erty and justice for all, Americans simply rec- ognize the historical fact that we have a reli- gious heritage, that the country cannot be di- vided, and that everyone will be free and treat- ed fairly.

The words “under God” are not in violation of the Establishment Clause because they do not sponsor or support a specific national reli- gious heritage.

Our country, and the freedoms we cherish, continue to be fought for each day. Just as President Lincoln said during the Gettysburg Address, it is our duty to resolve that those who have given the ultimate sacrifice for our freedom do not die in vain; that this Nation, under God, will continue to protect and honor those hard-fought freedoms.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H. Con. Res. 245, which tells the Supreme Court to uphold the constitutionality of the Pledge of Allegiance. I oppose this res- olution on two grounds. First, Congress shouldn’t be telling the Supreme Court how to do their job. Second, the Pledge of Allegiance is unconstitutional and the 9th Circuit decision should stand.

That being said, I shouldn’t be surprised that those who claim to speak for God also think they have the right to tell our inde- pendent judiciary what to do. The Republican Majority has rallied against activist judges leg- islating from the bench throughout the Su- preme Court nomination hearings, but they ap- parently see nothing wrong with telling those judges how to rule from the legislature. If judges shouldn’t legislate, Congress shouldn’t adjudicate.

Beyond the hypocrisy and improper med- ding of this resolution, I oppose it because the Pledge of Allegiance is unconstitutional. The Constitution bars Congress from passing any law that recognizes religion.

In his Farewell Address in 1796, President George Washington called religion “a nec-
The feeble argument of proponents of this resolution that "under God" is not overly religious is only undermined by their holy crusade to make darn sure that the phrase stays in the Pledge. This will be the sixth time this House has voted on this issue—hardly a sign of the phrase's unimportance to religious conservatives.

Mr. Speaker, I don't want my children or any child to have a compulsory, religious recitation in this supposedly free society, and seeing the vehemence of those who think otherwise only strengthens my opposition to the Pledge.

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

The SPEAKER pro tempore. 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. SENSENBERGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

Mr. SENSENBERGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3402, the bill to be considered shortly.

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

There was no objection.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. SENSENBERGREN. Pursuant to House Resolution 492 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3402.

The SPEAKER pro tempore (Mr. Issa). Pursuant to House Resolution 492 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3402.

Mr. Chairman, I rise in strong support of H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009. The authorization of executive agencies fulfills Congress' fundamental constitutional obligation to maintain an active and continuing role in organizing the priorities and overseeing the operation of the executive branch. With an annual budget of over $20 billion and 100,000 employees, the Department of Justice is one of the most important agencies of the Federal Government and the world's premier law enforcement organization. Like other legislation reauthorizing the Department of Justice approved by the House in both the 107th and 108th Congresses, this legislation authorizes programs necessary to help protect the safety and security of Americans while enabling Congress to more rigorously oversee the Department's activities and improve the effectiveness of its programs.

The authorization of VAWA will continue the tradition of changing attitudes towards domestic violence, and will expand its focus to change attitude towards other violent crimes, including dating violence, sexual assault and stalking. Because these crimes affect both men and women, it is important to note that this legislation specifies that programs addressing these programs should serve both male and female victims.

Furthermore, the legislation specifies that the same rules apply to these funds as to other Federal grant programs. The funds devoted to these programs are not to be used for political activities or lobbying. This money is and always was intended to be used to provide services to victims and to train personnel who deal with these violent crimes. The Department of Justice is expected to enforce that provision for all its grants and to monitor grant activities to ensure compliance not only with this condition but all conditions of the grants.

Mr. Chairman, prior to the enactment of the "21st Century Department of Justice Authorization of Appropriations Act" in 2002, Congress had not formally authorized the operations of the Department of Justice in nearly a quarter of a century. During floor consideration of that legislation, I expressed my desire that its passage would lead to a regular authorization process that permits Congress to more rigorously oversee the organization, structure, and priorities of DOJ. While the House unanimously passed legislation reauthorizing the Department last Congress, the legislation was not taken up by the Senate.

H.R. 3402 contains important bipartisan provisions to ensure that the Department of Justice is better equipped to promote the purposes for which it was established. The legislation also recognizes the need to help protect the safety and security of Americans while enabling Congress to properly exercise the vigorous oversight that the Constitution requires. I urge my colleagues to support this important and bipartisan legislation.

Mr. Chairman, I reserve the balance of my time.
Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the legislation beginning by commending the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for the hard work and the collaboration that his committee and the Department of Justice have shown in the past few years. We have worked very hard with me on the bill. In the past five years, we have dealt with the Department of Justice, which has oftentimes become increasingly resistant to congressional oversight, either refusing to answer questions or answering them so vaguely that we are not sure what the answer really is. Fortunately, together we worked to address our concerns with the Department of Justice and arrived at the bill before us today.

The bill provides funding for the various offices within the department. In this regard, I would like to note that it gives the Office of the Inspector General over $700 million for its responsibilities. Why is that important? Because in the past, the Office of the Inspector General has been particularly diligent in overseeing the Department's war on terrorism, issuing reports on the 9/11 detainees and pushing the Department to change how its procedures are used for handling terrorism suspects.

In addition, the bill reauthorizes the COPS office. That is the Community Oriented Policing Services. Now, all we know that this Clinton administration program has become increasingly vital in crime prevention and crime solving, and that is why COPS has received the praise of the Fraternal Order of the Police, the largest law enforcement organization in the country. Local policing is the backbone in our war on terrorism as community offices are more likely to know the witnesses and more likely to be trusted by the community residents who have information about potential attacks. This bill provides them over $1 billion per year for this program.

An important piece of legislation before us is the reauthorization of the Violence Against Women Act of 1994. I am particularly proud of it for this is the third time we have worked on this bill and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years and the Violence Against Women Act reauthorizations over the current programs that have proven enormously effective, including the STOP program—which provides State formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and leaves no one behind for victims.

I do have one grave concern about this bill that must be addressed. We worked very hard during negotiations on this bill to recognize the obstacles that some racial and ethnic minorities face in the mainstream system. We specifically included language that allows programs to target communities of color. This language does not give any preferences to minorities nor does it impose any quotas. And we have all been there on quotas. It does not do that. It simply requires the Department of Justice to describe how they will address the needs of racial and ethnic communities, underserved populations, and to recognize and meaningfully respond to the needs of these racial and ethnic minorities and other underserved populations. That is all, and to ensure each gets their fair share.

The bill that passed the Committee on the Judiciary had this language included. However, late last night I was informed that the majority had decided to strike this important language in a manager's amendment. I am very sorry to learn of this news. For while I support the underlying bill and stress the importance of reauthorizing the Department of Justice programs contained in it, I seriously regret this advance that was included in the language. Frankly, I think that is a tragedy. I think it is a serious misunderstanding of what the law is now. Everybody on the Committee on the Judiciary knows how to avoid quotas and certainly not to give preferences to any racial or ethnic minorities. We were included in our bill because it was important that they begin to get a fair share of proceeds that were being allotted under the bill. It was not to secure anything like a quota, and the bill to me deserves our support. I stress the importance of reauthorizing the Department of Justice programs contained in it. I have a very serious problem with the manager's amendment, and will not support that effort.

I rise in support of this legislation. I first would like to commend Chairman SENSENBRENNER for reauthorizing the Judiciary Committee's jurisdiction over the Department of Justice with this bill. In the past few years, the Department has become increasingly resistant to congressional oversight, either refusing to answer questions or answering them vaguely at best. Fortunately, we worked together to address our concerns with the Department and arrived at the bill before us today.

In general, the bill provides funding for the various offices within the Department. In this regard, I would like to note that it gives the Office of the Inspector General over $700 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change how its procedures are used for handling terrorism suspects.

The bill reauthorizes the Community Oriented Policing Services, COPS, office. We all know that this Clinton Administration program has been increasingly vital in crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing is the backbone in our war on terrorism as community offices are more likely to know the witnesses and more likely to be trusted by the community residents who have information about potential attacks. This bill provides over $1 billion per year for this program.

An important piece of the bill is the reauthorization of the Violence Against Women Act of 1994. This is the third time we have worked on this bill, and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years and the Violence Against Women Act reauthorizations over the current programs that have proven enormously effective, including the STOP program—which provides State formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and leaves no one behind for victims.
Mr. CONYERS. Mr. Chairman, I want to thank him for yielding to me because the position that we have adopted that we are being set back by the manager's amendment is agreed to by the women against violence organizations, and none than the civil rights organizations. And we have letters, one from the chair of the National Task Force to End Sexual and Domestic Violence Against Women, which plainly go into the details of the fact that in no way are we trying to establish quotas or favoritism to any one particular group whatsoever.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. McDERMOTT. Mr. Chairman, reiterating the time. It has been said that society's humanity is judged by the way it handles the problems and the protection of those who are least able to take care of themselves. And having watched television for the last few weeks with the issues around Katrina, I think the clarity is that sometimes people on the bottom do not get handled very well. Somehow, the things do not happen that should happen for them. That gave us an ugly glimpse at that part of our society.

And then they began to come out of that, the President walked out of the White House and said, we are not going to give prevailing wage to the people who work on the reconstruction of their own houses and their own countryside. That is going to put them down at the minimum. We are going to take away the set-asides for minority and small business. Now, it is no wonder that these organizations would be concerned when they see this kind of manager's amendment.

I am not a lawyer. We could stand out here and argue about all the lawyer technicalities inside and outside. And I will enter into the RECORD a letter dated September 28, 2005, from Hilary Shelton. When the NAACP and all the women's organizations come out and say we oppose this manager's amendment, it is understandable why they might be a little concerned, because every time we turn around, the safety net is being ripped.

The language that is being taken out here that has been in the bill before is requiring the States to "describe how they will address the needs of racial and ethnic minorities and other underserved populations" and "to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved population" and to ensure that each gets their fair share. Unfortunately, this provision is sorely needed as domestic violence is still a serious—and largely untreated—problem in too many of our communities.

We urge you again, if at all possible, to oppose the Manager's amendment and to retain the language that is in the bill. Please help to address the problem of domestic violence in racial and ethnic minority communities as well as those areas that are currently underserved. Thank you in advance for your attention to the concerns of the NAACP; should you have any questions or comments, please feel free to contact me at (202) 463-2940.

Sincerely,

HILARY O. SHELTON, Director.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.
As the Members know, VAWA was originally passed 10 years ago; and since that time, it has helped us make remarkable gains in fighting domestic and sexual violence. During that decade, VAWA, quite simply, has saved lives. It has helped millions of women and children find safety, security, and self-sufficiency.

Because of the Violence Against Women Act, victims have found help to escape violence and get treatment. Law enforcement and the judicial system have better tools and training, if we go further to raise public awareness through training grants; providing direct services for victims; providing services to children, teens, and young adults who have experienced violence in their lives, and educating young people about domestic violence and sexual assault.

By strengthening the health care system’s response to violence against women and investing in broad remedies and services for victims, we will continue to make progress in preventing these crimes and ensuring that future generations are safe from domestic and sexual violence.

We have made great strides, but I think everyone here would be quick to admit that we have a long way to go. Any law enforcement agency will tell us that a huge portion of the violent crime they encounter is, sadly, domestic etic violence. If we give law enforcement better tools and training, if we go further to raise public awareness through campaigns, then we can break the cycle of violence and abuse that does seem to slide too easily from generation to generation.

I recently had the opportunity to visit the courts in Milwaukee and saw some of the groundbreaking work that they are doing. What we need to do as Members of Congress is stand shoulder to shoulder with our domestic violence leaders and organizations all around this country, make sure that they have the tools and the resources they need to be effective, that they need to be passionate. I think this legislation does just that.

Again, I want to thank Members of both sides of the aisle who have worked so hard to make this legislation come forward today. It is a good day, and I am proud to be involved.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the Violence Against Women Act has rescued countless women from the vicious cycle of family violence, and it remains the cornerstone of our country’s efforts to put an end to domestic abuse and sexual assault. Now is not the time to abandon our commitment to women around the world. It is time to strengthen our resolve and to protect these women.

We must also teach our youngest citizens, our children, that bullying, intimidation, and physical abuse are unacceptable behavior. That is why I fully support strengthening VAWA.

The Sensenbrenner amendment, on the other hand, offered today would weaken the very core of this legislation. If racist and ethnic minority language is eliminated from the STOP grants, which specifically target women of color and immigrant women who have experienced domestic violence, these populations will continue to be underserved.

Mr. Chairman, I urge my colleagues to support the reauthorization of VAWA in the Department of Justice bill and oppose the Sensenbrenner amendment so we can ensure these protections and resources remain available to all women.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I would like to express my support of the bill to reauthorize the Violence Against Women Act which specifically title IV, the VAWA reauthorization.

I want to thank and recognize the gentlewoman representing Michigan for their efforts drafting this bill and for including legislative provisions from my bill, the International Marriage Broker Regulation Act.

This bill would protect the thousands of so-called “mail-order brides” who come to the U.S. each year through international marriage brokers. And although it is not a practice I particularly endorse, it is a practice that is largely unregulated.

In December 2000, this issue hit close to home when Anastasia King, a mail-order bride in Washington State, was murdered and buried in a shallow grave by her husband. It was later discovered that her husband had abused a former wife whom he had also met through a marriage broker.

Each year hundreds of Internet bride services recruit thousands of women, mostly from Eastern Europe, South-
Helping the young victims of domestic violence has always been an important issue to me. In the 107th Congress, I introduced the Legal Assistance for Victims of Dating Violence Act, which amended VAWA to allow legal assistance grants to be used to help the victims of domestic violence. I am pleased to say that this language was included in VAWA when it was reauthorized in 2000, and is maintained in the VAWA language included in the DOJ Authorization Act today.

I am occurring the Committee on the Judiciary for providing additional services to victims of dating violence through this legislation. Violence begets violence, and it is incumbent on us to try to break the cycle. This is done by helping victims of domestic violence, especially our youngest victims before they become perpetrators of domestic violence later in life.

Mr. CONyers. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Ms. SChakowsky).

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

Mr. Chairman, I rise today in support of provisions of my bill, H.R. 3188, the Immigrant Victims of Violence Protection Act, which are included in the Violence Against Women Act reauthorization. These immigrant provisions reflect hard, bipartisan work of many Members of Congress, and I thank the gentleman from Michigan (Mr. Conyers) for his leadership on this issue.

This bill is a good start. It would help immigrant women who need to leave their abusive spouses by preventing their deportation while their application is being considered. It would provide them access to work permits, so that they can get a job on their own and gain economic security independent of their abusers. In addition to spouses, this bill would also protect their children, as well as parents, from abusive family members.

However, we can do more. For example, this bill does not include provisions which would allow battered victims access to health insurance, food and other benefits required to escape their abuser. I will work hard to include these provisions in the final bill enacted.

As a first generation American and someone who knows an immigrant rich community in Chicago, I understand the unique challenges immigrant women face. “My neighbor called the police, but I did not sign the report out of fear,” said a Mexican immigrant and mother of four at a press conference I attended. “My neighbor called the police, but I did not sign the report out of fear.”

Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. Dicks).

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

It has been my intent today to join with my colleagues from Washington State to offer two amendments to this bill. Two years ago, a terrible murder-homicide was committed in a parking lot in my district. This crime was particularly unusual in that it was committed by the chief of the Tacoma Police Department who murdered his wife, Crystal Judson Brame, while their two children sat in another car just a few yards away.

The investigation that ensued found serious problems with the Tacoma Police Department, which had led to the hiring and continued promotion of an individual with a history of domestic violence. Upon promotion to chief, violence committed by Chief Brame against his wife was not addressed by the department, even when police units had responded to calls.

The bottom line in this case is that the Tacoma Police Department did not have a strong and enforceable policy to address domestic violence committed by a member of the police force, and this was not a deficiency exclusive to Tacoma. Because of this, the Washington State legislature passed a law establishing strong standards for law enforcement agencies within the State to prevent and punish future incidents of domestic violence committed by law enforcement officers.

Our law enforcement officers work very hard to protect us and to keep our streets safe. All too often, our law enforcement officers are called upon to put their lives on the line to protect us and keep us safe. The strain this puts on individual officers is enormous, and I am deeply concerned by the anecdotal evidence indicating the possibility of a higher incidence of domestic violence among law enforcement officers than among the public.

To this end, I and my colleagues, the gentleman from Washington (Mr. Inslee), the gentleman from Washington (Mr. Smith), and the gentleman from Washington (Mr. Reichert), sought to offer an amendment to establish a Federal study to determine if there is a direct link between the nature of the job and domestic violence.

I understand the majority had concerns with this proposal, and I look forward to working with the majority to try and devise a solution that can answer these questions. I understand, Mr. Chairman, that there may be a possibility of it being included in a GAO study that is going to be called for, and this may be one way to find out the information.

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

Mr. Inslee. I yield to the gentleman from Wisconsin.

Mr. SENSENBRNENNER. Mr. Chairman, it is my intention to have the GAO do a study on this issue. I am hopeful that we will be able to speed it up so that we can get it in a timely manner.

Mr. Dicks. Mr. Chairman, reclaiming my time, I just want to point out the STOP Grants Program is available, and I believe that police departments and local governments can apply today for grants, and I would urge all of them to do so.

Mr. CONyers. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. Scott), the ranking member of the Subcommittee on Crime.

Mr. Scott of Virginia. Mr. Chairman, the bill as passed by the Committee on the Judiciary makes important improvements on the Department of Justice Authorization. It was approved on a bipartisan basis. It deals with the Violence Against Women Act, especially as it applies to immigrants, the COPS authorization, fighting drug abuse. It adds administrative efficiencies, and, as I indicated, it came out of Committee on a bipartisan basis. Unfortunately, the manager's amendment will ruin this bipartisan cooperation.

Reference has been made to the letter we have received from the NAACP that points out that the bill as passed out by the Committee on the Judiciary was much better than the manager's amendment.

Mr. Chairman, there were no hearings on this amendment, there is no public comment, it is just a manager's amendment which is supposed to be uncontroversial. It would have been helpful if we could have had committee consideration and agreed on bipartisan language.

I am sensitive to the concerns of the chairman that the Constitution may jeopardize the language that is in the bill, but I think we should have worked it out, and, in the absence of an agreement, I would hope that we would defeat the manager's amendment. If we are expected to appropriately address and relieve racial tensions in our communities, the only way I think we can do this appropriately at this point would be to defeat the manager's amendment and come back and try to work out language that everyone can agree on.

Mr. SENSENBRNENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I wish there were time to have committee consideration of this. However, there are certain legislature provisions in the Violence Against Women Act that expire on September 30, and, if we keep on talking and talking and talking, you are going to see a good part of the VAWA end up disappearing. That is why we have to deal with this issue today.

I urge adoption of the manager's amendment to remove the cloud of the constitutional challenge over the money that is to be sent to underserved racial and ethnic minorities.
Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding me this time and giving me this opportunity to be here and focus in issues that involve cultural sensitivities.

In many of the ethnic and minority communities, it is taboo to bring a lawsuit or to bring a charge against your husband, and we, therefore, need to give States the opportunity to have the ability to craft programs that would allow them and encourage them to come forward, and that was the sense of the legislation as it came out of the committee.

I would encourage the gentleman to consider removing his manager's amendment in the interest of the racial and ethnic minority women who are out here suffering daily from domestic violence charges. It is so important that we understand that domestic violence cases continue to be on the rise.

I would encourage the gentleman to reconsider his manager's amendment submitted late last night, by the majority staff of the Judiciary Committee. This amendment seeks to strike "racial and ethnic minorities" from the definition of underserved populations in the STOP grants section of VAWA. Mr. Chairman, my initial reaction to hearing about this proposed amendment was give me a break! Why? What is the majority looking to accomplish by striking this language from the legislation? What is the goal? Someone help me understand this!

STOP grants are the heart of VAWA funding. By striking this language from the legislation, underserved services specifically targeting women of color and immigrant victims of domestic violence will continue to be compromised.

Mr. Chairman, many racial and ethnic minority women and immigrant women are less likely to report instances of domestic violence than Caucasian women because they face institutional barriers to reporting abuse or seeking help for domestic violence. These women often face restrictions on public assistance limited access to immigration, a lack of translators or bilingual professionals, lack of educational material in the woman's native language, treatment programs that do not take into account ethnic and cultural differences, and prohibitive fee structures. The VAWA Reauthorization Act of 2000 established grants that will provide these women with information to get the assistance they need.

Violence against women and children is a serious, widespread problem in America. Each year, close to 1 million incidents of violence are reported against a current or former spouse, boyfriend, or girlfriend. On average, more than 3 women are murdered by their husbands or boyfriends in this country every day, and approximately 1 in 5 female high school students reports being physically and/or sexually abused by a dating partner. Last year, in the State of Ohio, 129 fatalities occurred as a result of domestic violence. In addition, there were over 100,000 domestic calls and arrests as well as over 17,000 new civil protection orders issued. It is important that we understand the devastation against women and children not only devastates families but it devastates entire communities.

Reauthorization of VAWA '05 is integral to providing practical solutions to improving the response of the criminal justice and legal systems by expanding funding for local groups working under severe constraints, including the criminal justice response to sexual assault, providing services for children and youth, and advocating for effective prevention programs.

The manager's amendment seeking to strike this language from the legislation would be a slap in the face to minority women across the country. I urge my colleagues to oppose the manager's amendment.

Mr. CONYERS. Mr. Chairman, I am happy to yield 2½ minutes to the gentleman from California (Ms. ZOE LOFGREN), a very vital participant in crafting this legislation.

Ms. ZOE LOFGREN of California. Mr. Chairman, I have been on the Committee on the Judiciary for 11 years, and I have concerns that the committee is not fulfilling completely its responsibility. There have been no oversight hearings in the full committee of either the FBI or the Bureau of Prisons in the whole 11 years I served. The last general oversight hearing on the FBI was at the subcommittee level in 1997.

The lack of committee oversight has created real problems in the way the FBI fails to conduct its business properly. Last year, in the Appropriations Subcommittee for Justice, we found that the FBI had invested about $170 million on its Virtual Case File computer system and they admitted that $104 million of that spending was a loss to taxpayers. Then in March, the whole program was scrubbed. It was learned from news reports that the new Sentinel system will cost an additional $792 million.

Meanwhile, the U.S. Department of Justice's Office of Inspector General tells us in the July report that the FBI's backlog of untranslated FISA material continues to grow. This means that material that is vital to our national defense is not getting looked at in a timely manner. It often gets discarded before it is looked at, and that is unacceptable.

Earlier this year, I worked with many of my colleagues to introduce the Violence Against Women Act, which is in this bill. My bill would have included provisions that established grant programs to protect child victims of domestic violence, grant programs for housing needs, to protect immigrants who are victims of domestic violence and to protect victims of domestic violence on tribal lands. Not all of these measures made it into the bill, and I am hopeful in conference those provisions that were left out can be added in.

I wanted to mention one issue which has recently come to my attention, which is the issue of tribal victims of domestic violence who are not receiving VAWA's protections. I was going to offer an amendment today to allow the Attorney General to appoint prosecutors designated by tribal governments as special assistant U.S. Attorneys to bring VAWA prosecutions in Federal Court. However, when I looked into it, it turns out the Attorney General already has this authority through his general authority to appoint special prosecutors. So I would like to urge the Attorney General to address this issue and to use his authority to make sure that perpetrators of domestic violence on tribal lands do not escape prosecution.

We do not always need to change the law, we just need accomplishment and accountability in the administration, and I hope we can use our oversight authority to make sure we have the kind of accomplishment and accountability in the FBI that we are currently lacking.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Ms. JACKSON-LEE) the ranking member of the Subcommittee on Immigration of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time; and let me thank the chairman, first of all, for his willingness to include, or to continue to include, in our general authority to appoint special prosecutors, an important amendment dealing with early release for Federal prisoners.

That is why I rise, because I believe we can work this issue out. I would ask the chairman and the ranking member, as we move toward this legislative fi nality of the amendment bill that we take a second look at this language that was included that has to do with racial ethnic minorities.
Let me join my colleague, or allow me to join my colleague, the gentlewoman from California (Ms. Zoe LOFGREN) in the work that she has done on the Violence Against Women Act. I have also included language in the omnibus immigration bill dealing with women, and this language is key to be reincluded. Why? Because too often, racial and ethnic minorities have lacked access to services and their safety has been compromised.

I want to compromise, frankly, Mr. Chairman, with all of those individuals who, for some reason or another, believe that this is a preference, a quota. It is not. It is an outreach mechanism to ensure that States who receive Federal monies, and we have done this often before, we have done this with the issue dealing with procurement. We have insisted on it not being quotas. This is only to say that ethnic and racial minorities many times are not able to answer the questions of dealing with domestic violence. We know that that is not an occurring incident in high numbers in these communities, language barriers that do not allow individuals to access resources.

This is a viable amendment, language that should be reincluded; and I ask my colleagues, let us work together. Let us not misinterpret and make this a racial issue when it is not. It is an outreach issue. It is an aspiration issue. It is a goal issue. And I would ask my colleagues to support the language being reinstated at this time.

Mr. Chairman, I rise in support of the underlying legislation that has been introduced by my colleague on the Committee, Ranking Member JOHN CONYERS, Jr. The spirit of bipartisanism that went into crafting H.R. 3402, the "Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009" is to be commended.

H.R. 3402 will reauthorize the Justice Department's offices and components. While the Appropriations Committee is responsible for issuing funds to government bodies, it is the purview of authorizing committees to permit the agencies to spend those funds. Congress last authorized the Justice Department in 2002, through the 21st Century Department of Justice Appropriations Authorization Act. While the House passed authorization legislation in the 108th Congress, the Senate failed to act before adjournment.

I am particularly pleased that this bill contains provisions from my bill entitled "Save Our Children: Stop the Violent Predators Against Children DNA Act of 2005 (H.R. 244)" and the "Enhanced Protections for Trafficked Persons Act of 2005."

Furthermore, I would like to highlight the fact that the Violence Against Women Act of 2005 that is part of the legislation we are considering today, contains important provisions that will enhance protections to immigrant victims of domestic violence, sexual assault and trafficking. These provisions are a result of bipartisan efforts of members of this committee. They will significantly improve safety for immigrant victims. I thank Congresswomen LOFGREN and SOLIS for their leadership.

While VAWA 1994 and 2000 made significant progress in reducing violence against immigrant women, there are still many women and children whose lives are in danger today. Many VAWA eligible victims of domestic violence, sexual assault, and human trafficking are still being deported. This bill will implement VAWA's original intent by stopping the deportation of immigrant victims of domestic violence, sexual assault, and human trafficking who qualify for VAWA immigration benefits. Very importantly the bill contains provisions designed to deter Immigration and Customs Enforcement officers from arresting immigrant victims seeking help from domestic violence shelters, rape crisis centers and protection orders. It also removes obstacles that would prevent victims from VAWA cancellation of removal and adjustment of status including improved rules for VAWA motions to reopen. VAWA 2005 will extend immigration relief to all victims of family violence by preventing victims of incest and child abuse perpetrated by a U.S. citizen or permanent resident parent from being cut off from VAWA's immigration protections when they turn 21; by protecting non-citizen parents abused by their adult U.S. citizen sons or daughters; by protecting adopted and abused children; by providing protection to children of immigrant victims of domestic violence, sexual assault, and trafficking.

Very importantly this bill contains provisions that will guarantee economic security for immigrant victims and their children by granting employment authorization to adult victims who have filed valid immigration cases. Yet I am very opposed to the Manager's amendment that eliminates the outreach to racial and ethnic communities, so that groups that work specifically to help women of color who are victims of domestic violence. The way in which the underlying bill and I will vigorously oppose this amendment.

The trafficking provisions in this bill are of particular importance to me and I am very pleased that additional protections for trafficking victims and tools to help prosecute traffickers have been included in the bill. These VAWA 2005 provisions will extend the statute of limitations on bringing charges for trafficking, slavery, and involuntary servitude to 10 years. This legislation will protect families from the devastating effects of retaliation by traffickers abroad by helping family members reunite with trafficking victims in the United States, including the use of parole. It will also allow for extension of duration of T visas when needed to facilitate prosecution of traffickers. In addition, the bill requests to Congress on the number of law enforcement officers trained on identifying trafficking victims and on the T and U visa protections and law enforcement certification process. Finally the bill will shorten the time T visa victims have to file their petitions for adjustment of status and will continue until we make real progress. The language of my amendment to this effect was passed in the 108th Congress as part of H.R. 1829 and in the Subcommittee on Crime this Congress as H.R. 2962.

Mr. CONYERS, Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. Norton).

Ms. Norton. Mr. Chairman, I appreciate the ranking member's work and his yielding me this time, and the work of the chairman. I much appreciate that the gentlemen have come forward, both of them, before the deadline on their portions of the bill. I am particularly appreciative of the dating violence, because since the last bill, we have infected young people down to the high school age, so the way in which I charge that section is very important.

I do want everybody to know that all you could do was the sections falling under your jurisdictions. Before this is all done, we have to deal with the other sections of the bill, like the housing sections of the bill, for example. That, of course, is not with you; you are just trying to get the bill that is with you so that the deadline would be reached.

But my city is typical. Twenty to 40 women come to court every year, we have 48 emergency beds, a thousand women in motels. The major reason that these women say, no, I love him, that is why I am staying with him, is that they do not have anywhere to go. But my city is typical. Twenty to 40 women in motels. The major reason that these women say, no, I love him, that is why I am staying with him, is that they do not have anywhere to go. It is your support that is coming from facing homelessness or staying with an abuser. So before this process is all over, I hope we will bear in mind that the other sections of this bill that cannot be before us now are part and parcel of all we are trying to do here.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentlewoman from California (Ms. SOLIS), the head of the Women's Caucus.

Ms. SOLIS. Mr. Chairman, I rise today to address the authorization of the Violence Against Women Act.

While I am supportive of the underlying bill, the manager's amendment that we will soon consider creates a serious problem for women of color who are victims of domestic violence. The manager's amendment will change the definition of "underserved communities," so that groups that work specifically to help women of color who...
are victims of domestic violence would continue to be ignored by the grants process through the Department of Justice.

After all the bipartisan work that we have done throughout the years to work this to reach a balanced approach, just this morning we heard that the Republican leadership was shortchanging the women of color and were taking out this very key language.

When considering VAWA, we must recognize the conflicts and problems facing women of color, particularly immigrant women, who are victims of domestic violence. Women of color are less likely to report incidents of domestic violence, which means that studies of domestic violence among communities of color do not reflect the reality of these women’s lives. Women of color who are victims of violence are at even greater risk when their spouses control their immigration status.

Women of color also face institutional barriers to reporting abuse and seeking help, partly because they do not have access to individuals who understand their language. It is important to have translators available. It is important to have outreach literature available to them in their native language.

By addressing domestic violence in these communities in a way that understands their culture and honors their values, we greatly increase the chances of making a difference for women of color who are being abused. It is my hope that the reauthorization of the Violence Against Women Act is comprehensive and meets the needs of all women.

Mr. Chairman, I urge my colleagues to oppose the manager’s amendment and to join those national domestic violence groups in opposing the manager’s amendment: the National Network to End Domestic Violence, Family Violence Prevention Fund, National Coalition to End Domestic Violence, Sisters of Color Ending Sexual Assault, Legal Momentum, and lastly, the NAACP.

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

Mr. Chairman, I deeply regret a minor change that was made to ensure that the money for underserved communities is not turned into a partisan issue. There is no malevolent thought on the part of the majority to do so.

Now, let me say that the language in the base bill presumes that racial and ethnic minorities are underserved. That was the presumption for which there are no congressional findings. And because grant language is construed with strict scrutiny by the courts, setting up a preference based on racial and ethnic minorities is going to end up turning the money that the people on the other side of the aisle who are complaining about the manager’s amendment want to get into society to help solve these problems.

Now, the manager’s amendment ensures that attention is paid to whatever community is underserved, not simply assuming that a community is underserved, even though there is no evidence on the table to back up that assumption.

Now, the manager’s amendment uses the words “underserved racial and ethnic populations,” together with other types of populations. So the words “underserved,” “racial,” and “ethnic populations” is contained in the manager’s amendment. I think this is a small price to pay to prevent the money that is to be sent out in grants under this section of the Violence Against Women Act to be tied up for weeks and months and years.

Mr. Chairman, the time has come to recognize that there is a legal problem in this, rather than making political points.

Mr. GREEN of Texas. Mr. Speaker, I rise in support of the reauthorization of the Violence Against Women Act. The Violence Against Women Act has been instrumental in protecting women from domestic violence, sexual assault, dating violence, and stalking. Domestic violence often has devastating consequences for women, their families and society as a whole.

The Violence Against Women Act Reauthorization provides essential grants including educational programs for the prevention of domestic violence, battered women’s shelters, a national domestic violence hotline, grants to improve law enforcement and prosecution of violent crimes against women, among others. It also provides much needed services for the protection of children from maltreatment, sexual assault, and domestic violence.

I believe it is important to provide preventative domestic violence programs as well as help those who have been affected by domestic violence with programs that can help them recover from the trauma. Many of the programs of the domestic violence programs that we have today would not be able to continue without the reauthorization of the Violence Against Women Act. I urge all my colleagues to support this important piece of legislation and allow these much needed programs and services to continue so that we may continue to work to stop domestic violence.

Mrs. MALONEY. Mr. Chairman, earlier today, during debate on the rule for this bill, the gentleman from Georgia who was managing the floor for the majority stated that my amendments to this bill were not germane. I would like the RECORD to show that the Parliamentarian has advised me that both amendments are in fact germane.

Just to be clear, the rules committee did not reject this amendment because it was not germane—it is certain in school. They rejected it, I believe, because they were simply trying to shield Members of Congress from having to go on the record against offering information to rape victims that could help prevent pregnancy or abortion.

Again, please let the RECORD show that my amendments were germane.

Mr. RUPPERSBERGER. Mr. Chairman, I stand in support of H.R. 3402, the reauthorization of the Department of Justice. I applaud the authors of the Violence Against Women Act for addressing the far reaching problems associated with domestic abuse. I urge my colleagues to join with me in support of this legislation.

Domestic violence is a tragedy. It affects far too many women all over America.

Earlier this year, a body was found in my district in Cherry Hill that was thought to be the body of a woman who had been reported missing. She had left for her job in Towson that morning but never arrived at work. She had not made contact with friends or relatives, and after her boyfriend led police to the body it was decided to keep him in custody. This kind of tragedy needs to stop.

There is no profile for being a battered woman. Any woman is at risk of being abused. The highest risk factor is simply being born a woman.

Victims may experience many different forms of abuse. They include physical harm as well as mental dangers that are just as damaging. Both physical and mental abuse destroy esteem and self-esteem and cause damage which cannot be undone. Many women lack the courage or ability to leave abusive relationships and even more frightening is that abuses nearly always escalate in frequency and degree over time.

Domestic violence and intimate partner abuse also suffer. Children who live in an abusive home may become withdrawn, anxious, depressed, confused and angry. They also are at risk for learning dangerous behavior and continuing in an abusive cycle.

The Violence Against Women Act was originally passed in 1994. It made huge progress in the way domestic violence was viewed. Since 1994 the VAWA has provided resources and protections for victims of domestic violence and sexual assault. The VAWA has saved lives and helped millions of victims find safety, security and self-sufficiency.

The VAWA was reauthorized in 2000. Since that time over $14 billion dollars in social costs, prevented medical and mental health care and enforcement costs have been saved. The VAWA provides practical solutions for criminal justice and legal systems. It develops standards for protecting the confidentiality of victims, and allows for the enforcement of protective orders across state lines.

We must take this critical step in preventing and addressing abuse. We must solve the problem of domestic violence. I fully support the reauthorization of the Violence Against Women Act.

Ms. BORDALLO. Mr. Chairman, I rise today in support of H.R. 3402 which reauthorizes the Violence Against Women Act. Domestic violence is an issue throughout our Nation and in my district. Federal funding of the Violence Against Women Act has helped decrease domestic violence on Guam, and the reauthorization of these programs will ensure that the progress we have achieved in reducing domestic violence will continue. In reauthorizing this Act, Congress sends the message that domestic violence will not be tolerated and we stand with women on this issue.

Statistics show that in 2001 alone, more than half a million women were victims of nonfatal violence by a partner. But these women were more than statistics—they were someone’s mother, daughter, sister, or friend. Their voices have been heard and that is why
I support H.R. 3402 and the reauthorizations of the Violence Against Women Act.

Mr. GOODLATTE. Mr. Chairman, I rise in support of H.R. 3402, the Department of Justice Appropriations Authorization Act, which contains an amendment that I proposed during the consideration of the committee report by the House Judiciary Committee to address the rising threat of Organized Retail Theft, ORT.

ORT poses a serious threat to our Nation's consumers and businesses. It is estimated that professional organized retail theft rings are responsible for pledging up to $30 billion in merchandise from retail stores annually.

Organized retail theft groups typically target everyday household commodities and consumer items that can be easily sold through fencing operations, flea markets, swap meets and shady store-front operations. Items that are routinely stolen include over-the-counter drug products, such as analgesics and cold medications, razor blades, camera film, batteries, vases, DVDs, CDs, smoking cessation products, infant formula and computer software items. Thieves often travel from retail store to retail store and from state to state, stealing relatively small amounts of goods from each store, but cumulatively stealing significant amounts of goods. Once stolen, these products can be sold back to fencing operations, which can dilute, alter and package the goods, give them a warranted appearance, and sell them back to the same stores from which the products were originally stolen.

When a product does not travel through the authorized channels of distribution, there is an increased risk that the product has been altered, repackaged, and/or repackaged. These so-called "diverted products" pose significant health risks to the public, especially the diverted medications and food products. Diverted products also cause considerable financial losses for legitimate manufacturers and retailers. Ultimately, the consumers bear the brunt of these losses as retail establishments are forced to raise prices to cover the additional costs of security and theft prevention measures.

At the State level, organized retail theft crimes are normally prosecuted under state shoplifting statutes as mere misdemeanors. As a result, the thieves that participate in organized retail theft rings typically receive the same punishment as common shoplifters. The thieves who are convicted usually serve very limited time or are placed on probation. I believe that the punishment does not fit the crime in these situations. Mere slaps on the wrists of these criminals has practically no deterrent effect. In addition, criminals who are involved in organized retail theft rings pose greater risks to the public because they are involved in organized criminal enterprises.

In 1994, I voted for the Violent Crime Control and Law Enforcement Act, which incorporated VAWA. This legislation established a number of grant programs designed to aid law enforcement officers and prosecutors, encourage arrest policies, stem domestic violence and child abuse, and establish training programs for victim advocates and counselors.

I am deeply concerned about the scourge of domestic violence and other crimes against women, and recognize the need for support services. The VAWA guidelines and funding are crucial. Each year, approximately 2 million women are physically or sexually assaulted or stalked by an intimate partner in the United States. Perpetrators of these reprehensible crimes must be punished, and victims must have the services available to help transition to a normal life.

Passing H.R. 3402 will ensure the development and continuation of programs that work to prevent violence and assist survivors and their families regain their safety and self-sufficiency. I strongly support these programs and encourage my colleagues to support the bill.

Mr. WEINER. Mr. Chairman, I rise today to thank the bipartisan leadership of the Judiciary Committee for its hard work shepherding through this powerful reauthorization of the Department of Justice activities, a bill that I strongly support. The bill authorizes a total of $95 billion, including $24.4 billion for the FBI, $7.25 billion for the Drug Enforcement Administration, and $6.85 billion for U.S. Attorneys. It is a true victory that the committee leadership included reauthorization of the landmark Violence Against Women Act. Section 321 of this bill is essential that Congress stands strong and protects victims of domestic violence and other crimes against women. The bill's new $15 million a year grant program will help colleges and universities prevent dating violence, sexual assault and stalking on campuses.

Mr. Chairman, as this bill moves to conference, I want to highlight two provisions that was included in the original text of H.R. 3402 at your request. Section 128 provides for a loophole that allows law enforcement to use their law enforcement and anti-terror and homeland security duties. These are federal responsibilities and this language will help special terrorism units throughout the country, such as those at the NYFD and the LAPD.

Mr. ROTHMAN. Mr. Chairman, I want to thank Chairman Sensenbrenner and Mrs. Slaughter for their work of drafting the COPS program to make grants for school security, and I look forward to continuing to work with the House to combat these serious crimes.

I want to thank Chairman Sensenbrenner for his willingness to address organized retail theft crimes in this important authorizing legislation, and I look forward to continuing to work with him to combat these serious crimes.

Mr. SHAYS. Mr. Chairman, I rise in support of the Violence Against Women Act. I believe Congress must proactively work to combat crimes against women including domestic violence, sexual assault, and child abuse, and establish training programs for victim advocates and counselors.

I am a long-time supporter of programs authorized by the Violence Against Women Act. I believe Congress must proactively work to combat crimes against women including domestic violence, sexual assault, and child abuse.

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Mr. ROTHMAN. Mr. Chairman, I want to thank Chairman Sensenbrenner and Mrs. Slaughter for their work of drafting the COPS program to make grants for school security, and I look forward to continuing to work with the House to combat these serious crimes.
crime because of COPS. Former Attorney General Ashcroft once said of COPS in June 2003 that, “Let me just say that I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional police on the street, that crime could be affected and that people would be safer and more secure. We believe that the COPS program demonstrated that conclusively.”

I would like to thank advocates both in this House, whose law enforcement colleagues who have stood with me and fought for COPS reauthorization. The COPS program is endorsed by the Fraternal Order of Police, International Association of Chiefs of Police, International Brotherhood of Police Officers, National Association of Police Organizations, National Sheriffs' Association, U.S. Conference of Mayors. The PROTECTION Act, offered to reauthorize COPS for 6 years in 2004 had 224 cosponsors. I would like to thank Ms. LINDA SÁNCHEZ and Mr. KELLETT for their support, and commend our committee’s leaders, Mr. CONYERS, and Mr. SENSENBRENNER, for agreeing to include COPS reauthorization in this very important piece of legislation.

In particular, I would like to thank both the Democratic and Republican staff of the Judiciary Committee, both of whom worked tirelessly on this legislation, and who deserve the entire House’s thanks. I would like to extend my gratitude to Sampak Garg, Perry Apelbaum and Ted Kalo of Mr. CONYERS staff and Beth Sokul, Katy Crooks, Sean McLaughlin and Michael Volkov of Mr. SENSENBRENNER’s staff, who all worked with me on these important provisions in the bill.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the reauthorization of the Violence Against Women Act (VAWA) that is a part of today’s Department of Justice Authorization Act. Enacted in 1994, this law provides access to programs and services for many victims of domestic violence, sexual assault, dating violence, and stalking. Since VAWA was first passed, domestic violence has decreased by almost 50 percent and incidents of rape have decreased by 48 percent. More than one million women have used the judicial system to obtain domestic violence protective orders.

During my time as a former King County Prosecutor I saw how VAWA successfully helped many people. The criminal justice system was improved by training police and prosecutors to respond more effectively to incidences of domestic violence or sexual assaults. The Act also provided legal aid so victims may seek justice to their crimes. It provided the tools in order to protect the victims and provide them with the services they need to escape these situations.

But there is still more work to be done. Each year, 960,000 incidents of violence are reported in which the offender has acted against a current or former spouse, boyfriend or girlfriend. It is unacceptable that women are still being abused. It is unacceptable that high school students are sexually harassed. It is unacceptable that these victims face the fear and embarrassment of telling others about their situation.

Unfortunately, some victims are faced with the situation where their abuser is a law enforcement officer. I recognize that law enforcement officers are faced with many complex situations and a great deal of work-related stress. I recognize that law enforcement officers are faced with complex situations on a day to day basis while trying to make our communities safer. However, these situations can push many to their limits and cause hardships in their jobs and personal lives.

I would now like to turn your attention to the case of Crystal Judson. On April 26, 2003, Tacoma Police Chief David Brame shot his wife, Crystal Judson Brame, before he killed himself in a parking lot in Gig Harbor, a community near my district. Their two young children, ages 8 and 5, sat nearby in their father’s car. Crystal had been the victim of abuse for many years prior to this incident, but she was unable to obtain help for herself and her children in part because she lacked the tools and resources she needed.

Unfortunately, there was no policy in place for the City of Tacoma or the Tacoma Police to address this issue. In response to this incident, the Washington State Legislature passed a law in 2004 establishing standards for law enforcement agencies within the state to prevent and punish future inappropriately committed by law enforcement officers. I am pleased to see law enforcement agencies taking this matter seriously and implementing policies that help them address these situations.

I am disappointed that alongside with several of my colleagues from the Washington State—were not able to offer two amendments that sought to address this issue. The first amendment would have simply clarified that Services, Training, Officers, and Prosecution (STOP) program grants will be available to law enforcement agencies to develop policies to address law enforcement officer domestic abuse. STOP grants promotes a coordinated, multidisciplinary approach to improving the criminal justice system’s response to violent crimes against women by encouraging the development and strengthening of effective law enforcement and prosecution strategies to address violent crimes against women and the development and strengthening of victim services in cases involving violent crimes against women.

The second amendment would initiate a study conducted by the Department of Justice to address the incidence of domestic violence involving law enforcement officers. Little research has been done on this specific issue in over a decade. A study conducted by the Justice Department could provide policymakers with critical facts and information as we seek to undertake a federal effort to address the issue. While I am pleased that Chairman SENSENBRENNER agreed to conduct a GAO Report on law enforcement-officer-involved domestic violence, I hope this study will be conducted in a speedy manner to ensure other victims like Crystal Brame are not left without a voice.

I am committed to working with my colleagues to ensure ample funding for VAWA and STOP grants. I look forward to supporting the Chairman in his request and look forward to the results so we can do more to assist victims of domestic abuse.

Mr. MORAAN of Virginia. Mr. Chairman, I rise in strong support of the provisions contained in the Justice Department authorization bill that relate to the Violence Against Women Act. It is fitting that we are considering this measure today, as yesterday this body passed H. Con. Res. 209, which will designate October as National Domestic Violence Awareness Month.

The Violence Against Women Act was first authorized in 1994. Since that time, the rate of family violence has dropped from 5.4 to 2.1 victims per 1,000 U.S. residents over the age of 18. These provisions provide the many successes of the Violence Against Women Act since its inception. They will enhance the civil and criminal response to violence against women, will improve services and outreach to victims, and will provide additional resources for sexual assault victims through rape crisis centers and State coalitions.

I am also pleased that provisions in this Act will address the needs of victims from communities of color, and which aid immigrant and tribal victims have been strengthened. However, I am concerned that the manager’s amendment will strike the phrase “ethnic and racial” from several sections in the bill, which will have the effect of specific racial and ethnic communities not having their specific concerns addressed.

This amendment should be rejected, there by helping to ensure that racial and ethnic minority women will have their safety needs met through culturally-appropriate services.

By leaving the language as it stands, the Violence Against Women Act will ensure that racial and ethnic minority women will have their safety needs met through culturally appropriate services.

Rejecting the amendment also will ensure that culturally specific, community-based organizations will have the opportunity to access Federal funds that address domestic violence, sexual violence and other social ills.

Two years ago, I was pleased to support a Federal earmark for Communities Against Domestic Violence, a worthwhile organization in Northern Virginia which provides public awareness and education programs designed to discourage domestic violence in the Hispanic, Vietnamese and Korean communities.

Finally, I would like to pay tribute to my constituents from the local offices on Women in the city of Alexandria and Fairfax County, Arlington County’s Domestic Violence Services and Violence Intervention Program and the numerous non-profit organizations which work to address domestic violence issues and break this devastating and destructive cycle of violence.

I urge all my colleagues to oppose the manager’s amendment, and to support the reauthorization of the Violence Against Women Act.

Mr. NADLER, Mr. Chairman, this is a good bill. Particularly, I am a strong supporter of the section renewing the Violence Against Women Act, and a new program I’ve worked on, the Jessica Gonzales Victim Assistance Program, to better enforce protective orders. Today, together, we are making a big step forward in protecting women who are victims.

For many years domestic violence has been viewed as a woman’s problem, but that is not the case. Domestic violence is a woman’s problem, a man’s problem, the community’s problem. The time is long overdue for men to take a stand and say that domestic violence is unacceptable.

On June 27, in Castle Rock v. Gonzales, the Supreme Court said that the police did not have a mandatory duty to arrest under a court-issued protective order to protect a woman from a violent husband. The ruling ended a lawsuit by a Colorado woman...
who claimed the police did not do enough to prevent her violent husband from killing their 3 young daughters. The ruling said Jessica Gonzales did not have a constitutional right to police enforcement of the protective court order against her husband.

The heartbreak details of this case show the desperate need for legislation. That’s why I have drafted the Jessica Gonzales Victim Assistance Program, which will restore some of the effectiveness of protective orders.

The Jessica Gonzales Victim Assistance Program would place special victim assistants in local law enforcement agencies to serve as liaisons between the agencies and victims of domestic violence, dating violence, sexual assault, and stalking in order to improve the enforcement of protective orders.

I support the underlying bill and the renewal of the Violence Against Women Act.

Mr. HONDA. Mr. Chairman, I rise today in support of H.R. 3402, a measure that authorizes most Justice Department programs through FY 2009, with the exception extended through FY 2010. I support this measure because it provides crucial funding for Justice Department programs. The bill authorizes $95 billion through FY 2010, including $5.8 billion for the FBI in FY 2008, and $5 billion for Federal prisons.

I am especially glad to see that this bill authorizes programs funded under the Violence Against Women Act (VAWA) which is designed to combat crimes often targeted toward women, such as stalking, domestic violence, and sexual assault. During the past decade, VAWA of 1994 and 2000 have provided tremendous protections and support for victims of domestic violence, stalking, and sexual assault. VAWA funding has provided law enforcement agencies, the judicial system, rape crisis centers, and domestic violence shelters with the expertise and services they need to do the work of prevention and protection of those affected by violence. The reauthorization of VAWA will allow us to continue to fund crucial and successful programs and expand on 10 years of progress to further provide safety and stability for survivors of gender-based violence.

I am disappointed that late last night, Judiciary Majority staff submitted a manager’s amendment which strikes “racial and ethnic minorities” from the definition of underserved populations in the STOP grants section of VAWA. STOP grants are the heart of VAWA funding. Without this language, domestic violence prevention and treatment services specifically targeting women of color and immigrant victims of domestic violence, dating violence, and sexual assault, VAWA funding has provided critical funding for these agencies; especially those in border states like California, that routinely cover the cost of incarcerating undocumented criminal aliens. Between FY2001 and FY2005, SCAAP funding decreased by $265 million. This is unacceptable and places a significant burden on cash-strapped States that desperately need reimbursement.

I supported the Kolbe/Dreier/Lewis amendment to increase the funded amount for SCAAP to $750 million for FY06, $850 million for FY07, and $950 million for FY08–11. I am pleased that this amendment was adopted as it will provide much needed funds to the states and improve their ability to work with the Federal government on border security and immigration issues.

Ms. PELOSI. Mr. Chairman, for 10 years, the Violence Against Women Act (VAWA) has strengthened communities and provided critical, life-saving support to victims of violence. VAWA has meant that no victim of violence has to suffer in silence. This legislation has been a tremendous success in addressing an epidemic of violence. When VAWA was enacted in 1994, states have passed more than 660 laws to combat domestic violence, dating violence, sexual assault, and stalking. The National Domestic Violence Hotline has answered more than 1 million calls. VAWA has strengthened communities across the country and saved countless lives. But we can and must do more.

Women should feel safe whether in public or private: In their workplace, in their homes, and walking on the street. Yet many women continue to live in fear. One in three American women report being physically or sexually abused by a partner at some point in their lives, and more than three women are murdered by their husbands or boyfriends in this country every day. We cannot tolerate the violence, abuse, and sexual assault that pervade our communities. As a nation, we must fight this epidemic in every way possible.

Today, the House reauthorized VAWA, making dramatic improvements to the existing law by establishing new rape crisis centers and increasing grants for community organizations that work to prevent and eliminate domestic violence. The reauthorization of VAWA is a critical step and a national commitment to keep future generations of women and children safe.

Unfortunately, the spirit of VAWA came under attack today by the House Republicans. Judiciary Committee Chairman SENSENBERGER offered an amendment that eliminated carefully crafted provisions of the bipartisan bill that recognized that racial and ethnic minorities face unique challenges in reporting and getting help for domestic violence, sexual assault, trafficking and stalking. With this change, domestic violence prevention and treatment services specifically targeting women of color and immigrant victims of domestic violence and sexual assault will continue to be shortchanged. VAWA is one of the crowning achievements of the Congressional Caucus on Women’s Issues and a truly bipartisan success. I urge the Senate to reject the Sensenbrenner amendment and return the bill to its original, bipartisan version.

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

The CHAIRMAN. All time for general debate has expired.

Mr. SENSENBERNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. King of Iowa) having assumed the chair, Mr. LaHood, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o’clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1604

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOEHNER) at 4 o’clock and 4 minutes p.m.
DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

The SPEAKER pro tempore. Pursuant to House Resolution 462 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3402.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, with Mr. LaHood in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3402

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009”.

(b) Table of Contents.—The table of contents of this Act is as follows:

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TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Victims of Crime

Sec. 201. Grants to local nonprofit organizations to improve outreach services to victims of crime.

Sec. 221. Clarification and enhancement of certain programs relating to Crime Victims Fund.

Sec. 222. Clarification and enhancement of certain programs relating to Crime Victims Fund.

Sec. 223. Amounts received under crime victim grants may be used by State for purposes.

Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

Sec. 201. Office of Weed and Seed Strategies.

Subtitle C—Assisting Victims of Crime


Sec. 203. Clarification and enhancement of certain programs relating to Crime Victims Fund.

Sec. 204. Clarification of uses for regional information sharing system grants.

Sec. 205. Integrity and enhancement of national criminal record databases.

Sec. 206. Extension of matching grant program for law enforcement armor vests.

Sec. 211. Prison Rape Commission extension.

Title I—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

Sec. 101. Short title.

Sec. 102. Definitions and requirements for programs relating to violence against women.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. STOP grants improvements.

Sec. 302. Grants to encourage arrest and enforcement orders improvements.

Sec. 303. Legal assistance for victims improvements.

Sec. 304. Court training and improvements.

Sec. 305. Full faith and credit improvements.

Sec. 306. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.

Sec. 307. Stalker database.

Sec. 308. Victim assistants for District of Columbia.

Sec. 309. Preventing cyberstalking.

Sec. 310. Repeat offender provision.

Sec. 311. GAO study and report.

Sec. 312. Longer statute of limitation for human trafficking-related offenses.

Sec. 313. Use of Center for Criminal Justice Technology.

Sec. 314. SEARCH grants.

Sec. 315. Reauthorization of Law Enforcement Training Act.

Sec. 316. Amendment regarding bullying and gambling.

Sec. 317. Transfer of provisions relating to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Sec. 318. Reauthorize the gang resistance education and training projects program.

Sec. 319. National training center.

Sec. 320. Sense of Congress relating to “good time” release.

Sec. 321. Police badges.

Sec. 322. Officially approved postage.

TITLE IV—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

Sec. 401. STOP grants improvements.

Sec. 402. Grants to encourage arrest and enforcement orders improvements.

Sec. 403. Legal assistance for victims improvements.

Sec. 404. Court training and improvements.

Sec. 405. Full faith and credit improvements.


Sec. 407. Stalker database.

Sec. 408. Victim assistants for District of Columbia.

Sec. 409. Preventing cyberstalking.

Sec. 410. Repeat offender provision.

Sec. 411. GAO study and report.

Sec. 412. STOP grants improvements.

Sec. 413. Grants to encourage arrest and enforcement orders improvements.

Sec. 414. Legal assistance for victims improvements.

Sec. 415. Court training and improvements.

Sec. 416. Full faith and credit improvements.

Sec. 417. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.

Sec. 418. Stalker database.

Sec. 419. Victim assistants for District of Columbia.

Sec. 420. Preventing cyberstalking.

Sec. 421. Repeat offender provision.

Sec. 422. GAO study and report.

TITLE V—STRENGTHENING AMERICA'S ENFORCEMENT TOOLS TO COMBAT VIOLENCE

Sec. 501. STOP grants improvements.

Sec. 502. Grants to encourage arrest and enforcement orders improvements.

Sec. 503. Legal assistance for victims improvements.

Sec. 504. Court training and improvements.

Sec. 505. Full faith and credit improvements.

Sec. 506. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.

Sec. 507. Victims of violence.

Sec. 508. Victim assistants for District of Columbia.

Sec. 509. Preventing cyberstalking.

Sec. 510. Repeat offender provision.

Sec. 511. Prohibiting dating violence.

Sec. 512. GAO study and report.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 601. Technical amendment to Violence Against Women Act.

Sec. 602. Sexual assault services program.

Sec. 603. Amendments to the rural domestic violence and child abuse enforcement assistance program.

Sec. 604. Assistance for states of abuse.

Sec. 605. GAO study of National Domestic Violence Hotline.

Sec. 606. Grants for outreach to underserved populations.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 701. Services and justice for victims of violence.

Sec. 702. Grants to combat violent crimes on campuses.

Sec. 703. Safe havens.

Sec. 704. Grants to combat domestic violence, dating violence, sexual assault, and stalking in middle and high schools.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

Sec. 801. Preventing violence in the home.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

Sec. 901. Short title; references to VAWA–2000 regulations.

Subtitle A—Victims of Crime

Sec. 902. Conditions applicable to U and T visas.
Sec. 902. Clarification of basis for relief under hardship waivers for conditional permanent residence.

Sec. 903. Adjustment of status for victims of domestic violence.

Subtitle B—VAWA Petitioners

Sec. 911. Definition of VAWA petitioner.

Sec. 912. Self-petitioning for children.

Sec. 913. Self-petitioning parents.

Sec. 914. Promoting consistent application of VAWA adjudications.

Sec. 915. Relief for certain victims pending actions on petitions and applications for relief.

Sec. 916. Access to VAWA protection regardless of manner of entry.

Sec. 917. Eliminating abusers’ control over applications for adjustments of status.

Sec. 918. Parole for VAWA petitioners and for derivatives of trafficking victims.

Sec. 919. Exemption of victims of domestic violence, sexual assault and trafficking from sanctions for failure to appear voluntarily.

Sec. 920. Clarification of access to naturalization for victims of domestic violence.

Sec. 921. Prohibition of adverse determinations of admissibility or deportability based on protected information.

Sec. 922. Information for K nonimmigrants about legal rights and resources for immigrant victims of domestic violence.

Sec. 923. Authorization of appropriations.

Subtitle C—Miscellaneous Provisions

Sec. 930. Fiscal year custody and residency requirement for battered adopted children.

Sec. 931. Waiver of certain grounds of inadmissibility for VAWA petitioners and derivatives of trafficking victims.

Sec. 932. Employment authorization for battered spouses of certain nonimmigrants.

Sec. 933. Grounds for hardship waiver for conditional permanent residence for intended spouses.

Sec. 934. Employment authorization for battered spouses of certain nonimmigrants.

Sec. 935. Cancellation of removal.

Sec. 936. Motions to reopen.

Sec. 937. Removal proceedings.

Sec. 938. Conforming relief in suspension of deportation parallel to the relief available in VAWA-2000 cancellation for bigamy.

Sec. 939. Correction of cross-reference to credible evidence provisions.

Sec. 940. Technical corrections.

TITLES X—SAFETY ON TRIBAL LANDS

Sec. 1001. Purposes.

Sec. 1002. Consultation.

Sec. 1003. Analysis and research on violence on tribal lands.

Sec. 1004. Tracking of violence on tribal lands.

Sec. 1005. Tribal Division of the Office on Violence Against Women.

Sec. 1006. GAO report to Congress on status of prosecution of sexual assault and domestic violence on tribal lands.

TITLES I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL AUTHORIZATION.—For General Administration: $161,807,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $599,253,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,965,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,171,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,408,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,900,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,990,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,791,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $1,216,155,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,959,886,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $322,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $668,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.
SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $714,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $233,914,000 for administration of pardon and clemency petitions and for immigration-related activities:

(A) Office of Inspector General.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(B) United States Attorneys: $1,758,840,000.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) Arbitrary and Capricious.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) OFFICE OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,559,000.

(9) PRISON FUND SYSTEM.—For the Federal Prison System, excluding the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For Drug Enforcement Administration: $1,850,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $155,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(14) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $1,930,462,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $1,616,095,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $744,533,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,658,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $1,39,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $31,901,000 for the Office of Community Oriented Policing Services.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $181,361,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $764,326,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ARBITRARY AND CAPRICIOUS.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) OFFICE OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,559,000.

(9) PRISON FUND SYSTEM.—For the Federal Prison System, excluding the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For Drug Enforcement Administration: $1,850,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $155,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(14) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $1,930,462,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $1,616,095,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $744,533,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,658,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,427,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

SEC. 105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—The Attorney General and the Federal Bureau of Investigation shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United States. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(b) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(c) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—The amounts authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement
regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, ‘‘organized retail theft’’ means:

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, exchange, lending, or disposal of any property that is known or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

TITLED II—IMPROVING THE DEPARTMENT OF JUSTICE’S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

SEC. 501. DESCRIPTION.

(a) IN GENERAL.—The grant program established under this subpart shall be known as the ‘‘Edward Byrne Memorial Justice Assistance Grant Program’’.

(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Block Grant Program, shall be deemed to be a reference to the grant program referred to in subsection (a); and

(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

(1) Each program funded under this subpart shall contain a program component developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to carry out the following:

(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

(2) Unless special circumstances exist that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order:

(A) vehicles, vessels, or aircraft;

(B) luxury items;

(C) real estate;

(D) construction projects (other than penal or correctional institutions); or

(E) any similar matters.

(3) ADMINISTRATIVE COSTS.—Not more than 10 percent of any grant made under this subpart may be used for costs incurred to administer such grant.

(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

SEC. 502. APPLICATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—Provisions made available under this subpart, the Attorney General may, in accordance with the formula established under section 505(b), as those programs were in effect immediately before the enactment of this paragraph,

(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant made under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more organizations including for any one or more of the following programs:

(A) Law enforcement programs.

(B) Prosecution and court programs.

(C) Prevention and education programs.

(D) Corrections and community corrections programs.

(E) Drug treatment and enforcement programs.

(F) Planning, evaluation, and technology improvement programs.

(G) Sexual offense victim and witness programs (other than compensation).

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that provision shall be awarded only for purposes for which a grant was authorized to be used under either or both of the programs specified in section 505(b), as those programs were in effect immediately before the enactment of this paragraph.

(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant made under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more organizations, including for any one or more of the following programs:

(1) neighborhood or community-based organizations that are private and nonprofit;

(2) units of local government; or

(3) tribal governments.

(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

(1) Each program funded under this subpart shall contain a program component developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to carry out the following:

(1) Security enhancements or any equipment to any organization that is not engaged in criminal justice or public safety.

(2) Unless special circumstances exist that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order:

(A) vehicles, vessels, or aircraft;

(B) luxury items;

(C) real estate;

(D) construction projects (other than penal or correctional institutions); or

(E) any similar matters.

(3) ADMINISTRATIVE COSTS.—Not more than 10 percent of any grant made under this subpart may be used for costs incurred to administer such grant.

(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

SEC. 503. FORMULA.

(a) ALLOCATION AMONG STATES.—

(1) IN GENERAL.—Of the amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate:

(A) 30 percent of such remaining amount to each State in amounts that bear the same ratio of

(i) the total population of a State to

(ii) the total population of the United States; and

(B) 20 percent of such remaining amount to each State in amounts that bear the same ratio of

(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to

(ii) the average annual number of such crimes reported by all States for such years.

(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a ‘‘minimum allocation State’’), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

(A) allocate such remaining amount to each State; and

(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

(3) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

(2) 40 percent shall be for grants to be allocated under subsection (d).

(4) ALLOCATION FOR STATE GOVERNMENTS.—

(1) IN GENERAL.—Of the amounts allocated under subsection (a), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—
(A) In general.—The Attorney General shall allocate to each unit of local government an amount which bears the same ratio to the amount applicable to the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available to the amount applicable to the average annual number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

(B) RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program, the Act stated pursuant to clause (i), the Attorney General shall allocate an amount to each unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

(2) ALLOCATION.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Inspection for the three most recent calendar years for which such data are available.

(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to the unit of local government to the unit of local government that annexed it.

(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, the Attorney General certifies that a unit of local government bears more than 50 percent of the cost of any violent or incendiary crimes reported by a specified geographically constituent unit of local government; and

(B) in subsection (a), the amount of funds allocated under this section to—

(i) any such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

(5) SPECIAL RULES FOR PUERTO RICO.—

(A) In general.—Each amount received under subsection (a), in the matter preceding paragraph (i), by the Commonwealth of Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

(B) No allocations.—Subsections (c) and (d) shall not apply to Puerto Rico.

(C) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term ‘unit of local government’ means a unit of local government that has jurisdiction over the entire tax increment district or parish sheriff.

SEC. 506. RESERVED FUNDS.

If the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

(1) $30,000,000, to be deposited in the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by local law enforcement agencies; and

(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

SEC. 507. INTEREST-BEARING TRUST FUNDS.

(a) Trust Fund Required.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

(b) Expenditure.—

(1) In general.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

(2) Repayment.—A State or unit of local government that has not expended the entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant expires.

(3) Reduction of Future Amounts.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

(c) Repaid Amounts.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subpart $1,065,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.

SEC. 509. MANDATORY CERTIFICATIONS OR REPORTS TO ATTORNEY GENERAL.

There is authorized to be appropriated to carry out the M.O.R.E. program $750,000,000 for each of fiscal years 2007 through 2009.

SEC. 510. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the M.O.R.E. program $750,000,000 for each of fiscal years 2007 through 2009.

SEC. 511. DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.

Title A of part B of title II of the Anti-Drug Abuse Act of 1986 (21 U.S.C. 881 et seq.) is amended by striking such as ‘and all that follows through “the M.O.R.E. program” and inserting “the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program”.

SEC. 512. SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking section 511 or 515, and inserting “pursuant to section 515”;

(B) in section 528 (42 U.S.C. 3766)—

(i) in subsection (c)(2)(G), by striking the “provisions of programs funded under section 506 (formula grants) and section 511 (discretionary grants)” and inserting “programs funded under section 506 (formula grants) and section 511 (discretionary grants)”;

(ii) in subsection (c)(2), by striking “evaluations of programs funded under sections 506 (formula grants) and section 511 (discretionary grants)” and inserting “programs funded under section 506 (formula grants) and section 511 (discretionary grants)”;

(iii) in subsection (c)(2), by striking “pursuant to section 506” and inserting “pursuant to section 505”;

(iv) in subsection (c)(2), by striking “programs funded under section 506 (formula grants)” and inserting “programs funded under section 505 (formula grants)”;

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “section 506” and inserting “section 505”;

(ii) in subsection (a)(1), by striking “an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503” and inserting “an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503”;

(iii) in subsection (b)(2), by striking sections 505 (formula grants) and section 511 (discretionary grants) and inserting “pursuant to section 505 (formula grants)”;

(D) in section 801(b) (42 U.S.C. 3767(b)), in the matter following paragraph (5)—
Director shall be responsible for the integrity of Omnibus Crime Control and Safe Streets Act of fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 203. CLARIFICATION OF OFFICIAL TO BE RESPONSIBLE FOR THE TRUST FUND REQUIRED BY SECTION 507.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3739(b)(1)) is amended by striking “the Office designated under section 507 of title I” and inserting “the Office responsible for the trust fund required by section 507”;

(b) in section 1702 (42 U.S.C. 3766d–1), in subsection (b), by striking “The Office designated under section 507” and inserting “The Office responsible for the trust fund required by section 507”;

(c) in section 1902 (42 U.S.C. 3766f–1), in subsection (e), by striking “The Office designated under section 507” and inserting “The Office responsible for the trust fund required by section 507”;

(d) APPLICABILITY.—The amendments made by this section shall—

(i) take effect on the first day of the first fiscal year beginning after the date of enactment of this Act; and

(ii) apply with respect to the first fiscal year beginning after the date of enactment of this Act.

SEC. 204. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

(a) DUTIES OF DIRECTOR.—Section 301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3739(b)(3), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended by striking “the Department of Justice” and inserting “the Director”;

(b) in section 102 (42 U.S.C. 3712) the following new sections:

(1) WEEDING.—Activities, to be known as Weed-and-Seed Community Grant Programs, under the auspices of a steering committee, that shall serve as a bridge between the Weed-and-Seed activities under subsection (a)(2) and the Community Policing Component of the strategy, and contains all the elements required by the Director;

(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, monitoring, and employment counseling) to provide—

(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

(B) community revitalization efforts, including enforcement of building codes and development of the economy.

(3) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

(i) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

(A) a voting capacity, representatives of—

(i) appropriate law enforcement agencies; and

(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

(B) in a voting capacity, both the United States Attorney for the District encompassing the community;

(ii) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

(iii) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

(i) the United States Attorney for the District encompassing the community must certify to the Director that—

(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

(C) the steering committee is capable of implementing the strategy appropriately; and

(ii) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted by the Director to the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall designate—

(i) a sustainable Weed and Seed strategy that includes—

(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community; and

(B) other Federal law enforcement agencies operating in the vicinity;
"(B) a significant community-oriented policing component; and

"(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

"(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

"(e) GRANTS.—

"(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director shall, to the extent possible, to that community.

"(2) USES.—For each grant under this subsection, the community receiving that grant—

"(A) shall use not less than 40 percent of the grant amount for community-based crime-fighting activities under subsection (a)(2); and

"(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

"(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

"(A) for a period of more than 10 fiscal years; or

"(B) in more than separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years;

"(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

"(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

"(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population density;

"(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

"(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the amount for incidental or minor construction, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

"(B) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

"(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population density;

"(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

"(6) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total cost of the projects described in the application for which the grant was made.

"(B) The requirement of subparagraph (A)—

"(i) may be satisfied in cash or in kind; and

"(ii) may be waived by the Assistant Attorney General upon a showing of extraordinary circumstances affecting the applicant warrant a finding that a waiver is equitable.

"(7) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

"(a) MINIMUM ALLOCATION REPEALED.—Section 10420(d)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56: 116 Stat. 372), is amended—

"(1) in paragraph (1)—

"(A) in the matter preceding subparagraph (A), by striking “after Director”; and

"(B) in subparagraph (A), by striking “and” at the end;

"(C) in subparagraph (B), by striking the period at the end and inserting “; and”;

"(D) by adding at the end the following new subparagraph:

"(2) in paragraph (2)—

"(A) in subparagraph (A)—

"(i) by striking “paragraph (1)(A)” and inserting “paragraph (1)”;

"(ii) by striking “and” at the end; and

"(B) in subparagraph (B), by striking the period at the end and inserting “; and”;

"(C) by adding at the end the following new subparagraph:

"(3) not more than $10,000 shall be used for any single grant under paragraph (1)(C)."

"SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.—

"(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after “offenders” the following: 

"(b) TECHNICAL ASSISTANCE AND TRAINING.—Section 1403(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)) is amended in the matter preceding paragraph (2)—

"(1) by striking “to the Director”;

"(2) by redesigning paragraph (2) as paragraph (3); and

"(C) by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General may use 5 percent of the funds available under subsection (d)(1) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.

"(a) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended by striking “expanded” and inserting “obligated”.

"(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

"(A) in paragraph (1), by striking “, acting through the Director,”;

"(B) by redesigning paragraph (2) as paragraph (3); and

"(C) by inserting after paragraph (1) the following paragraph:

"(2) The Attorney General may use 5 percent of the funds available under subsection (d)(1) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.

"SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.—

"(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after “may be used for” the following: “training purposes and”;

"(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after “may be used for” the following: “training purposes and”;

"SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIM FUND.—

"(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (a)(5)(A) of the Crime Victims Fund Act of 1984 (42 U.S.C. 10601) is amended as follows:

"(2) USES.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: ‘‘paragraph (1) which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

"(A) attaches conditions inconsistent with applicable laws or regulations; or

"(B) is conditioned upon or would require the expenditure of non-Federal funds that are not available to the Office for Victims of Crime.’’;

"(B) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (c)(4)(A) of such section is amended by striking “expanded” and inserting “obligated”.

"(3) AUTHORITY TO MAKE GRANTS TO NONPROFIT ORGANIZATIONS FOR TRAINING PURPOSES.—Subsection (g) of such section is amended—

"(A) in paragraph (1), by striking “, acting through the Director,”;

"(B) by redesigning paragraph (2) as paragraph (3); and

"(C) by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General may use 5 percent of the funds available under subsection (d)(1) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.

"SEC. 224. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.—

"(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking “The Attorney General shall submit to the Congress a report beginning one year after the date of the enactment of this Act” and inserting “Not later than 180 days after the last day of each fiscal year thereafter, and inserting ‘Not later than one month after the end of each even-numbered fiscal year’.”;

"SEC. 226. CLOSURE OF CERTAIN OFFICES.—

"(a) CLOSING OF OFFICE OF EXECUTIVE OFFICE OF WEED AND SEED TRANSFERS OF FUNCTIONS.—

"(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

"(2) TRANSFERS.—The duties and responsibilities of the Executive Office of Weed and Seed are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed...
VERDATE AUG 31 2005 04:27 SEP 29, 2005 JKT 039060 PO 00000 E:
ATTORNEY GENERAL for the Bureau of Alcohol, Tobacco, Firearms, and Explosives. The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are amended as follows:

SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS. Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968. Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701) is amended as follows:

SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES. Section 4006 of title 18, United States Code, is amended—

(a) in general—

(1) in subsection (a) by striking "The Attorney General'' and inserting "the Department of Homeland Security'';

(2) by striking "shall not exceed the lesser of the amount'' and inserting "shall be the amount billed, not to exceed the amount'';

(b) in subsection (b)(1)—

(A) by striking "items and services'' and all that follows through "the Medicare program'' and inserting "items and services under the Medicare program''; and

(B) by striking "and all that follows through the period at the end and inserting a period.

SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT. (a) in general—

(1) in general—There is established within the Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

(2) purpose.—The purpose of the Office shall be to carry out such coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by this section.

(b) covered programs.—The programs referred to in subsection (a) are as follows:

(1) the program under section 199 of this title;

(2) any other grant program carried out by the Office of Justice Programs.

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"(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(e)); and

(27) the term 'private'—The Director means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (including an individual acting in any capacity other than as a government official or employee)."

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of money awarded under all such grant programs.

“(2) RELATIONSHIP TO NII EVALUATIONS.—This subsection does not affect the authority or duty of the Office of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

“(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

“(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

“(B) at the end of each year of the grant period, if the grant period is more than 1 year.

“(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amounts awarded under a grant, the Director shall—

“(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes;

“(2) incorporate those characteristics into the training program provided under this section; and

“(3) all contracts and purchase orders used in carrying out the Office of Justice Programs are carried out through a single systems that can be purchased using computer systems that can be purchased using funds under any program covered by subsection (b) until such entity repays the Attorney General an amount equal to the amounts misused.

The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under this section, except that suchDirector shall not be required to take any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any benefits under any program covered by subsection (b) until such entity repays the Attorney General an amount equal to the amounts misused.

The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Community Capacity Development Office as authorized by this section.

“(1) IN GENERAL.—There is established within the Office an Office of Applied Law Enforcement Technology.

“(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

“SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

“(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

“SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

“(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General.

“(b) DUTIES.—In carrying out the purpose of the Office, the Director shall—

“(1) establish clear minimum standards for computer systems purchased using amounts awarded under such grants; and

“(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.

“(c) PERIOD FOR AWARDING GRANT FUNDS.—

“(1) IN GENERAL.—Unless otherwise specifically provided in any other element of the Department, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3).

“DOJ grant funds not so awarded and distributed shall revert to the Treasury.

“(2) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which such grants were fundable to the date on which those grant funds were deobligated.

“(3) TREATMENT OF COPS AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

“(a) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Deputy Attorney General;

“(b) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

“(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.

“(e) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of enactment of this Act.

“SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

“(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

“(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Deputy Attorney General;

“(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

“(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General shall ensure that, on and after September 30, 2008—

“(1) all procurement activities for all elements of the Office are carried out through a single management office; and

“(c) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

“(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

“(d) ACHIEVING COMPLIANCE.—

“(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

“(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements—

“(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of enactment of this Act; and

“(b) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

“SEC. 108. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

“(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—
(1) by amending subsection (a) to read as follows: “(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under this subsection. The Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b);”, (2) by striking subsections (b) and (c); (3) by striking subsection (d) as subsection (b), and in that subsection— (A) by striking “ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—” and inserting “USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—’’; (B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively; (C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs: “(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing; “(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation; “(3) conduct, develop, and implement new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement officers in identifying and apprehending suspects of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies; “(4) improve security at schools and on school grounds in the jurisdiction of the grantee through— “(A) placement and use of metal detectors, locks, lighting, and other deterrent measures; “(B) security assessments; “(C) security training of personnel and students; “(D) coordination with local law enforcement; and “(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security; “(5) award grants to pay for offices hired to perform violence prevention, anti-terror, or homeland security duties;” and “(D) by amending paragraph (9) (as so redesignated) to read as follows: “(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement officers in identifying and apprehending suspects of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies; “(10) initiate a new program or add to the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs pertaining to— “(A) making and implementing pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.”.

**SEC. 256. REAUTHORIZATION OF JUVENILE AC-COUNTABILITY BLOCK GRANTS.** Section 2501(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10(a)) is amended by striking “2000” and inserting “2005.”

**SEC. 257. SEX OFFENDER MANAGEMENT.** Section 4012 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following: “(c) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to carry out section 5050 for each of fiscal years 2010 through 2016.”

**SEC. 258. EVIDENCE-BASED APPROACHES.** Section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended— (1) in subsection (a)(1)(D)(i) by inserting “, including the extent to which evidence-based approaches are utilized after part’’; and (2) by striking “, including the extent to which evidence-based approaches are utilized” after “part’’.

**TITLE III—MISCELLANEOUS PROVISIONS**

**SEC. 301. TECHNICAL TRAINING FACILITIES RELATING TO PUBLIC LAW 107-56.** (a) STRIKING SURPLUS WORDS.— (1) Section 2703(c)(1) of title 18, United States Code, is amended by striking “or” at the end of subparagraph (C). (2) Section 1906(b)(1)(C) of title 18, United States Code, is amended by striking “or” at the end of subparagraph (C).

**SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.** (a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of this title of the United States Code, is amended by inserting after the item relating to section 3050 the following new item: “3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.”

(b) REPEAL OF DUPLICATIVE PROVISION.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 4001 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 107 Stat. 1922), is repealed.

**SEC. 303. USE OF FEDERAL TRAINING FACILITIES.** Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominant Federal-Federal, Federal-State, or Federal-Local training or conference meeting any facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairman and ranking minority members of the Committee on the Judiciary of the Senate and of the House of Representatives that details each annual training or conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in conducting the training or meeting at a facility that did not require such authorization.
SEC. 304. PRIVACY OFFICER. (a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy and practices.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) ensuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity;

(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting private personal and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information contained in systems of records that pertain to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

SEC. 305. RAYGUNS. The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program’s efforts to prevent fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor’s failure to disclose assets.

SEC. 306. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DetAINED ON SUSPICION OF TERRORISM. Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained;

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 307. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES. (a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting “or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,” after “in a Federal prison,”:

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsection (a) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking “one year” and inserting “five years”.

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking “six months” and inserting “two years” in each of subsections (a)(4) and (b).

SEC. 308. EXPANDED JURISDICTION FOR CON- TRABAND OFFENSES IN CORRECTIONAL FACILITIES. Section 1791(a) of title 18, United States Code, as amended in each of paragraphs (1) and (2) by inserting “or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General” after “an inmate of a prison”.

SEC. 309. MATERIALS JUDGES AUTHORITY TO CONTINUE PRELIMINARY HEARING. The second sentence of section 3006(c) of title 18, United States Code, is amended to read as follows: “In the absence of such consent of the accused, the judicial magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.”

SEC. 310. TECHNICAL CORRECTIONS RELATING TO STEROIDS. Section 102(41A) of the Controlled Substances Act (21 U.S.C. 802(41A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108-358), is amended by—

(1) striking clause (xvii) and inserting the following:

“(xvii) 13-ethyl-17β-hydroxyprog-4-en-3-one;”;

(2) striking clause (xviii) and inserting the following:

“(xviii) methandrostenolone (17α-methyl-17β-hydroxy-5α-androst-2-ene(3,2-c)-pyrazole);”;

(3) Section 2243. 

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by striking “one year” and inserting “ten years” after the commission of the offense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the last entry relating to section 3298 and substituting for the table the following new entry:

“3298. Trafficking-related offenses.”.

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting “or for ten years after the offense, whichever is longer” after “of the child”.

SEC. 312. USE OF CENTER FOR CRIMINAL JUS- TICE TECHNOLOGY. (a) IN GENERAL.—The Attorney General may make grants to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $7,500,000 for fiscal year 2006;

(2) $7,500,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.


SEC. 315. AMENDMENT REGARDING BULLYING AND GANGS. (a) ORGANIZATIONAL PROVISION.—Part II of title IV, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLO- SIVES.

“Sec. 599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives.

“Sec. 599B. Personnel management demonstration project.”.

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(4), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

“599A. Bureau of Alcohol, Tobacco, Fire- arms, and Explosives”;

and

(B) in subsection (b)(2), by inserting “of section 1111 of the Homeland Security Act of 2002” after the end of the last sentence.
as enacted on the date of the enactment of such Act) after “subsection (c)”; and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

2. Such section 1115 is amended by striking the section heading and inserting the following: “§599B. Personnel management demonstration project.” and such section (as so amended) shall constitute section 599B of such title.

3. (d) Clerical Amendment.—The chapter index is amended by adding at the end the following new item:

“40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives .......... 599A.”

SEC. 318. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921(b)) is amended by substituting “$2,500,000 for fiscal year 2006.” and such section so amended is enacted on the date of the enactment of such Act.

SEC. 319. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

(a) In General.—The Attorney General shall make grants under this section to qualified entities in the United States for the purposes of carrying out this section. The Attorney General shall make grants under this section for projects that are consistent with the purposes of this section.

(b) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated—

1. $2,500,000 for fiscal year 2006.

2. $3,000,000 for fiscal year 2007.

3. $3,000,000 for fiscal year 2008.

4. $3,000,000 for fiscal year 2009.

SEC. 320. SENSE OF CONGRESS RELATING TO “GOOD TIME” RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a “good time” release program for non-violent criminals in the Federal prison system.

SEC. 321. MEANING OF BADGES.

Section 716 of title 18, United States Code, is amended—

1. in subsection (b), by inserting “is a genuine police badge and after ‘that the badge’; and

2. by adding at the end the following:

“(d) It is a defense to a prosecution under this section that the badge is a counterfeit police badge and is used or is intended to be used exclusively—

1. for a dramatic presentation, such as a theatrical, film, or television production; or

2. for legitimate law enforcement purposes.”.

SEC. 322. OFFICIALLY APPROVED POSTAGE.

Section 745 of title 18, United States Code, is amended by adding at the end the following: “Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.”

SEC. 323. SENSE OF CONGRESS RELATING TO “GOOD TIME” RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a “good time” release program for non-violent criminals in the Federal prison system.

SEC. 324. DEFINITIONS AND REQUIREMENTS FOR PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN.

Title IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

SEC. 401. SHORT TITLE.

Titles IV through X of this Act may be cited as the “Violence Against Women Reauthorization Act of 2005”. Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before section 2001 (42 U.S.C. 3796g) the following new sections:

SEC. 200A. CLARIFICATION THAT PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN ARE GENDER-NEUTRAL.

“In this part, and in any other Act of Congress, unless the context unequivocally requires otherwise, a person including the Department of Justice to make grants, or to carry out other activities, for assistance to victims of domestic violence, dating violence, stalking, sexual assault, or trafficking in persons, shall be construed to cover grants that provide assistance to female victims, male victims, or both.

SEC. 200B. DEFINITIONS THAT APPLY TO ANY PROVISION CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

(c) COURTS.—The term ‘courts’ means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, stalking, sexual assault, or trafficking in persons, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, referees, or any other person with decision-making authority.

(2) CHILD MALTRIMENT.—The term ‘child maltreatment’ means the physical or psychological abuse of a child or youth, including sexual assault and abuse.

(3) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means an organization that—

1. focuses primarily on domestic violence, dating violence, sexual assault, or stalking.

2. has a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking.

3. has a primary focus on underserved populations (and includes representatives of those populations) and domestic violence, dating violence, sexual assault, or stalking.

4. obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through—

1. court-related personnel; and

2. community-based personnel.

(4) COURT-BASED AND COURT-RELATED PERSONNEL.—The term ‘court-based’ and ‘court-related personnel’ means persons working in the court system, whether compensated or volunteers.

(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, appointed guardians, victim advocates, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

(B) court security personnel;

(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

(5) DOMESTIC VIOLENCE.—The term ‘domestic violence’ includes—

1. any action against a person who is or has been in an ongoing social relationship of a romantic or intimate nature with the abuser, and existence of such a relationship shall be determined based on consideration of—

1. the length of the relationship;

2. the type of relationship; and

3. the frequency of interaction between the persons involved in the relationship.

(6) DATING VIOLENCE.—The term ‘dating violence’ means violence committed by a person—

1. who is or has been in an ongoing social relationship of a romantic or intimate nature with the victim; and

2. where the existence of such a relationship shall be determined based on consideration of the following factors:

1. the length of the relationship;

2. the type of relationship; and

3. the frequency of interaction between the persons involved in the relationship.

(7) ELDER ABUSE.—The term ‘elder abuse’ means any action against a person who is 60 years of age or older that constitutes the willful—

1. infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

2. deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

(8) INDIAN.—The term ‘Indian’ means a member of an Indian tribe.


(10) INDIAN TRIBE.—The term ‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) INDIAN LAW ENFORCEMENT.—The term ‘Indian law enforcement’ means the departments or individuals under the direction of the Indian tribe that maintain public order.

(12) LAW ENFORCEMENT.—The term ‘law enforcement’ means a governmental unit engaged in policing functions, including any of its components or individuals under the direction of the Indian tribe that maintain public order.

(13) LAW ENFORCEMENT.—The term ‘law enforcement’ includes any governmental unit engaged in policing functions, including any of its components or individuals under the direction of the Indian tribe that maintain public order.

(14) LEGAL ASSISTANCE.—The term ‘legal assistance’ includes—

1. assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in—

1. family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus accommodations, education, or stay away order proceedings, and other similar matters; and

2. criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim’s safety and privacy, subject to subparagraph (B); and

2. does not include representation of a defendant in a criminal or juvenile proceeding.

(15) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term ‘linguistically and culturally specific services’ means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support needed by individuals with limited English proficiency, racial and ethnic populations and other underserved communities.
(16) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term ‘personally identifying information’ or ‘personal information’ means individually identifying information, and information derived from or contained in information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—
(A) a first and last name;
(B) a home or other physical address;
(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
(D) a social security number; and
(E) any other information, including date of birth, social or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

(17) PROSECUTION.—The term ‘prosecution’ means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus (such as governmental victim services programs).

(18) PROTECTION ORDER OR RESTRAINING ORDER.—The term ‘protection order’ or ‘restraining order’ includes—
(A) an injunctive restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or sexual assault that is—
(1) committed to a person who has a present or past domestic or other type of intimate relationship with another person; or
(2) committed to a person who has a present or past intimate relationship with another person; or
(B) any area or community, respectively, no

(19) RURAL AREA AND RURAL COMMUNITY.—The terms ‘rural area’ and ‘rural community’ mean—
(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget or
(B) any area or community, respectively, that is

(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and
(ii) located in a rural census tract.

(20) RURAL STATE.—The term ‘rural State’ means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

(21) SEXUAL ASSAULT.—The term ‘sexual assault’ includes conduct prescribed by chapter 109A of title 18, United States Code, or any other conduct not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to a first and last name.

(22) STALKING.—The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others; or
(B) suffer substantial emotional distress.

(23) VICTIM.—The term ‘victim’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and except as otherwise provided, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(24) STATE DOMESTIC VIOLENCE COALITION.—The term ‘coalition’ means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10406b).

(25) STATE SEXUAL ASSAULT COALITION.—The term ‘State sexual assault coalition’ means a program determined by the Center for Injury Prevention and Control of the Department of Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 200b et seq.).

(26) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term ‘territorial domestic violence or sexual assault coalition’ means a program addressing domestic violence or sexual assault within the territory of

(A) an established nonprofit, nongovernmental territorial coalitions addressing sexual violence or sexual assault within the territory; or
(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as nonprofit, nongovernmental territorial coalitions addressing sexual violence or sexual assault

(27) TRIBAL COALITION.—The term ‘tribal coalition’ means—
(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian and Alaskan Native women; or
(B) traditional or contemporary organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaskan Native women.

(28) TRIBAL GOVERNMENT.—The term ‘tribal government’s mean—
(A) the governing body of an Indian tribe; or
(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(29) TRIBAL ORGANIZATION.—The term ‘tribal organization’s mean—
(A) the governing body of any Indian tribe;
(B) any legally established organization of Indians which is controlled, sanctioned, or charted by such governing body of a tribe or a tribal government, that is demographically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or
(C) any tribal nonprofit organization.

(30) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barrier, a disabilities, alienage status, or age), and other population determined to be underserved by the Attorney General.

(31) VICTIM ADVOCATE.—The term ‘victim advocate’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

(32) VICTIM ASSISTANT.—The term ‘victim assistant’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

(33) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term ‘victim services’ or ‘victim service provider’ means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work, or a demonstrated capacity to work effectively in collaboration with a criminal justice entity to carry out an effective work, concerning domestic violence, dating violence, sexual assault, or stalking.

(34) YOUTH.—The term ‘youth’ means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

(35) VIOLENCE AGAINST WOMEN PROVISION.—In this section, the term ‘violence against women provision’ means any provision required by law to be carried out by or through the Violence Against Women Office.

(SEC. 9006) REQUIREMENTS THAT APPLY TO ANY GRANT PROGRAM CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

(a) In general.—In carrying out grants under this part, and in carrying out grants under any other violence against women grant program, the Director of the Violence Against Women Office shall ensure each of the following:

(1) NONDISCLOSURE.—Subject to subparagraph (C), grantees and subgrantees shall not—
(i) disclose any personally identifying information or individual information collected in connection with services provided, utilized, or denied through grantees and subgrantees’ programs;
(ii) reveal individual client information without the client’s informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program.

(2) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate or is requested by a Member of Congress—
(i) grantees and subgrantees shall make reasonable steps necessary to provide notice to victims affected by the disclosure of information; and
(ii) grantees and subgrantees shall make reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(3) INFORMATION SHARING.—Grantees and subgrantees may share—
(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;
(ii) court-generated and law-enforcement generated information contained in secure, governmental registries for investigation, prosecution, and enforcement purposes.

(4) APPROVED ACTIVITIES.—In carrying out activities under the grant program, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

(5) NON-SUPPLANTATION.—Any Federal funds received under the grant program shall be used, in addition to, not supplant funds that would otherwise be available for the activities carried out under the grant.
SEC. 301. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by striking "$185,000,000" and inserting "$225,000,000".

(b) PURPOSE AREA ENHANCEMENTS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended—

(1) by striking the period at the end of subsection (b) and inserting semicolon;


(3) by adding at the end the following:

"and describe how the monies provided under this paragraph will be used only for the specific purposes described in the grant program and shall remain available until expended.

5. EVALUATION.—Grantees must collect data for use to evaluate the effectiveness of the program or for use to carry out related research, pursuant to the requirements described in paragraph (1)(D).

6. PROHIBITION ON LOBBYING.—Any funds appropriated under this grant program shall be subject to the prohibition in section 1912 of title 18, United States Code, relating to lobbying with appropriated moneys.

7. USE OF FUNDS.—Funds appropriated for the grant program may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph shall not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

8. VIOLENCE AGAINST WOMEN GRANT PROGRAM.—In this section, the term "violence against women grant program" means any grant program required by law to be carried out by or through the Violence Against Women Office.

TITLE VII. ADMINISTRATIVE AND JUDICIAL LAW ENFORCEMENT TOOLS TO COUNTER VIOLENCE

SEC. 501. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by striking "$185,000,000" for each of fiscal years 2007 through 2010" and inserting "$225,000,000" for each of fiscal years 2007 through 2010".

(b) PURPOSE AREA ENHANCEMENTS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended—

(1) in subsection (a), by striking "$185,000,000" and inserting "$225,000,000";

(2) in paragraph (5), by striking "$185,000,000" and inserting "$225,000,000";


(4) by adding at the end the following:


(B) in paragraph (3), by striking "the combined Territories of the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands" and inserting "the combined Territories of the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the United States, each receiving an amount equal to 1⁄54"; and


SEC. 502. POLYGRAPH TESTING PROHIBITION.

"In order to be eligible for grants under this part, a State, Indian tribal government, or unit of local government must certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that its laws, policies, or practices ensure that no law enforcement officer, or other government official, shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, or local law to submit to a polygraph examination or similar truth-telling device or method as a condition for proceeding with the investigation, charging, or prosecution of such an offense. A State's refusal to submit a signed certification mentioned in this section shall not prevent the investigation, charging or prosecution of the pending case.".

(h) NO MATCHING REQUIREMENT.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4 et seq.) is further amended by adding at the end the following new section:

"SEC. 2012. NO MATCHING REQUIREMENT FOR CERTAIN GRANTEES.

"No matching funds shall be required for a grant or subgrant made under this part, if made—

"(1) to a law enforcement agency having fewer than 20 officers; or

"(2) to a victim service provider having an annual operating budget of less than $5,000,000; or

"(3) to any entity that the Attorney General determines has adequately demonstrated financial need.

SEC. 503. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IM- PROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by striking "$65,000,000" and inserting "$70,000,000".
for each of fiscal years 2001 through 2005,” and inserting ‘‘$65,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended,’’ (1) by striking ‘‘to treat domestic violence as a serious violation’’ and inserting ‘‘to treat domestic violence, dating violence, sexual assault, and stalking as serious violations’’; (2) in subsection (b), (A) in the matter before paragraph (1), by inserting ‘‘State’’ the following: ‘‘tribal, territorial,’’; (B) in paragraph (1), by striking ‘‘mandatory arrest’’ or; (C) in paragraph (2), by—(i) inserting after ‘‘educational programs,’’ the following: ‘‘protection order registries,’’; and (ii) inserting ‘‘domestic violence, sexual assault, and stalking’’; (D) in paragraph (2), by—(i) striking ‘‘domestic violence cases’’ and inserting ‘‘domestic violence, dating violence, sexual assault, and stalking’’; and (ii) striking ‘‘groups’’ and inserting ‘‘teams’’; (E) in paragraph (3), by striking ‘‘domestic violence and dating violence’’ and inserting ‘‘domestic violence, dating violence, sexual assault, and stalking’’; (F) in paragraph (4), by—(i) striking ‘‘other than’’ and inserting ‘‘civil’’; and (ii) inserting after ‘‘domestic violence’’ the following: ‘‘, dating violence, sexual assault, and stalking’’; and (G) in subsection (d) at the end the following: ‘‘To enhance and support the capacity of victims services programs to collaborate with and inform efforts by State and local jurisdictions and public officials and agencies to develop best practices and policies regarding arrest of domestic violence, dating violence, sexual assault, and stalking offenders and to strengthen protections and processes to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.’’; (H) in paragraphs (2), (3) and (4), by striking ‘‘tribal, territorial, or local jurisdictional agencies’’ and inserting ‘‘tribal, territorial, or local public agencies’’; (I) by striking ‘‘in this section. Funds appropriated under this section shall remain available until expended, and may be used only for the specific programs and activities described in this section. Funds appropriated under this section may not be used for advocacy’’; and (J) by adding at the end the following: ‘‘(5) certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that—(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or minor victim of a sex offense or adult, youth, or minor victim of domestic violence, tribal, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging and prosecution of such an offense; and (B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation, charging or prosecution of the offense.’’; and (4) by striking subsections (d) and (e) and inserting the following: ‘‘(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.’’; (c) APPLICATIONS.—Section 2102(h) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ‘‘domestic violence, dating violence, sexual assault, and stalking’’ and (4) by striking paragraphs (2) and (3) and inserting the following: ‘‘(2) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—(A) The Attorney General shall establish a multi-year training and technical assistance program to enable the Attorney General, through the Division of Violence Against Women, to conduct training and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault and domestic violence and ‘‘technical assistance in civil and crime victim matters relating to adult, youth, and minor victims of sexual assault’’. SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS. Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796q–6) is amended— (1) in subsection (a), by—(A) inserting before ‘‘legal assistance’’ the following: ‘‘civil and criminal’’; (B) inserting ‘‘victim service aide to’’ the following: ‘‘adult, youth, and minor victim’’; and (C) striking ‘‘domestic violence, dating violence, sexual assault, and stalking’’; (2) in subsection (c), by striking ‘‘victims of domestic violence, tribal, territorial, or local public agencies and officials to offer services and assistance to victims of domestic violence, tribal, territorial, or local law’’; (3) in each of paragraphs (1), (2), and (3) of subsection (c), by striking ‘‘victims of domestic violence, tribal, territorial, or local public agencies and officials to offer services and assistance to victims of domestic violence, tribal, territorial, or local law’’; and (4) in subsection (d), by—(A) in paragraph (1), by striking ‘‘domestic violence, dating violence, sexual assault’’ and inserting ‘‘domestic violence, dating violence, sexual assault, and stalking’’; (B) in paragraph (2), by—(i) inserting ‘‘Domestic Violence, Dating Violence, and Stalking Prevention Programs’’; and (ii) striking ‘‘5 percent’’ and inserting ‘‘10 percent’’; (C) in paragraph (3), by—(i) striking ‘‘programs and’’ and inserting tribal governments or tribal organizations’’; (II) inserting ‘‘adult, youth, and minor’’ after ‘‘that assist’’; and (IV) inserting ‘‘domestic violence, dating violence, sexual assault, and stalking’’; and (iii) in subparagraph (B), by striking ‘‘technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault and domestic violence’’ and inserting ‘‘technical assistance in civil and crime victim matters relating to adult, youth, and minor victims of sexual assault’’. SEC. 504. COURT TRAINING AND IMPROVEMENTS. The Violence Against Women Act of 1994 is amended by adding after subtitle I (42 U.S.C. 13012) the following: ‘‘Subtitle J—Violence Against Women Act Court Training and Improvements SEC. 41001. SHORT TITLE. ‘‘This subtitle may be cited as the ‘Violence Against Women Act Court Training and Improvements Act of 2005’.’’ SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVEMENTS. (a) PURPOSE.—The purpose of this section is to enable the Attorney General, through the Director of the Office on Violence Against Women, to award grants to improve courts response to adult, youth, and minor victims of sexual assault, dating violence, sexual assault, and stalking to be used for the following purposes— (1) improved internal civil and criminal court functions, responses, policies, and procedures; (2) education for court-based and court-related personnel on issues relating to victims’ safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable; (3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, non-governmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial and local law; and (4) to enable courts or court-based or court-related programs to develop new or enhance current— (A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services and linguistically and culturally specific services, or a court system dedicated to the adjudication of domestic violence cases); (B) community-based initiatives within the courts system (such as court watch programs, victim advocates, or community-based supplemental services); (C) offender management, monitoring, and accountability programs; (D) safe and confidential information-storage and -sharing databases within and between courts; and (E) education and outreach programs (such as interpreters) to improve community access,
including enhanced access for racial and ethnic communities and racial and other underserved populations (as defined in section 2006B of the Omnibus Crime Control and Safe Streets Act of 1968), or domestic violence, dating violence, sexual assault, and stalking; or

(’F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

(’G) laws enforcement technical assistance, and data collection to tribal, Federal, State, territorial or local courts wishing to improve their practices and procedures or to develop new programs or policies; and

(’H) to provide training for specialized service providers, such as interpreters.

(’b) GRANT REQUIREMENTS.—Grants awarded under this section shall be subject to the following conditions:

(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

(A) tribal, Federal, State, territorial or local courts or court-based programs, provided that the court’s internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue; and

(B) national, tribal, State, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking.

(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN GRANTS.—(A) COURT PROGRAMS.—To be eligible for a grant under subsection (a)(4), applicants shall certify in writing that any courts or court-based personnel working directly with or making decisions about adult, youth, or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking.

(B) EDUCATION PROGRAMS.—To be eligible for a grant under subsection (a)(2), applicants shall certify in writing that any education program developed under subsection (a)(2) has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition.

(c) EVALUATION.—

(1) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, may evaluate the grants funded under this section.

(2) TRIBAL GRANTEES.—Evaluation of tribal grantees under this section shall be conducted by entities with expertise in Federal Indian law and tribal court practice.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2006 to 2010.

(2) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

SEC. 41004. ACCESS TO JUSTICE FOR TEENS.

(a) PURPOSE.—It is the purpose of this section to encourage and facilitate training and collaboration between the courts and providers of domestic and sexual assault services to respond to the needs of youth victims of dating violence, domestic violence, sexual assault, and stalking.

(b) GRANT AUTHORITY.—(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the ‘Director’), shall make grants to eligible entities to jointly carry out cross training and other collaborative initiatives that seek to carry out the purposes of this section.

(2) FUNDING.—The amounts made available under this section may only be used for programs and activities described under subsection (c).

(c) GRANT PERIODS.—Grants shall be awarded under this section for a period of 3 fiscal years.

(d) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that shall include—

(A) a Tribal, State, Territorial or local juvenile, family, civil, criminal or other trial court with jurisdiction over domestic violence, dating violence, sexual assault or stalking cases (hereinafter referred to as ‘courts’); and

(B) a victim service provider that has experience in addressing the needs of youth victims of domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people.

(e) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts to—

(1) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determine relevant barriers to such services in a particular locale, and recommend solutions to those barriers;

(2) establish and enhance linkages and collaboration between courts, domestic violence or sexual assault service providers, and, where applicable, other entities addressing the safety, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault or stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions to identify, assess, and respond appropriately to the needs of youth victims of dating violence, domestic violence, sexual assault or stalking;

(3) educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, youth organizations, schools, healthcare providers and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault and stalking, and to understand relevant laws, court procedures and policies; and

(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault and stalking and assure necessary services dealing with the health and mental health of youth victims are available.

(f) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director.

(g) REPORTS.—(1) REPORTS.—Each of the entities that are members of the applicant collaboration described in subsection (b)(3) that receive a grant under this section shall jointly prepare and submit a report to the Attorney General every 18 months detailing the activities that the entities have undertaken under the grant and such additional information as the Attorney General
may require. Each such report shall contain information on—

“(A) the activities implemented by the recipients of the grants awarded under this section; and

“(B) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their respective victims by—

“(i) the staffs of courts;

“(ii) domestic violence, dating violence, sexual assault, and stalking service providers; and

“(iii) law enforcement agencies and community organizations.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS
(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2263 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “State or Indian tribe” each place it appears and inserting “State, Indian tribe, or territory”;

(2) by striking “State or tribal” each place it appears and inserting “State, tribal, or territorial”;

(3) in subsection (a) by striking “State or tribe” and inserting “State, Indian tribe, or territory”;

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2263(a) of title 18, United States Code, is amended by striking “and enforced as if it were” and inserting “and enforced by the court and law enforcement personnel of the other State, Indian tribal government, or Territory as if it were”.

(c) PROTECTION ORDERS.—Sections 2265 and 2266 of title 18, United States Code, are both amended by striking “protection order” each place it appears and inserting “protection order, restraining order, or injunction”.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended by striking paragraph (5) and inserting the following:

“(5) PROTECTION ORDER, RESTRANING ORDER, OR INJUNCTION.—The term ‘protection order, restraining order, or injunction’ includes—

“(A) any injunction or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with, another person, including any temporary or final order issued by a civil or criminal court obtained by filing an independent action or an action or order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

“(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction relating to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.”.

SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.
The Violence Against Women Act of 1994, as amended by this Act, is further amended by adding after subtitle J (as added by section 504) the following:

“Subtitle K.—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

“SEC. 41101. TASK FORCE.

“The Attorney General shall establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confidentiality of victims of domestic violence, dating violence, stalking and sexual assault. The Attorney General shall—in consultation with affected States, tribes, territories, law enforcement, court personnel, and private nonprofit organizations whose mission is to help develop a best practices model to prevent privacy violations of information of adult, youth, and minor victims of domestic violence, dating violence, stalking and sexual assault from being released to the detriment of such victimized persons. The Attorney General shall designate one staff member to work with the task force. The Attorney General is authorized to make grants to develop a demonstration project to implement the best practices identified by the Task Force.

“SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.—

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $1,000,000 for each of fiscal years 2006 through 2010.

“(b) AVAILABLE.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

SEC. 507. STALKER DATABASE.
Section 49063 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking “2001” and inserting “2006”;

(2) by striking “2005” and inserting “2010”.

SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.
Section 49114 of the Violence Against Women Act of 1994 is amended to read as follows:

“SEC. 49114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

“There are authorized to be appropriated to the Attorney General for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 509. PREVENTING CYBERSTALKING.
Section 2264 of title 18, United States Code, is amended—

(1) in paragraph (1)—

“(A) by inserting after “intimidate” the following: “; or places under surveillance with the intent to cause substantial emotional harm to;”; and

“(B) by inserting after “serious bodily injury to,” the following: “; or causes substantial emotional harm to;”; and

(2) in paragraph (2), by striking “to kill or injure” and inserting “to kill, injure, harass, or intimidate, or places under surveillance with the intent to kill, injure, harass, or intimidate, or to cause substantial emotional harm to;”; and

(3) in paragraph (2), in the matter following clause (ii) of subparagraph (B)—

“(A) by inserting after “the following: “;”, any interactive computer service, “;”;

“(B) by inserting after “and the following: “;” the following: “or takes steps to prevent or to counter the distribution of any such information;”; and

“(C) by inserting after “the following: “;” the following: “and takes steps to counter the distribution of any such information;”; and

“(D) by inserting after “the following: “;” the following: “and takes steps to protect a victim of such violation from future harassment or stalking;”.

“SEC. 510. REPEAT OFFENDER PROVISION.
Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

“§2265A. Repeat offender provision

“The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) shall be twice the term otherwise provided for the violation.

“SEC. 511. PROHIBITING DATING VIOLENCE.
Section 2262(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “or intimate partner” each place it appears and inserting “, intimate partner, or dating partner”;

(2) in paragraph (2), by striking “or intimate partner” each place it appears and inserting “, intimate partner, or dating partner”.

SEC. 512. GAO STUDY AND REPORT.
The Attorney General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

SEC. 513. FY 2006 APPROPRIATION.
In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use any research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

“(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

“(B) whether those services are made available to youth, child, female, and male victims; and

“(C) the number, age, and gender of victims receiving each available service.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING
SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT.
Section 2001 of the Violent Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

“(e) USE OF FUNDS.—Funds appropriated for grants under this part may be used only for the specific programs and activities expressly described in this part.”.

SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.
Part 7 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding after section 2013 (as amended by section 501 of this Act) the following:

“SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.

“(a) PURPOSE.—The purposes of this section are—

“(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

“(A) adult, youth, and minor victims of sexual assault;

“(B) family and household members of such victims; and

“(C) those collaterally affected by the victimization except for the perpetrator of such victimization;

“(2) to provide training and technical assistance to, and to support data collection relating to sexual assault by—

“(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts;

“(B) professionals working in legal, social service, and health care settings;

“(C) nonprofit organizations;

“(D) faith-based organizations; and

“(E) other individuals and organizations seeking such assistance.

“(6) GRANTS TO STATES, TERRITORIES AND TRIBAL ENTITIES.—

“(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States, territories and
Indian tribes, tribal organizations, and non-tribal nonprofit organizations within Indian country and Alaska Native villages for the establishment, maintenance and expansion of rape crisis hotlines or other programs and projects to assist those victimized by sexual assault.

(2) SPECIAL EMPHASIS.—States, territories and tribal entities will give special emphasis to the support of existing organizations with a demonstrated history of providing intervention and related assistance to victims of sexual assault.

(g) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to any culturally specific community-based organization that

(A) is a private, nonprofit organization that focuses primarily on racial and ethnic communities;

(B) must have documented organizational experience in the area of sexual assault intervention or have entered into partnership with an organization having such expertise;

(C) has expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the ethnic community to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations;

(D) has an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community;

(2) The Attorney General shall award grants under this subsection on a competitive basis for a period of no less than one fiscal year.

(d) SERVICES AUTHORIZED.—For grants under subsection (b) and (c) the following services and activities may include—

(1) 24 hour hotline services providing crisis intervention and referrals;

(2) accommodation and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

(3) crisis intervention, short-term individual and group support services, and comprehensive service coordination, and supervision to assist sexual assault victims and family or household members;

(4) support mechanisms that are culturally relevant and accessible;

(5) information and referral to assist the sexual assault victim and family or household members;

(6) community-based, linguistically and culturally-specific services including outreach activities for racial and ethnic and other underserved populations and linkages to existing services in these populations;

(7) collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate sexual assault; and

(8) the development and distribution of educational materials on issues related to sexual assault within the services described in clauses (A) through (G).

(g) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

(A) IN GENERAL.—The Attorney General shall award grants to State, territorial and tribal sexual assault coalitions to assist in supporting the establishment, maintenance and expansion of such coalitions as determined by the National Center for Injury Prevention and Control in collaboration with the Violence Against Women Office of the Department of Justice.

(B) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this section because such entity has not previously applied or received funding under this subsection.

(1) COALITION ACTIVITIES AUTHORIZED.—Grant funds received under subsection (e) may be used to—

(A) work with local sexual assault programs and other child protection services to develop age-appropriate responses to sexual assault within the State, territory, or Indian tribe;

(B) work with criminal and law enforcement agencies to promote appropriate responses to sexual assault cases;

(C) work with courts, child protective services agencies, and children’s advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

(D) design and conduct public education campaigns;

(E) plan and monitor the distribution and use of grants and grant funds to their State, territory, or Indian tribe;

(F) collaborate with and inform Federal, State, Tribal, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

(2) APPLICATION.—

(A) Each entity desiring a grant under subsection (b) and (c) shall submit a report in application to the Attorney General at such time, in such manner and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

(B) Each eligible entity desiring a grant under subsection (b) and (c) shall include—

(A) demonstration of meaningful involvement of the State or territorial coalitions, or Tribal coalition, where applicable, in the development of the application and implementation of the plans;

(B) a plan for an equitable distribution of grants and grant funds within the State, territory, or tribal area and between urban and rural areas within such State or territory;

(C) the State, territorial or Tribal entity that is responsible for the administration of grants; and

(D) any other information the Attorney General reasonably determines to be necessary to carry out the purposes and provisions of this section.

(h) REPORTING.—

(1) Each entity receiving a grant under subsection (b) and (c) shall submit an annual report to the Attorney General that describes the activities carried out with such grant funds.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—The Attorney General is authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section. Any amount so appropriated shall remain available until expended.

(3) MINIMUM AMOUNT.—Of the amount appropriated under this section—

(A) 1 percent shall be used for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to the number of the States so allocated to each of the several States, the District of Columbia, and the territories.

(B) 10 percent shall be used for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to the number of the States so allocated to each of the several States, the District of Columbia, and the territories.

(C) remaining funds shall be used to make grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to the number of States so allocated to each of the several States, the District of Columbia, and the territories.

(i) REPORTING.—Of the amount appropriated under section (i)(2)(C), the Attorney General, not including the set aside for tribal entities, shall allocate not less than 1.50 percent to each State and not less than 0.125 percent to each of the several States, the District of Columbia, and the territories in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of the combined States, or for territories, the population of the combined territories.

SEC. 605. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) PURPOSES.—The purposes of this section are—

(1) to identify, assess, and appropriately respond to adult, youth, and minor domestic violence, sexual assault, dating violence, and stalking occurring in rural communities, by encouraging collaboration between—

(A) domestic violence, dating violence, sexual assault, and stalking service providers;

(B) law enforcement agencies;

(C) prosecutors;

(D) courts;

(E) other criminal justice service providers;

(F) human and community service providers;

(G) educational institutions; and

(H) health care providers;

(2) to establish and fund nonprofit, non-governmental, State, tribal, and local government services in rural communities to adult, youth, and minor victims; and

(3) to increase the safety and well-being of women and children in rural communities.

(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the ‘Director’), may award 3-year grants, with a possible extension for an additional year, to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking.

(c) MATCHING REQUIREMENTS.—

(1) IMPLEMENTATION, EXPANDING, AND ESTABLISHING.—The Attorney General shall establish and expand programs and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking.

(2) PROVIDING TREATMENT, COUNSELING, AND OTHER RESOURCES.—The Attorney General shall provide funds to support and to encourage the establishment and expansion of programs and projects that provide treatment, counseling, and other resources to victims of domestic violence, dating violence, sexual assault, and stalking.

(3) MINIMUM AMOUNT.—Of the amount appropriated under this section—

(A) 20 percent shall be used for carrying out programs serving rural areas or rural communities in which domestic violence, dating violence, sexual assault, and stalking occur;

(B) 20 percent shall be used for carrying out programs serving rural areas or rural communities in which domestic violence, dating violence, sexual assault, and stalking occur.

(4) GRANTS TO STATES, AND INDIAN TRIBES.—(A) IN GENERAL.—The Attorney General shall award grants to States and Indian tribes to provide the services described in subsection (b) and (c) using the same methods and formulae as used under section 410 of the Violence Against Women Act of 1994 (42 U.S.C. 13968).

(B) SET ASIDE.—One percent of the grant funds appropriated under this section shall be set aside for Indian tribes.
“(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

(c) Use of Funds.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

(4) Allotments and Priorities.—

(1) Allotment for Indian Tribes.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes and tribal organizations.

(2) Allotment for sexual assault services.—

(A) in General.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities, except as provided in subparagraph (B).

(B) Escalation.—The percentage required by subparagraph (A) shall—

(i) 35 percent, for any fiscal year for which $45,000,000 or more is made available to carry out this section; or

(ii) 40 percent, for any fiscal year for which $55,000,000 or more is made available to carry out this section.

(C) Savings Clause.—Nothing in this paragraph shall prohibit an applicant from applying for funding under this section to address domestic violence, dating violence, sexual assault, or stalking, separately or in combination, in the same application.

(D) Priority—Congress—The Attorney General shall, on an annual basis, submit to Congress a report on the effectiveness of the set-aside for sexual assault services. The report shall include any recommendations of the Attorney General with respect to the rural grant program.

(5) Allotment for training, technical assistance, and data collection—

(A) in General.—From amounts made available for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for training, technical assistance, and data collection costs. Of the amounts so used, not less than 25 percent shall be available to nonprofit, nongovernmental organizations whose focus and expertise is in increasing sexual assault to provide training, technical assistance, and data collection with respect to sexual assault grantees.

(B) Underserved Populations.—In awarding grants under this section, the Director shall give priority to the needs of racial and ethnic and other underserved populations (as defined in section 200b of the Omnibus Crime Control and Safe Streets Act of 1968) (12 U.S.C. 5010 et seq.) to accomplish the objectives of this section.

(6) Authorization of Appropriations—

(A) in General.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

(B) Additional Funding.—In addition to funds received through a grant under subsection (a), a grantee may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (12 U.S.C. 5010 et seq.) to accomplish the objectives of this section.

SEC. 604. Assistance for Victims of Abuse.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795g et seq.) is amended by adding after section 504 (as added by section 602 of this Act) the following:


(a) Grants Authorized.—The Attorney General may award grants to appropriate entities—

(1) to provide services for victims of domestic violence, abuse by caregivers, and sexual assault—

(A) to a State;

(B) a unit of local government;

(C) a nonprofit, nongovernmental organization serving individuals with disabilities; and

(D) a religious organization.

(2) Limitation.—A grant awarded for the purposes described in subsection (b)(9) shall be awarded only to an eligible agency (as defined in section 205 of the Violence Against Women Act of 1994 (28 U.S.C. 1911)).

(b) Application.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General, in such manner, and containing such information as the Attorney General may require.

(c) Reporting.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report evaluating the effectiveness of programs administered and operated pursuant to this section.

(d) Authorization of Appropriations.—

There are authorized to be appropriated $20,500,000 for each of the fiscal years 2006 through 2010 to carry out this section.

SEC. 605. GAO Study of National Domestic Violence Hotline.

(a) Study Required.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study of the National Domestic Violence Hotline to determine the effectiveness of the Hotline in assisting victims of domestic violence.

(b) Issues to be Studied.—In conducting the study under subsection (a), the Comptroller General shall—

(1) compile statistical and substantive information about calls received by the Hotline since its inception, or a representative sample of such calls, while maintaining the confidentiality of Hotline callers;

(2) interpret the data compiled under paragraph (1) to—

(A) determine the trends, gaps in services, and geographical areas of need; and

(B) assess the trends and gaps in services to underserved populations and the military community; and

(3) gather other important information about domestic violence.

(c) Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 606. Grants for Outreach to Underserved Populations.

(a) Grants Authorized.—

(B) work in partnership with an organization that represents the targeted tribal, racial, and ethnic populations or immigrant communities, including-—

(1) to determine the trends, gaps in services, and geographical areas of need; and

(2) assess the trends and gaps in services to underserved populations and the military community; and

(3) gather other important information about domestic violence.

(c) Eligible Entities.—Entities eligible under this section are—

(1) nonprofit, nongovernmental organizations serving individuals with disabilities; and

(2) local, regional, and national public information campaigns focused on addressing adult, youth, or minor domestic violence, sexual assault, stalking, or trafficking within tribal, racial, and ethnic populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) Term.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) Eligible Entities.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations serving individuals with disabilities; and

(2) local, regional, and national public information campaigns focused on addressing adult, youth, or minor domestic violence, sexual assault, stalking, or trafficking within tribal, racial, and ethnic populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and implementing effective public awareness campaigns addressing domestic violence, sexual assault, or stalking; or
There are authorized to be appropriated to carry out this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic, poor, and immigrant communities to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing racial, ethnic, and immigrant communities; and

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns; and

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office on Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2006 through 2010.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

The Violence Against Women Act of 1994 is amended by adding after subtitle K (as added by section 506) the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence"

SEC. 4201. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT

"(a) PURPOSE.—The purpose of this section is to support efforts by domestic violence or dating violence victim services providers, courts, law enforcement, child welfare agencies, and other related educational and community organizations to develop collaborative responses and services and provide cross-training to enhance community capacity to and will identify, assess, and respond appropriately to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for perpetrators of child maltreatment, and domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

"(b) GRANT REQUIREMENTS.—

"(1) PURPOSE.—This grant shall be used to enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

"(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a coalition that—

"(A) shall include a State or local child welfare agency or Indian Tribe;

"(B) shall include a domestic violence or dating violence victim services provider; and

"(C) may include a court;

"(D) may include a law enforcement agency, or both, and Indian Affairs providing tribal law enforcement; and

"(E) may include any other such agencies or private nonprofit organizations, including community-based organizations, with the capacity to provide effective help to the adult, youth, and minor victims served by the collaboration.

"(3) REPORTS.—Each entity receiving a grant under this section shall submit to the Attorney General every 18 months, detailing how the funds have been used.
SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to conduct programs that involve youth between the ages of 12 and 24 of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking;

(2) a religious or community-based organization that specializes in working with youth victims of domestic violence, dating violence, sexual assault, or stalking;

(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth.

(c) USE OF FUNDS.—(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement services, programs involving domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

(2) TYPES OF PROGRAMS.—Such a program—

(A) shall provide direct counseling and advocacy for teens and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

(B) shall address the linguistic, culturally, and community relevant services for racial and ethnic and other underserved populations or linkages to existing services in the community tailored to the needs of racial and ethnic and other underserved populations;

(C) may include mental health services;

(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

(E) may work with public officials and agencies to develop and implement policies, regulations, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults;

(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

(d) AWARDS BASIS.—

(1) GRANTS TO INDIAN TRIBES.—Not less than 10 percent of funds appropriated under this section in any fiscal year shall be available for grants to Indian Tribes or tribal organizations.

(2) ADMINISTRATION.—The Attorney General shall award grants to any eligible entity under this section in an amount up to 25 percent of the funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years, unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)).

(f) REPORTS.—An entity receiving a grant under this section shall submit to the Attorney General every 12 months a report of how grant funds were used.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2006 through 2010.

SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia, to develop and implement programs involving the assistance provided under this section; for a period of 3 years.

(2) TYPES OF PROGRAMS.—Such a program—

(A) may provide counseling services on campus or create a victim services program on campus or create a victim services program on campus for the purpose of providing services to victims of domestic violence, dating violence, sexual assault, or stalking;

(B) may provide technical assistance and data collection for programs funded under this section;

(C) may be used for the delivery of victim assistance on campus. To the extent practicable, provide a victim services program on campus or create a victim services program on campus for the purpose of providing services to victims of domestic violence, dating violence, sexual assault, or stalking;

(D) may be used for the delivery of victim assistance on campus. To the extent practicable, provide a victim services program on campus or create a victim services program on campus for the purpose of providing services to victims of domestic violence, dating violence, sexual assault, or stalking;

(E) may use not more than 25 percent of the funds awarded under this section to support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking.

(3) USE OF GRANT FUNDS.—(A) The Attorney General shall award grants to carry out this section for a period of 3 years.

(B) The Attorney General shall prescribe general terms and conditions for the award of grants under this section.

(4) AWARD BASIS.—The Attorney General shall award grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of institutions.

(b) ELIGIBILITY REQUIREMENTS.—(1) IN GENERAL.—An entity that receives a grant under this section shall provide to the Attorney General a statement of the benefits to be—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(c) GRANT APPLICATIONS.—(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an entity shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—A grant application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (a);

(B) include proof that the institution of higher education or non-profit organization involved in the application has the capability to carry out the assistance provided under this section;

(C) include plans to ensure compliance with all mandates of this Act.

(d) USE OF FUNDS.—(1) IN GENERAL.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)).

(2) TOTAL AMOUNT.—The total amount of grant funds appropriated under this section for fiscal years 2006 through 2010 may be used to provide technical assistance in complying with the mandates of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)).

(e) GENERAL TERMS AND CONDITIONS.—(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency’s authorities and the resources granted to the agency under Federal law for inclusive of personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) USE OF FUNDS.—(A) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the
privacy and safety of the individual affected by the grantee or subgrantee—

(3) GRANTEE REPORTING.—

(VI) religious affiliation.

(7) THROUGH (vii), would serve to identify any individual, including—

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes:

(i) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(ii) an evaluation of the effectiveness of programs funded under this part.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for each of fiscal years 2006 through 2010.

SEC. 703. SAFE HAVENS.

Section 1201 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1201. SAFE HAVENS FOR CHILDREN."

(ii) demographic information that is not personally identifying information.

(E) COURT-GENERATED AND LAW ENFORCEMENT-GENERATED INFORMATION.—Grantees and subgrantees under this section may share with the following:

(i) court-generated information contained in secure, governmental records for protection order enforcement purposes; and

(ii) law enforcement-generated information.

(F) PERSONAL INFORMATION.—The term used in this paragraph, the term ‘‘personally identifying information’’ means individually identifying information from or about an individual, including—

(i) full name;

(ii) home or other physical address, including street name and name of city or town;

(iii) email address or other online contact information, such as an instant-messaging user identifier or a screen name that reveals an individual’s email address;

(iv) telephone number;

(v) social security number;

(vi) Internet Protocol (‘‘IP’’) address or host name that identifies an individual;

(vii) persistent identifier, such as a customer number, account number, ticket number, or other personal identifier, that is combined with other available data that identifies an individual; or

(viii) information that, in combination with the information in any of the clauses (i) through (vii), would serve to identify any individual, including—

(i) grade point average;

(ii) date of birth;

(iii) academic or occupational interests;

(iv) athletic or extracurricular interests;

(v) information about the individual’s background; or

(vi) religious affiliation.

(G) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education funded under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(3) GRANTS AUTHORIZED.—The Attorney General, through the Director of Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault educators to enable the schools to:

(1) provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe reporting, and identifying procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, and to identify, prevent, and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(C) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

(D) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula resources to enhance prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) UNDISCLOSURE OF CONFIDENTIAL OR PRIVILEGED INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall
not disclose any personally identifying informa-
tion or individual information collected in con-
nection with services requested, utilized, or de-
clined by grantees and subgrantees’ programs.
Grantees and subgrantees shall ensure that all
individual client information without the
informed, written, reasonably time-limited con-
tent of the person (or in the case of an
unnamed minor and the parent or guardian) about whom information is sought,
whether for this program or any other
Federal, State or Territorial grant program.
If release of such information is compelled by stat-
utory or court mandate, grantees and sub-
grantees shall make reasonable attempts to pro-
vide notice to victims affected by the disclosure
of information; and such information shall 
be released, grantees and subgrantees shall take steps necessary to protect the
privacy and safety of the persons affected by the
release of such information. Grantees may share
non-personally identifying data in the ag-
gregate regarding services to their clients and
non-personally identifying demographic informa-
tion if consent is obtained by State, Federal,
Local, or Territorial programs.

(f) GRANT AND TERMINATION.—
(1) The Director shall make the grants under
this section for a period of 3 fiscal years.
(2) DISTRIBUTION.—Not more than 15 percent
of the funds available to a grantee in a given year
shall be available for grants to schools on tribal
lands or schools whose student population is
more than 5 percent non-
Federal American.
(2) ADMINISTRATION.—The Director shall not
use more than 5 percent of funds appropriated under subsection (l) in any
year shall be available for grants to
tribal schools, schools on tribal lands or schools whose
student population is more than 25 percent na-
tive American.
(2) ADMINISTRATION.—The Director shall make the grants under
this section for a period of 3 fiscal years.
(2) DISTRIBUTION.—Not more than 15 percent of the funds available to a grantee in a given year shall be available for grants to
tribal schools, schools on tribal lands or schools whose
student population is more than 25 percent na-
tive American.
(2) ADMINISTRATION.—The Director shall make the grants under
this section for a period of 3 fiscal years.
(2) DISTRIBUTION.—Not more than 15 percent of the funds available to a grantee in a given year shall be available for grants to
tribal schools, schools on tribal lands or schools whose
student population is more than 25 percent na-
tive American.

(g) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appro-
priated $250,000,000 for each of fiscal years 2006 through 2010.
(2) AVAILABILITY.—Funds appropriated under pars.
(1) shall remain available until expi-

h) APPLICATION.—To be eligible to be awarded
an award or contract under this section for any
fiscal year, a middle or secondary school, in
consent to the disclosure of such information as
required in subsections (i)(2) and (i)(3), shall submit an application to the
Director at such time and in such
manner as the Director shall prescribe.

(i) ELIGIBLE ENTITIES.—To be eligible to receive
a grant under this section, an entity shall be a partnership that—
(1) shall include a public, charter, tribal, or
circular area (e.g., State, district, school, a school administered by the Department of
(2) be a domestic violence victim
service provider that has a history of working
on domestic violence and the impact that
domestic violence and dating violence have on
domestic violence and dating violence serve children
and youth.
(3) shall include a sexual assault victim
service provider, such as a rape crisis center, program
serving tribal victims of sexual assault, or
coalition or other nonprofit
governmental organizations or service
providers addressing sexual harassment, bul-
lying or gang-related violence in schools, and
any other such agencies or nonprofit non-
governmental organizations with the capacity to
to provide effective assistance to the adult, youth,
and minor victims served by the partnership.

(j) REPORTING AND DISSEMINATION OF INFOR-
MATION.—
(1) REPORTING.—Each of the entities that are
members of the applicant partnership described in
subsection (i), that receive a grant under this
section shall jointly prepare and submit to the
Director a report that outlines the activities that the entities have undertaken under
the grant and such additional information
as the Director shall require.
(2) DISSEMINATION OF INFORMATION.—Within
9 months of the completion of the first full grant
cycle, the Director shall publicly disseminate,
including through electronic means, model poli-
cies and procedures developed and implemented
in middle and high schools by the grantees,
including information on the impact the policies have had on their respective schools and commu-

(k) REPORTING AND DISSEMINATION OF INFOR-
MATION.—
(1) REPORTING.—Each of the entities that are
members of the applicant partnership described in
subsection (i), that receive a grant under this
section shall jointly prepare and submit to the
Director a report that outlines the activities that the entities have undertaken under
the grant and such additional information
as the Director shall require.
(2) DISSEMINATION OF INFORMATION.—Within
9 months of the completion of the first full grant
cycle, the Director shall publicly disseminate,
including through electronic means, model poli-
cies and procedures developed and implemented
in middle and high schools by the grantees,
including information on the impact the policies have had on their respective schools and commu-

(1) IN GENERAL.—The Attorney General, act-

(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—
(1) programs that provide services for children
exposed to domestic violence, dating vio-
ence, sexual assault, or stalking, which may in-
clude direct counseling, advocacy, or mentoring,
and must include support for the nonabusing
parent or the child’s caregiver;
(2) training and coordination for programs that
serve children and youth (such as Head
Start, child care, and after-school programs) on
how to safely and confidentially identify chil-
dren and families experiencing domestic violence and
properly refer them to programs that can provide direct services to the family and
children, and coordination with other domestic
violence or other programs serving children exposed
to domestic violence, dating violence, sexual assau,
ntal, or stalking that can provide the training
and direct services referenced in this subsection;

(3) advocacy within the systems that
serve children to improve the system’s understanding of
and response to children who have been ex-
dosed to domestic violence and the needs of the
nonabusing parent;

(5) encourage collaboration among community-
based organizations and governmental
agencies serving children and youth, providers
of health and mental health services and pro-
voters of domestic violence, dating violence,
sexual assault, and stalking victim services to pre-
vent violence;

(3) AWARD BASIS.—The Director shall award
grants—

(5) encourage collaboration among community-
based organizations and governmental
agencies serving children and youth, providers
of health and mental health services and pro-
voters of domestic violence, dating violence,
sexual assault, and stalking victim services to pre-
vent violence;

(3) AWARD BASIS.—The Director shall award
grants—

(5) encourage collaboration among community-
based organizations and governmental
agencies serving children and youth, providers
of health and mental health services and pro-
voters of domestic violence, dating violence,
sexual assault, and stalking victim services to pre-
vent violence;
SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN, AND YOUTH TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

(a) GRANTS AUTHORIZED.—

(1) In general.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Secretary of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to building alliances among men, women, and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

(2) Term.—The Director shall make grants under this section for a period of 3 fiscal years.

(3) Award basis.—The Director shall award grants—

(A) considering the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968);

(B) with respect to gender-specific programs described under subsection (c)(1)(A), ensuring receipt of funds to programs for boys and programs for girls;

(C) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

(D) awarding up to 8 percent of the funding for the training of technical assistance, and data collection grants and non-grantees working in this area and evaluation programs from the amounts made available under this section for a fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

(c) Use of Funds.—

(1) Programs.—The funds appropriated under this section shall be used by eligible entities for—

(A) public education and community based programs, including gender-specific programs in accordance with applicable laws;

(B) public education campaigns and community organizing to encourage men and boys to work together to reduce the risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

(ii) that include at a minimum—

(i) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

(ii) strategies to help participants be as safe as possible; or

(B) public education campaigns and community organizing to encourage men and boys to work together to reduce the risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

(2) Term.—The Director shall make grants under this section for a period of 2 fiscal years.

(3) Award basis.—The Director shall—

(A) consider the needs of underserved populations;

(B) award not less than 7 percent of such amounts for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

(C) award not less than 10 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

(2) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and—

(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities; and

(C) ensure that the adults and children who have experienced domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grant program staff to—

(i) safely screen for or recognize (or both) domestic violence, dating violence, sexual assault, stalking; and

(ii) link new parents with existing community resources in communities where resources exist; and

(3) grants shall be a national, Federal, State, local, or tribal—

(A) home visitation program that provides services to pregnant women and to young children and their parents grant that are are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people.

(c) ELIGIBLE ENTITIES.—

(1) GRANTS AUTHORIZED.—

(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions; and

(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people.

(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

(D) a program that provides culturally specific services.

(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking remaining in their lives;

(B) provide, where appropriate, linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations;

(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

(3) PROJECTS.—An entity receiving a grant under this section shall use the funds provided for project planning and development, technical assistance programs and training, providing information and resources to the community, and making referrals as appropriate.

(d) ELIGIBLE ENTITIES.—

(1) RELATIONSHIP.—Eligible entities under subsection (c)(1)(A) are—

(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions; and

(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people.

(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

(D) a program that provides culturally specific services.

Title IX—Protection for Immigrant Victims of Violence

SEC. 900. SHORT TITLE; REFERENCES TO VAWA–2000; REGULATIONS.

(a) SHORT TITLE.—This title may be cited as "Immigrant Victims of Violence Protection Act of 2005".

(b) REFERENCES TO VAWA–2000.—In this title, the term "VAWA–2000" means the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, the Secretary of Homeland Security, and Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of VAWA–2000) and the amendments made by (and the provisions of) this title. In applying such regulations, in the case of petitions, applications, or certifications filed on or before the effective date of publication of such regulations for relief covered by (and the provisions of) this title, the Attorney General, the Secretary of Homeland Security, and Secretary of State may require to submit an additional petition, application, or certification and any priority or similar date with respect to such a petition or application shall relate back to the date of the filing of the petition or application.

Subtitle A—Victims of Crime

SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Clause (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended to read as follows:—

"(ii) if accompanying, or following to join, the alien described in clause (i)—
“(I) in the case of an alien so described who is under 21 years of age, the spouse, children, or unmarred siblings under 18 years of age on the date on which such alien applied for status under section 107(a)(15), and parents of such alien; or

“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;”.

(2) BY AMENDMENT—

(U) VSAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)(9)) is amended by adding at the end the following new subsection:

“(3) Certification Process.—(A) The amendments made by subsection (d)(1) shall be effective as if included in the enactment of VAWA- 2005.

(B) The amendments made by subsection (d)(2) shall be effective as of the applicable date of transfer of authority from the Attorney General to the Secretary of Homeland Security under the Homeland Security Act of 2002 (Public Law 107–296).

SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(A) IN GENERAL.—Section 251(n)(4) of the Immigration and Nationality Act (8 U.S.C. 1156(a)(4)) is amended by adding at the end the following: “An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the grounds or grounds for such relief without the application being resubmitted.”

(B) APPEALS.—Such section is further amended by adding at the end the following: “Such an application may not be considered if there is a pending removal order in effect with respect to the alien.”

(C) CONFORMING AMENDMENT.—Section 251(n)(4)(I)(ii) of such Act (8 U.S.C. 1156(n)(4)(I)(ii)) is amended by adding at the end the following: “or qualifies for a waiver under section 251(n)(4)(I)(ii).”

(D) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendments made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(A) REDUCTION IN REQUIRED PERIOD OF PRESENCE AUTHORIZED.—

(1) IN GENERAL.—Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(A) in paragraph (1)(A), by inserting “subject to paragraph (6),” after “(A)”;

(B) in paragraph (1)(A), by inserting after “(since)” the following: “the earlier of (i) the date the alien was granted continued presence under section 101(a)(15)(T) of the Trafficking Victims Protection Act of 2000, or (ii)”;

(C) by adding at the end the following new paragraph:

“(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien’s adjustment of status if, before the period at the end of the paragraph: “or qualifies for a waiver under section 251(n)(4)(I)(ii).”

(D) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendments made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 904. AMENDMENTS TO PROVISIONS UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(A) IN GENERAL.—Section 251(n)(4) of the Immigration and Nationality Act (8 U.S.C. 1156(a)(4)) is amended by adding at the end the following: “An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the grounds or grounds for such relief without the application being resubmitted.”

(B) APPEALS.—Such section is further amended by adding at the end the following: “Such an application may not be considered if there is a pending removal order in effect with respect to the alien.”

(C) CONFORMING AMENDMENT.—Section 251(n)(4)(I)(ii) of such Act (8 U.S.C. 1156(n)(4)(I)(ii)) is amended by adding at the end the following: “or qualifies for a waiver under section 251(n)(4)(I)(ii).”

(D) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendments made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 905. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(A) IN GENERAL.—Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(A) by striking “subject to paragraph (6),” after “(A)”;

(B) in paragraph (1)(A), by inserting after “(since)” the following: “the earlier of (i) the date the alien was granted continued presence under section 101(a)(15)(T) of the Trafficking Victims Protection Act of 2000, or (ii)”;

(C) by adding at the end the following new paragraph:

“(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien’s adjustment of status if, before the period at the end of the paragraph: “or qualifies for a waiver under section 251(n)(4)(I)(ii).”

(D) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendments made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 906. AMENDMENTS TO PROVISIONS UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(A) IN GENERAL.—Section 251(n)(4) of the Immigration and Nationality Act (8 U.S.C. 1156(a)(4)) is amended by adding at the end the following: “An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the grounds or grounds for such relief without the application being resubmitted.”

(B) APPEALS.—Such section is further amended by adding at the end the following: “Such an application may not be considered if there is a pending removal order in effect with respect to the alien.”

(C) CONFORMING AMENDMENT.—Section 251(n)(4)(I)(ii) of such Act (8 U.S.C. 1156(n)(4)(I)(ii)) is amended by adding at the end the following: “or qualifies for a waiver under section 251(n)(4)(I)(ii).”

(D) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendments made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 907. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(A) IN GENERAL.—Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(A) by striking “subject to paragraph (6),” after “(A)”;

(B) in paragraph (1)(A), by inserting after “(since)” the following: “the earlier of (i) the date the alien was granted continued presence under section 101(a)(15)(T) of the Trafficking Victims Protection Act of 2000, or (ii)”;

(C) by adding at the end the following new paragraph:

“(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien’s adjustment of status if, before the period at the end of the paragraph: “or qualifies for a waiver under section 251(n)(4)(I)(ii).”

(D) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendments made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.
(1) in paragraph (1)(B), by inserting “subject to paragraph (7),” after “(B);” and
(2) by adding at the end the following new paragraph:

“(T) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary’s sole unreconcilable discretion, may waive consideration of a disqualification from good moral character for 2 years (or such shorter period with respect to an alien if there is a connection between the disqualified and the trafficking victim with respect to the alien described in section 101(a)(15) of such Act.”

(3) by adding the following new subsection:

“ANNUAL REPORT ON TRAINING OF LAW ENFORCEMENT.—

(1) In general.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–385; 22 U.S.C. 7105(g)) is amended by adding at the end the following:

“Each such report shall also include statistics regarding the number of law enforcement officials who have been trained in the identification and protection of trafficking victims and certification for assistance as nonimmigrants under section 101(a)(15)(T) of such Act.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to annual reports beginning with fiscal year 2006.

Subtitle B—VAWA Petitioners

SEC. 912. SELF-PETITIONING FOR CHILDREN.

(a) SELF-PETITIONING BY CHILDREN OF PARENT-ABUSERS UPON DEATH OR OTHER TERMINATION OF PARENT-CHILD RELATIONSHIP.—


(i) by striking ‘‘who’’ and inserting ‘‘who’’; and

(ii) by inserting after ‘‘who’’ the following: ‘‘or who was a child of a United States citizen parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)).,’’

(2) LAWFUL PERMANENT RESIDENT PARENTS.—

(A) I N GENERAL.—Section 204(a)(1)(B)(ii) of such Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended—

(i) by striking ‘‘who’’ and inserting ‘‘who’’;

(ii) by inserting after ‘‘who’’ the following: ‘‘or who was a child of a lawful permanent resident parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)).,’’


(i) by redesignating subitems (aaa) and (bbb) as subitems (bbb) and (ccc), respectively; and

(ii) by inserting before subparagraph (b)(4) the following new sentence: ‘‘Any child who attains 21 years of age or has married, or both.’’

(c) CITIZEN PARENTS.—

(1) CITIZEN PARENTS.—Section 204(a)(1)(A)(iv) of such Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

(i) by striking the following new clause:

‘‘Any child who attains 21 years of age or has married, or both.’’

(ii) by striking ‘‘who’’ and inserting ‘‘who’’;

(iii) by inserting after ‘‘who’’ the following: ‘‘or who was a child of a lawful permanent resident parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)).,’’

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed before, on, or after the date of the enactment of VAWA–2000.

(d) LATE PETITION PERMITTED FOR ADULTS ABUSED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended by adding at the end the following new clause:

(ii) The petition must be filed under such subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)(D) or ‘‘as a VAWA petitioner’’.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

(3) CLARIFICATION REGARDING APPLICATION TO CHILDREN OF LAWFUL PERMANENT RESIDENTS.—

Section 204(a)(1)(D) of such Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(A) by striking ‘‘(i)’’ and inserting ‘‘(ii)’’;

(B) by adding at the end the following new sentence: ‘‘Any child who attains 21 years of age or has married, or both.’’

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.
the enactment of this Act and shall apply to individuals who attain 21 years of age on or after the date of the enactment of VAWA–2000.

SEC. 913. SELF-PETITIONING PARENTS.

(a) In General.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following new subsection:

“(cc) (1) In the case of an alien who has applied for relief under section 245(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(d)(1)) as amended by paragraph (3)(A), is amended by adding at the end the following new paragraph:

“(ii) A petition as a VAWA petitioner shall be approved without regard to whether a proceeding to remove or deport such alien is brought or pending.”

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included by subsection (a) on the date of the enactment of VAWA–2000.

SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICATIONS.

(a) In General.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended:

(1) in subparagraph (A)(iii)(II)(aa)(CC)(cc)(bb)(b), by striking “an incident of domestic violence” and inserting “battering or extreme cruelty by the alien’s spouse”;

(2) in subparagraph (A)(iv), by striking “an incident of domestic violence” and inserting “battering or extreme cruelty by such parent”; and

(3) in subparagraph (B)(ii), by striking “due to an incident of domestic violence” and inserting “related to battering or extreme cruelty by the lawful permanent resident spouse”;

and

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of VAWA–2000.

SEC. 915. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

(a) RELIEF.—

(1) LIMITATION ON REMOVAL OR DEPORTATION.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following new subsection:

“(cc) In the case of an alien who has applied for relief under section 245(d)(1), the petition sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary’s sole unrecoverable discretion, may grant the alien deferred action until the petition is approved or the petition is denied after exhaustion of administrative appeals. In the case of the approval of such petition, such deferred action may be extended for a period not to exceed 180 days. In the case of the denial of such petition, the Secretary may either deny the application for adjustment of status. However, if the Secretary of Homeland Security, in the Secretary’s sole unrecoverable discretion, may grant the alien deferred action until the application is approved or the application is denied after exhaustion of administrative appeals.

“(ii) A petition as a VAWA petitioner shall be approved without regard to whether a proceeding to remove or deport such alien is brought or pending.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

(b) APPLICANTS FOR CANCELLATION OF REMOVAL OR SUSPENSION OF DEPORTATION.—Section 204(a)(1)(K) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(K)), as added by paragraph (3)(A), is amended by adding at the end the following new paragraph:

“(ii) A petition as a VAWA petitioner shall be approved without regard to whether a proceeding to remove or deport such alien is brought or pending.”

(c)痃EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to petitions and applications filed before, on, or after such date.

SEC. 916. APPLICATION UNDER SUSPENSION OF DEPORTATION REGARDLESS OF MANNER OF ENTRY.

(a) FIANCÉES.—

(1) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

(A) in clause (I), by striking “during the marriage” the following: “or relationshiip intended by the alien to be a marriage or to conclude in a valid marriage”;

(B) in subsection (b)(2), by striking “or” at the end of subsection (b)(2); and

(C) by inserting “or” at the end of subsection (b)(2).
(5) EFFECTIVE DATE.—The amendments made by this subsection, and the provisions of paragraph (4), shall take effect on the date of the enactment of this Act and shall apply to applications for adjustment of status, for cancellation of removal, or for suspension of deportation filed before, on, or after such date.

(e) INFORMATION ON CERTAIN CONVICTIONS AND CONDITION ON PETITION FOR K NON-IMMIGRANT PETITIONERS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1114(d)) is amended—

(1) in paragraph (d)(ii) and inserting “(d)(i)”; and

(2) by adding at the end the following:

“Such information shall include information on any criminal convictions of the petitioner for domestic violence, sexual assault, or child abuse.”;

and

(3) by adding at the end the following:

“Within the discretion of the Secretary, waiver of the limitation in subparagraph (A), if justification exists for each waiver.”;

(4) by adding at the end the following:


SEC. 916. SPOUSES AND CHILDREN OF ASYLUM APPLICANTS UNDER ADJUSTMENT PROVISIONS.

(o) APPLICATION OF MOTIONS TO REOPEN FOR ALL VAWA PETITIONERS.—Section 240(c)(7)(C)(vi) of the Immigration and Nationality Act (8 U.S.C. 1229c(c)(vi)), as added by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subsection (B)(ii), by striking “or” at the end of subitem (v) or (vi) of section 204(a)(1)(B) and inserting “as a VAWA petitioner”;

(2) in subsection (B), by inserting “or adjustment of status” after “cancellation of removal”; and

(B) application of VAWA DEPORTATION PROTECTIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETITIONERS.—Section 596(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) in paragraph (A)—

(2) by adding clause (i) to read as follows:

“if the basis of the motion is to apply for relief as a VAWA petitioner (as defined in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or section 244(c)(3) of such Act (8 U.S.C. 1254a(c)(3)); and

(3) in subsection (B), by inserting “or adjustment of status” after “suspension of deportation”; and

(4) in subparagraph (B)(ii), by striking “for relief” and all that follows through “1101 note)” and inserting “for relief described in subparagraph (A)”;

(c) APPLICATION OF VAWA-RELATED RELIEF UNDER SECTION 202 OF NACARA.—Section 202(d)(1) of the Nicaraguan and Central American Relief Act (8 U.S.C. 1255 note; Public Law 101–305) is amended—

(1) in subparagraph (B)(i) by inserting “or was eligible for adjustment,” after “whose status is adjusted”;

(2) in subparagraph (B)(ii) by inserting “for removal proceedings, or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005.”

(d) PETITIONING RIGHTS OF CERTAIN FORMER SPouses of VICTIMS.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended by adding at the end the following: “An alien who was the spouse of any Cuban refugee and is eligible for classification under such Act shall be treated as such a spouse for 2 years after the date on which the Cuban alien dies or, if later, 2 years after the date of enactment of the Violence Against Women Act of 2005.”

(e) SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1255 note), as amended by section 151(a) of the Violence Against Women Act of 2000, is amended—

(1) in clause (i), by striking “whose status is adjusted to that of an alien lawfully admitted for permanent residence” and inserting “who is or was eligible for classification”;

and

(2) in clause (ii), by striking “whose status is adjusted to that of an alien lawfully admitted for permanent residence” and inserting “who is or was eligible for classification.”

(f) SELF-PETITIONING RIGHTS UNDER SECTION 203 OF NACARA.—Section 309 of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division B of Public Law 104–208; 8 U.S.C. 1255 note), as amended by section 203(a) of the Nicaraguan Adjustment and Central American Refugee Act (8 U.S.C. 1255 note; Public Law 105–100), is amended—

(1) in subsection (c)(5)(C)(vii)(aa), as amended by section 151(b) of the Violence Against Women Act of 2000—

(A) by striking “or” at the end of subsection (B)(A); and

(B) by striking “and” at the end of subsection (B)(B) and inserting “or”;

and

(2) by adding at the end the following new subitem:

“(DD) at the time at which the spouse or child files an application for suspension of deportation or cancellation of removal; and”;

and

(3) in subsection (g)—

(A) by inserting “before” after “Notwithstanding”;

(B) by inserting “subject to paragraph (2), after “section 101(a) of the Immigration and Nationality Act,”;

and

(C) by adding at the end the following new paragraph:

“(2) There shall be no limitation on a motion to reopen removal or deportation proceedings in the case of an alien who is described in subclause (VI) or (VII) of subsection (c)(5)(C)(I). Motions to reopen removal or deportation proceedings in the case of such an alien shall be handled under the procedures that apply to aliens seeking relief under section 241(a)(3)(A)(iii) of the Immigration and Nationality Act.”

(g) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), as amended by section 915(a)(3)(A), is amended by adding at the end the following new subparagraph:

“Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of enactment of this Act.”

(h) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of enactment of this Act.
SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) In General.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1320a(a)) is amended by inserting after "extreme cruelty by a United States citizen spouse or parent" the following: "regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty.

(b) Use of Credible Evidence.—Such section is further amended by adding at the end the following: "The provisions of section 240A(i)(3) shall apply in the same manner as they apply in acting on petitions referred to in such section.

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) Application of Restrictions on Additional Departments.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1367) is amended—

(1) by striking "or" at the end of paragraph (b)(1); and

(2) by striking "or" at the end of subparagraph (B) of paragraph (b) and inserting "of such Department; or

(b) Conforming Reference.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

"(C) in paragraph (2), by striking "(including any bureau or agency of such Department)" and inserting "or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor of any other official or employee of the Department of Homeland Security, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of such Department);"; and

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FROM SANCTIONS FOR FAILURE TO DEPART VOLUNTARILY.

(a) In General.—Section 239(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(b)) is amended—

(1) by striking "or" and inserting "(I) Subject to paragraph (2),"; and

(2) by adding at the end the following new paragraph:

"(II) The ineligibility for relief under paragraph (a)(1) shall not apply to an alien who is a principal beneficiary of a VAWA petition and who is seeking status as a nonimmigrant under subparagraph (7) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart voluntarily occurring before, on, or after the date of the enactment of this Act.

(b) Effective Date.—The amendments made by subsection (a) shall apply to an alien who satisfies the conditions for relief under paragraph (a)(1) of section 245 of the Immigration and Nationality Act and the traffic defender, or perpetrator; and

(c) Use of Credible Evidence.—Such section is further amended by adding at the end the following: "The provisions of section 240A(i)(3) shall apply in the same manner as they apply in acting on petitions referred to in such section.

(d) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) In General.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1320a(a)) is amended by inserting after "extreme cruelty by a United States citizen spouse or parent" the following: "regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty.

(b) Use of Credible Evidence.—Such section is further amended by adding at the end the following: "The provisions of section 240A(i)(3) shall apply in the same manner as they apply in acting on petitions referred to in such section.

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) Application of Restrictions on Additional Departments.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1367) is amended—

(1) by striking "or" at the end of paragraph (b)(1); and

(2) by striking "or" at the end of subparagraph (B) of paragraph (b) and inserting "of such Department; or

(b) Conforming Reference.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

"(C) in paragraph (2), by striking "(including any bureau or agency of such Department)" and inserting "or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor of any other official or employee of the Department of Homeland Security, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of such Department);"; and

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FROM SANCTIONS FOR FAILURE TO DEPART VOLUNTARILY.

(a) In General.—Section 239(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(b)) is amended—

(1) by striking "or" and inserting "(I) Subject to paragraph (2),"; and

(2) by adding at the end the following new paragraph:

"(II) The ineligibility for relief under paragraph (a)(1) shall not apply to an alien who is a principal beneficiary of a VAWA petition and who is seeking status as a nonimmigrant under subparagraph (7) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart voluntarily occurring before, on, or after the date of the enactment of this Act.

(b) Effective Date.—The amendments made by subsection (a) shall apply to an alien who satisfies the conditions for relief under paragraph (a)(1) of section 245 of the Immigration and Nationality Act and the traffic defender, or perpetrator; and

(c) Use of Credible Evidence.—Such section is further amended by adding at the end the following: "The provisions of section 240A(i)(3) shall apply in the same manner as they apply in acting on petitions referred to in such section.

(d) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) In General.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1320a(a)) is amended by inserting after "extreme cruelty by a United States citizen spouse or parent" the following: "regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty.

(b) Use of Credible Evidence.—Such section is further amended by adding at the end the following: "The provisions of section 240A(i)(3) shall apply in the same manner as they apply in acting on petitions referred to in such section.

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) Application of Restrictions on Additional Departments.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1367) is amended—

(1) by striking "or" at the end of paragraph (b)(1); and

(2) by striking "or" at the end of subparagraph (B) of paragraph (b) and inserting "of such Department; or

(b) Conforming Reference.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

"(C) in paragraph (2), by striking "(including any bureau or agency of such Department)" and inserting "or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor of any other official or employee of the Department of Homeland Security, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of such Department);"; and

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.
“(B) at a courthouse (or in connection with the appearance of the alien at a courthouse) if the alien is appearing in connection with a prosecution under case, child custody case, or other civil case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subsection (a) that shall be used by consular officers at all consular posts.

(2) Such an enforcement action was taken, but the provisions of section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been complied with.

(3) The obligations of parents to provide child support for children.

(4) An immigrant who is the beneficiary of the petition. The visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this subparagraph shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(5) Consular access.—The pamphlet shall be made available to the public at all consular posts. Summaries of the pamphlet under subsection (c) shall be mailed to foreign service officers at all consular posts.

(6) Posting on state department website.—The pamphlet shall be posted on the website of the Department of State as well as on the websites of all consular posts, including the Foreign Service Information Bulletin, concerning the potential use of K nonimmigrant visas by individuals who have a history of committing domestic violence, sexual assault, or child abuse.

(b) K NONIMMIGRANT DEFINED.—For purposes of this section, the term ‘K nonimmigrant visa’ means a nonimmigrant visa under section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1181(a)(15)(K)).

(c) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for the performance of processing K nonimmigrant visa applications.

SEC. 932. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

(a) In General.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by sections 1321(a)(4) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended by adding at the end the following new paragraph:

“(i) the alien is described in subparagraph (B); or”

(c) EFFECTIVE DATE.—As provided in subsection (a), the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply regardless of whether the conviction was entered, crime, or determining event occurred before, on, or after such date.

SEC. 933. EMPLOYMENT AUTHORIZATION FOR RAPIDLY AGED RESIDENTS WITHIN THE UNITED STATES.

(a) In General.—Section 330(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1367(c)(4)), as added by section 471(b) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended by adding at the end the following new paragraph:

“(i) the alien is described in subparagraph (B); or”

(c) EFFECTIVE DATE.—Except as provided in subsection (a), the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply regardless of whether the conviction was entered, crime, or determining event occurred before, on, or after such date.
relief under this paragraph shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act and shall apply to aliens who obtained the status of an alien spouse before, on, or after such date.

SEC. 934. GROUND OF HARDSHIP WAIVER FOR CONDITIONAL PERMANENT RESIDENCE FOR INTENDED SPOUSES.

(a) In General.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) by striking “or” at the end of subparagraph (C); and

(2) by striking the period at the end of subparagraph (C) and inserting “, or”;

and

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of VAWA–2000.

SEC. 935. CANCELLATION OF REMOVAL.

(a) TECHNICAL CORRECTIONS TO REFERENCES IN DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(h)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting “subject to paragraph (5),” after “(C);” and

(ii) by striking “(except in a case described in section 237(a)(2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i); and”;

and

(C) by adding at the end the following new paragraph:

“(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(1)(G) as in effect before the title III–A effective date, to reopen or rescind deportation or exclusion;”;

and

(b) EFFECTIVE DATE.—The amendments made by paragraph (a) shall apply as if included in the enactment of VAWA–2000.

SEC. 936. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)(7)) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(A) in subparagraph (A), by inserting “ Battery or extreme cruelty described in clause (i)”; and

(B) in subparagraph (C), by—

(i) in the heading of clause (iv), by striking “SPOUSES AND CHILDREN” and inserting “SPOUSES, CHILDREN, AND PARENTS”;

(ii) in the matter before clause (I) of clause (iv), by striking “The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply.”;

and

(iii) in clause (i)(I), by inserting “or section 240(a)(3)” (as in effect on March 31, 1997)” after “section 240A(b)(2)”;

(by) striking “and” at the end of clause (i)(I);

(by) by striking the period at the end of clause (i)(II) and inserting “; and”;

and

(by) by adding at the end the following:

“(iv) subject to paragraph (5), the alien is not removable under paragraph (2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i)); and”;

and

(c) by adding at the end the following new subparagraph:

“(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(1)(G) as in effect before the title III–A effective date, to reopen or rescind deportation or exclusion;”;

and

(d) EFFECTIVE DATE.—The amendments made by paragraph (a) shall take effect on the date of the enactment of this Act and shall apply to the relief available in VAWA–2000.

SEC. 937. REMOVAL PROCEEDINGS.

(a) TREATMENT OF BATTERY OR EXTREME CRUELTY AS EXCEPTIONAL CIRCUMSTANCES.—

(1) IN GENERAL.—Section 240(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)(9)(A)) is amended by inserting “ Battery or extreme cruelty of the alien or any child or parent of the alien or ” after “exceptional circumstances (such as”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a failure to appear that occurs before, on, or after such date.

SEC. 938. CONFORMING REVISIONS TO CREDIBLE EVIDENCE PROVISIONS.

(a) CUBAN ADJUSTMENT PROVISION.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note), as amended by section 1509(a) of VAWA–2000, is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

(b) NACARA.—Section 202(d)(3) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), as amended by section 1510(a)(2) of VAWA–2000, is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

(c) HIRAIRA.—Section 309(c)(5)(C)(iii) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 1510(b)(2) of VAWA–2000, is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.


(e) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of VAWA–2000.

SEC. 940. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.—

(1) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(A)) is amended—

(A) in the first sentence, by striking “(A)(ii)” and inserting “(A)(i)(II)” and “(A)(i)(III)”;

and

(B) in the matter before clause (i) of subparagraph (A), by striking “in the absence of any time limit on the filing of a motion” and inserting “Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation”;

and

(C) by adding at the end the following:

“(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(1)(G) as in effect before the title III–A effective date, to reopen or rescind deportation or exclusion;”;

and

(b) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as if included in the enactment of section 1504(a) of VAWA (114 Stat. 1522).

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLICATION OF GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking “(9)(A)” and inserting “(10)(A)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208).

(d) PUNCTUATION CORRECTION.—Effective as if included in the enactment of section 9 of (2) of such Act of 2000, section 237(a)(1)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1229a(1)(H)(ii)) is amended by striking the period at the end and inserting “; and”.

(e) CORRECTION OF DESIGNATION AND INDICATION.—The last sentence of section...

(1) by striking “212(a)(9)(C)(ii)” and inserting “212(a)(9)(C)(i)(II)”,

(2) by redesigning paragraphs (1) and (2), and subparagraphs (A) through (D) of paragraph (2), as subclauses (I) and (II), and items (a) through (dd) of subclause (II), respectively; and

(3) by moving the margins of each of such subparagraphs and subparagraphs 6 ems to the right.


(2) Section 245(i)(2)(B) of such Act (8 U.S.C. 1255(i)(2)(B)) is amended by striking “(10)(E)” and inserting “(10)(E)(i)”.

TITLE X—SAFETY ON TRIBAL LANDS
SEC. 1001. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of domestic violence, dating violence, sexual assault, and stalking on Tribal lands;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to domestic violence, dating violence, sexual assault, and stalking on Tribal lands under their jurisdiction; and

(3) to ensure that perpetrators of domestic violence, dating violence, sexual assault, and stalking on Tribal lands are held accountable for their criminal behavior.

SEC. 1002. CONSULTATION.

(a) IN GENERAL.—The Secretary of the Interior and the Attorney General shall—

(1) conduct annual consultations with Indian tribal governments concerning the Federal administration of programs established under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386), including consultation concerning—

(A) the timeliness of the Federal grant application and award process;

(B) the amounts awarded under each program directly to tribal governments, tribal organizations, and tribal nonprofit organizations;

(C) determinations not to award grant funds;

(D) grant awards made in violation of the eligibility guidelines for a nontribal entity; and

(E) training, technical assistance, and data collection for Tribal grant programs or programs addressing the safety of Indian women.

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON TRIBAL LANDS.

(a) NATIONAL BASELINE STUDY.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women.

(b) SCOPE.—

(1) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(A) domestic violence;

(B) dating violence;

(C) sexual assault;

(D) stalking; and

(E) murder.

(2) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in paragraph (1) committed against Indian women.

(c) TASK FORCE.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under subsection (a).

(2) MEMBERS.—The Director shall appoint to the task force representatives from—

(A) Indian tribes affected by violence and sexual assault nonprofit organizations;

(B) tribal governments; and

(C) the National Congress of American Indians.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the findings made in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f); and

(2) by inserting after subsection (c) the following:

"(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases, including information relating to—

(1) identification records;

(2) criminal history records;

(3) protection orders; and

(4) wanted persons records.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and tribal jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105 (as added by section 604 of this Act) the following:—

"SEC. 2016. TRIBAL DIVISION.

(a) IN GENERAL.—The Director of the Office on Violence Against Women shall designate one or more employees, each of whom shall have demonstrated expertise in tribal law and practice regarding violence, domestic violence, sexual assault, and stalking against Indian tribes, to be responsible for—

(1) overseeing and managing the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, tribal nonprofit organizations and the territories;

(2) ensuring that, if a grant or a contract pursuant to such a grant is made to an organization to perform services that benefit more than one Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

(3) assisting in the development of Federal policy, protocols, and guidelines on matters relating to domestic violence, sexual assault, and stalking against Indian tribes;

(4) advising the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

(5) representing the Office on Violence Against Women in the annual consultations under section 1002 of the Violence Against Women Reauthorization Act of 2005;

(6) providing assistance to the Department of Justice to develop policy and to enforce Federal laws relating to domestic violence, sexual assault, and stalking against members of Indian tribes;

(7) maintaining a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

(b) AUTHORITY.—

(1) IN GENERAL.—The Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386) is used to enhance the capacity of Indian tribes to address the safety of members of Indian tribes.

(2) ACCOUNTABILITY.—The Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

(A) improving the reporting of crime in Indian country, including the reporting of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

(B) development and maintenance of tribal domestic violence shelters or programs for battered members of Indian tribes, including sexual assault services, that are based on the unique circumstances of the members of Indian tribes to be served;

(C) development of tribal educational awareness programs and materials;

(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against members of Indian tribes; and

(E) the development and maintenance of tribal electronic databases for tribal protection order registries.

"SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in a program referred to in paragraph (2), the Attorney General, through the Director of the Office on Violence Against Women (referred to in this section as the “Director”), shall take such action as the Director deems appropriate to establish the Safety for Indian Women Formula Grants Program, a single formula grant program to enhance the response of Indian tribal governments to address domestic violence, sexual assault, dating violence, and stalking. Grants made under this program shall be administered by the Tribal Division of the Office on Violence Against Women.

(b) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

(1) Section 2007 (42 U.S.C. 3796gg–1), Grants to Combat Violent Crimes Against Women.

(2) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

(3) Section 1201 (42 U.S.C. 3796gg–6), Legal Assistance for Victims.

(4) authorizing the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

(5) representing the Office on Violence Against Women in the annual consultations under section 1002 of the Violence Against Women Reauthorization Act of 2005;

(6) providing assistance to the Department of Justice to develop policy and to enforce Federal laws relating to domestic violence, sexual assault, and stalking against members of Indian tribes;

(7) maintaining a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

"(f) establishing the intolerance of an Indian tribe to violence against members of Indian tribes; and

"(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

(4) authorizing the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;


(G) Section 2014(b), Sexual Assault Services Program, Grants to States, Territories and Indian Tribes.

(H) Title VII, section 41201, Grants for Training and Collaboration on the Intersection Between Personal Violence and Child Maltreatment. Section 41202, Services to Advocate For and Respond to Teens.

(I) Section 704, Grants to Combat Domestic Violence, Sexual Assault, Sexual Harassment, and Stalking In Middle And High Schools.

(b) PURPOSE OF PROGRAM AND GRANTS.—

(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to assist Indian tribal governments to develop and enhance effective governmental strategies tocurtail violent crimes against and increase the safety of Indian members of Indian tribes consistent with tribal law and custom, specifically the following:

(A) To increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against members of Indian tribes.

(B) To strengthen tribal justice interventions including law enforcement, prosecution, courts, probation, correctional facilities; and enhance services to members of Indian tribes victimized by domestic violence, dating violence, sexual assault, and stalking.

(2) PURPOSES FOR WHICH GRANTS MAY BE AWARDED.—(A) Develop, implement, and improve programs that provide comprehensive and culturally appropriate services to victims of domestic violence.

(B) Enhance the Indian tribe's response to domestic violence, sexual assault, and stalking.

(3) RECIPIENT REQUIREMENTS.—

(A) To obligate the funds appropriated under the program to develop and maintain a program of services designed to provide comprehensive and culturally appropriate services to victims of domestic violence.

(b) FUNDING FOR PROGRAMS.

(1) GENERAL.—(A) The Director may distribute funds among the tribes in accordance with the tribe's need, the tribe's capacity to provide needed services, and the tribe's determination of the most appropriate means to provide services.

(B) Not later than 120 days after receiving an application referred to in paragraph (1), the Director shall set aside not less than 60 days after receiving an appropriation referred to in paragraph (1), the Director shall set aside not less than 60 days after receiving an appropriation referred to in paragraph (1) of the amount of funds that the Director determines to be necessary to carry out the purposes of this section.

(c) ADMINISTRATION.—(1) In general.—The Director shall—

(A) make grants under this section to Indian tribes; and

(B) enter into contracts with grantees under this section to provide assistance to participating tribal governments.

(2) Allocation of funds.—(A) The Director shall make grants to Indian tribes for the purpose of improving the capacity of Indian tribes to address the unique circumstances of the victims of domestic violence.

(B) The Director shall make grants to Indian tribes on a per capita basis, according to the population residing in the respective Indian tribe's service area.

(C) Limiting reporting to an annual basis.

(d) REPORTING AND EVALUATION.—(1) General.—(A) The Director shall require the recipient of funds under this section to report information—

(i) regarding the use of grants made under this section to provide comprehensive services against adult American Indians and Alaska Natives.

(ii) to the Congress a report on the prosecution of such cases; and

(iii) to the Congress a report on the prosecution of such cases and the percentage of such cases prosecuted to total cases prosecuted.

(2) For each district containing Indian country, a summary of the number of sexual assault and domestic violence related cases within Federal and Tribal jurisdiction, and a summary of the number of sexual assault and domestic violence related cases within Federal and Tribal jurisdiction, and the percentage of such cases prosecuted to total cases prosecuted.

(e) FORMULA.—The Director shall distribute the funds available for the program to tribes in accordance with the following formula:

(A) The Director shall divide the amount of funds available for the program among the tribes to which funds are made available under the program.

(B) The amount of funds available for the program among the tribes shall be divided equally among the tribes.

(C) The amount of funds available for the program among the tribes shall be divided equally among the tribes.

(f) REQUIREMENTS.—(1) In general.—(A) The Director shall not require that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1) of this section.

(B) The Director shall award a grant in an amount not less than 60 days after receiving an appropriation under this section, except as provided in paragraph (2).

(C) The Director shall ensure that Indian tribes that are victims of crimes of domestic violence, sexual assault, and stalking and knowledge and experience in the development of services to Indian tribes who are victimized; and

(D) The Director shall ensure that Indian tribes that are victims of crimes of domestic violence, sexual assault, and stalking and knowledge and experience in the development of services to Indian tribes who are victimized; and

(2) The development and implementation of tribal governmental responses to such crimes; and

(3) The traditional and customary practices of Indian tribes to such crimes.

(g) PRESUMPTION THAT MATCHING FUNDS ARE AVAILABLE.—

(h) EVALUATION.—The Director shall conduct a contract or cooperative agreement to evaluate the programs under this section to an entity with the demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking and knowledge and experience in the development of services to members of Indian tribes who are victimized.

(i) RETENTION.—(1) The Director shall retain a percentage of the funds made available under the program.

(j) LIMITATION ON ADMINISTRATION AND EVALUATION COSTS.—

(K) The Director shall not require that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1) of this section.

(L) The Director shall award a grant in an amount not less than 60 days after receiving an appropriation under this section, except as provided in paragraph (2).

(M) The Director shall ensure that Indian tribes that are victims of crimes of domestic violence, sexual assault, and stalking, and knowledge and experience in the development of services to members of Indian tribes who are victimized; and

(N) The Director shall ensure that Indian tribes that are victims of crimes of domestic violence, sexual assault, and stalking, and knowledge and experience in the development of services to members of Indian tribes who are victimized; and

(O) The development and implementation of tribal governmental responses to such crimes; and

(P) The traditional and customary practices of Indian tribes to such crimes.

SEC. 1006. GAO REPORT TO CONGRESS ON STATISTICAL PRODUCTION OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE ON TRIBAL LANDS.

(a) In general.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall submit to the Congress a report on the prosecution of sexual assault and domestic violence committed against adult American Indians and Alaska Natives.

(b) Contents of report.—The report required by subsection (a) shall include the following:

(1) An assessment of the effectiveness of prosecution of such cases by the United States district attorneys of such cases.

(2) For each district containing Indian country, a summary of the number of sexual assault and domestic violence related cases within Federal and Tribal jurisdiction, and the percentage of such cases prosecuted to total cases prosecuted.

(3) A summary of the number of—

(A) reports received;

(B) investigations conducted;

(C) declinations and basis for declination;

(D) prosecutions, including original charge and final disposition;

(E) sentences imposed upon conviction; and

(F) male victims, female victims, Indian defendants, and non-Indian defendants.

(4) The priority assigned by the district to the prosecution of such cases and the percentage of such cases prosecuted to total cases prosecuted.

(5) Any recommendations by the Comptroller General for improved Federal prosecution of such cases.

(c) Years covered.—The report required by this section shall cover the years 2000 through 2005.
proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–296.

Amendment No. 1 offered by Mr. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment. The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 6, line 14, strike “pardon and’’.

Page 10, line 14, strike “pardon and’’.

Page 25, line 1, insert “(1)’’ before “Any’’.

Page 25, line 7, strike the close quotation marks and strike ‘’;’’ and ‘’;

Page 25, after line 7, insert the following: “(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 506(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.’’

Page 27, strike line 23, and insert the following:

“(a) vehicles (excluding police cruisers), vessels (including police boats), or aircraft (excluding police helicopters);’’.

Page 40, after line 16, insert the following as quoted matter:

SEC. 508. INCLUSION OF INDIAN TRIBES.

In this subpart, the term ‘‘State’’ includes an Indian tribal government.

Page 40, line 17, redesignate section 508 as section 509.

Page 41, strike lines 8 through 11 and insert the following:

(ii) by striking ‘‘the application submitted pursuant to section 563 of this title,’’ and inserting ‘‘the application submitted pursuant to section 502 of this title.’’ Such report shall include details identifying each applicant that used any funds to purchase any aircraft, boat, helicopter, or vehicle, and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any aircraft, boat, helicopter or a vehicle, and the location of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee on the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).’’

Page 45, line 5, insert ‘‘tribal’’, before ‘’and local’’.

Page 47, beginning on line 1, strike ‘‘National Criminal History Background Check System’’ and insert ‘‘National Instant Criminal Background Check System’’.

Page 55, line 22, before the close quotation marks, insert the following as quoted matter:

SEC. 105. INCLUSION OF INDIAN TRIBES.

For purposes of sections 103 and 104, the term ‘‘State’’ includes an Indian tribal government.

Page 65, line 1 and all that follows through line 10.

Page 65, line 11, strike ‘‘(d)’’ and insert ‘‘(c)’’.

Page 67, line 3, strike ‘‘provisions’’ and insert ‘‘provision’’.

Page 67, line 4, strike ‘‘are’’ and insert ‘‘is’’.

Page 67, strike lines 7–8.

Page 74, line 2, insert ‘‘5’’ and insert ‘‘3’’.

Page 78, line 1, strike ‘‘OFFICE’’ and insert ‘‘DIVISION’’.

Page 78, line 4, strike ‘‘an office’’ and insert ‘‘Science and Technology, the Division’’.

Page 78, line 5, strike ‘‘a Director’’ and insert ‘‘an individual’’.

Page 78, line 6, strike ‘‘Office’’ and insert ‘‘Division’’.

Page 78, beginning on line 10, strike ‘‘Office, the Division’’ and insert ‘‘Division, the head of the Division’’.

Page 80, line 17, insert ‘‘, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,’’ after ‘‘Programs’’.

Page 81, line 2, insert ‘‘, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,’’ after ‘‘General’’.

Page 81, line 11, insert ‘‘, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,’’ after ‘‘General’’.

Page 83, strike line 22 and all that follows through page 84, line 8.

Page 84, line 22, insert ‘‘and’’ at the end.

Page 84, line 23, strike the semicolon and strike the period.

Page 90, after line 6, insert the following new section:

SEC. 259. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) In General.—Section 2076 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796e) is amended by striking ‘‘2003’’ and inserting ‘‘2009’’.

(b) Program Required Under COPS Office.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796g) is amended in subsection (a)(7)(A) by inserting ‘‘The Attorney General’’ the following: ‘‘, acting through the Office of Community Oriented Policing Services.’’

Page 91, strike lines 6 through 9.

Page 91, after line 19, insert the following: ‘‘(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 2001 of Public Law 106–22 is amended by striking subsection (c).’’

Page 91, line 24, strike ‘‘predominately’’ and insert ‘‘predominantly’’.

Page 96, strike lines 6 through 9, and insert the following: “(ii) by direction of or pursuant to a contract or agreement with the Attorney General’’ after ‘‘in a Federal prison’’.

Page 97, strike lines 3 through 8, and insert the following:

Section 7191(d)(4) of title 18, United States Code, is amended by adding ‘‘or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General’’ after ‘‘in a Federal prison’’.

Page 100, line 24, insert after ‘‘bullying’’ the following: ‘‘, cyberbullying.’’

Page 104, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 223. AUTHORIZATION OF ADDITIONAL APPOINTMENTS.-

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research and Education Fund under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13007) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 224. PROVISION TO COURTS.-

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities and state and local courts to conduct their proceedings.

Page 116, line 2, insert ‘‘or sexual assault’’ after ‘‘violence’’.

Page 120, beginning on line 3, strike ‘‘subparagraph (C)’’ and insert ‘‘subparagraphs (C) and (D)’’.

Page 120, line 19, insert ‘‘, except that consent for release may not be given by the abuser of the minor or person with disabilities, or the abuser of the other parent of the minor before the minor’s” before the period.

Page 121, line 15, strike ‘‘and’’ at the end.

Page 121, line 18, insert ‘‘protection order’’ after ‘‘governmental’’.

Page 121, line 20, strike the period and insert ‘’; and’’.

Page 121, after line 20, insert the following: ‘‘(ii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.’’

Page 123, line 13, strike ‘‘3793(a)(8)’’ and insert ‘‘3738(a)(16)’’.

Page 126, lines 1–2, strike ‘‘racial and ethnic minorities and other underserved populations’’ and insert ‘‘populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General’’.

Page 126, lines 6–7, strike ‘‘racial and ethnic and other underserved populations’’ and insert ‘‘populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General’’.

Page 128, lines 8–9, strike ‘‘racial and ethnic and other underserved’’ and insert ‘‘those’’.

Page 130, line 4, insert ‘‘or Indian Tribal government’’ after ‘‘State’’.

Page 130, line 9, insert ‘‘(i)’’ before ‘‘Part’’.

Page 130, line 17, strike ‘‘that’’ and insert ‘‘must certify’’.

Page 130, line 18, insert ‘‘will’’ after ‘‘practice’’.

Page 131, after line 2, insert the following: ‘‘(2) COMPLIANCE.—Section 2007(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786g–d) is amended—

(1) in paragraph (2) by striking ‘‘and’’ at the end;

(2) in paragraph (3) by striking the period at the end and inserting ‘‘; and’’; and

(3) by inserting after paragraph (4) the following: ‘‘(4) proof of compliance with the requirements regarding polygraph testing provided in section 2007 for 2012.’’

Page 134, at the end of line 25, add the following: ‘‘Although funds may be used to support the co-location of project partners, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.’’

Page 135, line 2, insert ‘‘probation and parole officers,’’ after ‘‘prosecutors,’’.

Page 135, line 6, strike the close quotation marks and the semicolons.

Page 135, after line 6, insert the following: ‘‘(13) To develop, to enhance, and to maintain protection order registries;’’

Page 135, line 13, insert ‘‘that’’ after ‘‘certify’’.

Page 135, line 15, strike ‘‘that’’.
Page 135, line 15, insert “will” after “practices.”

Page 137, beginning on line 2, strike “to offer” and all that follows through “violence.”

Page 142, lines 8-12, strike “racial and ethnic communities” and all that follows through the semicolon on line 12 and insert “populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;”.

Page 147, lines 22-23, strike “Office on Violence Against Women and insert “Violence Against Women Office.”

Page 150, line 3, strike “assure” and insert “ensure”.

Page 151, line 23, strike “every 18 months.”

Page 152, strike lines 2 through 15, and insert the following:

“Taint information on the activities implemented by the recipients of the grants awarded under this section.”.

Page 158, line 7, insert “(a) OFFENSES.—” before “thereafter.”

Page 158, after line 14, insert the following:

(b) DEFINITION.—Section 212 of title 18, United States Code, is amended by adding at the end the following:

“(c) DEFINITION.—The term ‘dating partner’ refers to a person who is or has been in an ongoing relationship of a romantic or intimate nature with the abuse. Factors to consider in determining whether the relationship is or was ongoing include, but are not limited to, the length of the relationship and the frequency and duration of interaction between the persons involved in the relationship.”.

Page 156, line 7, strike “and”.

Page 156, line 19, strike the period and insert “;”.

Page 161, after line 19, insert the following:

“(3) to enhance coordinated community responses to sexual assault.”.

Page 162, line 9, insert “and support coordinated community responses to sexual assault” before the period at the end.

Page 164, line 14, strike “clauses (A) through (G).” and insert “paragraphs (1) through (7).”.

Page 164, after line 14, insert the following:

“(9) sexual assault forensic examinations performed by specially trained examiners, including coordination of examiners with other responders and testimony by examiners; and

“(10) developing and enhancing coordinated community responses to sexual assault, including the development and enhancement of sexual assault response teams.”.

Page 170, line 4, strike “between” and insert “among.”

Page 171, line 14, insert “(including rural areas or rural communities in United States territories after ‘rural communities’.”

Page 171, line 17, strike “between” and insert “among.”

Page 174, lines 18-13, strike “racial and ethnic and other” and all that follows through the period on line 13 and insert “populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.”.

Page 183, line 3, strike “Office on Violence Against Women” and insert “Violence Against Women Office.”

Page 184, beginning on line 18, strike “Office on Violence Against Women” and insert “Violence Against Women Office.”

Page 186, lines 7-9, strike “racial and ethnic” and all that follows through the period on line 9 and insert “populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.”.

Page 189, line 14, strike “racial and ethnic minorities” and insert “populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.”.

Page 190, line 3, strike “racial and ethnic populations” and insert “populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.”.

Page 227, beginning on line 10, strike “every 18 months.”

Page 228, lines 23-24, strike “racial ethnic and other underserved communities” and insert “populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.”.

Page 229, beginning on line 5, strike “Office on Violence Against Women” and insert “Violence Against Women Office.”

Page 231, line 15, insert “will” after “practical.”

Page 236, line 10, insert “National Institute of Justice in consultation with the” after “through the.”

Page 237, beginning on line 5, strike “Office on Violence Against Women” and insert “Violence Against Women Office.”

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Wisconsin (Mr. SENSENBRER) and the gentleman from Michigan (Mr. CONTENS) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRER) and Mr. SENSENBRER, Mr. Chairman, I yield myself 4 minutes.

This manager’s amendment makes several technical and clarifying changes requested by the Department of Justice. Probably more importantly, because this is the issue of constitutional concern, it clarifies that such funding should be conditioned upon the ability to address the needs of ethnic and racial minorities. The amendment addresses this issue by clarifying existing VAWA grant criteria that require applicants to indicate how they intend to meet the needs of populations that are currently underserved by existing VAWA programs. Specifically, the manager’s amendment clarifies that such funding should be based on an applicant’s ability to address the needs of populations that are currently underserved by existing VAWA programs. The amendment remedies the possible constitutional concerns that effectuates the intent of the committee.
when drafting the legislation. Additionally, the amendment reauthorizes the Secure Our Schools grant program and ensures that it is preserved as a stand-alone program; authorizes a program for training prosecutors for child abuse cases; and ensures that Native American Tribes are eligible for certain DOJ grants, including the new Justice Assistance Grants program and the Weed and Seed program grants.

Finally, the amendment includes a provision to encourage cooperation between state and local officials to ensure that the State and local courts will be able to continue to operate utilizing available Federal facilities in the wake of Hurricane Katrina and Hurricane Rita. I urge my colleagues to support the amendment.

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

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

Mr. Chairman, it is unfortunate that we on the committee can agree with everything, which should be being celebrated; but the one thing that is in disagreement creates the greatest amount of discussion. I regret that, but I think the amendment has to be called into account because it would significantly weaken the bill's emphasis on domestic violence grant funding for communities of color, and I cannot allow this to happen without making the concerns clear.

Let us understand that constitutional law is not some secret body of intelligence that is in the power of the members of the Committee on the Judiciary. This amendment, which is being taken out because it is thought to cause constitutional problems, is the same amendment that is supported by the National Network to End Domestic Violence, the Family Violence Prevention Fund, the National Coalition on Domestic Violence, Break the Cycle, Legal Momentum, the NAACP, the YWCA and the Sisters of Color Ending Sexual Abuse.

The bill that passed the House and Senate Judiciary Committees on the Judiciary contain language ensuring that the minorities who are victims of domestic and sexual assault would receive adequate services. That the members of the Committee on the Judiciary agreed upon. This language was necessary because the courts at the Department of Justice were ignoring communities of color when considering grants from domestic violence, rape prevention and other organizations.

This is a serious problem because we know that people of color are far less likely than other groups to report incidents of rape and sexual assault. The only way we can reach out to these individuals is by supporting these non-traditional groups.

Unfortunately, between the Judiciary Committee and the floor, this provision—which has been in the bill since its introduction—suddenly became controversial. Out of the blue, the Administration has attempted to argue that there might, possibly be a constitutional problem with this provision.

Under current law, since the Supreme Court's decision in Adarand v. Pena and Grutter v. Bollinger, specific set-asides that are race-based have been subject to strict scrutiny. Clearly, there are no such set-asides or quotas in the bill that passed the Judiciary Committee.

The bill simply requires states to "describe how they will address the needs of racial and ethnic minorities and other underserved populations" and "to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved populations" and to ensure that each gets their fair share. There is no set aside. There is no quota. Considering the needs of certain communities in no way violates the Constitution's Equal Protection Clause, and I would hope that the Members of this body would agree with that very common-sense approach.

We have consulted with outside and independent constitutional experts and have confirmed that the Administration's last minute arguments do not pass the legal laugh test. For example, an esteemed constitutional scholar at the University of Texas, Professor Douglas Laycock, said the language does not require distribution of money on the basis of race or ethnicity, but rather requires states to be alert and ensure that underserved racial and ethnic populations are not subject to discrimination. "A state cannot be confident that funds are distributed in a non-discriminatory way unless it examines the treatment of racial and ethnic minorities. That is all these provisions require."

We have also received a letter from several other law professors who are experts in the field, including Professor Joan Meier of the George Washington University Law School, Professor Julie Goldscheid of the City University of New York School of Law, Professor Sally Goldfarb of Rutgers University School of Law and Professor John P. Marziliano of the Northwestern School of Law. These professors authoritatively state that "referencing 'racial and ethnic minorities' meets the standard most recently laid out by the Supreme Court in Grutter v. Bollinger. [T]he Federal Government would be compelling interest that racial and ethnic minorities receive due consideration in the receipt of services, or grants flowing from the Violence Against Women Act. H.R. 3402 does not create quotas or unduly favor racial and ethnic minorities for government benefits. It simply urges that grantees give due consideration to their needs and interests."

Let me close by noting that in the last several weeks, some have raised questions about the Administration's and Congress' sensitivity to issues of race. In the aftermath of Hurricane Katrina, my colleagues and I opened hearings to determine whether it was the race of the victims of the Hurricane that led to a sluggish federal response. The Nation watched and asked why we had left so many people of color behind.

Today, we have a chance to respond to this issue, by telling people of color and other minorities that if you are raped or assaulted, we will do our best to make sure that you have support and counseling. We will do our best to make sure that you are not victimized twice—first by the assailant, and second by the federal bureaucracy.

I urge my colleagues on both sides of the aisle to join with me in supporting the common sense idea of supporting these victims of rape and violence and vote down the Manager's amendment.

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

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

Let me say that the gentleman from Michigan correctly states the law that anything that has race-based quotas in it or set-asides is subject to strict scrutiny by the courts.

I am afraid that if the manager's amendment goes down, there will be a lawsuit and a temporary restraining order against disposing of any of these funds to underserved communities, and that would be a shame. What the manager's amendment does is err on the side of caution.

Now I point out that the bill, H.R. 357 of the 106th Congress, which the gentleman from Michigan himself introduced, does exactly what the manager's amendment proposes to do. And in section 651c(7), its bill from the 106th Congress says underserved populations include populations underserved because of race, ethnicity, age, disability, sexual orientation, religion, alienage status, geographic location, including migration language, barriers, or any other populations determined to be underserved by the State planning process.
Now the gentleman from Michigan has changed his position. The manager's amendment keeps it the way it is because we know that the money will be flowing and cannot be enjoined as a result of a constitutional challenge. It's a question of how that challenge is going to be finally decided by the courts. I urge adoption of the amendment.

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

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

Mr. Chairman, I would like to remind the gentleman that it is not me who changed my position. The gentleman from Wisconsin supported the amendment. The amendment that he is striking in the manager's amendment, the gentleman supported in committee, so how can I be changing my position, please?

I have enjoyed the friendly exchanges we have had over the years, and I look forward to them in the future, but to threaten the House with the fact that an interruptum of full debate could bring about contrary results, that is not only contrary, it is an outrage that at the last minute, all of the civil rights groups are arguing that there's a reasonable chance of passage.

He and I and, I think, probably the court would realize that there is nothing, in here that would suggest that there would be set-asides or quotas. There is nothing race-based anywhere. He knows it; I know it; the committee knew it. And yet last night we were beset by this last problem. And so, Mr. Chairman, I urge my colleagues to oppose the Manager's Amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in objection to the Manager's Amendment, which would weaken the Violence Against Women Act.

As a result of a constitutional challenge, it is an outrage that at the last minute, the House leadership is shortchanging the Violence Against Women Act (VAWA) is comprehensive and meets the needs of all women.

After months of bipartisan negotiations, H.R. 3402 came out of committee as a balanced bill that sought to help ALL women who are victims of violence.

With the removal of racial and ethnic minorities from the STOP grants section, we will be denying the significance of violence in our minority communities.

Ms. SOLIS. Mr. Chairman, I rise today in objection to the Manager's Amendment.

Unfortunately, domestic violence in our minority population is a substantial problem that is being questioned by many. Passing this amendment weakens the Violence Against Women Act.

Ms. SOLIS. Mr. Chairman, I rise today in objection to the Manager's Amendment.

The vote was taken by electronic device, and there were—ayeves 225, noes 191, not voting 17, as follows:

[Roll No. 499]

AYES—225

Aderholt..........................         Brown (AL)..........................         Deal (GA)..........................
Akin..................................         Brown-Waite..........................         Delaney.........................
Bachus...............................         Burges.................................         Dent.........................
Baker..................................         Burt (IN)..............................         Drazin..........................
Barr (SC)............................         Barrett (NJ)..........................         Dziel..........................
Barrow..............................         Buyer.................................         Dziel-Bartl..................
Bartlett (MD).......................         Calvert...............................         Drake..................
Barton (TX)..........................         Camp.................................         Dzierl..................
Bass..................................         Cannon..............................         Dziel-Bartl, M........
Beaurepaire..........................         Carpenter............................         Doggett..................
Bilirakis............................         Carter (NJ)..........................         English (PA)..................
Bishop (VT)..........................         Bishop (VT)..........................         Everett..................
Blackburn.........................         Blackburn............................         Everett..................
Blunt...............................         Bingaman.............................         Ferguson..................
Boehrer.............................         Cisich...............................         Flanagan..................
Boehner.............................         Cole..................................         Flanagan..................
Bonilla.............................         Conaway.............................         Foxx..................
Boozman.............................         Davis (KY)..........................         Fowler..................
Boren...............................         Davis (TN)..........................         Franklin..................
Bowen..............................         Davis, Jo Ann..........................         Franks (AZ)..................
Brady (TX)..........................         Davis, Tom...........................         Frelinghuyzen...........
Gallagher.........................         Garrett (NJ)..........................         Frankel (NY)..................
Gerlach.............................         Gilchrist............................         Francia..................
Gibbons.............................         Gilmer...............................         Franklin..................
Gillum..............................         Gillum...............................         Franklin..................
Gohmert............................         Goodson..............................         Fuentes..................
Granger............................         Griggs...............................         Fuentes..................
Green (WI)..........................         Gutzkecht...........................         Fuentes..................
Hall..................................         Harris...............................         Franks (AZ)..................
Hart.................................         Hastings (WA)......................         Franks (AZ)..................
Hayes...............................         Hayworth.............................         Franks (AZ)..................
Heck.................................         Head.................................         Frankel (NY)..................
Hefley..............................         Hefley...............................         Frankel (NY)..................
Himes...............................         Himes...............................         Frankel (NY)..................
Holt.................................         Holt.................................         Frankel (NY)..................
Hoover.............................         House...............................         Frankel (NY)..................
Hunt...............................         Hughes..............................         Frankel (NY)..................
Ingalls (SC).......................         Issa.................................         Frankel (NY)..................
Isemen..................
Mr. CUÉLLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman of the Committee on the Judiciary and also the ranking member. I believe this amendment is acceptable both to the chairman and the ranking member.

Mr. Chairman, I would like to thank Judiciary Chairman SENSENBRENNER and Ranking Member CONyers for putting together a good bill that will benefit the justice system in the United States.

Mr. Chairman, my amendment—number 40—to this bill will authorize appropriations for the newly structured Border Violence Task Force in Laredo, Texas.

My amendment will authorize appropriations of $10 million per year for the duration of the bill to provide personnel, administrative, and technological costs. This authorization is necessary to provide the Border Violence Task Force the resources it needs to combat border violence.

My amendment will follow the Attorney General to designate the lead on the Border Violence Task Force that is currently being led by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

This task force is an inter-agency law enforcement effort on the Federal, State, and local level to combat escalating violence on the United States-Mexico border. As the largest land port of entry in the United States, Laredo is a critical component of our Nation's economy. I have been working with officials from both sides of the border to help establish a collaborative solution to the violence, and the Border Violence Task Force is the result of that effort.

Our shared border with Mexico is one of our Nation's greatest cultural and economic assets. Unfortunately, in the past year, the growth and security of the border region has been threatened by a wave of violence. This violence has affected communities on both sides of the border, and has resulted in the highly publicized kidnapping of over 35 American citizens. If we are to restore peace and prosperity to our border communities, we need to act now.

Last May, I organized a Border Violence Task Force in Laredo, TX, to deal with border violence. The group included experts from the FBI; the Alcohol, Tobacco, and Firearms; Customs and Border Protection; Immigration and Customs Enforcement; the U.S. Marshal; the U.S. Attorney, the DEA, the State Department, U.S. Consulate in Nuevo Laredo, the Department of Public Safety-Narcotics, the Department of Public Safety-Intelligence, the local Webb County Sheriff, and the Laredo Chief of Police.

This Task Force has met a few times and the Special Agents-in-Charge in the region have agreed to work in a joint effort to develop a plan of action to address the escalating violence along the Mexico-United States border in Laredo, TX.

The task force will develop initiatives and strategies dealing specifically with the problems in the border region. The group will work in partnership and cooperation with each other maximizing their strengths and expertise.

This authorization represents a critical step forward for law enforcement in the border region, and the increased security and growth it will bring to the border will benefit communities throughout the Nation. I urge you to support the law enforcement officers on the United States-Mexico border who are working to keep our border communities safe.

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

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

Mr. CONYERS. Mr. Chairman, I would like to thank the gentleman from Michigan. We are delighted to accept the amendment on this side.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUÉLLAR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 199-236.

AMENDMENT NO. 3 OFFERED BY MR. CUÉLLAR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CUELLAR: Page 23, after line 23, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) Task Force.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug trafficking, violence, and kidnapping along the border between the United States and Mexico.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. CUÉLLAR) and a Member opposed each with a half minute.

The Chair recognizes the gentleman from Texas (Mr. CUÉLLAR).

Mr. CUÉLLAR. I yield.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CUELLAR: Page 23, after line 23, insert the following (and conform the table of contents accordingly):

SECTION 106. NATIONAL GANG INTELLIGENCE CENTER.

(a) Establishment.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

(1) the Federal Bureau of Investigation;
(2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
(3) the Drug Enforcement Administration;
(4) the Bureau of Prisons;
(5) the United States Marshals Service;
(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;
(7) the Department of Housing and Urban Development;
(8) State and local law enforcement;
(9) Federal, State, and local prosecutors;
(10) Federal, State, and local probation and parole offices;
(11) Federal, State, and local prisons and jails; and
(12) any other entity as appropriate.

(b) Information.—The Center established under subsection (a) shall make available...
Mr. CUellar. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. The gentleman is batting 1.000 and ought to play for the Red Sox. We are happy to support it.

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

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

Mr. CONYERS. Mr. Chairman, is this the amendment that authorizes the FBI National Gang Intelligence Center? Mr. CUellar. That is correct. Mr. CONYERS. Mr. Chairman, I am happy to accept the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUellar).

Mr. CONYERS. Mr. Chairman, is this the amendment that authorizes the FBI National Gang Intelligence Center? Mr. CUellar. That is correct. Mr. CONYERS. Mr. Chairman, I am happy to accept the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUellar).

Mr. CONYERS. Mr. Chairman, I am happy to accept the amendment.

The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 4 offered by Mr. Poe

Mr. POE. Mr. Chairman, I offer an amendment. The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 4 offered by Mr. Poe

Page 57, line 23, insert ``(a) IN GENERAL.—''

Page 59, after line 6, insert the following new subsections:

(b) ADDITIONAL AMENDMENTS.—

(1) Section 1402 (42 U.S.C. 10601) is amended—

(A) in subsection (b)—

(i) in paragraph (4), by striking ``(and)'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ``and''; and

(iii) by adding at the end the following new paragraph:

``(6) Amounts deposited pursuant to section 3612(c)(2), 3663(c)(3)(B), or 3663A(c)(3)(A) of title 18, United States Code;''

(B) by amending subsection (c) to read as follows:

``(c)(1) Notwithstanding any other provision of law, the total amount to be distributed from the fund in any fiscal year shall be an amount equal to the sum of the amounts required under subsection (d).

(2) In each fiscal year, the Director shall distribute amounts from the fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the fund that are not distributed shall remain in reserve in the fund for obligation in future fiscal years, without fiscal year limitation.

(3) The Director shall report to the chief executive of each State for the previous three fiscal years plus 5 percent.

(4) In any fiscal year in which the amount in the fund is less than the total amount required under subsection (d), there shall be transferred into the fund an amount equal to such additional sums as may be required to fully fund grants under subsection (d) for the following:

``(C) in subsection (d)(4)(C), by striking ``5 percent shall be available'' and inserting ``such sums as may be necessary''; and

(B) by adding at the end the following new subsection:

``(n) In any fiscal year in which the amount in the fund is less than the total amount required under subsection (d), there shall be transferred into the fund an amount equal to such additional sums as may be required to fully fund grants under subsection (d) for the following:

``(1) Civil or administrative fines, forfeitures or other monetary penalties or assessments collected from persons adjudged to have violated any of the laws or regulations of the United States.

(2) Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under sections 3729 through 2722 of title 31 (known as the False Claims Act), other than funds awarded to a relator or for restitution.

(3) Section 1403 (42 U.S.C. 10602) is amended—

(A) in subsection (a)(1), by striking ``Except as provided in subparagraph (2), the Director and inserting ``The Director''; and

(B) in subsection (a), by striking paragraph (2)

(4) Section 1404 (42 U.S.C. 10603) is amended—

(A) in subsection (a)(1) by striking ``Subject to'' and all that follows through the period at the end and inserting the following:

``(1) Civil or administrative fines, forfeitures or other monetary penalties or assessments collected from persons adjudged to have violated any of the laws or regulations of the United States.

(2) Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under sections 3729 through 2722 of title 31 (known as the False Claims Act), other than funds awarded to a relator or for restitution.

(5) Section 1407 (42 U.S.C. 10606) is amended—

(A) in subsection (g), by inserting after ``effectiveness'' the following:``including measurable results;''.

(B) by adding at the end the following new subsection:

``(i) Every recipient of funds under this chapter shall submit an annual report to the Director in such fashion as the Director directs. The report shall include the amounts expended, quantitative data on the numbers of victims served, types of services provided and other supported activities, measurable results on the services and activities provided, and such other information as the Director may require. The Director may terminate or suspend current or future payments to recipients of funds under this chapter for failure to provide the Director with complete, accurate and timely information as required under this subsection.

(2) The Director may request the cooperation and assistance of other Federal agencies in obtaining the information required under this subsection. The other agencies shall comply with all reasonable requests made by the Director, including the submission of information as provided in paragraph (1).

(c) CONFORMING AMENDMENTS.—

(1) Section 3663 of title 18, United States Code, is amended—

(A) in section (c)(1), by striking ``described in'' and all that follows through ``3861;'';

(B) in subsection (c)(3)—

(1) redesignate paragraphs (A) and (B) as clauses (i) and (ii), and indenting appropriately;
Mr. POE. Mr. Chairman, I am offering this amendment to bring much-needed reform to the Crime Victims Fund, which the Crime Victims Fund was created as a result of the Victims of Crime Act, called VOCA, that was signed into law during the 1980s.

The purpose of this fund is to make criminal justice systems provide services to the crime victims by funding direct services and compensations to victims of crime. This fund is completely paid for by criminal fines and forfeitures. The money is not used. As time progressed, Congress began tinkering with VOCA and funding priorities started to shift away from helping victims and toward funding Federal bureaucracies.

All the money collected by the Federal Government from criminal fees goes into the Crime Victims Fund; and each year, that money is distributed to several funding streams to help the victims of crime. The fund sends money to the U.S. Attorney's Office, the FBI, a Federal victim notification system, State victim compensation programs, and direct victim assistance service providers.

Since 2000, the Appropriations Committees have been limiting how much of these funds can be used each year. The U.S. Attorney's, FBI and other bureaucratic programs are paid first, while the crime victims assistance funding gets whatever is left over. At times, this has resulted in cuts to these critical victims assistance programs. This money pays for the salaries of victim advocates and counselors, domestic violence shelters, children's assessment centers, hospital and attorney fees for underprivileged victims, and other services directly impacting victims.

The Poe amendment seeks to strike a reasonable balance between the needs of the victims' field for stable, assured funding and the realities of the appropriations and budget processes. It seeks to guarantee the original, primary purpose of the Crime Victims Fund—to support state and local victim services. At the very least, this amendment assures we give victims' assistance and compensation programs the same budgeting priority as the federal agencies and bureaucracy.

Mr. Chairman, I thank you for your leadership in giving victims a higher priority in Congress. Your leadership helped pass the Child Safety Act that provides greater protections for America's children from Child Predators. You also committed to protecting VOCA from the Administration's plan for rescinding all of the money in the Crime Victims Fund and placing it in the general Treasury—bailout for non-victims of crime victims. And I appreciate your willingness to work with me to better prioritize the Crime Victims Fund. It is my goal to bring about reforms to the Victims of Crime Act that restores the original spirit of the law and puts victims ahead of bureaucracy.

Mr. Chairman, I withdraw my amendment and look forward to working with you as this bill moves towards Conference.

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

Mr. POE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, while I recognize the gentleman's amendment is well intentioned, I have concerns about changing the caps under VOCA, and I want to make sure that there is a reserve fund for victims of crime to ensure that their needs are met. If the gentleman will withdraw his amendment, I think we can work on this issue down the road to address his concerns.

Mr. POE. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. KENNEDY of Minnesota. Mr. Chairman, there was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109-236.

AMENDMENT NO. 5 OFFERED BY MR. CAPUANO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 226. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) In General.—(The Attorney General, acting through the Bureau of Justice Assistance, may make grants to States and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) Use of Funds.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated with witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family; and

(C) providing education services if the child is removed from or changes their school for safety concerns.

Community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) Definitions.—In this section:

(1) the term “juvenile” means an individual who is age 17 or younger.

(2) the term “young adult” means an individual who is age 21 or younger but not a juvenile.

(3) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Trust Territories of the United States, Guam, and the Northern Mariana Islands.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

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

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

Mr. CAPUANO. Mr. Chairman, I yield to the gentleman from Wisconsin.

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

Mr. CAPUANO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

Mr. CAPUANO. Mr. Chairman, I yield to the gentleman from Wisconsin.

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

Mr. CAPUANO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. The gentleman from Massachusetts is also batting 1.000. We are happy to accept it, and he should play for the Red Sox, too.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109-236.

AMENDMENT NO. 6 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:
Mr. Chairman, about one in five of those in treatment for methamphetamine use in the State of Minnesota are 17 years old or younger.

That's a shocking statistic: one in five are younger than 17 years old. That means before high school, just based on how they use their driver's license, 20 percent of those seeking help for substance abuse and addiction are our children.

Mr. Chairman, in some parts of Minnesota 80–90 percent of prisoners are meth users. This is a statistic illuminates the crushing pressures meth is putting on our state and local governments.

Mr. Chairman, many of my colleagues may not have heard of the Residential Substance Abuse Treatment for State Prisoners (RSAT) Grant program, but they should know that it is one of the most important tools in the toolbox to help the victims of substance abuse fight and beat their addiction.

But my amendment is important because it recognizes that our resources are limited. We need to make sure that individuals who are involved in substance abuse treatment want to be there. We can do that by making sure they are "clean" when they enter treatment.

The Kennedy amendment to the RSAT program provides a requirement that treatment be available to those individuals who have passed a random drug-screening test for three months. The Amendment also provides that aftercare be provided to prisoners enrolled in the RSAT program as a component of comprehensive substance abuse treatment.

Drug treatment will not work for those who are still addicted or who are still using, but it will help those who are ready to seek help and work to beat their addiction.

My amendment also recognizes that when a substance abuser finishes a treatment program, he or she is actually at the beginning of it. Aftercare is a critical part of substance abuse treatment, and my amendment recognizes that.

These improvements are consistent with best practices and the needs and demands of our drug treatment systems.

As Members of Congress, in the face of so much suffering, we have an obligation to act. Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment, and I am pleased to accept it.

Mr. KENNEDY of Minnesota. Mr. Chairman, reclaiming my time, I appreciate the chairman's accepting the amendment. I also want to recognize that the gentlewoman from Oregon (Ms. HOOLEY) is here in support of the amendment as well.

Ms. HOOLEY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, I rise in support of this amendment.

I was talking to a gentleman the other day, and he was talking about his daughter who was addicted to methamphetamine. She had six children, and all of the children are now living with someone else. The mother spent more time in prison than she had out on the streets.

It is important that we have this kind of treatment program for those in prison. I thank the gentleman for yielding, and I thank him for the amendment.

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

Mr. Chairman, I support after-care to prisoners enrolled in the RSAT program, but the problem with the amendment is that it contains the irreconcilable requirement that all individuals must be drug-free in order to be eligible for a substance abuse program. Please. If they are drug-free, they will not have to use a substance abuse program. So this requirement in the well-intended amendment defeats the very purpose of a substance abuse program, which is to help drug-addicted individuals overcome drug abuse. For that reason, I cannot join in the support of it.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY). The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 7 printed in House Report 109–236.

AMENDMENT NO. 7 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. Ginny Brown-Waite of Florida:

Page 104, after line 14, insert the following new section:

SECTION 323. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC WORKS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, The Secretary shall submit to Congress a report on the results of the study.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from Florida (Ms. Ginny Brown-Waite) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. Ginny Brown-Waite).

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

My amendment requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrator's drug or alcohol abuse and the reported incidence of domestic violence.
The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. Slaughter.

Page 104, after line 14, insert the following new section:

SEC. 323. EMERGENCY AUTHORITY OF STATE OR LOCAL LAW ENFORCEMENT AGENCY TO GATHER OR RECEIVE EVIDENCE FOR LAW ENFORCEMENT PURPOSES OUTSIDE TERRITORIAL JURISDICTION OF THE AGENCY.

(a) In General.—Notwithstanding any other State, local, or tribal law to the contrary, each State, local, or tribal law enforcement agency may, for law enforcement purposes, gather or receive evidence at any place within the United States as the nature of its mission may require, upon a finding by the head of the agency (or, if the head of the agency is unavailable, the person authorized by law to act as head) that, because of emergency conditions, the ability of that agency to carry out its mission, or the ability of victims within the territorial jurisdiction of that agency or of any other such agency to obtain justice, has been substantially impaired.

(b) Coordination.—The Office of Victims of Crime, working in consultation with national, State, and local domestic violence, sexual violence, and stalking non-profit, non-governmental organizations, and in collaboration with the Department of Health and Human Services and other appropriate Federal agencies, shall develop and implement a plan under which the Office—

(1) coordinates the activities of law enforcement agencies under subsection (a); and

(2) coordinates, and provides information and assistance to, victims, service providers, and law enforcement officials as contemplated by subsection (a).

(c) Report.—Not later than 90 days after the date of the enactment of this Act, the Office of Victims of Crime shall submit to Congress a report on the plan required by subsection (b).

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

Mr. CONYERS. Mr. Chairman, the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good amendment, and I am pleased to accept it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I appreciate the gentleman's amendment.

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

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, because this amendment supports the efforts to investigate domestic violence and collect data that will help define the next step for Congress to put an end to domestic violence entirely, I am happy to support the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109–236.

Amendment No. 9 offered by Ms. Slaughter.

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The intent of the amendment is to put systems in place to assist victims and law enforcement officials to better respond to crimes committed against vulnerable persons during times of national crisis.

The chaos following Hurricane Katrina produced an especially fertile breeding ground for violent crime. At evacuation centers such as the Superdome and convention center, and on the streets of New Orleans, there were unofficial reports of sexual assaults, murder, robbery, murder, child molestation, and looting.

While the true number of crimes that took place is unclear, we do know that many will not be subject to criminal prosecution because the victims and witnesses had no place to report the crime.

□ 1700

The problem was compounded by the fact that once evacuated they were no longer located in the jurisdiction where the crimes occurred. And most local law enforcement officials do not have the authority to take the crime report if it occurred outside their jurisdiction.

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

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I appreciate the gentlewoman yielding, Mr. Chairman.

I think the gentlewoman's amendment is very well intentioned; however, there are both constitutional and practical problems that arise in the manner in which it has been drafted. If the gentlewoman will withdraw her amendment, I will work with her to try to put something that will pass constitutional muster and will not cause practical problems between jurisdiction in the final version of the bill.

Ms. SLAUGHTER. Thank the chairman for this colloquy, and I look forward to working with him in conference.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109–236.

Amendment No. 9 offered by Mr. Kolbe.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. Kolbe.

At the end of title III, add the following (and amend the table of contents accordingly):

SEC. 324. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Authorization of Appropriations.—Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1321(a)(5)) is amended by striking "appropriated" and all that follows through the period and inserting the
Mr. Chairman, I want to thank my colleagues Jim Kolbe and David Dreier for taking the lead on this extremely important measure. This amendment is about meeting federal responsibilities, about fairness to our states, and about making sure federal policies make our streets safer, not more dangerous.

There can be no debate that immigration is a federal responsibility. The Supreme Court has ruled again and again that the states cannot take the lead on immigration, even if they want to. Every President has insisted that the federal government must control, and be responsible for, immigration. And Congress throughout history has passed laws that ensure we will help states cover the costs of immigration.

I want my colleagues to understand this point: The SCAAP fund is not a grant program. We are reimbursing State and local governments for money they have already spent to arrest, process and incarcerate criminal aliens. These aliens should not be here, creating a burden on our society. We all agree that if the federal government was protecting our borders effectively, this would not be the problem it is.

Yet every year, more than $635 million is spent by California and our local governments to incarcerate criminal aliens. This is not an estimate—to qualify for SCAAP, the states must document their costs and get federal verification that the convicts are aliens. Nationwide, the costs are nearly $2 billion a year to jail more than 200,000 criminal aliens in state and local lockups.

Let me be clear on this: This is $2 billion that we have spent on criminals who everyone agrees are federal responsibilities. This is $2 billion that is not being spent by states, counties and cities on more law enforcement officers, better courts and reducing the prison population.

This is not a partisan matter. When Mr. Kolbe and Mr. Dreier introduced an amendment to increase SCAAP reimbursements this year, it was passed easily in a bipartisan vote. The Senate has passed this reauthorization legislation unanimously. It is time for Congress to affirm this federal responsibility. Please vote for the Kolbe-Dreier-Lewis amendment.

Mr. Kolbe, Mr. Chairman, I appreciate the chairman of the Committee on Appropriations for co-sponsoring this amendment with me. It means a great deal.

Mr. Chairman, I want to yield to the gentleman from Arizona (Mr. Kolbe) and a Member opposed each will control 5 minutes.

The Chairman recognizes the gentleman from Arizona (Mr. Kolbe).

Mr. Kolbe. Mr. Chairman, I rise to urge Members to support this amendment. I want to thank the gentleman from California (Mr. Dreier) and the gentleman from California (Mr. Lewis) for joining me in sponsoring this important amendment. I am glad to be able to come to an agreement with the gentleman from Wisconsin (Mr. Sensenbrenner) to craft an amendment that both ensures the Federal Government assumes more of its responsibility for incarcerating undocumented criminal aliens while also addressing concerns some Members have regarding the way these funds are spent.

My State of Arizona has been the doormat of the country for illegal immigration. The Federal Government has failed to secure our borders and reform our broken immigration system.

Mr. Sensenbrenner. Mr. Chairman, I believe that the SCAAP program is a very important program in providing reimbursements to those States that do have to incarcerate criminal illegal aliens. I am pleased to support his amendment and would urge that we promptly adopt it.

Mr. Kolbe. Mr. Chairman, I will abbreviate my remarks. I just want to be able to say because Arizona has been at the forefront of this problem for so long and had more than 50 percent of all the apprehensions in our State that this is extraordinarily important.

The amendment does increase the authorizations through fiscal year 2011 from the current to $750 million in 2006 and $850 million in 2007 and $950 million in 2008. So I believe these provisions are extraordinarily important to us and the amendment, which at the behest of the gentleman from Wisconsin we have added regarding how these funds are spent and to look at them.

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

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

Mr. Conyers. Mr. Chairman, I join in supporting the amendment because it ensures full funding for the State Criminal Alien Assistance Program. I commend the gentleman on his amendment.

Mr. Kolbe. I thank the gentleman for his statement in support.

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

Mr. Cunningham. Mr. Chairman, we have been working in the State of California for a long time on this bill. I thank the gentleman from Wisconsin (Mr. Sensenbrenner). It is a good bill. We appreciate the work that was made. I rise in strong support.

Mr. Kolbe. Mr. Chairman, I yield to the gentleman from California (Mr. Lewis), the distinguished chairman of the Committee on Appropriations.

Mr. Lewis of California asked and was given permission to revise and extend his remarks.

Mr. Lewis of California. Mr. Chairman, I rise to express my support of the work of both the gentleman from Arizona (Mr. Kolbe) and the gentleman from California (Mr. Lewis) on this very important matter. They have done great work together. I appreciate it.
Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume. The simple problem with the amendment, although well intended, is that it would also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser. Furthermore, battered immigrant women who have been arrested often receive bad legal advice and are often likely to take a plea offer even when they did nothing wrong. These victims should be exempted from the effects of this amendment.

Mr. Chairman, I am not encouraging opposition to the King amendment today. However, should the House adopt this amendment, I hope that the House Conferences will work with our colleagues in the other body to ensure that the unintended negative consequences of the amendment are mitigated, while still preserving the vision that is embodied within it.

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

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say in response to that the case under the law was a victim in the cemetery in America because they have been allowed, already having committed the crime of violence against women, to sponsor another woman to come into the country even though they have been convicted of a crime of violence and then murder a second woman. I can give you an anecdote here; but rather than labor that point, I think the point of protecting people from violent criminals is more important than protecting the latitude of someone who might also be a domestic criminal and their latitude to sponsor someone. If that is the case, they can find someone else to sponsor them, not someone who has committed a domestic crime.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that people who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members who may, in turn, abuse. However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

First, the amendment makes no distinction as to the degree of the crime or rehabilitation of the offender. A person with a 30-year-old misdemeanor conviction of assault who has successfully completed a domestic violence rehabilitation program, has no further domestic violence convictions, and no other record of violent crime is barred from sponsoring family members just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Second, the amendment does not specify where the crime must have been committed. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. This may be cost-prohibitive for countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to incorrect information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Third, the amendment will also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong. These victims should be exempted from the effects of this amendment.

The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. SENSENBIEREN. Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that people who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members who may, in turn, abuse. However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

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The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. SENSENBIEREN. Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that people who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members who may, in turn, abuse. However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

First, the amendment makes no distinction as to the degree of the crime or rehabilitation of the offender. A person with a 30-year-old misdemeanor conviction of assault who has successfully completed a domestic violence rehabilitation program, has no further domestic violence convictions, and no other record of violent crime is barred from sponsoring family members just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Second, the amendment does not specify where the crime must have been committed. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. This may be cost-prohibitive for countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to incorrect information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Third, the amendment will also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong. These victims should be exempted from the effects of this amendment.

The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.
sponsoring family members, just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Third, the amendment does not specify where the crime must have been committed. It is not limited to domestic violence crimes committed in the United States. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. DHS may then go to countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to inaccurate information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Fourth, it will also keep some victims of domestic violence from bringing family members to join them in the U.S. Unfortunately, perpetrators of domestic violence are sometimes able to get their victims arrested for domestic violence offences, especially when the abuser has superior English-speaking skills to the victim. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong.

Among other changes, the amendment needs to include an exemption for victims of battering or extreme cruelty. Approved VAWA, T-visa trafficking victims and U-visa crime victims need to be exempt, as do immigrant victims with domestic violence convictions who already qualify for waivers under VAWA 2000 protections. The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. Chairman, I am not encouraging opposition to the King amendment today. However, should the House adopt this amendment, I hope that the House Conferences will work with our colleagues in the other body to ensure that the unintended negative consequences of the amendment are mitigated, while still preserving the vision that is embodied within it.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Iowa (Mr. KING).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–236.

AMENDMENT NO. 11 OFFERED BY MR. RYAN OF OHIO

Mr. RYAN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. Ryan of Ohio:

At the end of the bill, add the following title:

Amendment No. 12 offered by Ms. SLAUGHTER:

Mr. RYAN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment offered with the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Michigan (Mr. CONYERS) for their work on the reauthorization. I would also like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) for their work on the reauthorization. I would also like to thank the gentlewoman from New York (Ms. SLAUGHTER) for allowing me to offer this very important amendment on domestic violence against pregnant women.

My amendment authorizes the Office on Violence Against Women to provide grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

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

Mr. RYAN of Ohio, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good amendment. I am pleased to stand with him for drafting this amendment and persuading the Committee on Rules to make it in order.

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

Mr. RYAN of Ohio, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am inclined to support the amendment as well, and I congratulate the gentleman. Mr. RYAN of Ohio, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Mr. RYAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 109–236.

AMENDMENT NO. 12 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:
Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding. I will support the amendment at this time, but I believe that the language may need to be refined during conference and pledge that I will work with the gentlewoman from New York to refine the language if it is determined to be necessary.

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

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

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHood, Chairman of the Committee of the Whole on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, pursuant to House Resolution 462, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as amended?

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHood, Chairman of the Committee of the Whole on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, pursuant to House Resolution 462, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. The bill was ordered to be engrossed and printed in the RECORD.

Mr. STUPAK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. The motion to recommit is agreed to.

Mr. STUPAK. I yield to the gentlewoman from Michigan.

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. STUPAK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Mr. Speaker, I offer a motion to recommit the bill.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I am pleased to offer this motion to recommit the bill with my colleague from South Dakota (Ms. HERSETH). Our motion instructs the Federal Government to crack down on price gouging and provides tough Federal penalties for those guilty of gas price gouging.

Even before the devastation caused by Hurricane Katrina, skyrocketing oil and gasoline prices were taxing American families and burdening our Nation's economy, with the notable exception of the oil industry, which continued to rack up record profits. Following Katrina, gas prices in some areas of the Nation reached almost $6 per gallon, deepening suspicions of the oil and gas industry profiteering. We need a Federal standard to ensure adequate response to energy emergencies that prohibit price gouging with the priority on refiners and big oil companies. Only 28 States have price gouging laws on the books and have enforcement mechanisms to go after those found ripping off consumers. At the Federal level there is no oversight to protect consumers from this predatory pricing. No American should have to pay too much for gas because the oil companies are rigging prices.

Our motion to recommit will outlaw the selling of crude oil, gasoline, home heating oil, or natural gas at predatory or unconscionably excessive levels during such a crisis. It will provide new Federal authority to investigate and punish those who engage in predatory pricing from oil companies on down to local gas stations with an emphasis on those who profit most. And it will impose tough maximum penalties on companies that have cheated consumers.

In the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations, and giving their time to help the people of the Gulf Coast recover. That is how the American people react when they see their fellow citizens in need. Unfortunately, some have looked at Katrina not as a chance to give but an opportunity for excessive profit. Some have decided to take advantage of this terrible tragedy and line their own pockets by price gouging the American people at the price of greed.

As eight Governors wrote in a letter to the Congress urging passage of a Federal price gouging legislation, they stated: “To price gouge consumers under normal circumstances is dishonest enough, but to make money off the severe misfortune of others is downright immoral.”

People are rightly angry and frustrated with high gas prices, and they deserve to have someone on their side fighting to ensure that they do not get mugged at the gas pump. Sadly, the administration and the House majority’s answer has been to sit on their hands while consumers get the shakedown from the oil companies. It is obvious to me and many Americans that Congress needs to act to protect Americans from price gouging.

I urge a “yes” vote on the motion to recommit. A “no” vote denies the American people a law to stop energy and gasoline price gouging.

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

Mr. STUPAK. I yield to the gentlewoman from South Dakota (Ms.
HERSETH), my friend and coauthor of this amendment.

Ms. HERSETH. Mr. Speaker, I want to thank the gentleman from Michigan for his hard work and do the same to urge my colleagues to support this motion to recommit so that this body will take action to correct the concerns of all consumers in the country, particularly those in rural America.

We need to take steps to be able to define price gouging, with the FTC having the authority to do that, and then to investigate these thousands of complaints that have come into the Energy Department in the past many weeks.

As co-chair of the Rural Working Group for the House Democratic Caucus, we know what the impact of high fuel costs has been for rural Americans, those that drive many miles to get to their jobs, those that are trying to harvest crops this fall.

This is an important step because inaction is inexcusable, and accountability is absolutely necessary. It is no longer a sufficient answer to say, well, price gouging is difficult to define; it is hard to prove.

This is the importance of this motion to recommit, so that we can take a step to allow the FTC to promulgate a rule defining the price gouging and the market manipulation that we believe is taking place and to help overcome the skepticism, especially in rural America, about the role of multinational oil companies who are taking measures that are not sufficient to market to operate fairly and efficiently and effectively.

Mr. STUPAK. Mr. Speaker, I would just like to underscore what the gentlewoman from South Dakota has said. If you have a small business or are a farmer or just an American trying to heat your home, like in my district in northern Michigan, we are seeing snow. So the furnaces are going to be on. They are expecting home heating oil to be up 71 percent over last year, and when we look at the refineries, in 1 year, they have increased their profits by 255 percent. 255 percent in 1 year. That is excessive. That is price gouging. That is predatory pricing.

If my colleagues believe that we should put an end to this predatory gas pricing we see at the gas pump and we heat our home, run our businesses and our family farms, then vote for the motion to recommit. If my colleagues believe those prices, a 255 percent increase, is okay, then vote against the motion to recommit. It is time to end predatory pricing. Vote ‘yes’ on the motion to recommit.

Mr. SENSENBRINNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRINNER. Mr. Speaker, once again, we see games being played by the minority party. The gentleman from Michigan has stood up and said he is opposed to reauthorizing the Violence Against Women Act so he is qualified to introduce this motion to recommit, and the motion to recommit has to do with price gouging.

Nobody’s for price gouging. There are laws already in place and the Federal Trade Commission investigate price gouging. Every time there has been a spike in fuel prices, petroleum prices, the FTC has been on the case. They have investigated it according to law, and in most cases they have found that no price gouging has occurred.

There are certain legislative provisions of the Violence Against Women Act that expire on Friday, September 30, 2005, and this amendment, once again, is a poison pill that is introduced at the last minute.

We have heard complaints from the other side of the aisle about legislation not receiving a hearing or formal committee consideration. We heard that earlier today, and what happens is there is a motion to recommit, introduced by an opponent of reauthorizing the Violence Against Women Act, that wants to put something that is completely unrelated into a Department of Justice reauthorization bill.

What happened to State prerogatives, to allow State Attorneys General to investigate whether State law is violated? This motion to recommit blows the concept of federalism into little tiny pieces and will take the hands of your State Attorney General and mine to look into price gouging.

It is a poorly drafted amendment. It does not relate to reauthorizing the Violence Against Women Act. It is something that is put in an extremely hostile manner to try and get the job done in the Violence Against Women Act.

If my colleagues are for the Violence Against Women Act being reauthorized promptly, vote ‘no’ on the motion to recommit. Vote ‘yes’ on the bill.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan, Mr. STUPAK, and the gentlewoman from South Dakota, Ms. HERSETH, for their extraordinary leadership in fighting price gouging at the gas pump.

Despite the American people’s demand for action, the Bush administration and the Republican Congress are doing absolutely nothing.

Three weeks ago, the Bush administration even claimed that price gouging was not a Federal concern. Pressure from Democrats finally caused the Federal Trade Commission to start an investigation, an investigation that in true Bush cronynism style is led by a former ChevronTexaco lawyer. And in the House Energy Committee today, in a party-line vote, Republican committee members voted unanimously against Mr. STUPAK’s bill.

Instead of the bold action that the American people deserve, what we have seen from Republicans is more of the same: a culture of corruption, incompetence, and cronynism.

In contrast, Democrats have been working for months, long before Hurricane Katrina, to bring down the price of gas at the pump and home heating oil. Today, Democrats again stand ready to do something about price gouging. The Stupak-Herseth motion to recommit will give the Federal Government the tools to crack down on price gouging by the big oil and gas companies.

Mr. Speaker, Republicans have long been the handmaidens and apologists for big oil companies. It is long past time for Republicans to act in the interests of the American people, not against them.

I urge my colleagues to vote for the Stupak-Herseth motion to recommit, so we can end price gouging and so we can lower oil prices.

Our Nation is watching and expecting action now.

The SPEAKER pro tempore. The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the yeas and nays were ordered.

The question is ordered on the motion to recommit.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 195, nays 226, not voting 12, as follows:

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CONGRESSIONAL RECORD — HOUSE

September 28, 2005

H8480

Mr. BLUMENAUER of Oregon, in explanation of the acts of the Speaker pro tempore in which he announced the results of a vote, said that the Speaker pro tempore had incorrectly reported the results of the vote, and therefore the Speaker pro tempore, in his judgment, would cancel the vote and report a new result. Mr. BLUMENAUER noted that the entire vote was recorded in the Record for September 27, 2005, H7886.

Mr. BLUMENAUER asked unanimous consent to consider the following corrections, which the Clerk will record:

<corrections listed here>
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority leader the gentleman from Missouri, the Honorable ROY BLUNT.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question and votes postponed earlier today will be taken tomorrow.

RECOGNIZING THE NEED TO PURSUE RESEARCH INTO CAUSES, TREATMENT AND CURE FOR IDIOPATHIC PULMONARY FIBROSIS

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 178) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes, as amended.

The Clerk read the resolution:

H. CON. RES. 178

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue’s ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or underdiagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years;

Whereas idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of the misdiagnosed and underdiagnosed disorder.

Now, therefore, be it

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

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from idiopathic pulmonary fibrosis, includ ing efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(4) encourages the President to issue a proclamation designating a National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(6) supports the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

GENERAL LEAVE

Mr. DEAL of Georgia. 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 Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, about 7 years ago, my good friend and a good friend of many Members in this Chamber, the gentleman from Georgia (Mr. NORWOOD) was diagnosed with a life-threatening disease that, despite his lifetime experience in the medical care field, he said he had never heard of before. In fact, the vast majority of Americans have never heard of idiopathic pulmonary fibrosis, or IPF. That is why we are here today, to raise the awareness of the American public about this debilitating and fatal disease so one day we may seek and find a cure.

IPF is a serious lung disorder for which there is no known cause, and more importantly, at this time no known cure. IPF causes progressive scarring or fibrosis of the lungs, gradually interfering with a patient’s ability to breathe and ultimately resulting in death.

Recent studies have identified that approximately 83,000 individuals suffer from IPF in the United States, and an estimated 30,000 new cases develop each year. The availability of a new treatment option for IPF is essential to improving overall patient care and further research will be required to develop these new therapies as well as assess their safety and efficacy.

Over the past 7 years, as I have watched my friend, the gentleman from Georgia (Mr. NORWOOD), I have seen...
firsthand the debilitating effect this disease can have on a person’s life, and given that the median survival rate for IPF patients is only 2 to 3 years, we are extremely fortunate to have our friend with us today. But unfortunately, each year thousands of Americans are not as fortunate as the gentleman from Georgia (Mr. NORWOOD) and that is why I encourage my colleagues to adopt this resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, over 80,000 Americans, 5 million people worldwide suffer from idiopathic pulmonary fibrosis. As with so many diseases, the difficulty in diagnosing IPF indicates that the actual numbers may be much higher. Members of this body, as the gentleman from Georgia (Mr. DEAL) said, all have a personal connection to this disease. Our colleague, the distinguished member of our subcommittee, the gentleman from Georgia (Mr. NORWOOD) has battled the disease since 1998 and underwent a lung transplant about a year ago.

There are currently no effective treatments or cure for idiopathic pulmonary fibrosis. The only option for patients is a lung transplant, which simply does not come in time for so many who suffer from the disease. There is hope, but it requires the continued investment in the development of new treatments. Drugs designed both to treat the lungs scarred by the fibrosis and to suppress the inflammation it causes are currently in the experimental stages. We need to build on that progress and move on towards a cure.

This resolution reflects several important goals as we, government, patients and their doctors and society at large fight this disease. First and foremost, it underscores the need for research and a new treatment for IPF, but into the causes of the disease so we can understand more about this and some 200 other related diseases, particularly various kinds of lung disorders.

It also underscores the point of funding NIH and CDC, not making huge tax cuts and underfunding these very important government programs that we realize in this country more and more are so important for all people in this country.

It is appropriate this body recognize the goals and ideals of a National Idiopathic Pulmonary Fibrosis Awareness Week.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the chairman and my friend for yielding me this time.

Mr. Speaker, I ask my colleagues to support H. Con. Res. 178, which I did author, the purpose of which is to bring attention to idiopathic pulmonary fibrosis to as many people as humanly possible. This is known as IPF.

I would like to start, of course, by thanking all of the IPF patients, survivors of IPF and their loved ones who have come to our Capitol Hill this week just to simply make us aware of this disease. I know the story these brave individuals have to tell because it is one that I have lived.

I was very fortunate to be correctly diagnosed with IPF when I was in the early stages of the disease in 1998, diagnosed right here in this Capitol. IPF is too often misdiagnosed in the critical, early critical stages. I was blessed to have a loving family, who saw me through the difficult times as this disease progressed. I was fortunate enough to receive a single lung transplant late last year that spared me from further harm from the disease. I am incredibly grateful to have the best nurse I could ask for in my loving wife, Gloria.

I am thankful for the opportunity to join a community of terrific folks who want nothing more, nothing more, than to bring needed attention to this relatively unknown disease.

IPF is a progressive and generally fatal lung disease. It is marked by the inflammation and the scarring of the delicate lung tissues and hinders the lung’s ability to transport oxygen to the rest of one’s body.

While my colleagues have seen me come back from the effects of IPF since my lung transplant, a transplant is really not a treatment, and it is certainly not a cure. A transplant is a medical decision of last resort in the face of an irreversible disease whose causes remain a mystery for us today.

Unfortunately, a lung transplant will not work for every patient, in every case; and as I well know, organs are very much in short supply in this Nation.

Mr. Speaker, in an era in which medical science can do much, there is no reason why we cannot give hope to the 83,000 Americans currently living with this disease and the 31,000 that are diagnosed each year. The reason the number of current patients remains so low despite over 30,000 new cases each year is that far too many of those with IPF face severe disability and death within a few short years.

In fact, two thirds of all patients die within 5 years of developing the disease. That is why this resolution is so important.

H. Con. Res. 178 will bring awareness, I hope, to the severity of this devastating disease by encouraging the President to recognize IPF Awareness Week. It will also recognize and encourage the need for further research, further research, into IPF in the hopes of finding a cause and a treatment and a cure.

Over 50 of our colleagues have already cosponsored, Mr. Speaker, this important resolution; and I urge this body to join with me in taking the first step toward a cure by passing this resolution to bring more attention to IPF in Washington, our capital city, and in our Nation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Ohio for yielding me this time.

I am a cosponsor of this legislation, and of course, there could be no more eloquent speaker than the gentleman from Georgia (Mr. NORWOOD) on this question. But I think if there is anything we emphasize with this resolution it is that in this instance research is equal to pounds and pounds of cure. So I rise to support H. Con. Res. 178.

This legislation recognizes the need to research the cause of and find a treatment and cure for IPF. It also recognizes the Coalition of Pulmonary Fibrosis and urges the President to designate an IPF Awareness Week. As the number of over-50 bipartisan cosponsors indicates, there is very strong support for this legislation.

Let me just mention a few points that I think are worth emphasizing. The disease is debilitating and generally fatal, causing an irreversible loss of the lung tissue’s ability to transport oxygen to the organs. It moves very quickly. There is no proven cause of IPF, and 83,000 Americans are living with IPF. This disease and 31,000 are diagnosed each year. Idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years.

So the movement of research has to be key. I know that research will lead to solution. And when we start determining in the budget reconciliation, Mr. Speaker, I am asking that our colleagues be considered in their thoughts that not only is it most important to cut, cut, but it is important to be able to find the resources to do the important work that our constituents have sent us to do.

Furthermore, a recent study found that IPF may be five to 10 times more prevalent than previously thought. It is unknown whether this may be due to an increased prevalence of the disease or to a previous lack of definitive guidelines for diagnosing IPF. This research effort will help us understand the patients, particularly among the patients, particularly in the early stages of the disease, can continue to go about their normal activities for months or years before the disease runs its course. IPF can strike anyone, but the disease tends to affect men more than women and usually strikes people between the ages of 50 and 70.

Mr. Speaker, I ask my colleagues to join in the leadership of this resolution and support it enthusiastically.

Mr. Speaker, I rise in support of H. Con. Res. 178. This legislation recognizes the need to research the cause of, and to find a treatment and cure for IPF. It also recognizes the work of the Coalition for Pulmonary Fibrosis,
and urges the President to designate an Idio-
pathic Pulmonary Fibrosis Awareness Week. As
the number of over 50 bipartisan co-spon-
sors indicates, there is strong support for this
legislation.

Let's take a moment to mention a few im-
portant pieces of this issue:

Idiopathic pulmonary fibrosis is a serious lung
disorder causing progressive, incurable
lung scarring.

Idiopathic pulmonary fibrosis is the most
common form of interstitial lung disease.

There is no cure or treatment for this dis-
ease.

The disease is debilitating and generally
fatal, causing an irreversible loss of the lung
tissue's ability to transport oxygen to the or-
gans.

There is no proven cause of idiopathic pul-
monary fibrosis.

There are 83,000 Americans living with this
disease and 31,000 are diagnosed each year.

Idiopathic pulmonary fibrosis progresses
quickly, often causing disability or death within
a few short years. It is often misdiagnosed in the early stages.

The median survival rate for idiopathic pul-
monary fibrosis patients is 2 to 3 years, and
about two thirds of idiopathic pulmonary fibro-
sis patients die within 5 years of developing the
disease.

Furthermore, a recent study found that IPF
may be 5 to 10 times more prevalent than pre-
viously thought. It is unknown whether this
may be due to an increased prevalence of the
disease or to a previous lack of definitive
guidelines for diagnosing IPF. Unfortunately,
many patients, particularly in their early stages
of the disease, can continue to go about their
normal activities for months or years, before
the disease runs its course. IPF can strike
anyone, but the disease tends to affect men
more than women and usually strikes people
between the ages of 50 and 70.

In closing, I support this legislation and the
need to pursue research into the causes, a
treatment, and an eventual cure for idiopathic
pulmonary fibrosis.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3
minutes to the gentleman from Georgia (Mr.
WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I want
to thank my friend from Georgia for yielding me this
time.

Mr. Speaker, I rise in support of House
Concurrent Resolution 178, bringing attention to the need to
research and to find a cure for idiopathic pulmonary fibrosis. I am one of
more than 50 bipartisan co-sponsors of this
legislation.

I find concerned that the gentleman from the great State of Georgia (Mr.
NORWOOD) had this disease a few years ago, and I was amazed to learn of its ef-
tects. There is no cure or treatment for IPF, and the disease continues to build
up scar tissue in the lungs until fatal-
ity results in many cases.

More than 31,000 Americans are diag-
osed with IPF each year, and the me-
dian survival rate is only 2 to 3 years.

Although IPF is three times more common than cystic fibrosis, it only
receives a fraction of the research
funding. This resolution does the right thing by calling attention to it and in-
creased public awareness. Increased
awareness will also help the diagnosis
process to help ensure that the disease is
called early as possible. Many times
the disease is misdiagnosed in the
early stages and doctors do not even realize the effects the disease is
having until it moves on to its later stages.

The gentleman from Georgia (Mr.
NORWOOD), my friend, has been incred-
ible in his strength and has been an ex-
ample to me. He did not let the dif-
ficulties he faced prior to his lung
transplant slow him down. And after
the transplant, he continued to zoom
around the Capitol, often quicker than
I, as he has recovered. Even when he
was still on oxygen full time, he was up
speaking to this House and addressing
the issues and concerns of his constitu-
ents. He did not miss a beat. Mr.
Speaker, I am proud to be able to serve
with such a great American as the gen-
tleman from Georgia (Mr. NORWOOD).

I ask for support of House Concurrent
Resolution 178. Let's take a moment to
mention a few important facts about this issue:

That is why I applaud the gentleman
from Georgia (Mr. NORWOOD), my friend
and colleague, for bringing this resolu-
tion to the floor. It is important to ele-
vote the education and awareness of
this disease in our country because
83,000 Americans, including the gen-
tleman from Georgia (Mr. NORWOOD),
are currently living with idiopathic pulmonary fibrosis.

In that spirit, I want to commend the
gentleman from Georgia (Mr. Nor-
wood) for his courage and resilient
spirit. He has fought this disease every step of the way, and I say to you,
Mr. Speaker, I thank the gentleman for yielding me this
time.

Mr. Speaker, House Concurrent Reso-
lution 178 takes an important step to-
ward recognizing the need to research not only the cause of idiopathic pul-
monary fibrosis but also viable thera-
pies and, we hope one day, a cure.

It has recently been cited that IPF
may be five to 10 times more prevalent
than previously documented, and this
may be due to increased awareness or
an increased prevalence of the disease state. Regardless of what the reason,
we need to act.

Unfortunately, researchers are being held
back by the lack of appropriate fund-
ing. Currently, IPF research receives
only a fraction of the funding of what
other diseases get that are less preva-
 lent in our country.

I am proud to be an original cospon-
or of this legislation. I urge my col-
leagues to support these efforts to bring national attention to this hor-
rrible and devastating disease.

Mr. BROWN of Ohio. Mr. Speaker, I
yield myself such time as I may con-
sume.

Mr. Speaker, I listened to this de-
bate, and I hope that all of my friends
on the other side of the aisle who sup-
port this resolution, as we all should,
keep this in context. As we spend a bil-
lion dollars a week in Iraq, as my
friends on the other side of the aisle in-
sist on tax cuts for the wealthiest peo-
ple in our society, as we continue to
drive this Federal budget deficit up and
up and up, and I hear some people in
this body say we need to cut National
Institutes of Health spending; that we
need to cut Centers for Disease Control
in the gentleman from Georgia's (Mr.
DEAL) area, that we need to cut pro-
grams on Medicaid and Medicare, I
hope they will remember this debate
about how important this pro-
gram is to the gentleman from Georgia
(Mr. NORWOOD) and how important this
program is to so many in our country
who, frankly, do not have the good
health plans and the good insurance
that Members of this institution have.

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

Mr. DEAL of Georgia. Mr. Speaker, I
yield 5 minutes to the gentleman from
Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I guess
I hope people will remember this de-
bate too because this is one of the de-
bates that ought to be absolutely non-
partisan and ought to have not any po-
itical bickering in it. This is about the
lives of a lot of human beings that we
need to work on.

I am on the floor as maybe the only
Member of Congress who has IPF. I
may not be the only one, but I am the
only one we know for sure has IPF.

I am here to bring this resolution to
the floor to talk about what this dis-
ease is, what IPF is, and to say it over
and over again, because that is how
you get the word out.

I can speak from personal experi-
ences that IPF is a serious lung dis-
order. Many may not know it, but IPF
is the most common form of intersti-
tial lung disease. I guarantee you, most
of us do not know that.

And I do not doubt that this issue
has been been asked this 1,000 times, means that there is no
known cause. It is hard to cure some-
thing when you do not know what
caused it. Pulmonary fibrosis has no
cure or treatment. However, I would
say to my friend the gentleman from
Ohio (Mr. DEAL), having a new lung
certainly extends one's lifetime, and I am
going to be here to argue with him
a lot longer than the statistics say. So

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do not give up. I am going to be with you awhile. With this disease, a person’s ability to breathe becomes increasingly restricted, and it is painful, and eventually, of course, it results in death.

As we review the legislation today and as we think about what we are actually asking to be done, I want us to remember there are 83,000 Americans today, right now, that are facing this painful reality of IPF, and they all cannot get a lung. I was blessed to have one, Body of the whole.

Unfortunately, an unknown number above and beyond those 83,000 Americans succumb to its fatal outcome without even knowing they have had IPF. There is little awareness of IPF, and it is often missed or underdiagnosed in this Nation, as the gentleman from Georgia (Mr. GINGREY) pointed out. It is true.

In fact, a recent study found that IPF may be five to ten times more prevalent than generally thought. It is unknown whether this increase is due to a spike in the occurrence of the disease or simply a previous lack of definitive guidelines for diagnosing IPF.

Even those who are properly and quickly diagnosed are fortunate enough to be, must face the facts that the medium survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years. I would say to the gentleman from Ohio (Mr. Brown), do not count on having a new lung. I am going to be around a lot longer than that. About two-thirds of the IPF patients die within 5 years of developing the disease. I am not going to do that. I was blessed to have a new lung.

Furthermore, knowledge of this disease is hindered by very low public awareness, awareness that is alarmingly low when compared to other less prevalent diseases. A recent poll indicates only 29 percent of Americans know the facts about IPF, only 8 percent of which are familiar only with its name. This resolution is a start. It is an effort to make IPF, idiopathic pulmonary fibrosis, a well-known name.

Lastly, I make a plea to all of Americans and all of the families in America to consider being organ donors. It is not simply a matter of simply deciding you will be a donor. You must talk this over with your family at your kitchen table. I want to talk to everyone about this donor list. You cannot just be a donor. It does not just work that way. You have got to talk this over with your family, and you have got to talk to them at your kitchen table. God forbid if you or any of your family have to have this discussion in an emergency room. That is not the place to have it. My donor saved my life and four other lives a year ago October 5.

This is important stuff that is affecting thousands of people. It is worth doing. But you must discuss this with your family. On behalf of other IPF patients and others who are suffering, I hope all Americans will consider this and discuss and talk over being an organ donor. Currently, a lung transplant is simply the only hope for long-term survival for victims of my disease, IPF.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, so many of us in this body prayed for and were thrilled by recovery of the gentleman from Georgia (Mr. Norwood), and I appreciate tonight, when he has said so well how he, because he has insurance, because he knew how to negotiate the whole medical care system, health care system, how lucky he has been, and how so many in this country are not so lucky. I appreciate that he said that.

As I said earlier, I hope we in this body can get serious at some point about the 45 million people without health insurance and about what we are going to do about Medicaid in this body, not to make cuts in Medicaid, but to make sure our health care system work better than it has in the past.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. Kingston).

(MR. KINGSTON asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I want to say I certainly support this resolution and support all the good work of the gentleman from Georgia (Mr. Deal) and the gentleman from Georgia (Mr. Norwood), and I think this is the kind of thing that, if we cannot have more recognition of it, there would not be more success stories like the gentleman from Georgia (Mr. Norwood).

I have to say to my good friend from Ohio (Mr. Brown), who was elected the same year that I was, that we have always enjoyed the great spirit of this House in terms of debate, and we know that it is people like the gentleman from Georgia (Mr. Norwood) who add to that debate and make it a lot more fun to be up here, no matter what side you are on. And because the gentleman from Georgia (Mr. Norwood) was able to get his new lung, he came out here with a lot of vim and vigor from that class of 1994, and he got kind of quiet for a while, and I know there are many, maybe on both sides, I cannot say to the gentleman from Georgia (Mr. Norwood), but who might wish you were still quiet at times.

But the reality is the gentleman is back, and he is back because he was one of the fortunate miracles. We are just delighted to see the blood is flowing back in his veins and the spirit is back in his heart and the ideas and thoughts are back in his mind.

Yet as we look at the gentleman from Georgia (Mr. Norwood) as a miracle, we know that there are lots of folks out there who may not be fortunate. H. Con. Res. 178 makes it possible for others to know more about IPF, and it raises that recognition so that Congress can help its own internal education process so we can know what we can do and do a lot more studying and try to come up with what the cause is and so forth.

I want to say to the gentleman from Georgia (Mr. Norwood), best of luck to you. We all love you and we are glad you are back, and we pray for others in your same situation. I support H. Con. Res. 178.

POUNTS ON BILL

H. Con. Res. 178: Recognizes the need to research cause of, and treatment for, IPF; recognizes the work of the Coalition for Pulmonary Fibrosis.

Idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring. Idiopathic pulmonary fibrosis is the most common form of interstitial lung disease. There is no cure or treatment for this disease. The disease is debilitating and generally fatal, causing a progressive and irreversible loss of the lung tissue’s ability to transport oxygen to the organs. There is no proven cause of idiopathic pulmonary fibrosis. There are 83,000 Americans living with this disease and 31,000 are diagnosed each year. Idiopathic pulmonary fibrosis patients die within 5 years of developing the disease.

The Coalition for Pulmonary Fibrosis (CPF) is a 501(c)(3) nonprofit organization, founded in 2001 to further education, patient support and research efforts for pulmonary fibrosis, specifically idiopathic pulmonary fibrosis. The CPF is governed by the nation’s leading pulmonologists, individuals affected by pulmonary fibrosis, medical research professionals and advocacy organizations. It has more than 8,500 members nationwide and is the largest nonprofit organization in the country specifically dedicated to helping those with IPF.

CONGRESSMAN NORWOOD

Congressman Norwood was diagnosed with IPF in 1998—due to the slow progression of the disease (if caught early) he was able to manage his condition until the summer of 2004.

Despite coming to the top of the transplant list several times in the intervening years, congressman Norwood was judged ‘too healthy’ for a transplant and thus continued his duties in Washington and Georgia.

In the Summer of 2004 Congressman Norwood’s case began to worsen (as the disease does as it runs its course) and he was forced to suspend his duties in Washington and Georgia.

CHARLIE received a single lung transplant at Inova Fairfax Hospital in Fairfax, Virginia on October 5, 2004. While there is no standard recovery model for transplant patients, generally speaking, Congressman Norwood’s recovery was impressive with him leaving the hospital in short
order and continuing his work in Congress by January 2005. While still needing the assistance of oxygen at times, Congressman NORWOOD continues his recovery and remains an active member of the 109th Congress.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I appreciate the cooperation of the gentleman from Ohio (Mr. Brown) in bringing this resolution to the floor. As you have heard, those of us from Georgia have paid tribute to the gentleman from Georgia (Mr. Norwood), who has been the victim of IPF. But it is a testament to his fighting spirit and to the esteem with which we hold him that we have used his situation as the example for which this legislation has been based.

We urge the adoption of the concurrent resolution so that those in the American public as a whole can become aware of the significance of this disease. Hopefully through our efforts here and the efforts of researchers across the country, we will find a cure for this now fatal disease.

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

The SPEAKER pro tempore (Mr. SODREL). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 178, 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. DEAL of Georgia. 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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested: S. 1281. An act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

MESSAGE FROM CHIEF OF STAFF FOR THE HONORABLE WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nicole Venable, Chief of Staff for the Honorable William J. Jefferson, Member of Congress:


HON. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

NICOLE VENABLE,
Chief of Staff.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN, Michigan
Ms. KAPTUR, Ohio
Mr. BROWN, Ohio
Mr. HONDA, California

KATRINA-rita RELIEF AND FISCAL DISCIPLINE

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

Mrs. SCHMIDT. Mr. Speaker, I rise before you tonight to talk to you about something which I have a lot of experience with as a wife and a mother, budgeting.

Today, an honest estimate of what it will cost to pay for the Federal Government's responsibilities on the Gulf Coast is approximately $100 billion. This money will go to rebuild things like levees, highways, bridges, hospitals and schools, the infrastructure needed for the private sector to rebuild this devastated region. That is a lot of money, money that no one planned or anticipated.

As we all know, when the car breaks down or the dishwasher stops or any other unanticipated expense comes up, we must prioritize and separate the needs from the wants.

Raising taxes is not an option. The last thing anyone in this country needs is the burden of giving the government more money to spend, spend, spend. Our economy and thousands of jobs will pay the price. We need to make some tough decisions, realize what is important to us as Americans, what we need, and decide what can wait until another payday.

Some may call for deficit spending, but that is not the answer. American families make tough budget decisions every day. A broken furnace means no trip to Disney World. Increased prices at the pump means less meals eaten outside the home. It is a matter of priorities. It is a matter of responsibilities.

The government needs to prioritize, start acting like responsible adults, and quit spending money like it grows on trees.

Sincerely,

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FISCAL DISCIPLINE

(SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SODREL). 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.

BUDGET CUTS THAT MAKE SENSE FOR ALL AMERICANS

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

Mr. DeFAZIO. Mr. Speaker, I appreciate the fact that the gentlewoman who preceded me in the well said, speaking to the issue of paying for the disaster, not borrowing or obligating future generations to borrow. This House, in fact, 2 weeks ago, with 40 minutes of debate, 40 minutes and no amendments allowed, borrowed $51.8 billion for the beginnings of hurricane recovery efforts, on top of the $10 billion borrowed the week before.

Now, she said one thing I do disagree with, which is you cannot ask the rich people to pay for any share of this. Now, it is true they live on high ground, I understand that; so, for the most part, they are not affected by disasters. They have private security, they fly on private jets, they live in a different world than the rest of Americans. But she and the majority are saying, there is no way they should be asked to pay a share of these disasters, unlike working Americans who are paying day in and day out for the money that is being borrowed.

If Katrina cost, she said $100 billion, let us say $200 billion, if we just did not extend the tax cuts for people who earn over $300,000 a year and limited estate tax relief to estates worth less than $6 million, that is most small businesses and some very large ones.

She and the majority are saying, there is no way they should be asked to pay a share of these disasters, unlike working Americans who are paying day in and day out for the money that is being borrowed.
even build levees that can withstand a category 3 hurricane; we do not have new energy efficient forms of transportation which puts us on the sidelines of the Saudis and other enemies of the United States, and the President wants to build a trillion dollars of roads and highways and children, friends, and family are safer today. Due to their efforts, alcohol-related traffic deaths have declined.

Mr. Speaker, in the 1950s, when I was a little kid, my grandfather worked for the Texas Highway Department. In the middle of the day while laying asphalt on what is now interstate 35 between Dallas and Austin, Texas, he was struck and killed by a drunk driver. The driver was never punished because he was some big shot from Dallas. My grandmother became a widow and never quite got over the loss of my grandfather. She spent the rest of her life supporting herself by working in a department store selling dresses until she was required to quit at the age of 75. My grandmother died only a couple of years ago in her robust 90s, but she often mentioned until her death how she missed my grandfather.

In those days there was no MADD organization. But thanks to MADD, the public attitude and the acceptance of drinking and driving has changed dramatically.

Mr. Speaker, there are few tragedies that bring as much pain to families and communities as these violent crimes caused by drunk drivers. This pain is made even worse when our community’s young people are injured and in medical treatment for a criminal court judge in Texas, I saw firsthand what the effects of drunk driving do to a family and to our communities. This is one of the
Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

ORDER OF BUSINESS

Iraq and the Bush Administration’s Greed

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for the last 2 years, Halliburton and subsidiaries such as Kellogg, Brown, and Root, have received billions of dollars in contracts to rebuild Iraq. Despite the handsome profits, Halliburton, which used to be run by the Vice President, DICK CHENEY, has not had to offer competitive bids on the vast majority of these projects. Earlier this week a Halliburton subsidiary received yet another no-bid contract for reconstruction efforts.

This should not come as a surprise to anyone, anyone who has monitored the greed, the selfishness, the sheer corruption with which the Bush administration has administered Iraq’s reconstruction. Only this time, the contract was not for Iraq. It was for hurricane relief and reconstruction efforts here in the United States. Finally, the chickens have come to roost.

Mr. Speaker, my colleagues might recall that Halliburton is the company that overcharged the United States Government for meals served to soldiers serving in Iraq. It is also the company that made the United States Government pay a ridiculous markup on gasoline purchased from nearby Kuwaiti refineries. Unfortunately, the Bush administration did not seem to mind. Halliburton’s corruption certainly did not stop the White House from turning the country in the Gulf.

But the sad truth is, these examples of corruption and incompetence are not just isolated to Halliburton. They are emblematic of the Bush administration itself.

This is the administration that presided over $9 billion in missing funds that was supposed to pay for Iraq’s reconstruction. This is the administration that, for over a year, neglected to provide the lifesaving protective body armor that our troops needed to survive. These examples are not isolated. No, they are indicative of how the Bush administration has approached both the war in Iraq and the recent hurricane devastation in the gulf coast.

The sheer ineptitude surrounding the war in Iraq has been the most staggering of all. The Bush administration had no plan for how to conduct the war, they had no plan for securing the country once Saddam was deposed, and now they have no plan for ending the war.

It is clear that the military situation in Iraq is not improving. In fact, it is the very presence of nearly 150,000 U.S. soldiers who appear as occupiers that so enragés Iraq’s insurgency.

By bringing our troops home, we can save both American and Iraqi lives, and we can reunite thousands of American families in the process. That is why I have called on the House Committee on Armed Services and the Committee on International Relations to hold hearings to address how best to achieve a military disengagement. Since they will not address this issue, we will.

Two weeks ago, I held an informal bipartisan hearing to address how to end the war in Iraq. Not when, but how. We heard from an expert panel of witnesses who each testified that the need for a change in U.S. policy is absolute in Iraq. This is not about finding the one right approach. It is about putting all the ideas on the table.

Mr. Speaker, my hope is that last week’s hearing will initiate the discussion that we desperately need, one that is long overdue, one that will help save lives, how to end the war in Iraq, and how to bring our troops home.

Call for Peace in Ethiopia

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

Mr. KINGSTON. Mr. Speaker, I rise today to discuss democracy and elections in Ethiopia. As this country has been a close ally of the United States in the war on terror, it is critical that we encourage their evolution from monarchy to communism to democracy.

I used to live in Ethiopia as a child, and I lived there when Haile Selassie was the emperor. And even under a monarchy, Ethiopia had a lot of good things going for it. And as they have always been an ally of ours, strangely, we often forget them.

Ethiopia is divided into nine states along linguistic and ethnic lines. It is a 3,000-year-old civilization which until the 1970s was under and then a brutal Marxist junta through him over. Civil war and famines racked the country in the 1980s. Calm finally began to return in 1991 when Meles Zenawi, who assisted in the overthrow of the junta, became president and finally prime minister 4 years later.

Since that time, Ethiopia has participated in a total of three elections. That is three elections in a 3,000-year history.

This past spring, Ethiopia held their second election since the introduction of multiparty politics and the first under international scrutiny. Thirty-five political parties vied for seats in...
Twenty-five million people registered to vote in the election. With 200,000 of those registered to vote living in villages inaccessible by roads, election officials on camels, pack animals, and boats fanned out to distribute ballots in time for the election. The National Electoral Board drafted 38 camels, 65 donkeys, 20 horses and 10 mules to carry election workers, ballots, stamps, counting sheets, and indelible ink to rural parts of a country twice the size of Texas.

In the weeks leading up to the May elections, peaceful mass rallies were held by both the ruling party and opposition parties in Ethiopia’s capital of Addis Ababa. At one of the rallies, 250,000 supporters of one of the main opposition parties, the Coalition for Unity and Democracy, rallied in the capital’s main Mekels Square. A government rally attracted 600,000 people the day before.

One voter, Solomon Aseffa, told reporters that after witnessing two public rallies in two days, democracy finally really was flourishing in Ethiopia. Another resident said that the peaceful rallies were indicative of the increasing political consciousness of the community. An Addis Ababa resident, Fitsum Argaw, urged young people to cast their votes in order to safeguard a democratic system that had been achieved through great sacrifice.

During the campaign, there was unprecedented media access for the opposition. They received equal time on state-run radio and the opportunity to participate in broadcast debates. One main opposition party even launched a text messaging campaign to get out the vote. European observers praised the openness to the run-up to the elections although they admitted that they witnessed intimidating tactics by the ruling party.

Despite the reports of harassment, there was a stunning 90 percent turnout of registered voters. Foreign election observers found out the worst problem had been the crowds, with some waiting for hours just to cast their ballots. A young female economist who happened to be there said: “I’m happy because I am able to vote freely and that is a new thing here in Ethiopia.”

The election results showed that while the ruling party held on to a majority, the opposition made major gains. However, opposition parties argued that the process was marred by fraud, intimidation, and violence. After the election, Prime Minister Meles Zenawi promptly banned all demonstrations for 1 month and assumed control of the television stations.

Sadly, events spiraled out of control after the university students were arrested for defying this ban. Ultimately, 36 people were shot dead by police and thousands were arrested after protests erupted over the election results. This type of bloodshed cannot be allowed to happen again.

This Sunday there is a rally scheduled to take place in Addis Ababa. Members of the main opposition parties, the Coalition for Unity and Democracy and the United Ethiopian Democratic Forces, plan to protest alleged fraud in the May 15 parliamentary elections and call for the formation of a new government to supervise new elections.

What we want the folks in Ethiopia to know is that we are behind them in the democratic process. We know it is not perfect, as we are still working on ours; but we wish them success in their great and noble endeavor.

I would like to take this time to urge peace and calm in Ethiopia. There has already been too much violence and bloodshed in the wake of these elections. However, in an ominous sign, on Monday forty-three members of the opposition were arrested ahead of Sunday’s assembly and the branch offices of the opposition parties were raided and are now closed. Authorities have threatened “severe consequences” for any illegal acts or violence that occur during the rally.

Mr. Speaker, the path to democracy is never a smooth and easy process. We are seeing that now in Iraq. In Ethiopia, democracy is in its infancy and it must be nurtured along by its leaders.

To that end, I would urge Prime Minister Meles Zenawi and the Ethiopian authorities to allow this rally to occur peacefully. As pre-election rallies were held without violence and bloodshed, post-election rallies should be equally violence and bloodshed-free.

Ethiopia has come so far. From a monarchy followed by suffering under Communism, Ethiopians must be given the opportunity to flourish under the greatest of systems — democracy.

NO NEED FOR AN INDEPENDENT COMMISSION

The Speaker pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gohmert) is recognized for 5 minutes.

Mr. Gohmert. Mr. Speaker, a number of our friends across the aisle yesterday once again demanded that an independent commission is vital to what they said is getting to the truth about the response to Hurricane Katrina. They want a commission like the 9/11 Commission. They put their hope and their avowed trust in a so-called independent commission.

They also said, in fact, that there had been no adequate investigations in recent years, even though their glorified 9/11 Commission occurred during that time. Yet it was their glorified 9/11 Commission that recommended putting FEMA under Homeland Security even though it had been working just fine before. FEMA previously had the ability to put resources where it needed them without worrying about a higher boss directing resources in the budget. Well, folks got what they wanted, and it may have been a huge mistake.

Our friends across the aisle said yesterday that all that goes on around here is whitewashing and a cover-up and that is all Congress will do anymore. And, I quote, “Let the judge do his job.” I noticed people often ascribe to the opponents the very motivations and characteristics that they themselves have and then assume that the others around them are just as devious as they are. Now, whether or not that applies here, I will leave for other consideration.

The fact is, however, if they bear to watch the hearings that have been on C-SPAN or gone to the hearings themselves instead of calling for a press conference or participated in some way, they have would have seen that tough questions were being asked. In fact, some were so tough they were really a bit unfair.

It is Congress’s job to oversee such things, and the mere fact that Congress has punted such obligation in other cases so it can point blame elsewhere if a bad decision is made is no reason to run from our responsibility here. In the congressional hearings both sides get to ask questions. You get to submit witnesses. And if you do not like the majority report, you file a minority report.

That is not whitewashing. It is simply disingenuous for people to come to this building and say by their actions and their words that if they cannot be in charge, then they are simply not going to participate. Like on schoolyards, some child stamping their foot, stomping around saying, if we are not going to do it my way, if I am not in charge, I will not play. The trouble is this is not a game. This is our Nation at stake.

Members of Congress were elected to do a job, not complain why someone should be doing it for us. We do not need an independent commission. We need some additional independent-thinking Members across the aisle to step up and help us by doing their job.

The Speaker pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. Kaptur) is recognized for 5 minutes.

Ms. Kaptur. Mr. Speaker, a unanimous consent to claim the time.

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

The Speaker pro tempore. Time.

Mr. Butterfield. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Ms. Kaptur), who is the sponsor.

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

There was no objection.
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise this evening to speak on the importance of reauthorizing the Ryan White CARE Act. This act has been so valuable in providing services to those persons infected with HIV/AIDS. I want to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her passion and her work and her advocacy on this issue. Her work has been unparalleled in this Congress.

Mr. Speaker, I want to encourage my colleagues to reauthorize the Ryan White CARE Act at $3.1 billion to ensure that today’s health care needs of people living with HIV/AIDS and their families are adequately and consistently met. Today, unlike the past, those most likely to be infected with HIV are people of color, women, and our youth. This act directly funds medical and support services for approximately 533,000 individuals and their families living with HIV/AIDS each year. Persons of color represent 88 percent, 88 percent of the clients that are being served.

HIV/AIDS is no longer a death sentence. Great strides in medical technology have slowed the progression from HIV to AIDS, allowing people with HIV to live longer, to live healthier and more productive lives.

This act should be authorized in a manner that allows it to fully respond to the needs for underserved and uninsured populations living with HIV/AIDS.

Mr. Speaker, African Americans in this country are disproportionately affected with HIV/AIDS. In 2000, African Americans made up 12.3 percent of the U.S. population, but they account for 40 percent of the diagnosed AIDS cases. In North Carolina, my home State, the total number of new AIDS cases between 1983 and 2003 was 1,083; 724 of these cases were found among African Americans.

In fiscal year 2005, this act was funded at $2.073 billion, but that is not enough. Funding should not be shifted at $2.073 billion, but that is not enough. Funding should not be shifted to the needs for underserved and uninsured populations living with HIV/AIDS.

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

Mr. DREIER. Mr. Speaker, on the 2nd of June our very distinguished colleague, Chris Cox, was nominated by President Bush to become the chairman of the Securities and Exchange Commission. On July 29, the Senate voted unanimously to confirm Chris as the 28th chairman of the SEC. His nomination was widely heralded. That ecumenical, he said, "Chris Cox's keen intellect and free market view point will provide a breath of fresh air at the Securities and Exchange Commission."

The majority leader in the Senate said, "Chris Cox will bring an experienced and steady hand to the Securities and Exchange Commission."

Stanford law professor, who is a former SEC commissioner, Joseph Grundfest, said, "We should give a great deal of respect and deference to Chris Cox's tremendous intellectual abilities and political skills."

Mr. Speaker, I mention this praise because it so clearly shows that the gain at the Securities and Exchange Commission is a significant loss for us here in the House of Representatives. As his colleagues in Congress, we will all miss working with Chris.

Chairman Cox was first elected to the House in 1988 to represent Orange County, California. During his nine terms in office, he gained a well-deserved reputation as a hardworking, action-oriented, fair and bipartisan Member. In fact, he said one time, "The well-worn partisan rut is not a place where you are going to get a lot of work done."

Chairman Cox did not spend a lot of time in that rut. He was an integral part of our California delegation, served on important committees and delved into critical issues facing our Nation. He served on the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Government Reform and the Committee on the Budget. He served as a member of the majority leadership for over 10 years as Chairman of the House Policy Committee.

Most recently, we all know Chris served as the chairman of the Committee on Homeland Security when we established this new committee. Throughout his involvement in national security issues, he was very intimately involved in those throughout his entire 17 years in Congress. He was a tireless advocate for our men and women in uniform, a vocal anti-Communist, an active proponent of California's military bases, and an ardent supporter of the global war on terror.

As Chairman of the Committee on Homeland Security, Mr. Speaker, Chris pushed for common-sense reform to ensure that we spent homeland security dollars based on actual risk, and he left an erasure of very vigorous oversight at the Department of Homeland Security.

Additionally, as a representative from California, Chairman Cox was intimately involved in the effort to secure our border and give the border patrol the tools needed to apprehend anyone seeking to enter our country illegally, particularly those wishing to do our Nation harm.

It is fitting that he is now the country’s top cop for the securities markets because he has long been committed to improving and supporting the free market.

Whether it was ending the double taxation on shareholder dividends or supporting innovative technologies with the Internet Tax Freedom Act or standing up for free trade by voting for permanent normal trade relations for the People’s Republic of China or protecting investors from junk lawsuits with the Private Securities Litigation Reform Act, Chairman Cox has been in the forefront of making sure capitalism and financial markets work on their own when they can but, most important, work within the law around the clock.

When accepting the nomination to chair the SEC, Chairman Cox had this to say about the U.S. economy: “The natural enemies of this economic marvel are fraud and unfair dealing.” At the SEC, he will continue, Mr. Speaker, to do what he practiced here in the Congress, instilling faith in the financial markets by targeting bad actors and protecting investors.

Throughout his life, Chairman Cox has held firm to his conservative beliefs: his faith in democracy; and his pro-growth, free market principles, even when his views were not always popular. When he was at Harvard in the early 1970s, where he earned a business and law degree, he placed a Ronald Reagan bumper sticker on his car, only to have his car repeatedly vandalized. He had a Ronald Reagan bumper sticker on his car, only to have his car repeatedly vandalized.

There was little that could intimidate Chairman Cox, and that was particularly due to the confidence he derived from his political lodestar, the man whose name was on that bumper sticker, Ronald Reagan.

Chris and I both share an intense admiration for Ronald Reagan. President Reagan taught our country to stand tall, to believe in and trust the virtues of democracy, the power of the individual, the promise of entrepreneurship, and the might of our military.

Chris had the distinct privilege of serving President Reagan as a White House.
House counsel. He worked behind the scenes to promote Ronald Reagan's muscular foreign policy and effective, limited government domestic policy.

In 1988, during Chris's first campaign for Congress, President Reagan said, "I could not imagine a candidate better prepared to push our agenda forward and to keep his sights on why we were in Washington." Mr. Speaker, those words still ring true today. Chairman Cox is a man of powerful intellect, whose selfless service of his constituents and of his country have earned the respect of everyone he has worked with, and he has never lost sight of why he was here.

I know he will continue to serve the people of the United States with unfailing dedication and the utmost integrity. That is how his colleagues in Congress knew him, and that is how his new colleagues at the SEC will come to know him.

President Bush gave Chairman Cox this mission to the SEC: "To continue to strengthen public trust in the capital markets so the American economy can continue to grow and create jobs." Mr. Speaker, if the success of his congressional career is any guide, there is no doubt that Chairman Cox will accomplish this mission.

I offer my sincere thanks to Chris for the pleasure of working with him as a member of the California delegation, as a dedicated disciple of President Reagan and as a force for progress here in this House of Representatives. I wish him the very best as he embarks on this new path.

Mr. RADANOVICH. Mr. Speaker, I rise today to pay honor and congratulate a now former colleague of mine, Congressman Christopher Cox. Mr. Cox has served the U.S. House of Representatives with great distinction for six terms. For 10 years Mr. Cox displayed his tremendous leadership capability as chairman of the House Policy Committee, and most recently as the founding Chairman of the House of Representatives Committee on Homeland Security.

In June of 2005, the President of the United States had the foresight to recognize Mr. Cox's leadership ability and subsequently appointed Mr. Cox, Chairman of the Securities and Exchange Commission. Mr. President, you made a very fine choice. Mr. Cox holds an M.B.A. from Harvard Business School, as well as a J.D. from Harvard School of Law. He has taught Federal income tax courses at his alma mater. During former President Reagan's second term, Mr. Cox served as his Senior Associate Counsel. While enlisting in the U.S. House of Representatives, Mr. Cox served as a capacity of leadership in every committee with jurisdiction over investor protection and U.S. capital markets. It seems obvious to me, as I'm sure it does to the rest of my colleagues that Mr. Cox is very well qualified for his new position at the SEC.

While the citizens of Mr. Cox's 48th District will surely miss his commitment, I am sure they share my sentiments of congratulation to Mr. Cox for receiving this new appointment. I have thoroughly enjoyed my time as a colleague of Mr. Cox and look forward to working with him in his new capacity.

Mr. THOMAS. Mr. Speaker, I rise today to honor my friend and former colleague from California, Christopher Cox, for his excellent service as a Member of the House of Representatives and to wish him well in his tenure as Chairman of the Securities and Exchange Commission, SEC.

I commend the President for selecting Chris to serve in that capacity because Chris has the proven leadership ability, intelligence, fairness, and experience necessary to successfully manage the SEC, which has an integral role in ensuring our Nation's continued economic growth and prosperity. I have had the great pleasure of working with Chris as he exhibited his leadership abilities in the House through his service for over a decade as the Chairman of the House Republican Policy Committee and most recently as Chairman of the Committee on Homeland Security.

As many of you know, Chris has impressive academic credentials, which include earning both an M.B.A. and law degree from Harvard, where he also served as an editor of the prestigious Harvard Law Review. These credentials supplemented his service as a Federal appellate law clerk and as Senior Associate Counsel to the late President Reagan.

Moreover, Chris' experience has provided him with a broad and deep understanding of how our securities markets operate. As an attorney with an international law firm, Chris specialized in venture capital and corporate finance, and in his 18 years of service as a Member of the House, Chris served on the Energy and Commerce, Financial Services, and Government Reform Committees. During his House career, Chris was an ardent proponent of legislation to improve the budget process, eliminate the double tax on shareholder dividends, reform medical malpractice litigation, and repeal the estate tax. I worked with Chris on these issues and I am pleased that we were able to enact legislation to address capital gains, dividends, and estate taxation.

While I will miss working with Chris in the House, I look forward to working with him in his new role. Accordingly, I ask my colleagues to join me in wishing him well as he continues to serve as a free-market advocate in his new capacity.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to honor our former colleague and my good friend, the Honorable Christopher Cox.

For almost 20 years, Chris Cox has served this country nobly, admirably, and to the best of his ability as a public official and legislator. Now President Bush has tapped him for a new chapter in his public service career as the next Chairman of the Securities and Exchange Commission.

In making this choice, the President could not have picked a more qualified, a more determined, and a more able candidate. Chris Cox has extensive experience as an attorney specializing in venture capital and corporate finance and a lecturer at Harvard Business School where he taught Federal income tax law. He began his career in our nation as a Senior Associate Counsel to President Reagan, advising the President on a range of issues. Now he will continue this service in a different capacity as the Chairman of the SEC, where he will have a platform to encourage corporate responsibility and raise investor confidence.

From 1988, until very recently, Chairman Cox represented Orange County faithfully in the U.S. Congress. In this body, his leadership was essential in authorizing the Private Securities Litigation Reform Act and the Internet Tax Freedom Act. Chairman Cox was also instrumental in the creation of a permanent Homeland Security Committee, on which he served as Chairman. Now in his role in the House, he has worked for a smaller and more efficient government, a financially responsible budget, and an overall better America.

For the last 7 years, I had the great privilege of being his colleague in this House. Having witnessed firsthand the resolve of his intellect and the extent of his devotion to our nation, I also witnessed his compassion and care for the residents of south Orange County. He represented them loyally and they rewarded him with eight consecutive reelections to the House of Representatives.

As Chairman Cox leaves these halls to continue his public service at the SEC, I can say with certainty that he will be missed by his fellow lawmakers, his constituents, and the American people. We can take solace, however, in his call to a higher duty. In this time of war and economic uncertainty, America needs capable leaders—leaders with experience, with knowledge, with determination—leaders like Christopher Cox.

As Chris Cox begins his new challenge as Chairman of the SEC, I wish him now Commissioner Cox good luck in his new position at the Securities Exchange Commission, SEC.

As a former constituent, a member of the investment banking community, I know how important Mr. Cox's new job is to the health and security to our Nation's economy.

The job of the SEC is to maintain investor confidence in our financial markets. I would urge my friend to invest more resources in maintaining that confidence. That would include going after insider-trading cases, and preventing the scandals, like Enron and WorldCom, that undermine our system. We should not forget that it's the small investors, and workers depending on their pensions, that get hit the hardest by these scandals.

I would also urge the Commissioner also to think about the future and to help reform the stock exchanges. To help bring them into the 21st Century. Instant trading is a fact in the market. It needs to be brought to the floor of the NYSE.

In closing, I would like to thank Chris Cox again for his service and wish him all the best at the SEC. I look forward to working with him and helping to make our nation's future, safe, fair and secure.

Mr. GALLEGLY. Mr. Speaker, I rise in honor of my friend, former colleague, fellow Californian and Securities and Exchange Commission Chairman Christopher Cox. 

A capable and affable leader, Chris is well-suited to be the 28th SEC Chairman. While in Congress, he served as a senior member of every committee with jurisdiction over investor
congressional record — house

s extension of general leave

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

REAUTHORIZATION OF THE RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, in 2 days, the Ryan White CARE Act will expire, and though it will continue under its current authorization, as this landmark and life-saving Act expires, it is almost as though a light expires as well, a light of life and hope for the hundreds of thousands of Americans who have depended upon it.

We all know how disproportionately the HIV/AIDS epidemic has, and continues to, affect the African American community. In fact, since the beginning of this epidemic, African Americans have been hardest hit. This is not only due to adverse lifestyles but also largely due to the poor level of services, lack of insurance and the intractable poverty where too many people of color are trapped.

As shocking as the statistics are one year, they get worse the following year.

Nearly half of all people living with HIV and AIDS in the United States are African American, and the AIDS case rate for African Americans is 9.5 times that of whites.

About six in 10 children to HIV-infected mothers are African American. Sixty-five percent of the AIDS cases among young people, 13 to 19 years of age, are in African Americans.

AIDS is the leading cause of death for African American women, 21 to 34 years of age.

This epidemic creates generation gaps in black families, leaving children to be reared by grandparents or other guardians, and the startling number of AIDS cases among teenagers indicates that this epidemic will undermine the very future of the African American community and thus undermine our Nation.

In the African American community, this is a state of emergency and requires an emergency response, not this lack of attention and lackadaisical approach that we are receiving from the leadership. We should not be presiding over the expiration of this Act, which has been a lifeline to countless individuals and their families. We should be going beyond reauthorization, expanding it and ensuring that all of the funding is there to meet the programmatic needs.

The Ryan White CARE Act was created to improve the quality and expand access to comprehensive care for people living with HIV and AIDS and their families. Because of the CARE Act, metropolitan regions, which are heavily African American, those that are most severely affected by HIV and AIDS receive funding to launch HIV prevention and support HIV/AIDS care efforts.

The CARE Act also provides funding for AIDS Drug Assistance Programs; early intervention services; capacity building and planning grants; crucial services for women, infants, children, youth and their affected family members; funding for AIDS Education and Training Centers; dental reimbursement programs; and funding for special projects on innovative models of HIV care and service delivery, among other services.

As a physician who has treated people living with HIV and AIDS, I know well how critical these services, especially access to medications that slow the progression of HIV to AIDS, are to improve the quality of life of those with AIDS, are to the health and well-being of and the care of people living with it.

The CARE Act, though, is particularly important to the community that is hit the hardest, year after year, the African American community. About half of all Ryan White CARE Act clients are African American.

More than eight in 10 clients at the Title IV clinics who receive important medical care, case management, child care and other services, are people of color, the majority of whom are African American women, children, youth and families.

We must recognize that when the Ryan White CARE Act was created and passed, the face of the HIV/AIDS epidemic, the unmet needs of those living with HIV disease, and the medical management of HIV and AIDS were much different than they are today.

Furthermore, great strides in medical technology have slowed the progression from HIV to AIDS, allowing people with HIV disease to live longer. Healthier lives. The CARE Act should be authorized in a manner that allows it to fully respond to the health and health care needs of those most at risk for, or those who currently are, living with HIV and AIDS.

Because of this, any funding less than $3.1 billion is simply not acceptable. That is equivalent to what we spend every month in the war in Iraq.

What it costs to make the Republican cuts permanent for 1 year is more than 10 times the amount needed to help ensure that a child born to an HIV-positive mother has a chance at life.

One might be moved to ask why this crisis, which has taken so many lives, ruining so many families and having such a detrimental social and economic impact on our communities is being responded to in such an inadequate manner, if one can say it is being responded to at all?

It is not the absence of urgent need. The numbers are there. Neither could it be due to lack of resources. We have seen this administration in times bankroll solutions to others and more expensive crises without hesitation. The reauthorization of the Ryan White CARE Act and adequate funding of this and all of the other health care programs that would improve the health of the poor, the rural or people of color, are not all that happening for one reason, the absence of political will.

Mr. Speaker, I do not want us to lose sight of the fact that this Act gets its name from a brave little boy who was not only a pioneer but an inspiration. I did not know Ryan, but I do know his mother, Jeanne, and so on her behalf and on behalf of the patients I have served, and all of those infected with HIV or who have AIDS, their families, as well as all of the dedicated care providers, I ask that we not let this lapse in our moral responsibility be prolonged.

Let us do the work we are entrusted to do and reauthorize and modernize an even stronger, better Ryan White CARE Act.

RYAN WHITE AIDS CARE ACT

The SPEAKER pro tempore (Mr. INGOLDSBY of South Carolina). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from the Virgin Islands (Mrs. Christensen) for organizing this series of Special Orders on the reauthorization of the Ryan White CARE Act.

The Ryan White CARE Act is essential for millions of Americans who are living with the AIDS virus and millions more who are at risk of becoming infected in the future.

The Ryan White CARE Act was passed into law in 1990, 10 years after the beginning of the HIV/AIDS epidemic, to provide a comprehensive approach to reducing the impact of HIV/AIDS, patient care and community support for people affected by this dreadful disease.
The Ryan White CARE Act provides funding for a variety of programs, including drug assistance, capacity building and planning grants, services for infected people and their families, funding for AIDS Education and Training Centers, and grants to metropolitan areas to help with the growing number of people affected by HIV/AIDS.

The Ryan White CARE Act authorizes the AIDS Health Care Act, which provides medical care, case management, child care, transportation, and other support services for families affected by HIV/AIDS. It also provides increased funding for treatment, prevention, and support services for racial and ethnic minorities.

Reducing HIV/AIDS support services in order to prioritize HIV medical services is no way to address the needs of people with HIV/AIDS. I urge my colleagues to reauthorize the Ryan White CARE Act in a manner that will ensure that HIV/AIDS programs will indeed address the needs of all communities in the United States that are affected by the HIV/AIDS epidemic, and I urge my colleagues to make certain that the Ryan White CARE Act programs will be fully funded in future years.

In 1994, the Ryan White CARE Act was passed to address the needs of unhealthy people and their families. It is estimated that about half of all Ryan White CARE Act clients are black, and that proportion is much higher in some care settings.

Title IV of the Act is especially important for racial minorities. Title IV provides medical care, case management, child care, transportation, and other support services for families affected by HIV/AIDS. Over 80 percent of the clients at clinics funded by Title IV of the Act are minorities.

The Ryan White CARE Act is critical for minorities who often lack access to traditional health care and support services. About half of all Ryan White CARE Act clients are black, and that proportion is much higher in some care settings.

Title IV of the Act is especially important for racial minorities. Title IV provides medical care, case management, child care, transportation, and other support services for families affected by HIV/AIDS. Over 80 percent of the clients at clinics funded by Title IV of the Act are minorities.

The Ryan White CARE Act is severely underfunded. In the current fiscal year, the Ryan White CARE Act received a total of just over $2 billion for all programs nationwide. However, it has been estimated that Ryan White CARE programs should receive at least $3 billion in order to address adequately the needs of people affected by or at risk of HIV/AIDS.

In July of this year, the Bush administration released its principles for the reauthorization of the Ryan White CARE Act. Unfortunately, these principles are pitting the most affected communities against one another.

One of the principles is a prioritization of core medical services. This principle could eliminate many of the support services provided under title IV, such as case management, child care, and transportation, which make medical care accessible to people in need. For most title IV clients, medical care is covered through Medicaid, not title IV; but support services provided under title IV are essential to make medical services accessible.

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THE RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLER-MCDONALD) is recognized for 5 minutes.

Ms. MILLER-MCDONALD. Mr. Speaker, I rise in support of reauthorizing the Ryan White CARE Act. Signed into law on August 18, 1990, the act was designed to improve the quality and availability of care for persons with HIV/AIDS and their families.

The Ryan White CARE Act awards critical grants to metropolitan areas with particularly high rates of HIV. These grants help pay for outpatient services including case management, home health, hospice care, housing, transportation and nutrition.

The Ryan White CARE Act also provides money to States for pharmacy support through the AIDS Drug Assistance Program. This act enables the Federal Government to assist States so they provide lifesaving antiviral drugs for people who are HIV-positive.

This act is essential in making sure the care is available to everyone in need. We need to make sure that the care is available to every person of color. It is ravaging communities of color.

In 2003, African Americans accounted for two-thirds of new AIDS cases among all women nationwide. Moreover, African American teenagers make up only 15 percent of the U.S. teenagers. Why isn’t it then that they account for 65 percent of the total new AIDS cases reported among teenagers in 2002? Mr. Speaker, we must have this piece of legislation expanded. We must have this piece of legislation so that we can eradicate this dreadful disease that is ravaging our communities. We cannot sit idly by and watch this disease tear apart our communities and affect a generation of our children. That is why I stand here today and call on my CBC colleagues to impress upon my colleagues the absolute necessity for the reauthorization of the Ryan White CARE Act.

This act is essential in making sure that HIV/AIDS no longer ravages our community. The numbers illustrate the horrible trend. We are an underserved and vulnerable population, and I refuse to allow that to continue.

Title IV of the CARE Act is particularly essential. Title IV serves women, children, youth, and families who are all affected by AIDS. Each year, over 50,000 women and children benefit from title IV services. Title IV services include, among other things, medical care, child care, and transportation. Without these services, Mr. Speaker, women and children participants would not receive the care they need to fight this dreadful disease.

In 2002, almost half of all Ryan White CARE Act clients were African Americans. The Ryan White CARE Act funds the National Minority AIDS Education and Training Center. We need this. We need it desperately. Programs like this ensure that African American victims of this disease get the quality care they need and deserve to survive and that our communities get the clinical expertise to be able to provide that care.

We also need more education programs and testing sites. We need to make sure that the care is available to everyone in need. We need to make sure that everyone in need is taking advantage of this piece of legislation so that we can make sure that the care is available to everyone in need.

Ms. JACKSON-LEE. Mr. Speaker, I rise in support of the Ryan White CARE Act. The Ryan White CARE Act is a comprehensive AIDS Resources Emergency Act.

THE NATION IS AT RISK

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3864. An act to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.

THE SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

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Title IV of the CARE Act is particularly essential. Title IV serves women, children, youth, and families who are all affected by AIDS. Each year, over 50,000 women and children benefit from title IV services. Title IV services include, among other things, medical care, child care, and transportation. Without these services, Mr. Speaker, women and children participants would not receive the care they need to fight this dreadful disease. People of color make up one percent of the beneficiaries of title IV services. Thirty percent of all title IV consumers are children under the age of 13.

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issues. As we enter the final stages of this 109th session of Congress, we are confronted with some dire emergencies and challenges and I prefer to place all of the things I have to say under the big umbrella title ‘The Nation is At Risk.’

The Nation is at risk. We need an administration at this point in the history of the Nation that governs for all, not just for a few. We need an administration that cares about everybody, not just a few. We have an incompetent blundering administration. Iraq showed us how serious the consequences of such blundering could be. If we did not understand because of Iraq, and some of us understood what we were getting into, I voted against going to war in Iraq. I think it is very important as a Member of this Congress, as a major policymaker for the United States of America, it is very important never to place young people, our soldiers, military personnel, in a situation where they may die in vain or they may die for no good reason. For that reason, I voted against the war in Iraq.

But we went ahead and we kept going right through an election and refused to reflect on what they say the majority as a Nation, did not recognize the dangers of the Iraq blunder. Some of my religious friends say that God wanted us to open our eyes and give us a wake-up call so he sent Hurricane Katrina. Katrina is on a smaller scale than the catastrophe of Iraq. Hurricane Katrina is at home. Hurricane Katrina was on our television cameras as it was unfolding. The question is will the next high level set of blunders by this administration lead us into something even more devastating. The failure to respond properly to the Hurricane Katrina, it showed us we have an incompetent blundering administration. If we did not understand with what happened in Iraq, we can understand it now. Our Nation is at risk.

It is very serious to have a Nation of this size with its power, its position in the world, unable to cope with catastrophes like Katrina, unable to make decisions about major international policy matters like Iraq. Yes, Saddam Hussein was an evil man. Saddam Hussein was highly undesirable and some people needed to help get rid of Saddam Hussein, but so was Joseph Stalin and so was the Soviet Union for years where the Soviet Union acquired the nuclear bomb, there were people who urged President Truman and some subsequent Presidents to attack. Let us have a preventive war before they got the nuclear bomb. After they got the nuclear bomb and they did not have the hydrogen bomb, people were urging it was even more important to attack. They said let us make certain they do not get the hydrogen bomb. After they got the hydrogen bomb, of course, at least they had a balance of power. Even during that balance of power, we had the missile crisis in Cuba and some people were urging then, let us get it over with and strike first with our atomic weapons. We did not. The Soviet Union was a far greater power, was a far greater threat to us than Saddam Hussein could ever be. We managed to live with it until they fell apart. The Soviet Union collapsed because it also had a group of blundering leaders who would not accept the complexities of modern society until it was at the brink of economic disaster. The Soviet Union fell, quite fortunate that they happened to produce a genius with a heart, with compassion at just the right time. Gorbachev is a genius, and he saw the only way he could save the Soviet Union was to go to war, and he refused to do. He had a heart. He had compassion, and that combination saved the world from a conflagration. The Soviet Union’s leaders realized their way of life was doomed. Instead, they surrendered ideologically, so what seemed impossible over the years, to bring down that evil empire, to go to war, was not necessary.

I assure Members that Saddam Hussein would not have lasted for many more years without us having to go to war and get involved in the quagmire we are and did it. We did it because I am afraid we are led by some old men who have juvenile minds. We are led by some old men who play war like little children and they could not resist the temptation to go into a war and pretend we are all kings and all of our modern weapons and bring Iraq to its knees overnight. They could not resist the possibility of being able to ride through the streets and have people wave flowers at them and welcome them. They had all kinds of dreams that were not realistic and they led us into a quagmire.

I am not certain how we are going to get out of that quagmire, but at least we ought to begin to recognize it. The Hurricane Katrina blunder showed us that even on a smaller scale, that if you are going to govern for just a few, you are going to be preoccupied with big tax cuts while you cut agencies like FEMA, and other agencies that serve people on the bottom, you could do not care about safety nets and an education system that is going to produce the best we can from every human being who has the potential, you do not care about all of that, well, FEMA brought it home. It brought it home in a very dramatic way in terms of the combination of poverty and race.

Poverty and race happens to be a very dramatic way the presentation was made. It is not just a few Members if those had been white poor people in the areas flooded, they would have suffered the same fate from an administration that does not care about all of the people, it cares about just a few.

These blunders will lead us into a situation where we will not survive. The Roman Empire survived a lot of blunders. They had Julius Caesar and many other emperors with various degrees of competence. Some were complete maniacs like Nero. They survived some maniacs and fools at the top. They basically survived because the Roman Empire was unchallenged in the known...
world. There was nothing to compete with the Roman Empire. They could make blunders for decades and centuries and recover.

The United States of America cannot have more blunders one on top of another. We have become a leading nation in the world in terms of values, in terms of its democratic system, and in terms of its economic system. I happen to believe that it would not be just a disaster for Americans, for us who live here, if we love this country, it would be a disaster for the whole world if our leadership position is lost. I do not see a rival. Among the rivals, I do not see anyone more capable of leading in the world in the direction we would like to see it go, where more people can enjoy the fruits of the earth, where more people can develop their potential.

The Declaration of Independence and the Preamble to the Constitution prevail. There is no Nation on earth that can do better. I do and want our Nation to collapse, not only for my own grandchildren and great-grandchildren and those who survive me, I want the whole world to benefit from continued leadership by the United States of America. We should not allow a handful to throw away what so many have labored for so long to create. We should not let a blundering group of fund-raisers, a blundering group of fund-raisers, a blundering group of people who have contempt for competence, who laugh at wisdom, who ridicule experience, we should not let them dominate our government any longer.

I think the problems of New Orleans and the problems of the other sectors hit by Hurricane Katrina are problems we should begin to examine as possible new opportunities. In the process of rebuilding, let us not rush to spend billions of dollars. Dollars are very important. I do not like those who insist when they have what dollars at them, they will hurt them. Throwing dollars do not solve problems. Dollars are the beginning of a solution to the problem. It does not solve the problem, but at least no solution begins unless you have resources, unless you have dollars. So it is good we have as Congress taken the first steps and appropriated $60 billion already to move the process. Much more will be necessary and it should be appropriated, but if we do not have the courage to do it, we could not do it.

Living that could be redeemed are going to be forever lost. There will be no comeback. New Orleans will not be rebuilt in a way that is productive and a signpost for the future.

In the rebuilding of New Orleans, we should build a city of the future. New Orleans is a great resource. The whole world will always look at New Orleans as a place, a colorful attraction that they want to go to. Its traditions with jazz, that is a vital part of it. It is also located in a place where it will always attract a great deal of attention.

1945

So instead of condemning New Orleans and following the leadership of some people who say why rebuild it, it is too expensive, the next hurricane may wipe it out, we should look to re-building it as a city of the future, re-building it as a hurricane-proof city. There is such a thing as a city that could withstand a hurricane. There is such a thing as planning that could take into consideration all the things that went wrong and deal with the problems that have been revealed.

I think that the challenge of rebuilding New Orleans, the challenge of recovering from Katrina along the whole path, Mississippi, Alabama, wherever it hit, that challenge could show us the way to create a world-class, first-class, adequate homeland security system. Natural disaster relief merges now with homeland security concerns. Concerns of recouping from terrorism, of fighting terrorism, coping with terrorism, now merge with the concerns of natural disaster.

Why not have them merge? It is a way to approach the problem in a very economical way, it seems, if we are going to in anticipation of terrorism. If we know that it is going to strike only in a few places because we now are alerted. We have all kinds of mechanisms to thwart it, but still terrorism may get through; it may strike someplace. But in order to be prepared, we have got to be prepared everywhere. If we have got to be prepared everywhere for terrorism, why not the combination of preparation for terrorism and preparation for natural disaster be combined, be combined?

Why not deal with the problem revealed in New Orleans of abject poverty, the technology know-how, the engineers, the technological know-how, the genius that had to be done if we did not have adequate protection for New Orleans, or everywhere for terrorism, but also for any terrorism threat? Why didn’t we ask the Netherlands to outsource their expert sea management engineers to us long ago?

And when we look at what happened on D-Day, we begin to have the benefit of history in the reruns of movies and the documentaries; and we see that D-Day was more than about the courage of American soldiers. That was the critical piece. If there had been no courage, if they had not kept going forward, there would not have been a setback. But if they had courage and kept going forward and they were not backed up by a tremendous set of technological innovations, all would have been lost.

They built a port, artificial port, at Normandy on D-Day could not do that. Why didn’t we ask the Netherlands to outsource their expert sea management engineers to us long ago?

Instead of condemning New Orleans, who lost New Orleans? And I am reading a few quotes from a piece that I submitted to the Huffington Post.

"Who lost New Orleans?" And I am reading a few quotes from a piece that I submitted to the Huffington Post.

"Who lost New Orleans? Our cities are the greatest treasures of our civilization. Why not be the levees and the pumping stations emplaced to protect New Orleans from the sea so technologically obsolete?" The Dutch, the Netherlands have been controlling the sea for a long time in a much wider area. They have the expertise. Why did we not bring the Dutch in to do the job that had to be done if we did not have Americans in the Army Corps, the engineers, the technological know-how did not exist? We could have in the world found the people that could do it, and we did not have to go any further than the Netherlands.

"If the descendants of the American geniuses who built large artificial ports at Normandy on D-Day could not do that, why didn’t we ask the Netherlands to outsource their expert sea management engineers to us long ago?"

And we know very well that it is going to be a disaster for the whole world if our leadership position is lost. There will be a fascination world will always look at New Orleans. New Orleans is a great resource. The whole world has a fascination with the location of New Orleans and the river and the various environmental things along that coast. It is a matter of how do we preserve what is good there and how do we handle it so that future problems are not there to dwarf the redevelopment, that business people are not afraid to go back to New Orleans, that the population itself is not afraid. It is a great pity that we did not have the foresight the last few decades to prepare New Orleans properly. We have had experts on top of experts. We have done studies that showed us the dangers. It is quite an excellent example, unfortunately, of how our blundering administration in power and some other administrations in the past have handled it to a great extent for wisdom. The science was there. The preparations were there. Just last year they ran scenarios of hurricane level five. All these things have been done, but the willpower was not there. The competence was not there to take steps to cope with the problem.

And over the years, we have spent billions of dollars in Iraq and billions of dollars on other projects, rockets, anti-missile systems; and there were numerous projects that were great failures and a great waste of taxpayers’ money that could have been jettisoned in order to provide the money to build decent levees and waterworks of New Orleans, we did not do it.

"Who lost New Orleans?" And I am reading a few quotes from a piece that I submitted to the Huffington Post.

"Who lost New Orleans? Our cities are the greatest treasures of our civilization. Why not be the levees and the pumping stations emplaced to protect New Orleans from the sea so technologically obsolete?" The Dutch, the Netherlands have been controlling the sea for a long time in a much wider area. They have the expertise. Why didn’t we bring the Dutch in to do the job that had to be done if we did not have Americans in the Army Corps, the engineers, the technological know-how did not exist? We could have in the world found the people that could do it, and we did not have to go any further than the Netherlands.

"If the descendants of the American geniuses who built large artificial ports at Normandy on D-Day could not do that, why didn’t we ask the Netherlands to outsource their expert sea management engineers to us long ago?"
But I suspect that if the will had been there, if we wanted to do it, just as we did the impossible on the beaches of Normandy on D-Day, we could have done over a period of time what was necessary to save New Orleans.

"New Orleans will be lost only for a short period of time." As I just said, it is going to make a comeback.

"In spite of the paucity of spirit and imagination among our ruling decision-makers, cities will continue to resuscitate themselves and survive. But Americans must learn from the lesson of an almost drowned New Orleans. No great American city should be needlessly placed at risk. The rural-centered congressional policies of the last 2 decades must be radically reversed. The power of Senators, in a Chamber not based on one man, one vote representation, deal-making for small population interests must be curbed."

Taxpayer dollars must not be spent for projects and programs located where people do not live. They should be spent in places where people live in large numbers. That should be the priority.

"Who is served by expensive bridges in Alaska?"

"Examine the last omnibus budget bill passed by Congress and signed by the President or review the items listed in the recently signed Surface Transportation Act. For even a high school sophmore, one fact will be immediately revealed: the per capita expenditure is far greater in sparsely populated States than it is in the densely populated States where the big cities are located."

This is a leaning, a direction, a trend that has gotten out of hand in American policy-making and expenditures of taxpayers' dollars over the last 30 years. We are spending far more per capita in rural and suburban areas than we are in cities where the people are or should be.

"Each Senator from a rural State has many more allies than the Senators from States with big cities. In other words, Senators who represent urban Americans have less influence."

"Review the scenario of last year's Senate deliberations on the provision of emergency hurricane relief aid."

We voted money for the Florida hurricanes, remember, last year. We started at $6 billion. I do not know how far it went. I do not know at the last minute, and I am not going to read this in great detail, but at the last minute there was a sudden request in the Senate by people who represented certain western States that drought relief had to be attached to the hurricane relief bill. Suddenly, they produced drought relief; and I think $2 billion, an extra $2 billion, was added.

It was kind of blackmail, if one asks me. It was added to the hurricane money in order to take care of drought relief that suddenly appeared. The power was there and it was used, unfortunately, to benefit too few. It was used in a way which was wasteful.

"With billions readily available to make war or implement any other deadly or wasteful priority our leaders deem necessary, why haven’t we appropriated the funds needed to save, to maintain, to expand, to glorify our cities? That which is urban is almost synonymous with that which is civilized. Jefferson notwithstanding, the agrarian life permitted the flowering of only a few. In the rural domain, nature is to be placed on a much-deserved pedestal to be enjoyed by all. The Washington looting mentality must be replaced with a new creative leadership imperative which enshrines a small percentage of the population to the detriment of cities."

Cities have not been properly funded because there were administrations like the present one that were not concerned about legislatng for all the people, but were content to legislate just for a few.

"New Orleans has presented us with a hysterical profile which shows that in many vital ways, despite our impressive skyscrapers, we are an underdeveloped Nation. Our masses live in our cities, or the dependant exurbs and suburbs that surround our cities."

"To foster our Nation's security, prosperity and greatness, we must expend taxpayer resources on planning, programs, and projects which provide the greatest benefits for the greatest numbers. The Washington looting mentality must be replaced with a new Washington creative leadership imperative. A creative leadership imperative which pervoms for all and not just for the few."

I summed it all up in a short wrap point called "The Washington Looting of New Orleans."

"Washington looters still running loose."

Abusers of New Orleans

Embezzlers of canal repair dollars

Big shot necks too big for a noose.

For the Mardi Gras

Big shot necks too big for a noose."

Mr. Speaker, I will include in the RECORD this piece that appeared in the Huffington Post on September 1, 2005. Mr. Speaker, we need to combine our concern with homeland security with our concern with the poor and our concern with the maintenance of our cities.

I am going to propose, for the benefit of the Congressional Black Caucus, an omnibus bill to deal with all the various problems relating to New Orleans. The problems are legion. They are problems of all kinds that have grown out of the crisis in New Orleans. And every Member of Congress is concerned. Many suggestions are being made, and they are not partisan necessarily. There is a great deal of concern on both sides of the aisle.

My problem is that we have authorized $60 billion with the omnibus bill to go with it, without any legislation to go with it; so these ideas out there percolating all around, everybody wanting to do the right thing, they do not get institutionalized in the proper way. We need legislation which definitely institutionalizes and codifies and makes it clear in legislation what it is we are going to do.

There are complaints and there are articles being written, exposes already about the contracting process, that no-bid contracts are being spread all over the place and the usual problems we have with large contractors not honoring subcontractors who are minority. All of those problems are resulting.

The President did not want us to take time to debate the legislation and write instructions as to how the money should be spent. He acted immediately in a very partisan way. He intervened into this process by first declaring that Davis-Bacon regulations should be suspended.

What are Davis-Bacon regulations? Why did the President rush into this process and say right away that Davis-Bacon regulations should be suspended. The President hesitated, was tardy in responding to the Katrina disaster. His administration was tardy. All of a sudden they rushed in and said Davis-Bacon requirements should be suspended, that all contractors are not obligated to abide by Davis-Bacon regulations.

What is Davis-Bacon? It is a long-time regulation that says when the Federal Government is financing a program, building a building, a road, or whatever, when the Federal Government is concerned, contractors must pay the local prevailing wages. It is as simple as that. Contractors must pay the local prevailing wages.

Why would anyone not want contractors to pay local prevailing wages? As
you move southward in this country, I know, because I sit on the committee which is responsible for Davis-Bacon legislation, I know the charges and how they stack up, the wages that prevail in New Orleans and many of the south, at the very bottom of the scale, as wages in any other part of the country. So they already are low.

Why do we have to rush to intervene and say you do not have to pay prevailing wages? The problem is they are going to set up a situation whereby they are going to be paying wages higher than prevailing, because in order to get people to come in who have the expertise to do some of the construction, they are going to have to pay higher wages.

But the intervention of the White House immediately to suspend Davis-Bacon was a blow to a principal that they had enunciated, and we all agreed with, that's why we set it up. It is the people of New Orleans, the workers of New Orleans who returned to rebuild their city. If they are given priority, but you say to the contractors, you do not have to pay them the wages they are used to paying, the city is not going to get the work done, the State and the city level. They need that.

But we also need another commission, which is made up of national people, people from the Nation, to participate and help to plan the rebuilding of New Orleans. We need to look at it as an opportunity for showing how an ideal city could be structured to better meet the needs of all the people.

We need to take on the challenge of a location which is hazardous under normal conditions. How do you make it less hazardous, is the question. What can you do?

I have a statement I made over the weekend at the Congressional Black Caucus Education Brain Trust, where I was focusing on Katrina and challenged in terms of education. I said that faith-based and community-based organizations could be involved in a very constructive way in the rebuilding of New Orleans. It is just one of many ideas that must be put into the hopper and made available to those people who could help oversee a national effort to support the rebuilding of New Orleans.

Of course, the Congressional Black Caucus, as I said before, has prepared omnibus legislation to express the ideas that have been put forward by the leadership of the African American community. Several meetings have been held.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REICHERT). Would guests in the gallery please take their conversations outside.

Mr. OWENS. Mr. Speaker, I would like to read from that statement that I read to the Members of the Congressional Black Caucus Education Brain Trust about Katrina and how education initiatives could be important.

The Katrina hurricane disaster has highlighted the permanent disaster of national and local policies which neglect the basic needs of poor Americans. To focus specifically on education, please be advised that the New Orleans school system is rated unusually expensive to build in the future to help respond to an emergency. A public facility should take into consideration the fact that it may be needed only in the future to help respond to an emergency. A natural disaster or a terrorism attack?

The architects accepted the challenge to work. They have their proposal and are proposing and begging for funding to help them with that process. I am asking for money from the Committee on Homeland Security. It could be a good model, because every new public facility should take into consideration the fact that it may be needed in the future to help respond to an emergency, and in the process of its construction it would not be exceptionally expensive to build in some extras.

All of the equipment for electrical wiring and communication services automatically would be placed at a higher level in such buildings, on roofs. One of the problems that flooding does is when you have electricity hooked up in the basement, along with connections to gas, is that the natural disasters result in impairing electricity. Why do we not put our electrical wiring and switches and facilities higher in our buildings? Schools could lead the way.
In addition to regular phone, computer and fire alarm communications, every school should be equipped with a shortwave radio or whatever is necessary to establish communications with various other entities in homeland security.

Of equal importance to the physical features, funding should be provided for the guarantee of the opportunity to learn for every student, using the standards that already are in place in numerous suburban school districts across the country. You set it in a big debate when you say we are going to establish some standards so every student has an opportunity to learn. How much is that going to cost and how can the Federal Government afford that and what is it?

If you go to most suburban schools, it is already in existence. They provide the money necessary to guarantee the opportunity to learn for all their students. The decent libraries are there, with a number of books, current and useful books. The laboratories for science teachers are there. The physical education facilities are there. So we should build into the new schools what New Orleans schools have not had, all of those opportunities to learn.

If necessary, a program of aid to families with children in schools could supplement the education funding in order to systematically attack the problem of inadequate home and family support.

In addition to the problems of poverty and weak home structures, the students who go back to school in New Orleans have not had, all of those opportunities to learn.

Attendance and the regularity of parents going to meetings, a number of things could be done which would encourage a new mindset among family members and community members regarding education. That is not a physical feature, but it is an important opportunity-to-learn feature.

The greatest benefit to the people that the government can provide to the survivors of Katrina is a comprehensive support program which educates a generation of children to take new positions in their new City of New Orleans and the Nation, because, I regret, it is to the Nation’s advantage to have as many of its human beings educated as best as possible. It is part of the competition we face again.

Again, we are not like the Roman Empire. We cannot blunder on and on and expect to maintain leadership in the world. We cannot blunder on and on without being overrun, and I do not mean overrun militarily. We will be overrun culturally and economically. Our standard of living will be greatly changed if some of the great powers that are being overrun, not maneuvering. I congratulate the government of India for providing a first-rate education program so that they are producing large numbers of scientists and technologists and they are taking over large segments of the information industry from the United States.

I congratulate the small Asian countries that are taking some medical business, opening their own hospitals over there where they provide much better care than we provide here at cheaper rates. I congratulate them for educating their population for being able to do that.

I congratulate the government of China. They are graduating 600,000 scientists each year. That is a marvelous thing to do for human beings. Their nation, their leadership is not blundering; they are doing the right thing.

We should stop blundering on matters related to education and understand that that is where the world is going. If we are going to survive and outlast the Roman Empire, which is highly desirable, we should be in the leadership of the world for as long as possible, and we are going to have to stop the incompetence and the blundering that exists presently.

Mr. Speaker, let me just take a minute to be very practical about the coming omnibus bill that the Congressional Black Caucus is preparing. There are some other groups here on the Hill preparing bills; I am sure Republican and Democratic groups are preparing some legislation. But by omnibus bill, we mean we want to take into consideration all of the various problems that do exist.

We do not want the blundering to go any further. The blundering that existed in the response to Katrina could be far more destructive as we prepare for a rebuilding of New Orleans and the coast, which is going to last for years and years. If we do it wrong, the effects will be there forever, probably. We will never have another opportunity like this. Just as with the war in Iraq, we have done it wrong; we lost an opportunity, as we should have.

Instead of following history, understanding the implications of history, understanding how much we have learned by waiting out the Soviet Union, waiting for it to fall; despite its terrible leader, like Stalin, and despite its advances with nuclear weapons, we waited, and we won. But in the case of Iraq, the blunder has cost us a great deal.

I am not submitting this for inclusion in the Record at this point, because I have not found a way to do that, but I want to call everybody’s attention to the fact that USA Today, the national newspaper USA Today on Thursday, September 22 of this year, had an ad in its paper which tells the story dramatically about blunders and what the results can be. On one side it has a picture of all the people who led us into the Iraq war, and it says, “They lied, they lied, they lied, they killed, they killed, they killed.”

“They lied. They lied. They lied. They killed. They killed. They killed.” I will not submit it for the Record today, but I urge everybody to look up the 12/22/04 USA Today and get a feel for where we are on our way to. They have all the names listed of all those who died, just as we have them listed on the Vietnam Memorial.

Mr. Speaker, 58,000 died in Vietnam. We know we never want to do that again. But 58,000 died. They are all heroes. In fact, every American who puts on a uniform, whether he gets killed or wounded or comes back alive and healthy, is a hero. The minute you put on your uniform, you are at the command, beck and call of our Nation. You go where you are sent. It is just sometimes luck that you are sent to a place where you are able to survive. You are a hero, and everybody should be looked upon to serve their country and puts themselves at risk, as heroes, and we should be heroes in making certain that we never do it unnecessarily, that they are never put in situations which do not require those kinds of risks. Those that give their all should do it for something worthwhile.

We do not want that kind of blunder to ever affect us again. We do not want to blunder now as we go forward in the peaceful process of rebuilding New Orleans.

There are several groups who listed things that we should look for as we rebuild New Orleans and the Gulf Coast region. This one comes from Policy Link, but it had a point and sound very much like what the Congressional Black Caucus omnibus bill is proposing also, will be proposing.

One, rebuilding New Orleans and other devastated areas so that all communities are mixed income communities. Let us not rebuild ghettos which we have in the low-lying areas where the greatest amount of flooding took place; you had the poorest people. Probably because years and years ago, those shanties and the people who did the planning understood those areas were in danger, were at risk. The land was cheaper there, so the poor people are all there. The poor people who service the hotels and the industries, they all live there.

Why not, understanding that we are never going to be totally immune, no matter how we build the buildings, why not move the population so that they are on higher ground. Why not mix down town, higher ground, why not have moderate-income and low-income housing mixed in among the hotels, mixed in in areas of high ground, the scenic parts of New Orleans which have...
been reserved for the old aristocracy. Why not guarantee that there are places to live for those New Orleans evacuees who want to come back, so that they do not have to live in danger anymore.

Or if you are going to build in the low-lying areas where the greatest risk is, build buildings which are flood-proof, on stilts. There are various ways we can have large buildings which are not subject to flooding and buildings that are thus not harmed by flooding. But it is possible to do that.

Beyond that, I would recommend that there would be fewer, and other people have recommended, that there be fewer private and institutional institutions in those places. If you have to evacuate or something happens, the colleges like Dillard University, Xavier University, Southern University, all of those were inundated with the flood, they were put out of business for this first few days. If we do not deal with them now. We are going to kill people later on. We are going to lose the means to receive and share information related to community-building, support services, access, etcetera, and for communications to be provided for future emergencies.

I would propose a homeland security neighborhood mobilization program, on top of whatever else we do, and this kind of program would provide a defined set of community services. Each organization would be responsible for, and it would maintain, a homeland security fail-safe, volunteer committee that each group would have to maintain; and that volunteer, fail-safe committee would be laymen who would be first responders, lay people who could be first responders in case of emergency.

Special homeland security training would be provided for these fail-safe committees. Establish disaster relief and shelter sites ahead of time so that these laymen who are part of the process know where to go and what to do. Increases in auxiliary policemen, increases in volunteer firemen, all of those kinds of things we can put on the agenda as part of using the New Orleans and gulf coast experience as a model for what has to happen in large populations across the country.

Mr. Speaker, I would like to close with a request to submit for the printed record, on Item 96, "This deals with community-based and faith-based institutions being involved in this process, and one is called Models for Combination Church and School-based Projects for Possible Decentralization,"

[FROM THE HUFFINGTON POST]

THE WASHINGTON LOOTING OF NEW ORLEANS

(BY REPRESENTATIVE MAJOR R. OWENS)

Who lost New Orleans? Our cities are the greatest treasures of our democracy, why were the levees and the pumping stations emplaced to protect New Orleans from the sea so technologically obsolete? Why were the descendants of the American geniuses who built large artificial ports at Normandy on D-Day could not design adequate protection, then why didn’t we ask the New Orleans city to outsource sea engineering managers to us long ago?

New Orleans will be lost only for a short period. In spite of the panic of spirit and imagination among our ruling decision-makers, cities will continue to resurrect themselves and survive. But Americans must learn the lesson from the lesson from the almost drowned New Orleans. No great American city should be needlessly placed at risk. The rural-centered congressional policies of the last two decades must be radically reversed. The power of senators (in a chamber not based on one man, one vote representation) deal making for small population interests must be curbed. Taxpayer dollars must be spent for projects and programs located where people live. Who is served by expensive bridges in Alaska?

Examine the last omnibus budget bill passed by Congress and signed by the president; or review the items listed in the recently signed Surface Transportation Act.

During the negotiations the Senate rural states with less people becomes apparent. Each senator from a rural state has many more allies than the senators from states with big cities. In other words, senators who represent urban Americans have less influence.

Review the scenario of last year’s Senate decisions on the government hurricane relief aid and the power of the states with less people becomes apparent. During the negotiations the Senate rural raiders held the bill hostage until they could extort an extra two billion dollars for a sudden need for drought relief. At the end of this extortion orgy there was no money left for New Orleans where, in 2006, government officials had conducted a training exercise, pinpointed the same water control problems which have now emerged, and accurately pinpointed the number of casualties which were the undemocratic Senate, village mind-sets which have now emerged, and accurately pinpointed the number of casualties which were smothered. In Washington, particularly during the post-Hurricane Katrina victimization, the undemocratic Senate, village mind-sets are unwilling and/or unable to manage modern complexities are firmly in charge.
CONGRESSIONAL BLACK CAUCUS

EDUCATION BRAINTRUST

FACT SHEET

SUMMARY DEFINITION

The Faith-Based and Community Initiative was designed to "enlist, equip, empower, and expand faith-based and community groups across America." It includes increased tax incentives for charitable giving, an extension of Charitable Choices rules to most federally funded social service programs, and the Compassion Capital Fund, an HHS program. President Bush established a White House Office of Faith-Based and Community Initiatives and set up Centers for Faith-Based and Community Initiatives in 10 federal agencies to ensure that faith-based and community organizations have improved access to the programs operated by their agencies.

WHIT HOUSE OFFICE OF FAITH BASED AND COMMUNITY INITIATIVES

The purpose of this office is to: Identity and eliminate federal barriers to the full participation of faith-based and community serving programs in the provision of social services; Give these organizations the fullest opportunity permitted by law to compete for federal funding; Maximize or establishes corporate and philanthropic support for faith-based and community organizations through public education and outreach activities; Existing evidence shows that only partisan favored groups have received priority to date.

COMPASSION FUND

The Compassion Capital Fund (CCF) administered by the Department of Health and Human Services, since its inception three years ago, has provided $99.5 million in grants to 197 organizations and sub-grants to over 1,700 grassroots organizations. CCF administered by the Department of Labor, is a $1 billion Demonstration Program and the Targeted Capacity Building Program. Operated almost as a covert domestic program, for a long period no objective criteria was established for the handouts of these taxpayers dollars.

APPLICATION PROCEDURES

Except for the very flexible Compassion Capital Fund (CCF), there are no publically earmarked faith-based funds set aside for faith-based organizations. For the CCF there was no transparent review and selection process; and no timely announcements of funds available for "appropriately" certain programs are granted "Novice Eligibility" and given 5 extra points when being reviewed in the various cabinet level Departments.

CHURCH VS. STATE CONSTITUTION ISSUE

Faith institutions have always participated in community based programs. Indeed, the record shows that in the "War Against Poverty" and "Head Start" programs the best performances were for those churches with fully chartered church based. The current controversy concerning government funding of religious institutions relates to the position of the Bush administration which insists that religious affiliation can be a factor in hiring program personnel. Also religious doctrine and dictates may be incorporated into any activities or curriculum of these Bush funded programs. To avoid the continuing denial of needed funds to poor community recipients this constitutional question should be left to be decided by the Federal

COMPONENTS OF PROPOSED FAIR AND BALANCED FAITH AND COMMUNITY BASED FUNDING INITIATIVES

Poor communities throughout the nation, for the most part, receive Federal and community funds drained from their grassroots organizations. Funding which places resources in the hands of front-line efforts is desperately needed. All public decision-makers should support fair competition for community based grants. The standards and procedures introduced, transparency, notification, processing, review and evaluation of community-based programs have been well established by the Economic Opportunity Act, and the successor, the Community Services Block Grant.

CONTACTS FOR ADDITIONAL INFORMATION

White House Office of Faith-based and Community Initiatives, Jim Towey, Director.

Centers for Faith-Based and Community Initiatives

Department of Justice, Patrick Purtill, Director, www.usdoj.gov/fbci

Department of Health and Human Services, Bobby Politio, Director, www.hhs.gov/fbci

Department of Education, John Porter, Director, www.ed.gov/faithandcommunity

Department of Commerce, David Bohigian, Director, www.commerce.gov/fbci

Department of Veterans Affairs, Darin Scavelli, Director, www.va.gov

THE KATRINA CHALLENGE TO FAITH-BASED AND COMMUNITY INITIATIVES EDUCATION

The Katrina Hurricane disaster has highlighted the continuing permanent disaster of national and local policies which neglect the basic needs of poor Americans. To focus specifically on education please be advised that the New Orleans school system is rated as the very worst among numerous struggling urban systems. From this current tragedy there is a challenge for all Americans. In concert with the citizens of New Orleans and Louisiana we are working to redesign and rebuild the 21st Century Model Education System. New standards could be set for physical facilities construction and emergency preparedness, as well as schools. Extra spaces for the storage of vital equipment and provisions would be incorporated into the new architecture which places all buildings, whether with grassy playgrounds beneath them. All of the equipment for electrical wiring and communication services would be placed at higher levels or on roofs instead of easily flooded basements. In addition to regular phone, computer and five alarm communications, every school should be equipped with a short wave radio on the newly established Homeland Security standard frequencies.

As equally important as the physical features funding should be provided for the guarantee of the Opportunity-To-Learn for every student using the standards already in place in numerous suburban school districts across the nation. A program of Aid to Families With Children In School must supplement education funding in order to systematically attack the problem of inadequate home and community support. Stipends should be paid to parents who actually attend meetings and volunteer. Bonuses should be paid to families where students maintain good attendance and high grades. Grants should be given to schools and other organizations who provide support for families with children in school.
The greatest benefit that the people and the government can provide for the survivors of Katrina is a comprehensive support program which educates a generation of children in new locations. The money that we are going to raise for this purpose could also be used to provide educational support in New Orleans and in the nation.

**MODELS FOR COMBINATION CHURCH/SCHOOL BASED PROJECTS FOR POSSIBLE FUNDING**

I. SUPPLEMENTAL EDUCATION SERVICES (SES) PROGRAMS USING RETIRED TEACHERS

**Program Purpose and Function**

Tutorial, After-School and Weekend Programs for low-performing, low-income students attending low performing schools. Church organizations, particularly those located in close proximity to the homes of students, could provide more intimate settings for enrichment activities and maximize educational technology devices that are underutilized as a result of the absence of educational technology devices.

**Possible Funding Sources**

Funding is mandated by the Department of Education (DOE) through all recipients of Title I Funds. Other DOE Funds could be made available. Title I funds will cover the cost of tutors; however, to establish and maintain a network with additional incentives and incentives for pupils would require some auxiliary funding.

**Administration and Operations**

The Local Education Agency will determine the contents and processes for the tutoring. Substantial licensing or approval may also be required. Funding beyond the cost of tutors will allow for flexibility in creating enrichment activities and maximizing family and community involvement. It is particularly important to maintain continuity of the Supplementary Education Services Program during each Summer recess.

**Auxiliary Disciplinary, Patrolling, and Repair Project**

Large numbers of computers and other educational technology devices are grossly underused as a result of the absence of mechanics and technicians to make repairs and perform preventive maintenance. A church or community organization based project could provide an ongoing service for local schools while at the same time it trains a group of local residents.

**Possible Funding Sources**

The Department of Education (DOE) and the Department of Labor (DOL) should be solicited for funds to accomplish this worthwhile objective. It is possible that the E-Rate discount leverage of expenses could be utilized for such a project after the appropriate negotiations.

**Administration and Operations**

The project is obviously best suited for a church or community organization based project. A supervisor instructor with the necessary assistants and interns to serve a minimal cluster could be sustained with an annual appropriation of $200,000–300,000.

**IV. COOPERATIVE TECHNOLOGY, TRAINING AND REPAIR PROJECT**

**Program Purpose and Function**

Where necessary, local school systems have already developed structures for maintaining security. The pilot programs proposed here should be funded long enough (one year) to prove that they can accomplish a better result for less money. A request should be made (for one school) for $200,000–300,000.

**Possible Funding Sources**

The Department of Education (DOE) is concerned about the increase of spending on security and should entertain new applications for Title I funds. The Department of Justice (DOJ) will accept proposals which are in harmony with its juvenile delinquency prevention mandate. The Department of Homeland Security (DHS) should be offered proposals which demonstrate the possibilities of training these same parents and community residents to be volunteer first responders for emergencies.

**Administration and Operations**

Where necessary, local school systems have already developed structures for maintaining security. The pilot programs proposed here should be funded long enough (one year) to prove that they can accomplish a better result for less money. A request should be made (for one school) for $200,000–300,000.

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**PUSHING AHEAD WITH AMERICA'S AGENDA**

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, tonight I want to talk a little bit about all the great things that Americans are doing day in and day out to help our friends and neighbors from the Gulf coast.

But first, Mr. Speaker, I want to commend the Republican Conference for taking decisive action today to be sure that we continue to push ahead with our agenda here in this House, that agenda of spending reductions, immigration reform, and keeping our focus on national security. It is clear that we will not let partisan wrangling get in the way of pursuing the agenda that is exactly why the American people have elected us to serve in this body. We are focused on their agenda.

I think it is important too, Mr. Speaker, to let the American people know that we have an agenda that is loud and clear; and what they are wanting to see is action, decisive action on fiscal responsibility. They want fiscal accountability. After all, as so many of my constituents have reminded me in these last few days as we have talked about the pressing needs that we have in this country, this money is their money. It is not government's money.

Mr. Speaker, you know, as we talk about what is happening in Iraq and as we talk about what is happening in Afghanistan, and we look at the agenda that our men and women in uniform carry out every day, as we look at how committed our President and his team have been to spreading freedom, we know that that is done because in the end having peace spread across this Nation, through the Middle East is going to give a peace dividend for our children and our grandchildren.

And in that peace dividend people find the opportunity to dream those big dreams. They find the opportunity to seek a better education, to seek opportunity, to build those businesses and to create a life that they would like to have for themselves and for their children. That is possible because of freedom. It is possible because of a commitment, a commitment that we made to move forward in spreading freedom.

My colleague also was talking about blunders and rebuilding and looking at
the wonderful gulf coast area and how it is going to be rebuilt. Mr. Speaker, I would just have to tell you, I feel that those are some mighty resilient folks down there in the gulf coast. They are people who when that storm passed through and it cleared away, I know many of you down in Mississippi that I was working with, they threw that chain saw in the back of that pickup truck, they grabbed their work gloves, they grabbed their work boots, they got out there and they started cutting trees. They started clearing the way. They went to work. They were not waiting for somebody else. They went to work.

Now, as we get to the rebuilding phase, it is important that we be innovative, that we be creative, that we bring some great solutions to the table, that we think about tax incentives, that we think about enterprise zones, that we think about going in here and encouraging ownership.

What is the way that we encourage private property ownership? What can we do to encourage businesses to redevelop?

Possibly, Mr. Speaker, going into this area is a great place to go and run a pilot project to see how a flat tax would work. We are making it easier on hard-working men and women, making it easier on families to come back and reestablish those homes and reestablish those businesses and rebuild those communities. Because right now, those are looking at physical infrastructure that has been damaged. Their economic infrastructure has been damaged. The social infrastructure of their community has been damaged. They want to take ownership of those projects.

I commend the good communities along the gulf coast region, whether they are in Alabama, Mississippi, Louisiana, or Texas. Communities are coming together to meet their needs. And I think a little bit about those Americans and the folks that have taken time to show compassion and caring. And I want to express some things tonight. I think it is important for us to stand and thank all of the churches and the not-for-profit organizations and the faith-based organizations who have led the way, who have led the way in caring for those who have provided shelter, who have provided money, have continued to raise money to purchase supplies, and people who have even traveled into areas to help with caring, to help with feeding those that need to be fed, to help with clean up, and are committed to staying with these communities as they rebuild.

You know, photos do not do the degree of damage justice. I think that during this process that we have been through for the past month, we have seen government make some mistakes. We have seen governments do some things right, and I know that most of us have probably been both impressed and sorely disappointed at the very same time. And I think one of the things that we have seen is that we have seen ordinary people do some truly extraordinary things.

I will have to tell you, as I said earlier, for me there is a personal connection to all of this. I grew up down in southern Mississippi, and I saw a high school girl when Hurricane Camille hit. And I can tell you from what I have seen, Katrina is much worse than my memories of Hurricane Camille. And just a few days after Katrina struck, I was down at where I grew up in southern Mississippi. I went down there with my family so that we could help those in my home community. We took in supplies, and we went down to assist. My parents are long-time Red Cross volunteers; and they had been working at the shelter before the storm hit, trying to help those who were fleeing out of Gulf Port and Biloxi right along the coastal areas.

Even though my home community in southern Mississippi where I grew up suffered a lot of damage, those folks were there tending to others. It did not seem to matter that they did not have water, they did not have electricity, that some people did not have roofs. They were there helping other people that really had a need. They felt like that was the most important thing to do: tend to those that were injured; tend to those that were grieving; go clean things up and then let us get around to rebuilding...

The thing that I could not help but notice is the way that people from all walks of life were coming together to clear debris, to clear fallen structures. The spirit of America truly has been extraordinary, for me there is a personal connection.

In my district, which runs from the Mississippi border north to the Kentucky border, I have seen our communities across this entire district pull together to offer assistance. In many of our counties they have done so.

Mr. Speaker, that is what I am hearing from congressional Members all across this country. Forty-eight States have been working refuge and a place to call home, maybe temporarily, maybe a little longer. They are all coming together, 48 States, communities across 48 States. A great example of this is our Memphis Corps of Engineers has been in New Orleans helping to repair the levees while our Shelby County, Memphis area non-profits and faith-based groups have been pitching in as well. They have been incredibly generous.

We have had so many, and I would like to list just a few. The Bellevue Baptist Church, the Cathedral of Faith Ministries, Christ United Methodist Church, the Cornerstone Institutional Baptist Church, Cummings Street Baptist Church, Greater Harvest Church of God In Christ, the Greater Praise Church of God In Christ, the Independent Presbyterian Church, Memphis Union Mission, the Mid-South Baptist Association, and the Baptist Children's Home.

Mr. Speaker, it is like this in districts all across our country. All are working to provide shelter for evacuees. And then those that are coming forward with meals and shelters, the Salvation Army, the Red Cross, the Germantown Presbyterian Church, Oakland First Baptist Church, and then the Breath of Life Seventh Day Adventist, Calvary Episcopal Church, the Holy Rosary Catholic church and School, and Hope Presbyterian Church, the Hutchinson School, and Impact Ministries of Memphis.

They are finding a way to feed volunteers and to feed evacuees. Mr. Speaker, all of this is such a testament to the toughness of our people. Up in the greater Nashville area, Montgomery County areas, they are in middle Tennessee, we have seen the Crievewood Baptist Church, Tulip Grove Baptist Church, Clear View Baptist Church, Grace United Methodist Church open their doors and provide shelter for those that were needing a temporary home.

We have also seen a wonderful evacuation center open in Franklin, Tennessee. I had the opportunity of inviting Secretary Mineta to join me as he had the opportunity to work with the Red Cross volunteers and look at this wonderful shelter, visit with our local elected officials, visit with the evacuees who had come out of Texas, out of Louisiana, out of Mississippi to call Franklin, Tennessee temporarily home.

We have also had the kitchen at Clear View Baptist Church and Near Ministry providing food; Grace Works Ministries collecting clothing and hygiene items; Our Interfaith Dental Clinic providing acute care.

Mr. Speaker, while folks were receiving evacuees there, they were in the process of loading 18-wheelers and trucks and sending much needed supplies into the gulf coast area.

The Montgomery Bell Academy Service Club loaded an 18-wheeler full of supplies that were needed and sent it south into Jones County, Mississippi. This is happening all across the country.

I would like to mention a few of the things that some of our colleagues have done. In fact, just last Thursday my good friend, the gentleman from Texas (Mr. GOHMER), rented two U-Haul trucks and went to a local food bank in Tyler, Texas. He then drove the trucks to Lufkin, Texas, which was out of food and water. They had received an influx of evacuees at several of their shelters. They were out of food and water, and needed some help. So the gentleman from Texas (Mr. GOHMER) unloaded the supplies and then went to the emergency operations center to meet with the local officials.
to see what else it was they needed. So he found out.

After midnight he visited a shelter. He found out there were nearly 200 evacuees there. They did not have pillows and blankets. So off he went to the local Wal-Mart where he bought the same things. He returned and distributed these to the folks that were there that were in need.

That is a good deal of work, and it is a great thing a good man did for some folks in need. We want to thank the gentleman from Texas (Mr. Gohmert) and all of those across the country who like him are reaching out to help others. I also want to thank those in his district that helped him in meeting these needs.

We have also seen some of the Nation’s largest companies really step up to the plate on this. We have watched Wal-Mart really do some fantastic work. They have now donated in excess of $20 million dollars in goods to help those that have been displaced. We have provided $1 million to an education fund to help re-build schools and educate displaced children in the gulf coast region.

Then there is a company that is stepping up to the plate to help. To date, they have provided several mission-critical responses to the gulf coast, including the delivery of replacement communications equipment to first responders, direct financial support to the American Red Cross Disaster Relief Fund, and more than 300 Motorola employees and partners are on the front lines in the impacted areas to repair and restore communications.

It is going to be a heavy lift. There is a lot of devastation in this area; and, indeed, it is going to take each and every one of us working together as a team, working together as a team from the local, the State, and the Federal levels, from the private, not-for-profit and public sectors and here in Congress from both sides of the aisle as we work to meet the needs of this region of our Nation.

We all know that for so many prescription drugs are critical for survival, and we know that many people escaped thinking they would return in a day or two and be back home, not thinking to bring documents, prescriptions, health care information with them. And of course, we know many times when you escape and you are leaving and evacuating for a hurricane, in a couple of days you are back.

☐ 2045

This time was different, and so we have watched as the Nation’s pharmaceutical companies have contributed $120 million in refrigerated insulin, vaccines, antibiotics, antiseptics, non-prescription pain relievers, and millions of cans of infant formula.

One of our great colleagues here in the House, a Louisianian, Billy Tauzin, who had been a Republican Member from Louisiana, now works with these pharmaceutical companies. He said, “We want to make certain that every single person who needs help gets it during the difficult weeks and months ahead.”

I want to thank him and the companies he works with as they continue to respond to the situation.

Mr. Speaker, I can tell my colleagues firsthand, having been in some of these shelters, having talked with the medical teams that are there, having worked with doctors to find out what their needs are, are incredibly appreciative of the medical supplies and the pharmaceuticals that have come into the shelters to help them, to help our medical professionals meet the needs that so many of the evacuees are having with their health care.

Mr. Speaker, another word on another Member of this body. The gentleman from New Hampshire (Mr. Bass) has created an informal relief committee in his hometown of Peterborough. I know my colleagues have learned a little bit about what he is doing. This is the kind of partnership that is going to make a tremendous difference.

The gentleman from New Hampshire’s (Mr. Bass) rural New England town will provide essential resources to the small southern city of Collins, Mississippi. That little town is represented by the gentleman from Mississippi (Mr. Pickering). It is down in south Mississippi.

Mr. Speaker, you are reaching out to your colleagues and our colleagues in Congress from both sides of the aisle as we work to meet the needs of this region of our Nation.

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good work because, indeed, Mr. Speaker, this is what we are a great Nation of, freedom, free people who group together to stand together to help one another and to be there to support one another when times are tough.

Mr. Speaker, we thank them all for their contribution to this Nation. We thank them for their commitment to being certain that American families, that American communities continue to be the beacon of light and hope and freedom for the entire world.

30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Florida (Mr. MECK) is recognized for 60 minutes.

Mr. MECK of Florida. Mr. Speaker, once again, it is an honor to come before the House, and we would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader, for allowing us to have an hour here on the floor on the Democratic side.

Our 30 Something Working Group has been on the floor now for the second Congress, talking about issues that are facing Americans, issues that we are working on here in the Congress, issues that are facing the Congress and things that we feel very strongly about. Every week, we come together but those issues and then we come to the floor.

As of recent, we have been coming to the floor if not every other day, every day, because there are so many issues that are facing the country and this Congress. I think it is important that we continue to not only speak to the Members of this House of Representatives and this Congress, but this administration and the American people.

We have been talking for quite a few weeks now about the position so that American people are not left vulnerable. And with that, Mr. Speaker, I would like to yield to either of my colleagues, whoever wants to start this discussion.

Mr. RYAN of Ohio. Mr. Speaker, I would be happy to join in, and I thank the gentleman again for having me here. There is a lot going on here in Washington. And just to kind of follow up where the gentleman was going, we had about 70- or 80-some e-mails just last week talking about we want to have an independent commission and it should be removed from the traditional partisan bickering that goes on in this Congress and other panels, 81 percent; 18, Congress. One percent was unsure. I am pretty sure if the question was put out on the issue of do you want a partisan panel to look at the response to the natural disasters, I am pretty sure they would have been a lot lower to Congress, and that is what is happening right now.

I, once again, say that it is important that we have an independent panel. What we mean by independent panel, just like the 9/11 Commission, that brought about the kind of accountability that we are having now. All has not been implemented that the 9/11 Commission called for, but a lot has improved as it relates to communications, the State, Federal and local governments, and I think it is important that we continue to do that.

Also, I know that we are going to talk about some of the cronyisms, some of the corruption that is going on around, not only this body, but throughout the government structure, and it is important, and I think a lot of these things that have brought about a lack of oversight, even when it comes down for some of the candidates for some of these appointments as it relates to the plum list, that have been well-documented, these are not my words, well-documented throughout the media and also it relates to watchdog groups that are watching the Congress for what we do, and the President for what he does.

And I think we have to be responsible to the American people, Democrat, Republican, Independent alike. We have to make sure individuals that are being placed in these positions have some level of qualifications to be able to fill the position so that American people are not left vulnerable.

And with that, Mr. Speaker, I would like to yield to either of my colleagues, whoever wants to start this discussion.
We know about the appointments, and we know that we had a gentleman who was a lawyer for equestrian horse shows that was not qualified, and seven or eight of the top brass in FEMA were political appointees. We know all this stuff, but we need to figure out how to get the President to respond next time. Because next time it may not be a hurricane. Next time it may be a biological attack. The next time it may be a W11-type of attack. And though we do not like to talk about these things, our constitution has a constitutional obligation here is to track down Texas legislators, any time we are doing right, I ask my good friends on the Republican side. And as I am going through my notes here, I am realizing that the leadership over there can get hold of Homeland Security if we have an issue in Texas, a political issue. They can call the FAA and have them track down some information. There was no hesitation in the calling and using of a Federal Government agency to track down Texas legislators during the whole redistricting deal, so we know how to get hold of them if we need the Federal Government for political purposes. But if we need to rescue people or to cut through bureaucracy during a natural disaster, all of a sudden we do not know what we are doing. Mr. MEEK of Ohio. Let me just say this, Mr. Speaker. I think it is important, very important, and my colleagues heard me earlier mention the issue about protecting the institution and making sure that we carry out our duties in the way we are supposed to carry ourselves, but I am here to say, as someone that knows that this happens when you are in political life, you have some people that are investigated. You have some people that are indicted. It happens. When it does happen, I think it is important for those that are accused, or it is said that this is what you have done and here is my evidence, then it is appropriate for one to say, well, I believe that I am innocent. As would think I could do a little bit more than make two phone calls. Mr. MEEK of Florida. Last week we talked about this, and it was a little facetious to say it, but I said, My name is KENDRICK MEEK, and I am going to investigate myself and I will give you the findings in another 6 weeks. I said that to drive a point about the issue as it relates to the White House to find out what went wrong. These are the people that are making the decisions. That is the reason why we need an independent panel. Last week we talked about this, and it was a little facetious to say it, but I said, My name is KENDRICK MEEK, and I am going to investigate myself and I will give you the findings in another 6 weeks. I said that to drive a point about the issue as it relates to the White House to find out what went wrong. These are the people that are making the decisions. That is the reason why we need an independent panel. Last week we talked about this, and it was a little facetious to say it, but I said, My name is KENDRICK MEEK, and I am going to investigate myself and I will give you the findings in another 6 weeks. I said that to drive a point about the issue as it relates to the White House to find out what went wrong. These are the people that are making the decisions. That is the reason why we need an independent panel. Last week we talked about this, and it was a little facetious to say it, but I said, My name is KENDRICK MEEK, and I am going to investigate myself and I will give you the findings in another 6 weeks. I said that to drive a point about the issue as it relates to the White House to find out what went wrong. These are the people that are making the decisions. That is the reason why we need an independent panel.
inquiring that are being conducted on this Congress from outside officials. The number of inquiries that are taking place, and I am talking real inquiries. I am not talking about someone paid for a plane ticket for someone, or someone had a steak dinner somewhere and did not record it, although someone did not report something small. We are talking about serious charges. We are talking about charges of speaking to Federal officials and not telling the truth. We are talking about questionable financial transactions, we are talking about a number of things. But I will tell you this, it is beyond coincidence that all of this is happening now.

My point is this, my colleagues. The majority side has not carried out its responsibilities. On the Committee on Armed Services, we have had 110 complaints about contractors overcharging the government, people that are being paid that are not even in Iraq, troops not having what they need when they need it at the height of the fighting; and worse yet, we sit on the committee that has oversight, yet not a mumbling word. Not a mumbling word. Not one real "let us pull you in and talk about it."

Look at Abu Ghraib. It almost took an act of Congress, with Members kicking and screaming, to even get the Secretary there to talk about these issues. If we conducted the proper oversight, maybe we would have been in the position to respond to those individuals that were in harm's way. Maybe, just maybe, we would not have these cost overruns as relates to some of these companies like Halliburton and other companies that are out there that are charging our Federal taxpayers' dollars that are undocumented. Maybe, just maybe, officials in the White House that are running around without any oversight, without anyone saying, excuse me, can you answer this question? Just maybe, without anyone questioning them, things would be different.

I will tell you this, and then I will come in for a landing because I know you all want to talk about this subject. Mr. Ryan of Ohio. Just get around the airport.

Mr. Meeek of Florida. We have been talking about this for a very long time, and I hate to say it, but in this Congress we have to say something out in the media. No one wants to come and talk about the responsibilities that we have as Members of the 109th Congress. We have a responsibility. Guess what, this was the Congress before we got here, and hopefully it will be a Congress and an honorable institution when we leave. We are the stewards of this. We are the benefactors of the past blood, sweat, and tears.

Mr. Speaker, there are veterans right now without limbs that are the reason we have the opportunity to come in here and breathe the very democracy we celebrate every day; their life, their commitment, these families that have lost so much in order for us to come in here. And for us to use our titles to chastise someone for doing what they believe is their job, and not just allegations against an individual but allegations that changed the face of this entire country is not collected.

If this is true, Members were unelected from this Congress because reapportionment took place. Members were elected and unelected in Texas because reapportionment took place. That is true, then this is very serious.

So I would warn the Members of this Congress on both sides of the aisle to let us make sure that we pay attention to what is going on and make sure we refrain from using our office and our influence, because it is the wrong medicine for this time.

Ms. WASSERMAN SCHULTZ. I do not know where to start here, I have so many things swirling through my head. The both of you have been here a couple of years, maybe longer, you are not a freshman. I have been here all of 10 months. In January, like you did, but for me it was my first time so it was perhaps a little bit more sacred and special, because you know how it is when you do it your first time, you hold up your hand and swear to uphold the Constitution; and when you are doing that, you swear to uphold the integrity of this institution.

We have all served in legislative bodies. The gentleman from Ohio (Mr. Ryan) served in Ohio, and the gentleman from Florida (Mr. Meeek) and I served in the House and Senate in Florida. One of the things that the staff who have been around a long time, one of the things they impress upon new members, they stress how critical it is that we uphold the integrity of the institution, that the perception of the institution, that our integrity as individuals, we impact the perception in America of the American people's view of the U.S. House of Representatives.

Now there is a pall cast over this House. There is a pall cast over this House because it feels like almost every month since I have been here, there is another Member of this body being accused of something.

I recall 11 years ago, in fact, it was 11 years ago Monday, that the Republican Contract With America was issued in 1994. Part of that contract, from my recollection, had to do with the integrity of this House and how the Republican leadership talked then about how they were going to, and they were very sanctimonious about it, they were going to restore integrity to this institution and inspire confidence in the American people.

My constituents have a pretty significant difference in the way they define integrity. My kids are watching tonight, and they are watching and I have to go home and explain to them why this man is all over the news; and, Mommy, what did he do? I have to have that conversation, as do parents across this country, every other week.

The reason that is important is not just because we want to uphold the impression and integrity of this institution, but because it brings it home here. It exemplifies why we need an independent commission. If there are Members' ethical called into question, how are the American people going to be able to expect and get an independent, objective investigation of what went wrong?

The example that the gentleman from Florida (Mr. Meeek) just used is a good one. It would be like, to use the example of Enron executives saying Mr. Prosecutor, you need to do the investigation about what went wrong at Enron, our CEO and our executive board will take care of that; or Tyco.

Now we are doing that in this very House of Representatives, people who have been accused of wrongdoing, for whatever reason, not related to Hurricane Katrina, but we have got to make sure that this institution's integrity is upheld and maintained.

While you have people who are in the midst of their own personal situation, it is inappropriate, on top of the fact it was inappropriate to start with, to have a partisan select committee investigating the aftermath of Hurricane Katrina, now it is underscored even more so because there are people's integrity called into question in this Chamber. We need to make sure that we can restore the American people's confidence in the country, every other week. The reason that is important is not just because we want to uphold the impression and integrity of this institution, but because it brings it home here. It exemplifies why we need an independent commission. If there are Members' ethical called into question, how are the American people going to be able to expect and get an independent, objective investigation of what went wrong?

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This is the allegation. They took this corporate money, won the seats, did the redistricting again and got rid of four out of five Democratic Members in Congress because of the redistricting. It is alleged this corporate money made the vote in five states, these were five states, I'm not sure which five states, in the United States Congress and Democrats lost five seats.

Now that if it is true is horrendous and a total breach of trust for the American people, if that is true. But I want to make another point. This highlights is true or not, this highlights the number one problem in the United States Congress. There is so much money in this institution it sickens me, and I know it sickens the 30-Something Group, because that money influences too much of the policy that comes forth, and every single decision that is made in this Congress is about money. It is about fund-raising, it is about how we can squeeze somebody else for another dollar for our frontline elected officials.

The policy that comes through here consistently reflects how can we raise more money. That is the problem. I think that is the issue that the incidents today lead to. This institution has become more about money than about governing. When you have your policies set around money, you end up getting bad policies and you end up getting an abuse of power. That is exactly what happened.

Look at the Medicare bill. At 3 in the morning, they told us it was $400 billion, that was a lie. It ended up being $700 billion, and the actuary was told not to tell Members of Congress, elected officials in the United States of America, that they were not allowed to know the true cost of the Medicare program. Give me a break. They knew there were Members who would not vote for a bill that cost more than $400 billion, so they said $400 billion. Weeks later we find out it was $700 billion. That is a lie.

The war and all of the nonsense leading up to it was a lie. Every single thing. We are safer now since we elected this new President and we have the Republicans in control; wrong. We saw what happened with Katrina, another lie.

We are good stewards of the government, less government more efficient; wrong. Cronyism at FEMA, eight of the ten positions at FEMA is set around money, you end up about governing. When you have your policies set around money, you end up getting bad policies and you end up getting an abuse of power. That is exactly what happened.

Homeland Security and the FAA was alleged this corporate money was used to influence elections here in the United States Congress and Democrats lost five seats.

And now, which really, really frightens me, we have this President talking about getting rid of the Posse Comitatus law of the United States of America, which means if you do not think using Homeland Security and FAA to abuse power is not enough, if you do not think appointing cronies at FEMA to oversee emergency management in the back yard of America is enough of an abuse of power how the President is suggesting that we get rid of Posse Comitatus, which means the military can take over emergency situations and have police powers in your communities. Now wait a minute, this has got to stop somehow.

This has got to stop somewhere, and it all comes back to this money being so ingrained into this system that it drives everything. And too much money, too much power, one party controls here, White House, Republican majority, leads to an abuse of power. That is what you are seeing on the news tonight and that is what you will see on the news tomorrow. You will hear about it for the weeks and months to come, the system we have in the United States of America is bad for our government. Power corrupts and absolute power corrupts absolutely.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, listening to the gentleman from Ohio (Mr. RYAN), I am thinking about all of the reasons I ran for Congress, and I decided that public service was a career choice for me, and that is because I want to make the world a better place. We all do. Certainly the three of us do. Our colleagues do. The vast majority of the Members here want to do that. It leaves such a bad taste.

What has happened over the last several months and what came down on the other side of the aisle, what came down a few weeks ago with another colleague on the other side of the aisle, the whole thing swirling around with Mr. Abramoff and the lobbyist, and we even had a gangland murder connected with that in my district in Hollywood, Florida, it is so pervasive, it is so disturbing, it gives me deep concern that people end up thinking that we are all just like those individuals who have struggled before.

We have got to make sure that we can restore some confidence, we can go back to why we all ran in the first place and move this country in the right direction again. You have got cronies and phonies that are infiltrating the government. The culture of corruption that has become so pervasive here, not just in this body but at the executive level as well, it is worst than startling.

Mr. RYAN of Ohio. Mr. Speaker, maybe if we were not so concerned in this House, the other body, the executive branch, about raising money and putting our political friends into certain positions all over, maybe this government would do a better job of actually executing its job. We spend so much time, not we, but the ruling party here, the Republican Party, spends so much time trying to raise money and squeeze donors and appoint their friends to the top of the world, maybe to the head of FEMA. Maybe if we spent, if this government spent as much time and energy and the resources to actually govern the country, maybe we would be doing a lot better.

We talked about the money and how it influences everything here. Is it a coincidence that through all this, all this money that is involved in this whole system, it is a coincidence that the wealthiest people in this country are getting tax breaks? That is like a direct connection. A lot of money donated from the wealthy people in the country, and the wealthy people in the country get a tax break, and everyone else seems to suffer.

We are not saying for one moment that we do not think that our government needs reform: Education, health care, it needs reform. We are the reform party. This group has had control of this Chamber for over 10 years now.

Mr. MEEK of Florida. Madam Speaker, reclaiming my time, I think it is important going back to protecting the institution, going back to making sure that we do what we are supposed to do as the 109th Congress. I cannot speak for the 110th Congress. It is up to my constituents if I am to make it there. But I tell my colleagues this: being a Member of the 109th Congress, I cannot speak for the 110th Congress. It is up to my constituents if I am to make it there.

Mr. MEEK of Florida. Madam Speaker, reclaiming my time, I think it is important going back to protecting the institution, going back to making sure that we do what we are supposed to do as the 110th Congress. I cannot speak for the 110th Congress. It is up to my constituents if I am to make it there. But I tell my colleagues this: being a Member of the 109th Congress, I cannot speak for the 110th Congress. It is up to my constituents if I am to make it there. But I tell my colleagues this: being a Member of the 109th Congress, I cannot speak for the 110th Congress. It is up to my constituents if I am to make it there.
and beyond. That is our job. Our job is to come up here to protect the welfare of those individuals who cannot protect their own welfare, and we are here to make sure that there is a government in place for when they need it.

Some people in our country do not want anything from government. But guess what. When they need it, it should be there for them. No one is trying to get into anyone’s life. But I can tell the Members this right now: the reason they are here on this floor, and the reason why we come to this floor week after week is to make sure that we raise the issues of the American people, Democrat or Republican alike. It does not matter. I do not ask my constituents, when they come to my office, I need to know their party affiliation. I do not go and chastise in my office, I need to know their party affiliation. I do not go and chastise in a general sense of the word Republicans because some Republicans that I know, many that I know that are supporters of mine, either it be politically or friendship-wise or what have you, they do not share some of the things that I see the majority side acting on now.

If it was not for this side of the aisle pushing after 9/11 for an independent commission, there would not have been an independent 9/11 Commission. There would not have been the testimony by not only White House officials, Pentagon officials, CIA, FBI, DEA, and Transportation officials. We never would have gotten close to the bottom of what really happened if it was not for the push on this side.

The gentlewoman from California (Ms. PELOSI), our leader right now, was called a tainter by the Republican side. It is well documented. The majority-side leadership said we do not need a Department of Homeland Security. It is well documented. The majority-side leadership said we do not need a Department of Homeland Security. The White House said we do not need a Department of Homeland Security. And now we have a Department of Homeland Security, not because they thought it was a great idea. It was because of the pressure that was brought upon by us and also by the American people.

I think it is also important to talk about the issue of Social Security. The 30-something Working Group cut its teeth on the issue of Social Security, making sure that even American has the opportunity to have a guaranteed benefit. Whether it be a Democrat, a Republican, young, old, disabled, retired, a survivor of someone that paid into Social Security, we fought for that. We stood here on this floor. We called out the leadership on the majority side. And the American people then, when we were making that argument, were on our side and we were on the side of the American people, period, dot.

Now when what happened after Hurricane Katrina, when it came down to responding to Hurricane Katrina, we were brought up here in special session over a case in Florida. We have got to come up here, and we have got to vote to try to save as many homes as we can of all of that, but that is the past. We came up here for that. And after Hurricane Katrina, the Democratic leadership called for a special session. Oh, we do not need to do that. The American people demanded that the Federal Government do more than what it is doing right now. The President said, I am calling Congress back to session. There was a question, did the Democrats not call for that? Yes, they did too, but we are all in this thing together.

There is not an emergency supplemental. Oh, we do not need that, not now. Then that happened.

We called for Michael Brown’s resignation because it was obvious. Here on this floor, I remember like it was yesterday, personally I said if they are in a football game and they are within the first quarter and they have a quarterback that is not necessarily going to get them to the goal line, it is time to change personnel. A week later the President said, Michael Brown, you are doing an excellent job.

This goes into exactly what we are talking about. If it is left up to the majority, and I will not say us because we are here speaking now after 9 o’clock at night, children at home, loved ones at home, but we are here on this floor. Not because it is good for our health. It is because we care about what happens in this institution and this country.

So let me just give voice to them. After 9/11, we called for an independent commission. Eighty-one percent of the American people called for an independent commission. If the President said, I am a fiscal conservative. No, I am not. I believe in responsible spending. I really do not. The action does not follow the words. So we called for an independent commission. We have an independent commission. If they are calling for it, we are in trouble. And when I say “we,” I am talking about leadership on the Republican side.

The President said, I am a fiscal conservative. He has not vetoed one spending bill since becoming President. An unprecedented highway bill with all kinds of pork projects in it and everything. He is not even saying, I am going to stand for what I told you I would do, and we are not going to do it! Unprecedented spending. Unprecedented deficit. I mean, this is like opposite day. This is like, I am a fiscal conservative. No, I am not. I believe in responsible spending. I really do not. The action does not follow the words.

So what I am saying is that when we talk about credibility, when we talk about name-calling, remember the Democratic leader was called a tainter, and worse, I am pretty sure, in private. But I think it is important for us to call on all of my colleagues, Democrat, Republican, and the one Independent we have, that it is more important now than ever that we go see the wizard and get some courage and heart, and I will not even go to the third one as it relates to mine because I know that we know better. We need to be man-up and woman-up and leader-up enough to say this is not right and we have got to stop it.

So what I believe, as I close on this point, Madam Speaker, that the American people will smile on those that are trying to do something about the present situation and frown on those that just watch what is happening and say that it will go away. It will not go away. This is reality. It is important to put gas in their tank; meanwhile companies are making record profits and no one is saying anything about it.

Eight States have asked the Congress to look into this issue of record profits and what these gas companies. Has it happened? No. Do my colleagues know what I hear today? There are Members here looking at an energy bill. We are have an independent commission. If they are calling for it or the American people are calling for it, let us find a way.

I just want to finish this actual conversation that just took place yesterday. If they thought it was a great idea, they do not share some of the things that I see the majority side acting on now. It was because of the pressure that was put on this side of the aisle pushing after 9/11 for an independent commission. Was not for the work of those families, there would not have been an independent 9/11 Commission. There would not have been the testimony by not only White House officials, Pentagon officials, CIA, FBI, DEA, and Transportation officials. We never would have gotten close to the bottom of what really happened if it was not for the push on this side.

It was because of the pressure that was put on this side of the aisle pushing after 9/11 for an independent commission. It was not for the work on this side. We never would have gotten close to the floor. And we never would have gotten close to testimony by not only White House officials, Pentagon officials, CIA, FBI, DEA, and Transportation officials. There would not have been an independent 9/11 Commission. Eighty-one percent of the American people demanded that the Federal Government do more than what it is doing right now. The President said, I am calling Congress back to session. There was a question, did the Democrats not call for that? Yes, they did too, but we are all in this thing together.

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going to help the whole gas thing, and we have to go into the Arctic national reserve and look for oil. People have hidden agendas that they want to carry out on the pain and suffering of Americans. As I speak right now, 100,000-plus in the middle of a basketball court in a shelter without a home, which could be the middle of a basketball court in a shelter without a home, which could be

And for those who have a problem, a culture of corruption is pervasive. It would disturb me deeply if it was just Members of Congress and we could say, there are some bad apples where people have gone astray and that is all it is. But it goes so much deeper than that with this administration, with the leadership on the other side.

This is how deep it goes: We have got cronyism and corruption that runs all the way up the ladder. I will just outline for you what I am talking about. Let us look at the appointments that have been made.

As recently has come to light, Mr. Brown was totally unqualified to be the director of FEMA. Mr. Ry, are you suffering, "Brownie." Ms. WASSERMAN SCHULTZ. Brownie's previous experience was being head of the Arabian Horse Association. I saw him attempt to defend himself at the hearing the other day, and he outlined his vast array of experience being the assistant to a city manager, essentially a glorified intern. But, to me, I just feel like there needs to be a couple more lines on the resume when it comes to the man who directs the response of the Federal Government to natural disasters.

Let us take it if was just the Congress or just Michael Brown heading up FEMA where the cronyism stopped. Then I could say, you know, occasionally that is going to happen.

But let us look at the gentleman who was appointed as the Deputy Commissioner for Medical and Scientific Affairs at the Food and Drug Administration. The Food and Drug Administration is charged with assuring the safety of everything from new vaccines and dietary supplements to animal feed and hair dye. They are the one that approves medicines and decide whether medication can go on the market.

So Mr. Scott Gottlieb was named the Deputy Commissioner, and he was 33-years-old. This is the 30-something Group, so we are not going to be critical with the fact that the person in charge of that is slightly less than qualified.

His previous experience before that was to be the editor of a popular Wall Street newsletter, the Forbes-Gottlieb Medical Technology Investor, in which he had provided such tips as "watch for biotech stocks to buy now." This is the deputy commissioner of the FDA in charge of medical and scientific affairs.

If it was just the FDA, if we were going to stop there and it did not go further than that, I might be able to write it off. But then let us go travel over to another agency. We have another agency, the Office of Management and Budget, in which an ex-lobbyist with minimal purchasing experience was overseeing $300 billion in spending, until his arrest last week. The person who was in charge of procurement for the Office of Management and Budget was responsible for $300 billion in spending under indictment.

So you can see where we go. You peel layer after layer after layer. So we are not casting aspersions randomly here. We are not just being partisan. There is a culture of corruption that is pervasive, and, my god, we have an opportunity in the next 13 months to take our message to the American people and help tell them that we are
going to come and restore their confidence; that we have got competence and we have got integrity and we know how to make sure we can expand access to health care.

Our priorities are straight. We know that the Federal Government can do something about gas prices, and not just have the President stand behind a podium and say, ‘You know, if you don’t have to drive, please don’t.’ That is their conservation policy.

So before I go further than I should, I am going to turn it over to the gentleman from Ohio (Mr. Ryan).

Mr. Ryan of Ohio. That was beautiful. You know, you play sports when you are a kid, and I know the gentleman from Florida (Mr. MEEK) was a college athlete, a college football player, a great athlete back in his day, a little slower afoot now than he used to be. But if you used to play sports as a kid and you could not start or you did not get in the game right away, you would be watching everybody play and you knew you were better than everyone else that was playing, and you just thought, put me in coach.

We tell the Democrats are saying, put me in, coach. We will do better than this. And quite frankly, it does not seem that hard, given everything that has been going on, the corruption, the cronyism.

Democrats know how to run the government. Are we perfect? No. But we had a great FEMA director, we knew how to respond. We passed the first Family and Medical Leave Act. We know what families need and we know how to deliver.

In 1993 we balanced the budget, leading to the greatest economic expansion in the history of the United States of America, without one Republican vote. We came to the Senate, the Democrats, and said, ‘We have to come to the Senate, the Democrats, and do that tie-breaking vote. Many people on this side of the aisle lost their seats because they made a tough vote that was in the best interests of the country, but not in the best interest of the political career. If you get a chance to read President Clinton’s book, he highlights a couple of those people who made those tough votes.

My point is that the Democrats know how to govern. Are we perfect? Absolutely not. But you do not see this nonsense going on. They had to spend $40 million to chase our President around. What is going on? They had to spend $40 million, a waste of money, things are not going on. They had to spend $40 million to chase our President around, the 30-something Group tomorrow afternoon after votes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. SCHMIDT). The Chair must admonish Members that remarks in debate should be directed to the Chair, and not to persons who may be viewing the proceedings.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today on account of illness in the family.

Mr. COSTA (at the request of Ms. PELOSI) for today after 5:00 p.m.

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. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. CHRISTENSEN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. TOWNS, for 5 minutes, today.

Ms. MILLER-MCDONALD, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. POE, for 5 minutes, September 29.

Mr. MCHenry, for 5 minutes, September 29.

Mr. NORWOOD, for 5 minutes, September 29.

Mr. GINGREY, for 5 minutes, September 29.

Mr. GOHMERT, for 5 minutes, today and September 29.

Mr. BURGESS, for 5 minutes, today.

(The following Member (at his own request to add his remarks and include extraneous material:)

Mr. DREEF, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Government Reform; in addition to the Committee on Energy and Commerce and to the Committee on 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.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2323. An act 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.

H.R. 3200. An act to amend title 38, United States Code, to enhance the Servicemembers’ Group Life Insurance program, and for other purposes.

H.R. 3687. An act to designate the facility of the United States Postal Service located at 2800 South Barrington Avenue, Los Angeles, California, as the “Kari Malden Station”.

H.R. 3767. An act to designate the facility of the United States Postal Service located at 2800 Oak Street in St. Charles, Illinois, as the “Jacob L. Frazier Post Office Building”.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, September 29, 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:

4250. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report on status of V-22 Osprey Aircraft before resumption of flight testing, pursuant to Public Law 107–107, section 123 (115 Stat. 1031); to the Committee on Armed Services.

4251. A letter from the Engine Manager, Department of the Air Force, Department of Defense, transmitting a request for a congratulatory letter for the retirement of Master Sergeant Christopher A. Ship; to the Committee on Armed Services.

4252. A letter from the Administrator of National Banks, Comptroller of the Currency, transmitting the issues of the Quarterly Journal that comprise the 2004 annual report to Congress of the Office of the Comptroller of the Currency; to the Committee on Financial Services.

4253. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department’s ‘Major’ final rule — HIPAA Administrative Simplification: Standards for Electronic Health Care Claims Attachments.

EXECUTIVE COMMUNICATIONS, ETC.
Modification of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050813158-3237-02; I.D. 090905S] (RIN: 0648-AK62) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

429. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Rockfish Fishery; Extension for Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits [Docket No. 040830259-5109-04; I.D. 090905C] (RIN: 0648-AK62) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

430. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090905E] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

431. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705C] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

432. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705C] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

433. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705C] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.
County, California, Dana Point Desalination Project located at Dana Point, California; to the Committee on Resources, and in addition to the Committee on Science, 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. KIND (for himself, Mr. GILCHREST, and Mr. SCHIFF):
H.R. 3930. A bill to establish the Universal Educational and the Universal Education Corporation to promote global education reform; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Mr. LAFOURRETTA, Mr. VAN HOLLEN, Mr. SIMMONS, Mr. GRIJALVA, Mr. BLumenauer, Mr. WEXLER, Mr. TAYLOR, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. CROWLEY, Ms. ESCH, Ms. KAPTUR, Mrs. MccARTHY, Mr. MORAN of Virginia, Mr. Brown of Ohio, Mr. ROTHMAN, Mr. MOORE of Kansas, Mr. LEW, Mr. SHERMAN, Mr. McNULTY, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. McCAIN, Mr. HURST, Mr. SIMMONS, Mr. BROWN of Kentucky, Mr. LANTOS, Mr. WEINER, Mr. PASCRELL, Mr. LANDTOS, Mr. WYNN, Mr. CASTLE, and Mrs. CAPPS):
H.R. 3931. A bill to establish a U.S. Department of Housing and Urban Development in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky (for himself, Mr. RUSH, Mr. SIMMONS, Mr. DAVIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. BONNER, Mr. WAMP, Mr. BOUSTANY, Mr. WALSH, Mr. SWEENEY, Mr. Brown of South Carolina, Mr. LEWIS of Kentucky, Mr. CAMP, Ms. GRANGER, Mr. BAUER, Mr. McCUTTER, Mr. DUNCAN, Ms. LOHRETTA SANchez of California, and Mr. WICKER):
H.R. 3932. A bill to authorize the Secretary of the Treasury to issue Hurricane Relief Bonds in response to Katrina and Rita and subsequent flooding and displacement of residents in the federally designated disaster areas of Alabama, Florida, Louisiana, Mississippi, and Texas; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Ms. HERSHET, Mr. ETHERIDGE, Ms. PILSON, Mr. DEFAZIO, Mr. ORESTER, Ms. SCHAKOwsky, Mr. HOLDEN, Mr. KNELDER, Mr. RAHALL, Mr. MIchAUD, Ms. BORDALLO, Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. FINKEL, Mr. PASCRELL, Mr. BISHOP of New York, Mr. McNULTY, Mr. COSTELLO, Mr. SANDERS, Mr. CONYERS, Mr. LIPINSKI, Mr. BROWER, Ms. ESCH, Ms. HAKMAN, Mr. EVANS, Mr. PALLONE, Mr. McCOLLUM of Minnesota, Mr. ENGEL, Mr. MARKEY, Mrs. MCCARTHY, Mr. HINCHEY, Ms. SOLIS, and Mr. VAN HOLLLEN):
H.R. 3933. A bill to protect consumers from price-gouging of gasoline and other fuels during energy emergencies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. SCHIFF:
H.R. 3937. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. DAVIS of Tennessee (for himself and Mr. DUNCAN):
H. Con. Res. 295. Concurrent resolution expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts; to the Committee on House Administration.

By Mr. Tom DAVIS of Virginia (for himself and Mr. VAN HOLLREN):
H. Res. 471. A resolution supporting the goals and ideals of a ‘‘National IT’S ACADEMIC Television Quiz Show Day’’; to the Committee on Government Reform.

ADDITIONAL SPONSORS
Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:
H.R. 303: Mr. BOHRLENT and Mr. MILLER of North Carolina.
H.R. 328: Mrs. LOWEY.
H.R. 445: Mr. WILSON of South Carolina.
H.R. 503: Ms. CARSON and Mr. ROYBAL-ALDARD.
H.R. 543: Mr. OKLEY.
H.R. 559: Mr. BONO and Mr. GONZALEZ.
H.R. 552: Mr. BOOZMAN and Mr. PETERSON of Pennsylvania.
H.R. 576: Mr. WESTMORELAND.
H.R. 581: Mr. PUDIT.
H.R. 586: Mr. BARTLETT of Maryland and Mr. SCHIFF.
H.R. 657: Mrs. LOWEY, Mr. MILLER of Florida, and Mr. SCOTT of Georgia.
H.R. 668: Mrs. MALONEY.
H.R. 691: Mr. GILLMOR.
H.R. 698: Mr. MICA.
H.R. 752: Mr. MARKY.
H.R. 768: Mr. ANDREWS.
H.R. 819: Ms. GINNY BROWN-WAITE of Florida.
H.R. 867: Ms. ESCHOO.
H.R. 923: Mr. MCDERMOTT of Washington, Mr. HIGGINS, and Mr. DENT.
H.R. 976: Mr. BARTLETT of Maryland.
H.R. 1083: Mr. KOLBE.
H.R. 1097: Mr. FEENEY.
H.R. 1196: Mr. DOOGERT.
H.R. 1290: Mr. STUPAK.
H.R. 1329: Mr. SALAZAR.
H.R. 1390: Ms. DAVIS of California.
H.R. 1391: Mr. ANDREWS.
H.R. 1405: Mr. SCOTT of Georgia.
H.R. 1264: Ms. ZOE LOFgren of California, Mr. HINCHERY, Mr. KILDER, Ms. HERSHET, Ms. LOWEY, and Mr. RYAN of Wisconsin.
H.R. 1345: Mr. LANTOS.
H.R. 1498: Mr. FORTEBERRY and Mr. MILLER.
H.R. 1549: Mr. MCKEON.
H.R. 1554: Mr. SIMMONS.
H.R. 1602: Mr. BOOZMAN and Mr. TERRY.
H.R. 1615: Mr. CARSON.
H.R. 1707: Mr. HART.
H.R. 1973: Mr. BRADY of Pennsylvania and Mr. ABERCROMBIE.
H.R. 2037: Ms. DELAURA.
H.R. 2052: Mr. RUPPERSBERGER.
H.R. 2053: Mr. RUPPERSBERGER.
H.R. 2087: Mr. TIRNERY.
H.R. 2112: Mr. TIAHRT, Ms. ROS-LITTMEN, and Mr. FOLEY.
H.R. 2177: Mr. BILLRAKIS.
H.R. 2209: Mr. JENKINS.
H.R. 2317: Mr. SALAZAR.
H.R. 2553: Mr. ANDREWS.
H.R. 2567: Mr. JACKSON of Illinois.
H.R. 2594: Mr. EMANUEL.
H.R. 2646: Mr. FORD.
H.R. 2694: Mr. SCOTT of Georgia and Mr. CHANDLER.
H.R. 2692: Ms. ESCHOO.
H.R. 2693: Mr. KANOROski and Mr. MOORE of Kansas.
H.R. 2697: Mr. BERNMAN.
H.R. 2681: Mr. JACKSON of Illinois.
H.R. 2693: Mr. ALIXANDER.
H.R. 2696: Mr. BROWN of South Carolina and Ms. McCOLLUM of Minnesota.
H.R. 3006: Mr. GRIJALVA, Mrs. DAVIS of California, Mr. MILLER of North Carolina, and Mr. KENNEDY of Rhode Island.
H.R. 3011: Mr. GOODLATTIE, Mr. KLINE, and Mr. DOOLITTLE.
H.R. 3142: Mr. BERNMAN, Mr. MATSUI, Mr. MEKINAN, Mr. FARR, Mr. SMITH of Washington, Mr. HINCHERY, Mr. JACKSON of Illinois, and Mr. LEWIS of Georgia.
H.R. 3174: Mr. UDAII of New Mexico and Mr. ALIXANDER.
H.R. 3191: Ms. KILPATRICK of Michigan.
H.R. 3196: Mr. Nadler.
H.R. 3336: Mr. Wexler.
H.R. 3359: Mr. Visclosky.
H.R. 3361: Mr. Brady of Pennsylvania.
H.R. 3368: Mr. Levin, Ms. Kilpatrick of Michigan, Mr. Upton, Mr. Stupak, Mrs. Miller of Michigan, Mr. Conyers, Mr. Dingell, Mr. Kildee, Mr. Schewel of Michigan, Mr. Horsky, Mr. Rogers of Michigan, Mr. Ehlers, Mr. McCotter, and Mr. Camp.
H.R. 3385: Mr. Leach.
H.R. 3417: Ms. Solis.
H.R. 3436: Mr. Manzullo.
H.R. 3454: Mr. Higgin.
H.R. 3561: Mr. McGovern and Mr. Berkman.
H.R. 3568: Mr. Case.
H.R. 3588: Mr. Burton of Indiana.
H.R. 3679: Ms. Baldwin, Mr. Holt, and Mr. Baird.
H.R. 3698: Mr. Doggett, Mr. Gonzalez, and Mr. Frank of Massachusetts.
H.R. 3749: Mr. Owens, Mr. Nadler, Mr. Snyder, Ms. Bordallo, Mr. Ryan of Ohio, Mr. McGovern, Ms. Berkley, Mr. Al Green of Texas, Mr. Alexander, Mr. Paschell, and Mr. Neal of Massachusetts.
H.R. 3763: Mr. Boyd, Mr. Davis of Tennessee, Mr. Tanner, Mr. Cramer, and Mr. McIntyre.
H.R. 3780: Mr. Berekeley and Mr. Obey.
H.R. 3802: Mrs. Davis of California, Mr. Grijalva, and Ms. Woolshy.
H.R. 3811: Mr. Sam Johnson of Texas.
H.R. 3829: Mr. Cole of Oklahoma.
H.R. 3838: Mr. McGovern, Mr. Stupak, Mr. Gutierrez, Mr. Berkman, Mr. Doggett, and Mr. Levin.
H.R. 3841: Mr. Graves and Mr. Hoehn.
H.R. 3868: Mr. Miller of Florida, Mr. Flark, and Mr. Burton of Indiana.
H.R. 3869: Mrs. Blackburn and Mr. Upton.
H.R. 3870: Mr. Moran of Kansas and Mr. Miller of Florida.
H.R. 3915: Mr. English of Pennsylvania.
H.R. 3916: Mr. Honda.
H.R. 3918: Mr. Jeffers, Mr. Hall, Mr. Sam Johnson of Texas, and Mr. Marshall.
H.R. Res. 38: Mrs. Kelly.
H.R. Res. 55: Mr. Duncian.
H. Con. Res. 112: Ms. Eddie Bernice Johnson of Texas, Mr. Payne, Mr. Baca, Mr. Scott of Georgia, Mrs. McCarthy, Mr. Bishop of Georgia, Mr. McNulty, Mr. Kucinich, Mr. Pastor, Mr. Grijalva, Mr. McDermott, and Mr. Gonzalez.
H. Con. Res. 137: Mr. Payne.
H. Con. Res. 173: Mr. Issa.
H. Con. Res. 197: Mr. Miller of North Carolina, Mr. Brown of Ohio, Mr. Skelton, and Mr. Price of North Carolina.
H. Con. Res. 230: Ms. Harris, Mr. Sessions, Mr. Pitterson of Minnesota, Ms. Hart, Mr. Gohmert, Mr. Cooper, and Mr. Towns.
H. Con. Res. 457: Mr. Bartlett of Maryland, Mr. McDermott, and Ms. Eddie Bernice Johnson of Texas.
H. Res. 463: Mr. Meeks of New York.
The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty Father, the giver of gifts, help us to live in purity. Make all our thoughts so pure that they will bear Your scrutiny. Make all our desires so pure that they will be rooted in Your purposes. Make all our words so pure that You will find pleasure in hearing them. Make all our actions so pure that people will know that we are Your children.

Guide our lawmakers through the challenges of this day. Keep them from words that harm and do not help, from deeds that obstruct and do not build, from habits that shackle and do not liberate, and from ambitions that take and do not give.

Give to us all the blessings of asking and receiving, of seeking and finding, and of knocking and opening.

We pray in Your sovereign name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JOHN G. ROBERTS, JR., TO BE CHIEF JUSTICE OF THE UNITED STATES—Reconsidered

The acting President pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of Calendar No. 317, which the clerk will report.

The assistant legislative clerk read the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

The acting President pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of Calendar No. 317, which the clerk will report.

The assistant legislative clerk read the following letter:

Mr. FRIST. Mr. President, today the Senate resumes consideration of the nomination of John Roberts to be Chief Justice of the United States. Tomorrow at 11:30 we will vote on this nomination. Again, I remind all Senators to be at their desks for that vote. This is among the most significant votes that most of us will cast in our Senate careers, the approval of the nomination of Chief Justice of the United States. We ask Senators to come to the Chamber around 11:20 to be seated for the 11:30 vote.

Following the confirmation on Judge Roberts, the Senate will take up the Defense appropriations bill. Senators should expect votes on Thursday, and we will be voting on Friday on the appropriations bill or any other legislative or executive items that are cleared for action.

I was talking to the Democratic leader to make sure that we are voting on Friday of this week.

We also have a continuing resolution that we must act on this week before the end of the fiscal year. Therefore, I ask that Senators adjust whatever plans they have for the weekend or for Friday to recognize that we will be voting. We will not be voting on Monday or Tuesday in observance of the Jewish holiday. But the Senate will be in session to conduct business and discussing amendments. Those amendments will be stacked for votes on Wednesday. We will notify Senators as to what time that will be. I encourage Senators to come forward and offer their amendments as early as possible so we can vote on Wednesday.

Mr. President, on another issue, an important issue—we have so much going on in this body with the appropriations bills, and the nomination coming forward, and that is going very well in terms of the discussion on both sides of the aisle. But there are many other issues as well.

I want to focus for a few minutes on an issue I do not believe is receiving all the attention it deserves given the risk that is before us.

Yesterday, I sent a letter to Health and Human Services Secretary Michael
Leavitt regarding our Nation’s pandemic preparedness. The H5-N1 avian influenza—the name of this particular strain of virus—has spread from Southeast Asia to Russia. It is spreading across the world.

If you look at a map and look at that spread, it gives you real pause—and it should. It threatens to land in Europe. Although you can’t say with certainty as you look at that picture of the globe and you see that spread, it will next be in Europe and America, although we don’t have that order will be.

It has infected more people and more poultry than any previous strain. If you look at the animal population—it is called the avian or bird influenza—it has caused the death or destruction of not just a few million but 160 million birds. That includes what is called the “culling” that goes on. But 160 million birds have died as a result of this influenza.

It has jumped from animals, the birds and other animals, actually, with a genetic shift to humans. People ask, How many humans have been infected? We do not know exactly, but we have documented 115 confirmed human cases of this particular H5-N1 influenza.

How is it fatal? The mortality rate is very high. Fifty-nine people out of the 115 confirmed cases died from this particular virus. It has a very high mortality rate.

Just this week, Indonesian health officials reported that yet another person—a young woman age 30—has died from the virus. This follows last week’s deaths of two young girls and a boy with very similar symptoms in Jakarta and Samarinda. Since last Monday, Indonesia has put itself on an extraordinary incident status.

Experts warn that a global catastrophic pandemic is not a question of if but when. Like an earthquake, or like a hurricane, it can hit any time. When it hits, it could take the lives of tens of millions of people.

People ask, Is that an overstatement? I don’t believe it is. You only have to go back and look at the history. This August, I spent a great deal of time talking to experts around the country on the H5-N1 influenza virus. In Tennessee, over in Memphis, there is St. Jude’s Children’s Research Hospital. There is a group of researchers there who probably know more about this particular strain than anybody in the world, led by Dr. Robert Webster at the St. Jude’s Children’s Research Hospital. He is one of the leading experts of the H5-N1 strain.

He explained in very clear terms that there are 16 families of the avian influenza. Billions of mutations of the virus are occurring every day. It is constantly changing, constantly adapting. With each of these little mutations, the virus multiplies its odds of becoming transmissible from human to human. As it is lining up, the virus is losing its ability to detect the bird population to the human population. And with just one little, tiny change, it can be transmitted person to person to person. It is a little bit like pulling the lever on a Vegas slot machine over and over again. If you pull it enough times, the reels will align and hit the jackpot. In this case the jackpot is a deadly virus to which humans have no natural immunity.

It is very important right now. Nobody listening to me has a natural immunity to this particular virus. Infected hosts are contagious before they are symptomatic. In other words, anybody or any animal that is infected can spread the disease. They may not have any symptoms. The virus would thus have ample opportunity to spread rapidly throughout the population before it could be detected or appropriately contained—but not symptomatically. You don’t know whether it can be contained or know to stay away from people.

To make matters worse, we lack our best defense. People say, If it does happen, back to where we were in the 1918 and the Spanish flu. That pandemic killed not just tens of thousands but 40 million people worldwide. The Spanish flu virus killed 40 million people worldwide, the majority of whom were kids, children, and young adults between the ages of 18 and 35.

Vaccines were available for the 1957 and 1968 flu pandemics, but they arrived too late and 104,000 people died in the United States alone.

Dr. Hirotoshi Ashitani at the World Health Organization warns this time around the avian flu virus may be impossible to contain. The geographic spread is historically unprecedented.

So people ask: Well, why are you giving us, Senator Frist, all this bad news? What can and should be done? In my letter sent to Secretary Leavitt—and I had the opportunity to discuss it with him a little bit last night—I did ask him to finalize the agency’s Pandemic Influenza Preparedness Plan. We need a coordinated, comprehensive, aggressive plan which draws on public health and homeland security, foreign policy and defense expertise.

The plan should serve a dual purpose: First, to detect, identify, contain, and respond to threats abroad; and, No. 2, to bolster domestic preparedness and response capacity. I also urged the Secretary to purchase enough additional Tamifly to treat a large portion of the U.S. population.

These are critical first steps, but we have to do a lot more. We need to develop a bold vision of how to address this in future threats—whether they are biological weapons, infectious diseases whether they are natural, whether they are accidental, or whether they are deliberate.

That is why earlier this year I called for a Manhattan Project for the 21st Century to launch an unprecedented collaboration among the Federal Government and industry and academia. We must encourage and support advanced support and development into
The United States has the largest proven coal reserves of any Nation in the world. At the current production levels, U.S. coal reserves should last over the next 250 years. That is the good news. The bad news is the high carbon content relative to other fossil fuels so that in the burning of it, it releases significant quantities of carbon. Right now, coal combustion, the burning of coal, accounts for more than one-fifth of global greenhouse gas emissions. Those emissions in the air is what we do not want.

I will never forget being in Beijing, China, in the year 1981 in the dead of winter, January of that year. The city of Beijing was black smog that was a result of the coal dust settling over that city because the primary source of heat was the burning of coal, with no attention to the emissions that allowed all of those particulates to go into the air. The last time I visited Beijing, about 2 years ago, after the dead of winter, I must say they have cleaned up their environment quite a bit, but they still have a ways to go.

We know the negatives with regard to burning coal. Now let’s look on the positives; that is, coal gasification or coal-based integrated gasification combined cycle technology has much lower pollutant emissions, and it holds great promise. Only two such plants exist in the United States today. One of them is in my State of Florida. It is run by Tampa Electric Company. I commend TECO for being one of the leaders in this country. My State of Florida is going to get the IGCC plant that is coal gasification—by 2011, through the Orlando commission and the Southern Company. I thank those two companies for being leaders.

This is the technology: First, the coal is gasified using a chemical process rather than just the burning of coal to generate a synthetic gas—or what we call a syngas, synthetic fuels—that is mostly composed of hydrogen and carbon monoxide. Then that synthetic gas is used to fuel a combustion engine, a turbine, the heat that is released is employed to produce steam for power generation and for gasification. The process has the potential to be both cleaner and more efficient than just the burning of coal in a steam boiler which is done to make electricity, and it generates considerable waste heat in the traditional burning of coal that then leads to the release of a myriad of undesirable emissions.

In contrast, coal gasification isolates and collects nearly all of the impurities, including mercury and a large portion of the carbon, before the combustion. So those things are not going to be emitted into the atmosphere. The coal is gasified with either oxygen or air, and the resulting synthetic gas or syngas is cooled, cleaned, and fired in a gas turbine, and the hot exhaust from the gas turbine passes through a heat recovery steam generator where it produces steam that drives a steam turbine.

Theoretically, the steam gasification process can be applied to any low-quality, energy-efficient, technologies. The promise in developing this technology also raises interesting possibilities with respect to the future of biomass—either alone or in combination with coal—for electricity production. This has a lot of promise.

This whole process, called IGCC, could also be utilized for something called polygeneration. That is co-producing other high-valued products in addition to electricity using gasification.

Gasification could be used to produce ultraclean synthetic fuels from coal, and biomass. Carbon dioxide capture and storage would have to be developed to address the climate change issues. Coal-based synthetic fuels pose.

But the long and short of it is, these synthetic fuels are inherently superior to crude-oil-driven hydrocarbon fuels. This would help us in the transition to more energy-efficient technologies, such as compression-ignition-engine hybrid electric vehicles.

We could exploit our country’s huge coal reserves in an environmentally responsible way. The economic and reliability challenges certainly still exist before these kinds of plants become more readily abundant. And the CO₂ carbon capture and storage must be perfected.

Those are all challenges we must meet. But it is a promising technology that would provide the United States with an alternative to electricity produced from natural gas and a way to set us on a course to wean ourselves from dependence on foreign oil.

Mr. President, I will continue to speak out on all of the alternatives in which we can try to sever our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on the nomination of John Roberts to be Chief Justice of the United States. I speak about this at an exciting time for this country. This will be the 17th person to occupy this position. It is a rarity for this position to become available. I love this Nation.
I love the institutions of this Nation. More, I love the people of this Nation. I know, as well, that John Roberts does too. I know from the time I have spent talking with him and hearing his comments, that he too loves this Nation. He expressed his love for this Nation and looks forward to its greater greatness into the future. I am looking forward to his service.

When the Frenchman, Alexis de Tocqueville, whom many of us quote often, noted in the United States in the 1830s, he wondered how Americans could maintain a genuine representative government when the liberty they enjoyed would suggest that the average citizen would be a purely self-interested individual. If we were to give them pure liberty, they would, he believed, just pursue self-interests. So how could you have a government that would govern when everybody is focused on their self-interest?

He was amazed to find what Americans do together and with their government was what he called “habits of the heart.” By this, he meant that citizens often were concerned about the greater public good, along with their own narrow self-interests. And when they had their own self-interests, their hearts pulled them to a greater public good and these “habits of the heart.” That led to their participation in political discourse, to be involved in their communities, and to care of their fellow citizens.

Throughout our history, our “habits of the heart” have informed and driven America’s conscience. The people knew the colonial system stifled freedom, so they rejected the British monarchy and ultimately ratified the U.S. Constitution. The people knew in their hearts that slavery was wrong, and that terrible institution was rightly brought to an end. It was difficult, and it was at a terrible cost. And the people knew that the loss of equal protection was empty without racial justice.

Throughout the consideration of Judge Roberts’ nomination, many of my colleagues have spoken about a particular issue that I want to discuss, and its impact and relationship to that habit of the heart. This particular issue, which is at the center of the debate for Judge Roberts, is the right to privacy. They also have demanded that Judge Roberts address a few cherished cases, stare decisis, that is, the practice of letting precedent stand for the sake of stability in the law, regardless of whether the precedent reflects the correct interpretation of the law.

What is striking about this discussion is that it has not been illuminated by what Tocqueville saw in us long ago—those “habits of the heart” that make Americans aware of the greater good and of the justice due their fellows citizens.

To explain what I mean, consider Judge Roberts’ confirmation hearing. During the hearing, Judiciary Committee members spent a lot of time discussing section 2 of the Voting Rights Act. It was often mentioned that it was critical for Congress to enact a so-called effects test in order to eradicate discrimination in voting practices. Under this test, a neutrally worded law was to be struck down if it diluted the political participation of voters, even if that effect was intentional. If there was an effect where it had a negative impact on voting for minority groups, it was to be thrown out, it was to be declared unconstitutional, it was a bad effect.

It seems to me there is a broader lesson to be learned by discussion of an effects test. And I agree with that effects test in the Voting Rights Act; it is absolutely right. It seems to me there is a broader lesson to be learned about the effects test.

During the debate on Judge Roberts, some have argued about whether he will vote to affirm or reject abstract legal principles, without really considering effects of these legal principles have been. And when it comes to the right to privacy and stare decisis, the discussion of effects has been obscured, if not ignored altogether.

The standard argument we have heard is that cases such as Roe v. Wade and Planned Parenthood v. Casey have established the right to privacy, and that such cases should be maintained for the sake of “stability” and “settled law.” But that is belied by our hearts tell us that these decisions deserve much more searching scrutiny. This is in part because we rightly resist insulated courts short-circuiting political debates. But it is also because we rightly believe that these decisions and doctrines have all-too-real effects.

And so it is with the right to privacy. Some of my colleagues have argued that this right, which has been interpreted to guarantee a right to abortion based on women. They argue the right to abortion has “freed” them to pursue such goals as full participation in the workforce. But there are certain other effects of this right which should be identified, if we are to have an honest appraisal of what this right has accomplished, and what it has wrought.

I have pointed out repeatedly that in the wake of Roe, 40 million children have been aborted in America—40 million children’s dreams, potential, and comprehensive national mandate was born. The people knew in their hearts that the ADA was the so-called least among us, the power individuals with the tools they needed to achieve their dreams.

In worthy fulfillment of the promise of the Declaration of Independence that “all Men are created equal,” the Congress issued in the ADA a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” To enforce this mandate, Congress passed the ADA in the 1980s and 1990s.

People with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally.

In the worthy fulfillment of the promise of the Declaration of Independence that “all Men are created equal,” the Congress issued in the ADA a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”

To enforce this mandate, Congress passed the ADA in the 1980s and 1990s. The ADA established extensive protections for persons with disabilities. It
protects them when they seek employment; it protects them when they attempt to use government services; it protects them when they wish to use public transportation; it protects them even when they want to book a hotel room or seek access to a restaurant; it even protects the hearing-impaired and speech-impaired who want to share in the benefits of the revolution in telecommunications.

Similarly, 30 years ago, Congress passed the Individuals with Disabilities Education Act. In the act, Congress found, among other things, that "[d]isability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society."

These are worthy and grand statements of inclusion and support to people with disabilities.

The ADA and the IDEA demonstrate that the disabled need and deserve the protection of the law in order to fulfill their potential.

Yet ironically, it is when the disabled are most vulnerable—in a legal vacuum has stepped the Supreme Court. In 1973, just 2 years before enactment of the IDEA, the Court invented a right to abortion—a right which has proven lethal to legions of disabled Americans. And in a cruel jurispudential twist, it was none other than the 14th Amendment, which Congress invoked in enacting the ADA, upon which the Supreme Court based the right to abortion.

What does it say about our society that we refuse to acknowledge the damaging effects of Roe on the disabled? Where does the path lead when we ignore the habits of our hearts, which demand that we extend our compassion to these Americans? What have we become when we have jettisoned the unalienable right to life Thomas Jefferson found self-evident in favor of the moral and legal quicksand of Roe?

The sad experiences of other countries suggest a few unsettling answers to these questions. For example, China recently criminalized abortion for the purpose of sex selection. The reason for this is revealed by figures—an effects test, if you will—that 118 boys are born in China for every 100 girls—119 boys for every 100 girls. This gender gap can be attributed to the combination of the Communist government’s one-child policy with a culture that often values sons more than daughters.

So millions of parents have aborted baby girls hoping to have a boy next time. If current trends continue, some experts say that China could have as many as 40 million men who can’t find spouses by the year 2020.

Indeed, this is a serious problem. Sex determination has been a serious problem there since the 1970s, when amniocentesis began to be widely used to determine the sex of the unborn child. A 1985 survey revealed that 90 percent of amniocentesis centers were involved in sex determination, with nearly 96 percent of female fetuses aborted. In response, India outlawed fetal sex determination for sex selection ever since, but prenatal sex determination through ultrasonography continues.

Indeed, the situation has become so dire that the Indian Medical Association has appealed to the conscience of the people of that nation—and the world—to save baby girls from abortion. The association says that up to 2 million baby girls still are killed by abortion every year. A former President of the Indian Medical Association told the BBC that the situation has led to a demographic imbalance of up to 50 million fewer women in the country than would have been expected.

This selective destruction of the unborn in other countries has a grim precedent in American history. The eugenics movement. As Edwin Black has noted in a book called “War on the Weak”:

The eugenics movement slowly constructed a national bureaucratic and juridical infrastructure to cleanse America of its “unfit.” Specious intelligence tests, colloquially known as IQ tests, were invented to justify incarceration of a group labeled “feebleminded.” Those who were just shy, too good-natured to be taken seriously, or simply spoke the wrong language or were the wrong color. Mandatory sterilization laws were enacted in some twenty-seven states to prevent targeted individuals from reproducing more of their kind.

Marriage prohibition laws proliferated throughout the country to stop race mixing. Collusive litigation was taken to the U.S. Supreme Court, which sanctified eugenics and its tactics. The goal was to immediately sterilize fourteen million people in the United States and millions more worldwide—the “lower tenth”—and then continuously sterilize all future generations until only a pure Nordic super race remained. Ultimately, some 60,000 Americans were coercively sterilized and the total is probably much higher.

The source of the word “eugenics” is the Greek word for “well born.” Well born, and the whole-race theory, when our laws blithely allow the elective termination of more than 80 percent of a vulnerable population. It is incomprehensible.

And those with disabilities who are born into a nation that deems unfit; she believed this plan would lead to the “salvation of American civilization.” She also argued for sterilization of those who were “irresponsible and reckless,” including those “whose religious scruples prevent their exercising control over their fertility.” For she contended that “there is no doubt in the minds of all thinking people that the procreation of this group should be stopped.” She repeatedly referred to the lower classes as human waste not worthy of assistance, promoting the views that these “weeds” should be “exterminated.”

Sanger went on to found a group that came to be known as Planned Parenthood, the very same organization which successfully prevailed upon the Supreme Court to reaffirm Roe v. Wade in the 1992 case of Planned Parenthood v. Casey. Sanger’s legacy still resonates today.

Dr. John Harris of Manchester University in England has offered a slightly milder formulation than that of Sanger. He has stated that:

Eugenics is the attempt to create fine healthy children, and that’s everyone’s ambition. . . . We’re not trying to do this by killing millions of unthinking indi-

viduals, we’re trying to do this by making choices about which people will exist in the future.

Given the experience of other countries with abortion; given our own experience with abortion of the disabled; and given the natural repugnance most people have with the eugenics movement, I would suggest to my colleagues that Roe and other related cases simply reverse the “decisions” that have long applied in the context of voting and other rights. These cases have carved millions of voices out of our civic core and cannot withstand moral scrutiny, much less an honest legal examination.

It is right to privacy as it has been extended has not only weakened our legal culture; it has made us poorer as a people. It is impossible not to recognize the significant contributions made by those with disabilities who do survive; they help to bring out the humanity in each of us, and we are better for it. Every time I see one of these beautiful children, I am reminded of what joy they bring, and what joy their counterparts might have brought.

How can we, as a nation, stand for the principle of equality, that we are all blessed to be alive, that we are all capable of great success regardless of disability, and that we are a compassionate society, when our laws blithely allow the elective termination of more than 80 percent of a vulnerable population. It is incomprehensible.

Numerous men, women, and children with disabilities have overcome adversity and achieved great successes in their lives. I would like to take a few moments to share their stories.

Here is a picture of Abby Lwy. I met her last week when she visited my office. She is a beautiful young girl and
she has Down Syndrome. She does modeling and was recently featured in a book called “Common Threads,” which illustrates the numerous accomplishments achieved by people with Down Syndrome. Abby and her mother came to Capitol Hill from Michigan last week to raise awareness about disability issues and to illustrate Abby’s wonderful life journey.

Look at this beautiful child. This note is from her parents:

When Abby was born, physicians and social workers warned us of all of her potential limitations, developmentally and physically. When we asked what Abby’s education path might look like, we were told that she would attend special classrooms. Abby has been successfully educated with support in all regular education classes and continues to grow. We felt Abby would prove herself to be much more capable than others believed... It continues today.

Again, that note is from her parents. It is a tough choice when a mother or a spouse gets a diagnosis in utero that a child has Down Syndrome; it is overwhelming. I know from my own thoughts when we were having our children. Yet I ask people to look at the beauty of the child and embrace her. If they can’t, there are other groups and individuals that will. It is a tough choice, but it is a beautiful child, a child that can accomplish much.

I want to show another example. This one is Samuel. I have had Samuel in to testify before a subcommittee I chaired last year. I am rather partial to the name Samuel myself. In this picture he is catching fish. It doesn’t look like a very big fish and the fish doesn’t look too happy, but Samuel is sure happy. He has spina bifida, which most medically professional call a devastating

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Though we were devastated by learning that our unborn son had spina bifida, we wanted to do all we could to improve the quality of his life. I find it extremely frightening to think of how vastly different my life would have been if my parents had taken that ill-conceived professional advice when I was born.

In other words, to put her in some form of an institution rather than bringing her home.

These are inspirations to all of us. And if you need further inspiration, just go talk to Jimmy, the elevator operator right outside the door of the Senate Chamber, who brightens all of our lives.

They will not be defeated by their disabilities, and we celebrate them for that. But think about the many more like them, think about the more than 80 percent of the beautiful capable children, similar to Abby, Ann, Jimmy, and Samuel, who are never given a chance because their lives are terminated before they are born.

We should not use bland phrases such as “right to privacy” or “stare decisis” to disguise our stance with Judge Roberts’ nomination to be Chief Justice of the United States. We must be truthful with the American people, as well as ourselves, and admit that this confirmation is, at its root, about the most fundamental and basic right of all: the right to life.

As Americans, it is our duty to protect and defend the weakest among us. The duty is not only mandated by our laws but nurtured by our conscience and our habits of heart.

With the recent enactment of the bipartisan partial-birth abortion ban and bills like the Pre-Natally Diagnosed Awareness Act, which I sponsored with Senator Kennedy, we have begun heading in the right direction. However there is still significant work to be done.

There is still a glaring inconsistency between the life that we deem to be worthy of protection under the Constitution, and the life which we do not. The value placed on certain persons, and stages of life seems to be arbitrarily assigned. The Constitution clearly states in the 5th and 14th Amendments that “no person” shall be deprived of “life, liberty, or property without due process of law.”

“No person.” What does that mean? Does it extend to an unborn child? Is an unborn child a person or merely a piece of property? A person is entitled to inalienable rights established under the Constitution of the United States. Property can be done with as its master chooses. I posed this question to Judge Roberts during his confirmation hearing. Because this issue may come before the Court at some point in the near future, he declined to answer directly. But the persistence of this issue simply underlines the importance of each Supreme Court vacancy.

I will support the nomination of John Roberts to be Chief Justice of the United States. I will do so because in part on his stellar credentials for the position, but also on my hope and my prayer that he understands what is at stake when the Supreme Court interprets the people’s Constitution—not a sterile debate over arcane legal principles and Latin doctrines but the very habits of our hearts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I pay tribute to my colleague and friend, Senator Brownback, for his eloquent speech on behalf of those who are disadvantaged and deserve protection from the law. He made an outstanding speech.

I rise to express my support of Judge John Roberts in regard to his nomination as Chief Justice of the United States. I know what the committee has done, and I know what the majority of Senators will likely do, and that is to vote in favor of Judge Roberts. But I also believe that an open-minded individual, applying Kansas common sense, would reach the same conclusion that I have come to hold.

It is no small event for a Senator to have the opportunity to participate in the confirmation of a candidate for the position of Chief Justice of the Supreme Court. Over the course of our Nation’s history, the Senate has come together 155 times to vote on a Supreme Court Justice. This occasion marks the 17th time to confirm a Chief Justice. So I am humbled and honored to be part of this moment of history.

The consultation efforts on behalf of the administration with my fellow Senators colleagues in regard to this nomination have been extensive. That is probably an understatement. The President has made great efforts to open dialog and to invite input and to reach out to Members of the Senate.

His nomination of Judge John Roberts is a solid choice and not one made in isolation.

Kansans understand that the words inscribed on our Founding Fathers’ documents are not as delicate and fragile as the paper on which they are written. They know that the power behind these ideas is what serves as the foundation of our Nation’s democratic government.

My sense from Judge Roberts is that he, too, rigorously believes in the power of the ideals set forth in the Constitution. As illustrated by his record as a judge on the U.S. Court of Appeals for the DC Circuit, he adheres to the guidelines outlined in the Constitution. Simply put, he walks the talk.

After watching Judge Roberts end one of the longest hearings in the history of the Senate Committee on the Judiciary—the 20 hours of questioning during the nomination hearings, I find myself not only more familiar with his many qualifications, his impressive experiences, but deeply impressed with his character. Judge Roberts is a respectful and thoughtful person in the face of periodic abrasive questioning from some are exactly the type of qualities that a Chief Justice should...
possess. During the question-and-answer portion of the nomination hearing, testimonies of his colleagues, former clients, and others who attested to his character, Judge Roberts has shown to be a man of high integrity, wisdom, and fairness. This assessment was formed from those representing a broad range of ideologies.

Judge Roberts does possess a brilliant legal mind and a thorough understanding of the law. He performs his duties with a vigor and a meticulous attention to detail that has been noted by all who have spoken about him. As a judge, he approaches a case to understand the legal facts involved and the laws that are affected, while avoiding the temptation to fulfill a specific judicial philosophy. His decisions are based on the merits of the law. His record has earned him the highest rating from the American Bar Association, the ABA. It is worth mentioning that the ABA has often been referred to by my colleagues on both sides of the aisle and those on this side as well as the “gold standard” for evaluating judges.

Most notably, in his opening statement before the Senate committee, Judge Roberts stated:

Judges and Justices are servants of the law, not the other way around.

And concerning the rule of law, he went on to say:

It is what we mean when we say that we are a government of laws and not of men. It is that rule of law that protects the rights and freedoms of all Americans. It is the envy of the world. Because without the rule of law, any rights are really meaningless.

Clearly, Judge Roberts understands that the role of a judge is not to rule based on his personal judgments but to adhere to the laws as they are written.

The role of the third branch under our Constitution is paramount, as the Supreme Court is often referred to as the “gatekeeper of democracy.” The duty to ensure that legislation passed and enacted is in line with the Constitution is an important check within our Government. The lifetime appointment provided for in the Constitution is an important protection for our Justices to guard against any pressure in regard to politics. The forward thinking by the authors of our Constitution actually provided for the preservation of our democracy by including these checks and balances between these three branches.

Some have expressed concern about Judge Roberts’ relatively young age to be nominated to such a powerful position. On the contrary, I believe that age will allow for a term of growth and stability for the Court. In my view, his age is of lesser importance when compared to his style of judging. In his response to my colleague, Senator HATCH, he explains that his style is that of a modest judge. He went on to explain that:

It means an appreciation that the role of the judge is not to legislate, they’re not to execute the laws.

However, at the same time, we have witnessed judges acting beyond the scope of their duties in making decisions that in a representative democracy are legislative in their jurisdiction. We have seen that all across the country it is considered to be a misuse of power is a source of tremendous contention, not only with folks from the great State of Kansas but with Americans nationwide on too many issues. In too many cases, we have seen that a judge’s role is not to rule to the will of the people. Americans have questioned the rulings on cases ranging from the Boy Scouts of America to the most publicized recent attack on private property rights. In Kansas, land is gold. And if land is gold, farmland is platinum. We have a healthy respect for property rights in middle America. Based on his comments, I believe Judge Roberts holds a similar opinion.

Finally, let us not forget that Judge Roberts is currently a judge. He has already experienced the confirmation process for his judgeship on the U.S. Court of Appeals for the DC Circuit. Let’s hope that the same accolades that led to Senate approval of his nomination by unanimous consent—no disagreement, every Senator—are certainly applicable as of today.

I am hopeful that through the course of debate on this nomination and the next Supreme Court nomination—the next Supreme Court nomination—we can avoid the destructive partisanship that approached the brink of absolutism and ideology, a different criteria in regard to how we select judges. We have a duty to respectfully reflect the great traditions of this Chamber and rise above partisan bickering. We must raise the level of civility in our political discourse more so than ever in regard to considering the nomination of judges.

Our democracy is only as strong as our governmental institutions. Judge Roberts will bring to the Supreme Court the kind of support in the third branch of our Government. That, and for the reasons I have just enumerated, is why I will vote in favor of Judge Roberts’ nomination to be the 17th Chief Justice of the United States.

I yield back the remainder of my time. I thank the Chair.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise today in support of the nomination of Judge John Roberts for Chief Justice of the Supreme Court of the United States. Just 1 year ago, I was in the middle of a campaign, and one of the most important issues to the voters of South Carolina, an issue that came up again and again, was the topic of judges. At that time, I promised the people of South Carolina that I would fight for fair judges who would judge based on the facts and the law, not on their personal political opinions.

Americans simply cannot understand how certain judges arrive at decisions such as banning the Pledge of Allegiance or allowing local governments to take a person’s home and give it to a business simply to generate more tax revenue.

Judge Roberts clearly understands and demonstrated in his hearings that he is the kind of Justice America needs. He is brilliant, fair, and independent. He has proven himself to be a model of integrity who is committed to equal justice for all Americans.

Judge Roberts is eminently qualified. He has earned the American Bar Association’s highest rating of “well qualified.” Before being appointed unanimously confirmed by the Senate in 2003 to the DC Court of Appeals, Judge Roberts had already established an unmatched resume in the legal world. After graduating in the top of his class from Harvard Law School, he went on to clerk for Justice William Rehnquist and then worked as a top aide in President Reagan’s Justice Department. In private and public practice, he argued an amazing 39 cases before the Supreme Court, emerging as one of the nation’s top litigators.

During his hearing, Judge Roberts displayed his humble expertise, and I believe Americans warmly welcome his approach to the law. Despite what some have reported, Judge Roberts was very forthcoming at his hearing in discussing his judicial philosophy, his legal thinking, and his views on a judge’s proper role within our constitutional framework.

The Senate was also allowed to review an unprecedented number of documents from Judge Roberts’ service in the Federal Government illustrating his judicial philosophy and legal ability. Without the use of notes or staff, Judge Roberts easily recalled facts from hundreds of years of case law.

I was pleased to see during the hearings that Judge Roberts stuck strictly to the Ginsburg rule, choosing not to comment on cases or issues that are likely to appear before the Court. In her hearings, Justice Ginsburg emphatically declared that she could give “no hints, no forecasts, no previews” as to how she would decide on future cases. She was right to do so. Judges are expected to be impartial and fair, looking at each case without prejudice.

Senator who expected Judge Roberts to answer questions that required him to prejudge cases were ignoring the Code of Judicial Ethics and, I suspect, playing politics with the confirmation process for partisan reasons.

Nominees should never compromise their judicial independence and ability to rule fairly by advocating positions on issues that could come before them. Judges are not politicians. In fact, Judge Roberts himself put it best during the hearings when he said:

Judges wear black robes because it doesn’t matter who they are as individuals. That’s...
not going to shape their decision. It's their understanding of the law that will shape their decision.

Judge Roberts has earned praise for his conduct during the confirmation hearings, and he has solidified broad, bipartisan support.

I believe Judge Roberts deserves a fair up-or-down vote before the Supreme Court starts its next session in October. It is important to have a Chief Justice on the bench for the start of the session and to have the Court at full strength.

Based on my July meeting with Judge Roberts, based on his qualifications and his exemplary performance before the Judiciary Committee, I am confident he will strictly interpret the law and not legislate from the bench.

Judge Roberts has all the qualities Americans want in their Chief Justice. It is critical that the Chief Justice have the ability to listen to all sides of a debate and work well with each Associate Justice. Judge Roberts has clearly displayed his patience, fairness, and respect.

The votes tomorrow for Judge Roberts will show that an overwhelming majority of Senators agree. The votes tomorrow for Judge Roberts will reveal the Senators who would not support any of President Bush's nominees, no matter how qualified they are.

I fully support the nomination of Judge Roberts. I will cast my vote in favor of his nomination, and I urge all of my colleagues to support Judge Roberts as the next Chief Justice of the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I rise today, like my colleague who spoke just before me, to support the nomination of John Roberts to be the Chief Justice of the U.S. Supreme Court. To those who know me, to those who have heard me talk on this subject, this is no great surprise. But voting on a Supreme Court nomination is a very rare task. It is more historic now, as the Senate will consider a nominee for the top job of the Court.

The question I ask today is, Why should America care about this debate? This debate is more significant than a debate over mere candidates. It is more significant than a debate over whether the Senate should or should not confirm the President's nominees. This debate is more significant than a debate over whether the Court will decide the case before us.
who will make us proud for years and years to come.

When I ran for the Senate, I ran as someone with a hat in the political arena. It is an experience where you state your position, you ask for votes. That is a fundamentally different exercise than being a judge. A judge is not someone who comes as a candidate asking for a vote, posturing in any fashion, and playing politics. The nature of the judicial branch, even the executive branch, is fundamentally different from the Senate. Our job is to make law. The President is to execute the law. The judge is to interpret that law.

When I was running for an election certificate, I was asked repeatedly about how I would judge nominees to the Court. The underlying question was always, what is your litmus test? Do you have a single issue litmus test? I promised Oregonians that I would have no litmus test and would vote for qualified Democrats and Republicans from that position that I moved forward because I truly believe we have to remember the characteristic distinctions between the roles of these different branches of Government. What I did tell them is that I would judge them by their intelligence, their integrity, and their temperament. By that standard, I am not sure we will ever have the privilege of voting for a nominee who is more intelligent than Judge John Roberts. His academic credentials are without equal. He is clearly qualified. He has promised fidelity to the Constitution into where they are making the law, and to extend it into areas where they are in the political arena, part of the discussion, the debate between we the people about where we want to go. So, instead of reaching over the people and deciding it when the issue is ripe for settlement at the ballot box, judges should be restrained in overseeing and doing things from on high that, frankly, disturb the body politic here in our political system.

Judge Roberts has that are evident in the legal community. His integrity is beyond reproach as well. He has conducted himself honorably. There has been no hint of any kind of scandal that would disqualify him from holding high public office. I like especially the fact that he and his wife late in life decided to adopt two beautiful children. Every parent in America, I think, squirmed when they watched the concerns the Robertses had when President Bush announced his nomination—the little boy Jack was fidgeting on a public occasion, and all chuckled and recognized the humanity of Judge and Mrs. Roberts, and also related to that experience.

When it comes to temperament, I think there are many qualifications Judge Roberts has that are evident in his entire life. He is overwhelmingly qualified. He has promised fidelity to the law. He has said:

My obligation is to the Constitution, that’s the oath.

The quality in his temperament, I think, was particularly meaningful was the humility he demonstrated in the give and take with our colleagues on the Judiciary Committee. The Judiciary Committee is composed of many very bright men and women, and the back and forth was thrilling to watch by someone who loves constitutional law. He went into a heavyweight ring and he came out the champ. I was impressed and expressed that to him.

The quality of humility is one that I think bears mentioning. Judge Roberts said, in fact, to that committee:

A certain humility should characterize the judicial role. Judges and justices are servants of the law, not the other way around.

What he is saying is that judges and justices should act as if we are as individual citizens, and as Members of the Senate we are bound by the law, and so are judges. That humility is important in the life of a judge.

I remember a great public servant once said:

Pride is concerned with who is right, humility is concerned with what is right.

I believe Judge Roberts will be focused on what is right, not who is right. The greatest threat Judge Roberts identified to the law is that of a judicial branch beginning to act more like a political branch.

That is something many of my colleagues have spoken to. It is something I learned about in law school in a constitutional law class. It is called the political question doctrine. What that doctrine refers to is the wisdom that judges need to have, the humility they have to not intersect questions that are in the political arena, part of the discussion, the debate between we the people about where we want to go. So, instead of reaching over the people and deciding it when the issue is ripe for settlement at the ballot box, judges should be restrained in overseeing and doing things from on high that, frankly, disturb the body politic here in our political system.

Judge Roberts will have that kind of restraint, that kind of humility. Judge Roberts made a quote in his opening statement, again without notes; something he feels obviously in his bones and knows in his heart and mind. He said:

The one threat to the rule of law is the tendency on behalf of some judges to take that legitimacy—the legitimacy of the law, and that authority of the law, and to extend it into areas where they are going beyond the interpretation of the Constitution into where they are making the law. Judges have to recognize that their role is a limited one.

An aside, Mr. President, I like his metaphor to an umpire.

Judges have to recognize that their role is a limited one. That is the basis of their legitimacy. It is the basis of the legitimacy of the law, and that authority of the law, and to extend it into areas where they are going beyond the interpretation of the Constitution into where they are making the law. Judges have to recognize that their role is a limited one.

As Cicero once said:

We are in bondage to the law so that we might be free.

I know my time is up, so I yield the floor and urge my colleagues to vote in support of Judge Roberts. If you can’t vote for him, it is hard to know for whom one could vote.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the time from 11 a.m. to 12 p.m. shall be under the control of the Democratic leader or his designee. The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, tomorrow the Senate will vote on the nomination of John Roberts to be the 17th individual to serve as Chief Justice of the United States. I have put an enormous amount of contemplation and consideration into my vote on this nomination. Some may wonder why this has been such a difficult decision for me. Clearly Judge Roberts is an individual of great accomplishment. He has an outstanding educational background and keen legal skills. He is a thoughtful, decent, modest person, impressively knowledgeable about constitutional law and the Court.

I watched much of the judiciary hearings. I have reviewed briefs and court decisions written by Judge Roberts. And, thanks to his generosity, I met with Judge Roberts for more than an hour in my office last week, talking one on one.

What I did not find in the hearings or in Judge Roberts writings or in our meeting was a clear indication that Judge Roberts understands the critical role the courts play in protecting the civil rights of Americans and in allowing those who have suffered discrimination to be able to seek recourse and affirm their rights in Federal court. I was seeking some indication that Judge Roberts understands that the issues that come before the high Court cannot always be viewed with a cool, legal dispassion and detachment, but that the Court and its members play a critical role in protecting the powerless in our country.

This is of grave concern to me because the individual who fills this Supreme Court vacancy will have the ability to enhance and strengthen or undermine and weaken the Americans With Disabilities Act.

Judge Roberts’ nomination comes at a time when there is a very significant clash occurring between the Supreme Court and Congress over whether Congress has the authority to require the States to comply with antidiscrimination laws. Unfortunately, the law caught at the center of this clash is the Americans With Disabilities Act.

As I have deliberated on this nomination, the first and foremost question in my mind has been this: What kind of Court would the Roberts Court be? Would it be a Court that serves as a refuge of last resort for the powerless in our society? Or, would it be a Court that will continue down a disturbing path seen in the later years of the Rehnquist Court, a path that limits the
ability of Congress to pass legislation that provides meaningful protections to individuals, including the 54 million Americans with disabilities?

Unfortunately, after carefully reviewing the record and talking with Judge Roberts, I am unable to conclude that a Roberts Court would guarantee the rights of the powerless and those with disabilities.

Earlier this year we celebrated the 15th anniversary of passage of the Americans With Disabilities Act. The ADA, as it is known, prohibits discrimination in employment against people with disabilities. It requires that the services and programs of local and State governments be accessible and usable by individuals with disabilities. Since its enactment, the ADA has provided opportunity and access for 54 million Americans with disabilities who, prior to the law’s enactment, routinely faced prejudice, discrimination, and exclusion in their everyday lives.

As Members of this body know very well, I was the lead sponsor of the ADA. I championed it because I had seen discrimination against the disabled firsthand, growing up with my brother, who was deaf. During his childhood, my brother was sent halfway across the State to a school for the “deaf and dumb.” He was told his career path would be limited because he was deaf. During his life, Frank experienced active discrimination at the hands of both private individuals and government, and this served to limit the choices before him. His experience was by no means unusual, as Congress documented extensively prior to enactment of the ADA. As part of the writing of that bill, we gathered a massive record of blatant discrimination against those with disabilities. We had 25 years of testimony and reports on disability discrimination, 14 congressional hearings, and 63 field hearings by a special congressional task force that were held in the 3 years prior to the passage of the Americans With Disabilities Act. We received boxes loaded with thousands of letters and pieces of testimony gathered in hearings and townhall meetings across the country from people whose lives had been damaged or destroyed by discrimination. We had markups in 5 different committees, had over 100 days of testimony on disabilities in the States. I know: I was there. I was the chairman of the Disability Policy Subcommittee.

Yet since enactment of the ADA the Court has repeatedly questioned whether Congress has the constitutional authority to require States to comply with the ADA. Amazingly, it questioned whether Congress adequately documented discrimination. In 2000, the Supreme Court held in a 5-to-4 decision that an experienced nurse at a nursing home— who was promoted after being diagnosed with breast cancer because her supervisor did not like being around sick people— was not covered by the ADA. Why? Because she had the misfortune to work for a State hospital.

In contrast, last year, by a 5-to-4 decision, the Court held that Congress did have the authority to require States to make courthouses accessible. This year, the Court will look at whether a State is required to make a prison accessible. There is no guarantee that the Court will come to the same result. Instead, we could end up with a crazy patchwork where courthouses are accessible, but maybe libraries are not, perhaps prisons are accessible, but employment offices are not.

When we passed the ADA, we in Congress did not forbid employment discrimination against the disabled unless it worked for the State. We didn’t say some services must be accessible. But that is what the Court has been saying. Talk about judicial activism. I would point out here, in those years when we were developing the Americans With Disabilities Act, my friend Senator HATCH was ranking member on the Judiciary Committee. They had their staffs look to make sure we were passing constitutional muster. Boyden Gray, in the White House Counsel’s Office, looked at it to make sure we passed constitutional muster. Fifteen Ronald Reagan appointees to the National Council on Disability, working with constitutional law experts, looked at the bill to make sure it passed constitutional muster. Yet the Court, by 5-to-4 decisions, is undermining all we did.

As a result, 15 years after passage of the ADA, the rights of those with disabilities still hang in the balance. Those rights will be determined in a very significant way by a potential Roberts Court. As Chief Justice, Mr. Roberts has a major role in determining whether the balance swings for or against people with disabilities. If Judge Roberts lends his voice to those on the Court who believe in the rights of States over the rights of people, in courthouse, prison, and schoolhouse, those with disabilities in this country will face enormous setbacks.

Judge Roberts was asked many questions at his hearing about congressional oversight and the rights of the disabled. I posed similar questions in our meeting. Judge Roberts chose not to answer those questions in any significant or revealing detail. Without some greater assurance that he would support the policies passed by Congress, without solid assurance that he would be a defender of the ability of the less powerful to go to court and have their rights vindicated, without those assurances, I am left guessing and speculating, and that is not good enough.

Without clear assurances from him personally, I am left only with Judge Roberts’ paper record and, quite frankly, it is a record that does not bode well for people seeking to vindicate their rights. In the interests of brevity, let me cite one example from Judge Roberts’ tenure with the Department of Justice. In the 1982 case of Board of Education v. Rowley, a case with 54 million Americans with disabilities. If Judge Roberts lends his views on statutory interpretation and on the ability of individuals to protect their rights through the courts may have evolved since then. But how are we in this body to know that, particularly when the White House has failed to provide us with all requested and directly relevant documents?

Of greatest interest to me are the decisionmaking memoranda written by Judge Roberts during his tenure as Principal Deputy Solicitor General. Again, in his role as Principal Deputy Solicitor General—a position sometimes referred to as a “political deputy” because it is a political appointment—Judge Roberts was not merely representing a client but was involved in crafting the Department’s legal position on some of the most important cases in recent years.

During his tenure as Principal Deputy, Judge Roberts argued before the
court that individuals shouldn’t be allowed to go to court to enforce their rights under the Medicaid statute, that children shouldn’t have access to courts to enforce their rights under the Adoption Assistance and Child Welfare Act, and that courts should take a restrictive view of remedies available under title IX and other civil rights laws.

Given the decision of the White House to withhold these documents from the Senate, I am forced to draw my own conclusions, which I do know.

Before I conclude my remarks, I would like to describe an example of one of the “real people” I referred to earlier, a woman by the name of Beverly Jones. Ms. Jones, who testified before the Senate Judiciary Committee on Judge Roberts’ nomination, has been using a wheelchair since a 1984 traffic accident in 1990, the year we passed ADA. She completed court reporting school and set out to work as a court reporter, an atmosphere in order to support her family. But what she found as she traveled throughout the State of Tennessee was she couldn’t get the jobs in a great majority of Tennessee’s courthouses. She was forced to choose between asking complete strangers to carry her across the courthouse or inaccessible rest rooms or simply turn down employment opportunities. That is an unacceptable choice for a single mother supporting two kids.

Ms. Jones testified to the committee that she talked with Federal, State, and local officials about the problem of inaccessible courtrooms, but her entreaties were met with indifference, until she filed suit. I would like to quote from Ms. Jones’ testimony about her experience because I think it vividly illustrates what is at stake.

She said:

The door that I thought had been opened [with passage of the ADA] was still closed and many more doors are still a dream, and turning into a nightmare. Nobody took either me or the law seriously until I and others brought a lawsuit.

That is what is at stake today—the right of 64 million Americans with disabilities to live their dreams, the right of the powerless in our society, the disenfranchised, to turn to the courts to take them seriously.

Unfortunately, I am not yet persuaded that a Roberts Court would protect these rights.

For this reason, I will be voting no on this nomination.

Certainly, I bear no personal animosity whatsoever toward Judge Roberts. Within this body, there are many people on the other side of the aisle whom I respect, admire, and value as friends. But I don’t often vote with them because I have a different viewpoint on many issues. As I said, in our personal meeting, I found Judge Roberts to be a very decent, modest individual. I hope Judge Roberts keeps these things uppermost in his mind and in his heart. Only time will tell.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak on the nomination of Judge John Roberts to be Chief Justice of the United States.

I thank my colleague from Iowa for his heartfelt and outstanding words.

Voters like this come about so rarely that many Senators have spent their entire careers in this body without ever having had the opportunity to vote on a Chief Justice.

And most of us in the Senate today will likely never again vote on a nominee to that incalculably important position.

That is why I have been troubled about how some have characterized the votes of conscientious Senators in this case—Senator Dorgan, who have struggled with, and deliberated over, Judge Roberts’s record in arriving at their decisions.

As will be borne out tomorrow, Democratic Senators have given this vote very careful and serious consideration that it deserves.

We are not voting monolithically, but rather each according to his or her own conscience.

And that is what this vote is.

It is a question of principle—not of politics, partisanship, or positioning, as some have cynically suggested.

Democrats have truly struggled with this vote. I know I have. Like some others, I did not make up my mind until late on the night before the committee vote.

We are not marching in lockstep, with nary a dissent like my colleagues across the aisle.

But while this vote was a close call for many, (Like myself) the next one may not be.

While this nomination did not warrant an attempt to block the nominee on the floor of the Senate, the next one might.

If the President sends us a nominee who, like Janice Rogers Brown, believes that the New Deal was the triumph of a “socialist revolution,” there will be a fight.

If the President sends us a nominee who, like Priscilla Owen, was criticized by her conservative colleague—Alberto Gonzalez—for an “unconscious act of judicial activism,” there will be a fight.

If the President sends us a nominee who, like Miguel Estrada, refuses to answer any real questions and whose record is not made fully available, there will be a fight.

If the President sends us a nominee who is committed to an agenda of turning the back on civil rights, workers’ rights, individual autonomy, or other vital Constitutional protections, there will likely be a fight.

And it will be a fight without any winners.

Mr. President, on the eve not only of the confirmation vote on John Roberts, but also the President’s nomination of a replacement for the seat of Justice O’Connor—for more than two decades a pivotal swing vote on the High Court—I hope and pray that the President chooses to unite rather than divide; that he chooses consensus over confrontation.

Now let me return to the vote at hand.

This vote should be viewed against a unique—and troubling—historical backdrop.

Many are saying the Senate should not bring “politics” into this. Their
quarrel should be with the President of the United States if they feel that “politics” means figuring out a judge’s ideological, judicial philosophy. Politics, if you define it as that, was introduced by a President who vowed that, if given the opportunity, he would name to the Supreme Court Justices in the “mold” of Clarence Thomas and Anthony Scalia.

Given the President’s campaign promise and repeated declarations, there is a presumption that any nominee the President sends to the Senate is in that “mold.”

The presumption is especially strong—and is particularly hard to overcome—with a nominee who was carefully vetted, researched, and interviewed at sufficient length by a President who professed a desire to nominate people in the mold of Thomas and Scalia; and, with a nominee who is eagerly embraced by those groups who support the views of Thomas and Scalia. Judge Roberts last week.

The echoes of then-Judge Thomas’s empty reassurances that he was a mainstream jurist are ringing in the ears of every Senator who listened to many nearly identical statements from Judge Roberts last week. As a Supreme Court Justice, a nominee will make. The presumption can be rebutted, of course. And the way it can be rebutted is through the answering of questions and through the production of relevant documents. And here, regrettably, there was much lacking.

To be fair, Judge Roberts did partially rebut the presumption. He made some inroads. Judge Roberts has a keen and impressive intellect. We all know that. His encyclopedic knowledge of the law and eloquent presentation certainly confirmed what his colleagues have said about him—that he is one of the best advocates, if not the best advocate in the Nation.

But being brilliant and accomplished is not the number one criterion for elevation to the Supreme Court—there are many who would use their considerable talents and legal acumen to set America back. So, while legal brilliance is to be considered, it is not dispositive.

In addition, very good lawyers know how to avoid tough questions. People have said that one of the reasons the nominee was so effective arguing in the Supreme Court is that he mastered the trick of making the point he wanted to make, rather than answer the question asked. When I reviewed the transcript in the week after the hearings concluded but before we were called on to vote, there was often less than met the ear.

There is an obligation of nominees to answer questions fully and forthrightly, because they are essential to figuring out a nominee’s judicial philosophy and ideological inclinations. To me, the most important criteria in choosing a Justice is in that order.

Many of us were disappointed in his failure to answer so many questions and is one of the contributing factors to the no votes that will be cast against Judge Roberts.

Add to that the refusal of the administration to allow the Senate to examine important and relevant documents, and we are voting on a hunch. Senators voting on the position of Chief Justice should not be relegated to voting on a “hunch.” We should not be left to guesswork, impression, or hunches.

There was a bit of a game of hide and seek going on—as much as Senators tried to seek out his views, many remained hidden away.

That is why that I so badly hope that the next nominee will be more forthcoming and will answer more questions about his or her legal views, and that all relevant documents will be provided.

But, the answering of questions is only a means to an end—it is a means of finding out what kind of judge, or Justice, a nominee will make.

In this case, because there were not enough questions answered or documents provided, we are still unsure of the answer to the central question: Who is Judge Roberts?

Particularly troubling to me are the eerie parallels between Judge Roberts’s testimony and then-Judge Thomas’s, especially given President Bush’s declaration that he would nominate Justice Scalia and Justice Thomas in those molds.

The echoes of then-Judge Thomas’s empty reassurances that he was a mainstream jurist are ringing in the ears of every Senator who listened to many nearly identical statements from Judge Roberts last week. As a Supreme Court Justice, a nominee will make. The presumption can be rebutted, of course. And the way it can be rebutted is through the answering of questions and through the production of relevant documents. And here, regrettably, there was much lacking.

At his hearing, for example, Judge Roberts said that he believes “there is a right to privacy protected as part of the liberty guarantee in the due process clause.” At his hearing, then-Judge Thomas had made almost the identical statement. As a Supreme Court Justice, however, Justice Thomas has repeatedly urged the most narrow interpretation of a privacy interest possible, in Casey, in Lawrence, and at every other opportunity.

At his hearing, Judge Roberts repeatedly assured the Committee that he had “no quarrel!” with various Supreme Court decisions on issues of privacy, women’s rights, civil rights, education, and other important issues. The same assurance in nearly identical words were made by Justice Thomas at his hearings, but when given the opportunity to consider those cases with which he had “no quarrel!” from the bench, Justice Thomas voted to overrule.

At his hearing, Judge Roberts repeatedly assured the Committee that he had “no agenda.” The same assurance was made by Justices Thomas and Scalia at their hearings. Besides these concerns about Judge Roberts’s views on the right to privacy and on the Establishment Clause, I also was troubled by his answers on the Commerce Clause. I asked him if he would disagree with Justice Thomas’s extremely narrow, 19th-century, and widely-discredited view that Congress may not regulate activities occurring within a State even if they have substantial effects on interstate commerce. He refused.

There is therefore too serious a chance that Judge Roberts believes that Congress is without power to protect workers’ rights, women’s rights, and the environment on this widely-accepted constitutional basis.

We simply did not get definitive answers to these questions at the hearings. At the hearings, I gave Judge Roberts every opportunity to distance himself from Justice Thomas’s most extreme views. He refused.

Now, Senator CORNYN, my good friend from Texas, and others from across the aisle have said that if we can’t vote for this nominee who could we vote for? Here is your answer: someone who answers questions fully and makes his records fully available; someone who gives us a significant level of assurance with some answers and a record that he or she is not an ideology.

Judge Roberts is clearly brilliant and his demeanor suggests he well might not be an ideology.

But he simply did not make the case strongly enough to bet the farm.

There is a good chance—perhaps even a majority chance—that Judge Roberts will be like Justice Rehnquist on the bench. We know he will be brilliant, and he could well be—while very conservative—not an ideology. That is why I struggled with this decision so long and so hard.

If he is a Rehnquist, that would not be cause for exultation; nor would it be cause for alarm. The Court’s balance will not be altered.

There is a reasonable danger that he will be like Justice Thomas, the most radical Justice on the Supreme Court.

It is not that I am certain that he will be a Thomas. It’s not even that the chance that he will a Thomas is greater than fifty percent. But the risk that he might be a Thomas and the lack of reassurance that he won’t—particularly in light of this President’s professed Liberal to nominates people in that mold—is just not good enough.

Because if he is a Justice Thomas, he could turn back the clock decades for all Americans. The Court’s balance may be tipped radically in one direction and stay that way for too long. I hope he is not a Thomas. But the risk is too great to bear, and it exceeds the upside benefit.

Because of this risk and its enormous consequences for generations of Americans, I cannot vote yes. I must reluctantly cast my vote against confirmation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, 5 years have passed since the Presidential election of 2000, and legitimate questions
about the outcome of that campaign have left too much of America too divided. Legitimate questions about the outcome of that election have given rise to an ever-growing polarization between so-called red and blue States, between liberals and conservatives, and between Republicans and Democrats in the Congress.

Despite a somewhat more convincing outcome in the 2004 Presidential election, the divisions caused by the events of 2002 and 2003 continue to grow. Following closely observed this widening divide, I now wonder whether Judge Roberts confirmation will add to the bitterness and distrust of the Federal Government or whether it may serve to remind the people and the lawmakers they elect that we cannot move forward as a nation if we remain dedicated to tearing each other down.

This is my first vote on a nominee to the Supreme Court of the United States, and my obligation as articulated by the Constitution is to either consent or not consent to a choice specifically entrusted to the elected President of the United States. Some of the policy watchdogs that I respect the most and agree with on so many issues have told me I should oppose Judge Roberts because he is not one of us, because he is too conservative, because he is too young, because he may prove ineffective. He is not whom we would choose, they say. And on that point, I am in full agreement.

Should the test to confirm a Chief Justice be, he is not one we would choose? I ask my friends to imagine the mess we will have left for our country if the Senate uses this test and votes solely on the basis of a nominee's political beliefs. Friends who a year ago said, We don't want ideologues appointed to the Supreme Court, now want John Roberts and the next nominee to show up at the witness table to submit to the litmus test of abortion. I oppose Judge Roberts because he is not one of us, because he is too conservative, because he is too young, because he may prove ineffective. He is not whom we would choose, they say. And on that point, I am in full agreement.

Here is my message to those friends: A sword forged in ideology in 2005 can be used against a progressive nominee in 2009 with an equal disregard for the Constitution and the individual.

In 2008, I fully intend to work harder than ever before to elect a President who rejects the dangerous priorities that have led us to war in Iraq and an energy policy that is folly, that assures our continued dependence on foreign oil. Since the Democratic Senate majority, I have seen the judicial nominees to the Supreme Court of the United States, and he or she better have most divided our country. The answers Judge Roberts gave me during the hour we spent together left me with the impression that he will be his own man on the Court.

Here are my judgments about the individual before the Senate now: One, on the basis of his public testimony, it is hard to see Judge Roberts as a man who will walk into the white pillared building across the street and set about tearing apart the fabric of our society; the word liberal has been so testifying, for example, the role of the Constitution, it is hard to see Judge Roberts as a judicial activist who would place ideological purity or a particular agenda above or ahead of the need for thoughtful reason; three, on the basis of his public testimony, it is hard to see Judge Roberts as a divisive, confrontational extremist who would try to further exploit the divisions in our country.

What I saw in his public testimony and in the public record is an intelligent, thoughtful man, certainly a deeply conservative man with a tempered view of the role of Government.

At his Judiciary Committee hearings, nothing he said in public conflicted with what he had told me in private.

In addition to meeting with him, I have scrutinized Judge Roberts and his record closely, considering his Reagan-era documents, reading the news analysis of his career, listening to him at the hearings and reviewed the transcripts of them as well. No one disputes that Judge Roberts has a brilliant legal mind. My analysis of his record leads me to conclude that he is not cut from the same originalist cloth as Justice Thomas and Justice Scalia. He does not seem to believe that the words of the Constitution are fossilized, leaving only a one-size-fits-all, 18th century remedy for every problem that our society confronts. It is hard not to get the sense that he believes in limited government.

Back in March, I led the effort in the Senate to block attempts to dictate a specific medical treatment in Terri Schiavo's tragic case because I believed the Constitution affords families the right to decide these matters privately. This is an area, in my view, in which the Federal Government has no business intruding. Involving itself in the Schiavo case was an appropriately meddling and blatantly ignoring the limits of its constitutional authority.

I believe that the Terri Schiavo case is not unique in the constitutional context of end-of-life cases that will arrive at the Supreme Court's doorstep. In my view, most of these cases will involve one individual and passionately held views. Demographic trends and improvements in medical technology assure that there will be many of these cases.

Given what is ahead, I felt I had an obligation to examine how Judge Roberts saw end-of-life issues in the context of the Constitution and whether he would be willing to manipulate its provisions to accommodate intrusions into the most private family matters. When I met with Judge Roberts in August, we discussed end-of-life issues at length, not because this was a litmus test for me, and I certainly don't believe a litmus test because I thought it important to carefully consider Judge Roberts judicial temperament on this critical issue.

Judge Roberts did not say how he would have handled the Schiavo case or other end-of-life matters. However, Judge Roberts did say quite a bit that made a lot of sense to me and I think would make sense to the vast majority of Americans. Judge Roberts agreed that there is a constitutionally based privacy right and that while the scope of the privacy right is still being defined in the context of end-of-life care, he said that when he approached the issue, he starts with the proposition that each person has the right to be left alone and that the liberty interests should be factored in as well.

At his hearing, Judge Roberts reiterated his position, stating that a right to privacy exists in the Constitution. He stated that privacy is a component of the liberty protected by the due process clauses of the 5th and 14th amendments, and he stated this liberty interest is protected substantively as well as procedurally.

While discussing the Schiavo tragedy during our hearing, I also asked him about Congress's authority to legislate a particular remedy in a particular case, and Judge Roberts expressed his concern about judicial independence. It was apparent to me Judge Roberts understands there are constitutional limits to the recent enthusiasm of Congress to prescribe particular remedies in a particular end-of-life case.

Concerning States rights to regulate medical practice and amendments of the 10th amendment, Judge Roberts stated he believed the Framers expected States to do most of the regulating and that they expected most regulation to
be State-based. In his view, the basic genius of the Federal system is that it affords different States the ability to approach problems in a way that is best suited to meet their different needs, and that imposing uniformity across the country would stifle the genius of our Federalism.

Judge Roberts also told me he attaches great importance to legislative history in interpreting law. He repeated this point several times during his public hearings. Those who have closely studied former Attorney General Ashcroft’s challenge to the Oregon physician-assisted suicide law know there is not one word in the Controlled Substances Act, the law used to launch the case, indicating the Controlled Substances Act is aimed at or should be used to overturn or undermine the right of States to regulate medical practices within their borders.

On the extremely important matter of a woman’s right to choose, I asked Judge Roberts about Roe. He did not offer specific comments, but his response indicated he would not enter the Court with an “agenda” and he would respect the Court’s precedents. In the public hearings, he also said he personally agreed with the conclusion of the Griswold and Eisenstein decisions, which held that the privacy right protects the right of individuals to use birth control.

His opinions on the issues that matter indicate he is intelligent, thoughtful, and that he has a tempered view of the role of the Federal Government.

Judge Roberts’ combination of temperament and intelligence give him the potential to be a conciliatory voice at a divisive time in American history. He has the skills to reach across the divides in America to show that justice can be a healing force for the wounds that cut our society so deeply. He can help to unify the country by building a bridge, a broad-based, well-reasoned opinion grounded in the rule of law, not ideology.

He will receive my vote tomorrow to be the next Chief Justice of the United States.

I want to make one final point, Mr. President, a point that is important to me. There is another vacancy on the Court, and the President is expected to send forth his nominee soon. My intention to vote for Judge Roberts tomorrow says it can be construed as a “weathervane” for how I might vote on the next nominee. In the past, I have not hesitated to vote against several of the President’s nominees to the courts of appeals when they carried the ideological and activist baggage I believed would be disruptive to our society. If the President puts forward a nominee to replace Justice O’Connor who is unlikely to ably and respectfully fill her shoes, I will vigorously oppose that nomination.

I believe voicing my question about the impact of this nomination on the body politic of our country. Among the many awesome duties of the Chief Justice, no duty is of greater importance than the duty to unify our Nation when Americans find themselves in disagreement. Different Chief Justices have shouldered this burden with varying degrees of success. This ability to unify is what is most sorely needed at this very moment in history, and I am of the opinion that Judge Roberts possesses the nature and the desire to unify the Court and, with it, our Nation. I wish him wisdom, diplomacy, and moderation as he prepares to assume that task.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the time from 12 p.m. to 1 p.m. will be under the control of the majority.

The Senator from South Carolina.

Mr. GRAHAM. Madam President, I would like to comment a bit on the nomination of Judge Roberts. I wish to make a political observation. This is certainly a political battle, and the nomination process has politics to it. That is not a bad thing. That is to be expected.

From a Republican point of view, this is an easy vote. We are inclined to support a President when he is in power making a nomination. But that is not always the case, that every Republican votes for every nominee. I expect that will be the case here. Most of us on our side of the aisle are pleased with the nominee, someone of extraordinary intellect, and legal abilities. And seems to be an all around good guy who has served his country well in every capacity that he has been called upon to serve. We will all vote on the record. It is an easy vote for us.

To our Democratic colleagues, it is not so easy. Any time you are in the minority, and the Court being an important part of American life and politics, there is a lot of pressure on my Democratic colleagues to say no for political reasons by special interest groups on the left. We certainly have them on the right. Our day will come. If there is ever a Democratic nominee, we will face the same pressure.

I would like to compliment my Democratic colleagues. Every one has taken the process seriously. There will be a healthy number of Democratic votes for Judge Roberts. To those who have decided to vote for him, history will judge you well. You have based your votes on the qualifications test. You have decided to support someone who loves the law more than politics. Over time, history will judge you well. One of the highlights of the Bush administration will be the selection of Judge Roberts to be the Chief Justice of the United States.

For those who vote no, to a person everyone has struggled with it, thought about it, cast your vote. Generally speaking, the committee and in the Chamber has lived up to the best traditions of the Senate. A few months ago, we were at each other’s throats, about to blow up the place. There is plenty of blame to go around but we have sort of broken that cycle. We have had a confirmation process that is in the best tradition of the Senate. We will go forward, and I hope he gets a healthy number of votes. It looks as if he will.

One thing I wanted to take some time to discuss is some of the reasoning given to vote no and make a cautionary tale about some of the suggestions why a “no” vote would be appropriate. There seems to be some suggestion that if he doesn’t have an allegiance to a particular line of cases, particularly the right of privacy cases centering around Roe v. Wade, that you can’t vote for him. That one case or that line of legal reasoning is so important that without it his part to uphold Roe v. Wade or the concept of Roe v. Wade, a “no” vote would be in order. I would argue that could be applied on our side. Most of us are pro-life. I would say 90 percent of the Republican caucus is pro-life. Perhaps only the Democratic caucus is pro-choice. The country is pretty evenly divided. If we have a litmus test about Roe v. Wade or any other case, that isn’t doing the judiciary a good service because you are putting a judge in a bad spot.

Senator HARKIN mentioned the Americans with Disabilities Act, something he should be very proud of. He fought hard to make it part of law, and we are a better Nation for it. There are some cases involving the Americans with Disabilities Act that will come before the Court. Senator HARKIN did not think that he could vote yes because he wasn’t assured that Judge Roberts would uphold the Americans with Disabilities Act in a way that he felt comfortable with in that States have been exempted from the act. We are all dealing with that issue.

The only thing I can say about a guarantee with Judge Roberts, if you don’t believe him, you would like to see certain Court decisions reversed, if you are a liberal and would like to see certain decisions sustained, the one thing I can promise you about Judge Roberts is he is going to make his decision based on the facts, the briefs, the record in the particular case, and the arguments made by litigants. If he overturns a precedent of the Court, he will apply the four-part test that has been the historical analysis of how to overturn a standing precedent. He is going to do it in a businesslike fashion. He is going to apply the rule of law. If you are looking for an outcome-determinative judge, someone who is going
to see things your way before they get your vote, you are going to be disappointed. To be honest, the law is better off for those answers. He is not the only one to refuse to bargain his way on the Court.

Justice Marshall was asked by Senator McClellan: Do you subscribe to the philosophy expressed by a majority of the Court in Miranda?

That is a major league constitutional case in our Nation’s history where police officers were asked to inform a criminal defendant of certain rights to protect him from self-incrimination under the Constitution. That was a big deal. When Justice Marshall was coming along, that case had not been long decided. He said: I cannot answer your question because there are many cases pending that are variations on Miranda that I will have to pass on if I were confirmed.

Senator McClellan: Do you disagree with the Miranda philosophy?

Justice Marshall: I am not saying whether I disagree or not, because I am going to be called to pass on it.

Senator McClellan: You cannot make any comment on any decision that has been made in the past?

Justice Marshall answered: I would say that there are cases that are certain to be reexamined in the Court, it would be improper for me to comment on them in advance.

I couldn’t say it better. This idea that Judge Roberts has been evasive, that he will not give you a detailed answer of how he will decide the concept of the right of privacy or how he might rule on interstate commerce clause cases that will certainly come before the Court, he is doing exactly what Justice Marshall did when he was in the confirmation process. He was not going to bargain his way on the Court.

Justice Ginsburg gave a very famous quote: I am not going to give you hints, any previews, no advisory opinions that I believe will be coming before the Court.

Senator McClellan: What is the standard for confirmation?

Justice Souter did not want to go down that road with the right of privacy.

The other concept that is coming into play is what burden does the nominee have, what deference should the Senate give to the President, what is the standard for confirmation. I have always believed that the idea that the President’s nominee should be given deference by the Senate is a long-standing concept in our country. I am not the only one who believes that.

There is a lot of information out there from those who have gone down that same road and have come to the same conclusion. There are prominent law professors out there who have suggested that there is a presumption of a nomination by the President that the Senate should give great deference to the President’s nominee and that our advice-and-consent role does not replace the judgment of the President but simply to see if the person is qualified, has the character and integrity and will wear the robe in the way that is consistent with being a judge and not turn it into power grab.

Professor Michael Gerhardt, who has advised our Democratic friends about the confirmation process established now and in the past, says:

The Constitution establishes a presumption of confirmation that works to the advantage of the President and his nominee.

He also said:

The presumption of confirmation embodied in the Constitution puts the onus on those interested in impeding a nomination to mobilize opposition to it.

So the general idea that the President should be given deference, in Professor Gerhardt’s opinion, is accepted in terms of the practice of the Senate. Senator BIDEN, on past nominations, has said: First, as a Member of the Senate, I do not challenge a nominee for the Court. That is the prerogative of the President of the United States and we, Members of the Senate, are simply reviewing the decision he has made. Second: Our review, I believe, must operate within certain limits. We have the attempt to answer some of the following questions: First, does the nominee have the intellectual capacity, confidence, and temperament to be a Supreme Court Justice? Second, is the nominee of good moral character and free of conflict of interest that would compromise her ability—in this case it was Justice Ginsburg—to faithfully and objectively perform her role as a member of the Supreme Court? Third, will the nominee faithfully uphold the Constitution of the United States of America? We are not attempting to determine whether the nominee will address with all of us—being the Senate—every pressing social or legal issue of the day. Indeed, if that were the test, no one would pass this committee, much less the full Senate.

I could not agree with Senator BIDEN more. If that is the test, we are OK. If it becomes some subjective test where you have to adopt our view of a particular line of legislation, then I think you have undermined the role of the President, I think you put the Judiciary at a great disadvantage, and I think you will be starting down a road that will not pay great dividends for the Senate.

I argue that whatever votes you cast, let’s not create standards that will come back to haunt the judiciary. Let’s not put people in a bind, in trying to get on the Court, by making decisions answering questions that will compromise their integrity and violate their judicial ethics to get votes.

I do not think anybody is intentionally trying to do that, but there are some disturbing comments about what the standard should be. There have been a couple of occasions on the Judiciary Committee where people have looked at Judge Roberts and said: Convince me, the burden is on you to convince me you will do the following or you will do the following. I don’t think that is helpful.

There have been some occasions in the committee where people have acknowledged the great intellect of Judge Roberts. His preparation for the job is not in question. I said in committee you ignore his intellect, you people are going to question yours. He is a genius. There is no way of getting around that. He is one of the greatest legal minds in the history of the country, and I think he will be a historic choice by the President.

People have suggested: I don’t know if he has the real-world experience; I know about your brain, but I don’t
know about your heart. I suggest it is dangerous for us in the Senate to begin judging other people’s hearts. That gets to be a slippery slope.

Senator Wyden’s statement, I thought, was dead on point. He understands the difference between being qualified for the President. He pointed out, in fact, that Justice Ginsburg and Justice Breyer, two Clinton nominees, received 87 votes and 96 votes, respectively. If you start applying heart tests, I can tell you that gets to be so subjective and so political, and I think it is dangerous for the judiciary and not healthy for the Senate.

One of the issues Justice Ginsburg wrote about was the idea that prostitution should be a legal activity because to restrict women from engaging in prostitution is basically restricting a woman’s right to engage in commerce.

You can agree or disagree, but from my point of view, looking at the world as I know it as a former prosecutor and former defense attorney who has had some experience in criminal law, if I am using the heart test or the real-world experience test, I would argue that from the experiences I have seen as a criminal defense lawyer and as a former prosecutor, that pro-life test is hell for women; that if you really understood the life of a prostitute, it would not be a good business endeavor to uphold. It would be something we would want to deter.

That is my view, based on life as I know it, having been involved in the criminal law business for 20-something years.

She said she supported the idea of Federal funding for abortion. If you wanted to try to raise questions about someone’s heart from a pro-life perspective, I think it would be pretty tough to take taxpayers’ dollars and use them for a procedure that millions of Americans find morally wrong.

So let’s start going down the road of whether we believe a person before us has the right heart or the right real-world experiences, then you are taking the objective qualification, intellect, and character test, not an ideological— which I think is an appropriate thing—and you are beginning to put subjective elements in it that will not be good for the judiciary and will not be good for the Senate. I can assure you, if we start looking at those type of tests for Justice Breyer or Justice Scalia, I am not going to do that, and I never thought it was a good idea.
think a lot of people agree with that, and his wife happens to be an attorney, by the way—taking these phrases out of context and not looking at life in total is not fair. Not one person came before this body or the committee to say Judge Roberts has lived his life in any way, shape, or form to demean any group in America or individual. It is quite the opposite. He has received praise from everybody he has worked with on both sides of the aisle because he is basically a very good man. So I hope we will not make that the standard in the future.

Final thoughts. The vote is not in question in terms of confirmation. The process is in question. And that to me is as important as the vote total. The President is going to get another pick. That is the way it has happened. He has had a lot of things happen on his watch historic in nature. Whatever you think about President Bush, whether you like him or not, he has had to deal with some major league events. Let me tell you, some will go down good and not so good in history. That is the life of a President. But one thing I can say for certain is that his decision to make John Roberts the Chief Justice of the United States is going to go down well in history. It will be one of the greatest things he has done as President of the United States because he has picked one of the most uniquely qualified men in America to serve on a Court that needs all the unity it can find, and this guy will be a consensus builder. The next one is coming and it is coming soon. There is all kind of jockeying already about what the President should do and what he should not do. I hope and pray we will remember the best traditions of the Senate, that we will listen to the Joe Bidens of the past, when he informed us that our role is to give deference to the Presidential nominee, look at their character, intelligence, and qualifications; that we will remember what Senator Kennedy said about Justice Marshall: it is not your job, we shouldn’t hold someone’s political philosophy against them. We should look at who they are and how they have served the country, whether they are going to serve on both sides of the aisle and do it. That is going to happen that way, and that is going to happen on both sides of the aisle if we do not watch it. The best thing the Senate can do is use this opportunity to stand up to the people who want to run down somebody and ruin their life unfairly, because our day will come as Republicans. If we can unite around the idea we are not going to let special interest groups take over the Senate, the country will be safer.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I congratulate my colleague and good friend from South Carolina for a fine statement. I also rise today in support of President Bush’s nomination of Judge John Roberts to serve as Chief Justice of the United States.

Judge Roberts could not have nominated an individual more qualified to be confirmed as the next Chief Justice of the United States. If one were to prescribe the ideal training regimen for a future Chief Justice, Judge Roberts’ career may well serve as the model.

Judge Roberts has interacted with the Supreme Court in nearly every conceivable capacity. After law school, he held a prestigious position at the Supreme Court as a clerk to Justice William Rehnquist. He then went on to argue 39 cases before the Supreme Court, representing both public and private litigants. He currently serves as a judge on the U.S. Court of Appeals for the DC Circuit often referred to as the second highest court in the land. In short, he has worked at the Supreme Court, represented dozens of clients before the Supreme Court, and served as a judge on the court that many consider a stepping-stone to the Supreme Court. I cannot imagine someone more qualified to now serve as Chief Justice of the Supreme Court.

After spending considerable time with Judge Roberts the man, I came to be equally impressed with John Roberts the man. He is humble, unassuming, polite, and respectful. In that respect, he shares the values of many of my fellow Coloradans. The humility he exudes is reflected in his view on the role of judges and the courts. Judge Roberts says: [A] certain humility should characterize the judicial role. Judges and Justices are servants of the law, not the other way around.

He describes himself as a “modest judge,” which is evidenced in his “appreciation that the role of the judge is limited, that judges are to decide the cases before them, they’re not to legislate, they’re not to execute the laws.”

This judicial philosophy is imperative to preserving the sanctity of the Constitution that is under attack by a handful of activist judges activist judges who proclaim the Pledge of Allegiance unconstitutional and attempt to redefine the institution of marriage. Unlike these activist judges, Judge Roberts will be on the side of Constitution.

As a Senator representing Colorado, I also appreciate the uniqueness of the issues important to Colorado and the West. The departure of Justice O’Connor, and now Chief Justice Rehnquist, marks the loss of a Western presence on the Supreme Court.

Earlier this year, I asked President Bush to nominate a judge with an understanding of issues important to Colorado and the West, such as water and resources.

I asked Judge Roberts about his understanding of Western resource and water law. Judge Roberts acknowledged the loss of the Western presence on the Court and assured me that he understands the uniqueness of the West of such issues as water, the environment, and public lands.

He shared his experience working on several cases in the State of Alaska, encompassing issues on rivers, Indian law, and natural resources. He also described his practice of traveling to the site of cases when he believes it is beneficial to his understanding of the facts. This practice is demonstrative of his commitment to fully understanding cases from the perspective of both sides.

I was pleasantly surprised to learn that he currently has a law clerk from New Mexico. Law clerks sit at a judge’s right hand and are integral in the judicial decisionmaking. I am hopeful that Judge Roberts will continue to surround himself with individuals who have a Western perspective.

The Senate Judiciary Committee has reviewed Judge Roberts’ record more extensively than any previous Supreme Court nominee. The Administration produced more than 76,000 pages of documents related to Judge Roberts’ distinguished career in public service. Judge Roberts testified for more than 25 hours before the Senate Judiciary Committee.

During the extensive review process, the country learned a great deal about
Judge Roberts’ fitness to serve on the Supreme Court.

We learned about his judicial philosophy, one which is firmly rooted in the rule of law and unwavering in its reverence for the Constitution. I believe his most telling statement was this: “I come without a platform. Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda, but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the best of my ability, and I will remember that it’s my job to call balls and strikes, and not to pitch or bat.

We learned that Judge Roberts subscribes to the bedrock principle of treating people on the basis of merit without regard to race or sex. His belief in these principles is echoed in praise from several women’s and minority groups.

The Minority Business Round Table says, “His appointment to the U.S. Supreme Court certainly upholds our core American values of freedom, equality and fairness.”

The Independent Women’s Forum applauds Judge Roberts as a very well qualified candidate with a reputation of being a strict interpreter of the law rather than someone who legislates from the bench.”

We learned that Judge Roberts recognizes the limitations on the government’s taking of private property and the role of the legislature in drawing lines that the Court should not. The Court in Kelo permitted the transfer of property from one private party to another private party to satisfy the Constitution’s “public use” requirement, essentially erasing this fundamental protection from its text. Judge Roberts says the Kelo decision leaves the ball in the court of the legislature... [Congress] and legislative bodies in the States are protectors of the people’s rights as well. [You can protect them in situations where the Court has determined, as it did 5-4 in Kelo, that they are not going to draw that line.]

We learned that Judge Roberts will rely on domestic precedent to interpret the U.S. Constitution, not foreign law. Judge Roberts is a goodsportsman, a couple of things cause concern on my part about the use of foreign law as precedent... The first has to do with democratic theory. If we’re relying on a decision from a German judge about what our Constitution means, no President accountable to the people appointed that judge, and no Senate accountable to the people confirmed that judge, and yet he’s playing a role in shaping a law that binds the people in this country.

Given his keen intellect, impartiality, temperament, sound legal judgment, and integrity, it is not surprising that Judge Roberts enjoyed bipartisan support by the Senate Judiciary Committee. I expect that he will enjoy similar bipartisan support in his confirmation vote tomorrow morning.

I want to commend President Bush on the unprecedented level of bipartisan consultation he engaged in with the Senate prior to his nomination. The Constitution grants the power to the President to nominate and the Senate to provide advice and consent. Although Senators can provide input, the Senate does not co-nominate. When the President sends forth highly qualified candidates, this body has an obligation to the American people to provide a timely up-or-down vote.

I commend my colleagues on the respective hearings and expeditious process. The Ginsburg Standard was applied to Judge Roberts fair, respectful hearings; no prejudicing of cases likely to come before the court; and a timely, up-or-down vote. With consultations on the next nominee already well under way, and an announcement imminent, I am hopeful that my colleagues will apply the same standards.

Judges are not politicians. The Senate debate should reflect that the job of a judge is to render impartial, not to advocate issues. Judges should be evaluated on their qualifications, judicial philosophy, and respect for the rule of law.

I am confident that President Bush will send forth a highly qualified nominee to replace Justice O’Connor, and I am hopeful that my colleagues will continue to build on the spirit of bipartisanism witnessed during this confirmation process.

In conclusion, I cannot imagine a better qualified candidate than Judge Roberts to lead this nation’s highest Court into the 21st century. I believe his rhetoric matches his actions.

On behalf of the citizens of Colorado, I thank Judge Roberts to serve our country. I am hopeful that the fair and respectful hearings accorded to him by this body will serve to inspire the best and the brightest of future generations to make similar sacrifices in the name of public service. I strongly urge my colleagues to cast a vote in favor of Judge John G. Roberts’ confirmation as the 17th Chief Justice of the United States.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BURNS. Madam President, after listening to my friend from Colorado and my good friend from South Carolina, and then to look at the statement that I have, it appears we are all saying about the same thing, but we just all haven’t had the opportunity to say it yet, I will try to put a little different slant on it.

We know the qualifications of this man, Judge Roberts. He has consistently shown me excellence in all aspects of his academic, and his professional career. He is widely thought of as one of the best legal minds in the country, is highly respected by his colleagues as a fair-minded, brilliant, and temperate jurist. He graduated from Harvard College summa cum laude. He did it in only 3 years. He then graduated from Harvard Law School at the top of his class.

Less than 3 years ago, Judge Roberts was confirmed by a unanimous vote to the DC Court of Appeals, which is often referred to, as my friend from Colorado says, as the second highest court in the land. He was also a partner in the prestigious law firm of Hogan & Hartson. He specialized in U.S. Supreme Court litigation and argued cases before the very Court to which we seek to confirm him today. Further, he had an active practice in appellate law.

I guess what we look for in the men and women we like to see on the country’s highest Court is pretty much found in all the qualifications of Judge Roberts. He had worked in the private sector. He also worked in the White House under President Ronald Reagan as Associate Counsel. In addition, he earned a prestigious clerkship on the Supreme Court for Chief Justice William Rehnquist—that in 1980 and 1981. Then he was nominated by this President and went before the Judiciary Committee.

We watched those hearings with a great deal of interest. I speak not as a member of that committee or even as an attorney, but what we heard more than anything else was how important to our State of Montana—is that we will have a qualified, fair, and competent Supreme Court Justice. That is important. When questioned on all of those qualifications, fairness, and competence, no one challenged any part of those elements. In this respect, Judge Roberts earned the “well qualified” rating from the American Bar Association, which is the highest rating that association offers. There was no challenge there.

He continually impressed my colleagues in the Senate by showing his immense knowledge of the law while reflecting his vast understanding of the rule of law and the importance of precedent. There was no challenge there.

What becomes important is that we know that our Supreme Court Justices understand their duty is to interpret the law as it is reflected in the cases that come before them and refrain from personal biases and from legislating or putting their biases into those cases.

He impressed me when he said that he wanted to be the umpire. He didn’t want to be the pitcher or the batter; he just wants to call the balls and the strikes. I appreciate that. I spent a lot of years on a football field, and I was one of those who wore the striped shirt. When I look back on that game, maybe a little bit like this great American sports feature of football. When you think about it, 4 old referees—some of them overweight
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whom I could talk about—go out on a field of 22 young men who are hostile, mobile, and bent on hurting each other, and we have very few problems because those striped shirts are the arresting officers, the judges, and the penal officers do it in 30 seconds and they do it without very many complaints. Thus the discipline of the game: 22 young men in armor and dead set on winning the contest.

Throughout his hearings before the Judiciary Committee, Judge Roberts proved over and over that he understands the role of the judiciary as an interpreter and not a legislator and why it is important to our governmental system that our judges across America refrain from overstepping their duties. The law is the law. Yes, it can be a subject of interpretation, but look how simple our Constitution is. It doesn’t use very many big words, They are very simple. There is a lot of different meanings between the word “may” and the word “shall,” and you can interpret them.

He explained his judicial style during his hearings by saying:

I prefer to be known as a modest judge . . . It means an appreciation that the role of the judge is limited, that a judge is to decide the cases before them . . . They are not to change it or use their biases to execute a judgment. That is pretty important.

When you look at his private life, the values of how he has progressed in his professional life, how he has carried himself and what is personally important to him—being a good husband, a provider—we see all of those values that we Americans hold in very high esteem.

Then we move it over into now what kind of a judge will he be. He was questioned on a lot of social issues that the courts have no business even considering. That falls on us, the elected representatives of America, and our constituency. What their values are should be reflected. Yet what I heard was questions on human rights.

It is a wonderful thing, this Constitution we have. The Constitution was not written for groups, it was written for you as the individual. It is your personal Bill of Rights and how we structure our Government and the role of our Constitution is. The Constitution was not written for groups, it was written for our Government and the role of our Constitution and how we structure our Constitution and maybe would interpret them in many different ways, but what this man has shown us is strong character, integrity, and his immense knowledge of the law.

Uphold the Constitution, which protects us all—and we have heard a lot about that lately. People who are maybe short of patience would come up to us and ask, What is taking Iraq so long to get a constitution? I said, You know, it took almost 3 years to put ours together.

I still do question: If we had had televisions and news channels, spin meisters, commentators, and reporters who seemed to inject their bias every now and again into the news, I am not sure we would have a Constitution yet.

This man has shown us he has all the qualifications to be a judge, especially a judge on the highest Court in the Nation. On behalf of my constituents in Montana, and from all that I can read and all the information I can gather, I strongly urge my colleagues to join me in voting aye on Judge Roberts as Chief Justice of the United States.

When the premise was wrong, he wasn’t afraid to challenge the premise. That is unique when coming before any kind of a committee in a legislative body. That is what impressed me. The premise is assumed instead of factual. That is the importance to all of us when making judgments that affect so many of us in our daily lives. I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, Mr. WARNER. 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. WARNER. Mr. President, it is, indeed, a privilege for me to—

The PRESIDING OFFICER. Will the Senator abstain for a moment.

Under the previous order, the time from 1 to 2 p.m. is under the control of the Democratic side.

Mr. WARNER. That is correct. I see one of my distinguished colleagues rising to be the floor manager of this period of time, but he very courteously said I could open up, if that is approved by the Chair.

Mr. President, as I said, it is a great honor for me to first and foremost stand on this floor at this great moment in contemporary history. Tomorrow is a special day in our Senate, with a strong bipartisan vote, exercise its constitutional right of giving consent to the nomination of John Roberts to serve as the next Chief Justice of the United States.

We are privileged to know the nominee by virtue of the fact that we both, at different times in our careers, served in a very prestigious and revered law firm in our Nation’s Capital, the law firm of Hogan & Hartson. When I joined the firm approximately forty-five years ago, Nelson T. Hartson was very active in Hogan & Hartson. I had the good fortune of being one of his aides-de-camp. Mr. Hartson’s philosophy and his standard of ethics permeated that law firm then, as they still do today.

As a consequence of a mutual affiliation with Hogan & Hartson, I was privileged to be asked by Judge Roberts to introduce him when he was nominated by the President to serve on the United States Court of Appeals for the District of Columbia. In the 2 years he served on that court, he established an extraordinarily fine record.

I was privileged to once again introduce Judge Roberts to the Judiciary Committee some two weeks ago at the start of his confirmation hearing to serve in this highest of positions in our land.

I would simply say this: As I have come to know this magnificent individual, he is, in my judgment, an unpretentious legal intellectual. I say that because he is a man of simplicity in habits. He has a lovely family. He has a marvelous reputation among colleagues in the legal profession who are both Democrats and Republicans and conservatives and liberals. He is adored by all. In that capacity, as an unpretentious legal intellectual, he is, in my judgment, a rare if not an endangered species here in America for his personal habits and extraordinary intellect and for the manner he conducts himself every day of his life.

In fact, in the 27 years I have been privileged to serve in the Senate, slightly more than 2,000 judicial nominations have been submitted by a sitting President to the Senate for “advice and consent.” John Roberts stands at the top, among the finest.

I commend our President on making such an outstanding nomination—a nomination which will receive strong bipartisan support in this Senate.

Just 4 months ago, with the judicial confirmation process stalled in the Senate, and with the Senate on the brink of considering the so-called nuclear constitutional option, there was an aura of doubt at the time, that any Supreme Court nominee would receive a vote reflecting bipartisan support.
But on May 23, 2005, 14 U.S. Senators, of which I was one, committed themselves, in writing, to support our Senate leadership in facilitating the Senate’s constitutional responsibility of providing “advice and consent” in accordance with Article II, Section 2, of the Constitution.

In crafting our Memorandum of Understanding, the Gang of 14 started and ended every discussion with the Constitution. We discussed how, without question, our Framers put the word “Advice” in our Constitution for a reason: to ensure consultation between a President and the Senate prior to the forwarding of a nominee to the Senate for consideration.

Accordingly, in the Gang of 14’s Memorandum of Understanding, Senator Byrd and I incorporated language that spoke directly to the Founding Fathers’ explicit use of the word “advice.” That bipartisan accord reads as follows:

“...and to grant a nominee. It is the Senate that it is not the Senate...”

Indeed, in Federalist Paper No. 66, Alexander Hamilton makes it clear that it is not the Senate’s job to select a nominee. It is the Senate’s responsibility to provide advice to a President on who to nominate and then to grant or withhold consent on that nomination. On the other hand, it is the President’s responsibility, and solely the President’s responsibility, to nominate individuals to serve on our courts. As Hamilton so clearly wrote:

“It will be the office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another; but other things being equally good, they can only ratify or reject the choice of the President.”

In my view, the Senate was given a meaningful opportunity to provide its advice to the President, and the President respected the Senate’s views when he nominated John Roberts. Soon, the Senate will provide its consent to that nomination. John Roberts’ credentials are well-known and of the highest quality.

He earned a B.A., summa cum laude, from Harvard College and his law degree, magna cum laude, from Harvard Law School. At Harvard Law School, he served as managing editor of the Harvard Law Review. Subsequent to graduation, Mr. Roberts worked as a Federal law clerk for Judge Friendly on the U.S. Court of Appeals for the Second Circuit, and later as a law clerk for Justice William Rehnquist on the Supreme Court. He has worked in the Department of Justice, the Reagan administration, the George H.W. Bush administration, and he practiced law for many years in private practice.

But while a nominee’s legal credentials are unquestionably impressive, equally important is the type of person that he is. Throughout his legal career, both in public service, private practice, and through his pro bono work, John Roberts has demonstrated that he is one of impartial umpire, rather than as one of ideologue with an agenda. He acts with dignity and humility.

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In my view, all of these traits came across to those of us who watched the hearings before the Senate Judiciary Committee. John Roberts unquestionably demonstrated a mastery of the law and a commitment to decide cases based upon the Constitution and the law of the land, with appropriate respect and deference to prior Supreme Court precedents. He views his role as one of impartial umpire, rather than as one of ideologue with an agenda. He acts with dignity and humility.

To me, all of these qualities—John Roberts’ legal credentials and his temperament—represent the embodiment of a Federal judge, particularly a Chief Justice of the United States. And, I am confident that the vast majority of the millions and millions of Americans who watched his confirmation hearings agree.

Indeed, the American Bar Association has given John Roberts its highest rating, unanimously finding him “well qualified,” and just slightly more than 2 years ago, the Senate unanimously confirmed him for a Federal appeals court judgeship by voice vote.

Before I conclude my statement in support of this outstanding nominee, I would like to highlight a few key facts of Senate history and tradition with respect to Supreme Court nominees. I find these facts particularly instructive.

Over the last 50 years, America has seen a total of 27 Supreme Court nominees. Six of those nominees received the unanimous consent of the Senate by voice vote. Another 15 of those nominees, including seven current members of the U.S. Supreme Court, received the consent of the Senate by more than 60 votes. In fact, only three nominees to the Supreme Court over the course of the last 50 years have failed to receive the consent of the Senate.

Chief Justice Rehnquist was confirmed to the Court as an Associate Justice in 1971 with 68 votes in support, the strong vote of bipartisan support he is about to receive. The President, I might point out, has always been able to count on the Senate and its leadership in facilitating the Senate into fulfilling its obligation to advise and consent to the President for the Federal judiciary.

I think back when there was a great uncertainty about that process, and even some thought of invoking certain rules of the Senate by way of change, and how my distinguished colleague from Nebraska and I stood, with others in that group, and were able to lay a foundation which, I say with a deep sense of humility, may well have contributed to our being here today and casting that historic vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I will yield the floor to my distinguished colleague at this time who will be the manager of this process. I say to my colleague, thank you for participating in the Gang of 14, as we have become known. Perhaps in the course of our remarks today we can talk about the mission, the challenge of that group, and how, in my humble judgment, we did succeed in enabling our leadership to once again put in motion the Senate’s role in the confirmation of those nominees via a vote of 90 to 9. Justice Ginsburg was confirmed by a vote of 96 to 3. And Justice Breyer received the Senate’s consent by a vote of 87 to 9.

All of these highly qualified Americans who came before him seeking Senate confirmation to the Supreme Court, John Roberts has earned, over a lifetime, the strong vote of bipartisan support he is about to receive. The President, I might point out, has always been able to count on the Senate and its leadership in facilitating the Senate into fulfilling its obligation to advise and consent to the President for the Federal judiciary.

Over the last 50 years, America has seen a total of 27 Supreme Court nominees. Six of those nominees received the unanimous consent of the Senate by voice vote. Another 15 of those nominees, including seven current members of the U.S. Supreme Court, received the consent of the Senate by more than 60 votes. In fact, only three nominees to the Supreme Court over the course of the last 50 years have failed to receive the consent of the Senate.

Chief Justice Rehnquist was confirmed to the Court as an Associate Justice in 1971 with 68 votes in support, the strong vote of bipartisan support he is about to receive. The President, I might point out, has always been able to count on the Senate and its leadership in facilitating the Senate into fulfilling its obligation to advise and consent to the President for the Federal judiciary.

I think back when there was a great uncertainty about that process, and even some thought of invoking certain rules of the Senate by way of change, and how my distinguished colleague from Nebraska and I stood, with others in that group, and were able to lay a foundation which, I say with a deep sense of humility, may well have contributed to our being here today and casting that historic vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I first thank you for the opportunity to speak today. And I say to my distinguished colleague from Virginia, it was a pleasure to get to know you better through the Gang of 14 in our efforts to bring about a precedent with the White House in the nomination process for the Supreme Court.

It is always difficult to take either less or more credit than you deserve, but I think in this situation, by working together, we will yield the Senate into fulfilling its obligation to deal with the confirmation of judicial nominees. It made it possible for us to be able to have a nomination and a process that works so well that it will now result in an up-or-down vote on Judge Roberts.

The Senator from Virginia is right. There were suggestions that we needed more or less credit than you deserve, but I think in this situation, by working together, we will yield the Senate into fulfilling its obligation to deal with the confirmation of judicial nominees. It made it possible for us to be able to have a nomination and a process that works so well that it will now result in an up-or-down vote on Judge Roberts.
to change the rules because of certain practices on the part of certain Members of the Senate that raised doubts about the process, whether we could get up-or-down votes on judicial nominees, particularly appellate court nominees and, perhaps, Supreme Court nominees. But by working together, we found a solution that I believe in very many ways held on to the traditions of the Senate that are good but also involved a process that has resulted now in what we are going to be able to do tomorrow. We were able to refuse to engage in extreme partisanship but worked together in partnership to develop a compromise. We paved the way. We preserved the traditions. And I believe in some respects we have also assisted in leading to the historic outreach by the White House to an overwhelming number of our colleagues for their input under the advice and consent portion of our agreement that we shared with the White House.

I personally thank the White House for reaching out. The administration has reached out to many of our Members on several occasions. Most recently, I had the pleasure and the privilege of being contacted for my thoughts about the next nominee and the process that would be used there.

I think we have also learned not to believe everything we hear about the Senate not being able to accomplish much. The criticism that Senators are lost in partisanship and deadlock through the unwillingness of people to compromise or be able to work together. I believe we disproved that theory with this Gang of 14.

We have gone through divisive elections. We know America needs to be brought together. We do not seek to further divide ourselves. We need to work together. It gave us an opportunity to, in many ways, reduce the partisan tension that was ripping this body apart so that it was difficult to get anything done, particularly as it might have been difficult to get through the nomination process for the Supreme Court.

So it is a pleasure for me to be here on the floor and a real privilege to be associated with my colleague from Virginia. We have been joined by other members of the Gang of 14 who I know have some similar thoughts they would like to express.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, if I might say, the distinguished Senator from Nebraska was a leader among the Gang of 14. I say to the Senator, I guess you might say you were one of the "Founding Fathers" of that group, and modesty prevents you from acknowledging that leadership. We are joined on the floor by two of our colleagues. I purposefully appear to coincide with members of the Gang of 14 whom I am privileged to be with today.

But I think, as the Senator pointed out about the advice and consent clause, we, the Gang of 14, want to acknowledge the important contribution of Senator BYRD of West Virginia. He and I sort of partnered together to draw up that short paragraph which was acknowledged by the Founding Fathers put the word "advice" in the Constitution for a specific purpose. As the distinguished Senator from Nebraska said, indeed, our President fulfilled that. But I wanted to acknowledge Senator JORDAN for his very major participation in our group.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise today to comment with respect to the Gang of 14. I join my good friend from Nebraska and my good friend from Arkansas here today in again reminding ourselves as a Chamber that the 14 Members of the U.S. Senate who came together to judge Roberts.

Mr. President, I thank my colleagues from Virginia and West Virginia for having worked so hard on that long weekend to craft language that became a keystone of this document.

Finally, I would say that through this process I also became comfortable with Judge Roberts that he is in the mainstream of political and, more importantly, legal thought of America. I think the Members who were part of this group, led by the Senator from Nebraska and the Senator from West Virginia, were part of that mainstream of America.

Mr. President, I thank my colleagues from Virginia and Arkansas and Nebraska. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, one of the things that was surprising to my constituents in Arkansas is that I would actually come to Washington, DC, and join a gang. They sometimes wonder what we do up here and why we do it. I am very proud to be part of this gang, with my 13 colleagues who stood tall and exercised some of the best traditions and best judgment that Senator JORDAN, one of the original members, learned through the Gang of 14 process and trying to take the nuclear option off the table—and also trying to get some up-or-down votes on some more nominees—is that good things happen when Senators talk to each other.

I have learned since I have been in Washington that we spend a lot of time talking about each other and not enough time talking to each other. I hope this serves as an object lesson. It shows we can work together in this political environment. The truth is, we talk about how bad things are, and sometimes they do get bad. But basically, we are all sent here by our States. Each State gets two Senators. Even the two Senators from the same State don't always agree. We don't have to agree. But certainly all 100 of us should, as the Book of Isaiah says, reason together. We should come together and put the country first and put others' interests ahead of our own. We should work together and build on not just a bipartisan approach but in many ways a nonpartisan approach where we look at
the challenges facing our country and try to approach those as best we possibly can.

I know a lot of people around the country and in this Chamber and this city are focused on the next nomination. Many have had a view on John Roberts. Nonetheless, a lot of people are concerned about the next nomination. I understand that. In some ways, and rightfully so, we should be focused on that. My colleagues have touched on it already. But part of the language Senator Warner and Senator Byrd crafted during this agreement—we all helped in different ways on this language and had our thoughts incorporated in the language, but Senator Byrd and Senator Warner took the lead on the language—is the advice and consent portion of the agreement. Basically all we do is encourage the President to take the Constitution literally. When the Constitution says that it shall be with the advice and consent of the Senate, we take that literally. We hope the President will seek our advice.

Supposedly either the President or the White House reached out to about 70 of us when we received the John Roberts nomination. That works, and that is very positive. I hope we see that again.

Some of my constituents in Arkansas have asked me: ‘Don’t you have some anxiety about John Roberts?’ Gosh, he used to work for the Reagan administration. There are things in his background that various people don’t agree with.

My response is: Certainly, I have anxiety about John Roberts. I have anxiety about any nominee that any President will nominate to the Supreme Court. It is a lifetime appointment. There is no question about the influence and the impact that one Supreme Court Justice can have on the American system of justice and on American society. I have anxiety about anybody. I certainly have some about John Roberts. But nonetheless, he has the right stuff to be on the Court.

I am proud of the courage my colleagues showed in the time when it mattered and we came together and worked it out, the Gang of 14.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BYRD. Mr. President, today I am announcing my support for Judge John Roberts to be Chief Justice of the United States.

From the beginning, I told the White House I would like to see a nominee that the vast majority of the American people would say, yes, that is the quality of person who ought to be on the Supreme Court. When the nomination of Judge Roberts was first announced, my initial impression was that he met that test. I had a chance to visit with him in some length in his office, and I concluded from that visit that Judge Roberts is exceptional. Not only is he of high intelligence and strong character, he also is someone of midwestern values of honesty and decency.

I have looked at his record. I find that he is in the judicial mainstream. Yes, he is a conservative, but my own belief is that the Court is strengthened by range of views. I don’t think we should have all progressives or all conservatives. We need to have people of differing views and differing backgrounds to make the Supreme Court function appropriately.

When Judge Roberts came to my office, I asked him about his association with Judge Friendly. He clerked for Judge Friendly. He is reported to be very impressed by Judge Friendly’s service. I asked him what impressed him about Judge Friendly. He told me one of the things that most impressed him is that Judge Friendly did much of his own work. He didn’t just rely on clerks to do the work. I also asked him what else impressed him about Judge Friendly.

He said: You know, you could not tell whether he was a liberal or a conservative, a Democrat or Republican. All you could tell from his rulings was that he had profound respect for the law.

I thought that was a pretty good answer. I went on to ask him: Judge, at the end of your service, how would you want to be remembered?

He said: I would want to be remembered as a good judge, not as a powerful judge but as a good judge.

I said to him: What does that mean to you, being a good judge?

He said to me: Listening to both sides, putting aside one’s personal prejudices to rule based on the law. He said: I have a profound respect for the law.

In the confirmation hearings, we saw Judge Roberts perform brilliantly. His mastery of the law, his judgment, his deference to rule based on the law. I thought that was a pretty good answer. We are on the eve of accepting that choice, giving our consent. Again, in my years in this institution, I cannot recall a more humble and yet enjoyable group I have worked with than these 14 Senators. It had been my hope that our distinguished colleague from West Virginia could join us today. I asked him and he said he would if he possibly could. But were he here, we would all stand again and thank him for his guidance as we worked through this situation.

I thank my colleague from Nebraska and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Virginia for his wise counsel through the process of bringing together 13 other colleagues to bring about a confirmation process and nomination process that has worked. Now we are on the eve of this confirmation vote on the 17th Chief Justice of the United States. The question is, what is next? We also have the President of the Senate to nominate and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the executive and oblige him to make another, but they cannot themselves choose. They can only ratify or reject the choice of the President.

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can face that nomination with the same kind of input we did in the case of Judge Roberts.

Let me say that the late Senator from Nebraska Ed Zorinsky said on so many occasions that in Washington there are too many Republican Senators and too many Democratic Senators and not enough United States Senators. I can say as the gang of 14 got together, there were less Republicans and less Democrats than there were United States Senators, anxious to work to avoid a resolution to the judicial impasse, but also to pave the way for where we are today and where we are going to be tomorrow and where we are going to be in the next confirmation process.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time from 2 to 3 p.m. will be under the control of the majority.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The quorum call be rescinded.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. TALENT. Mr. President, I ask unanimous consent that the next hour under majority control be allocated as follows: 15 minutes for Senator TALENT, 10 minutes for Senator VITTER, 15 minutes for Senator THUNE, and 20 minutes for Senator BUNNING.

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

Mr. TALENT. Mr. President, it is really a privilege for me to spend a few minutes visiting with the Senate about Judge Roberts. He is probably the most analytically studied Supreme Court nominee ever. Based on my study of his record and my discussions with him—which have certainly not been extensive but have been enough to help me get a feel for the man—I believe that he will turn out to be one of the best Chief Justices ever.

We have learned a great deal about who he is. We know about his extraordinary professional accomplishments. We have seen the overwhelming bipartisan support for him, that he has earned from his colleagues in the legal profession. We heard from John Roberts himself on the rule of law, on the judicial role, and the kind of service he intends to provide to the Nation as Chief Justice should the Senate confirm him.

I said before he is one of the most analyzed and evaluated Supreme Court nominees. He spent almost 20 hours before the Judiciary Committee while Senators asked him 673 questions. Senators then asked him 243 more questions in writing. And I am sure he thought the bar exam was a struggle. Judge Roberts provided nearly 3,000 pages to the Judiciary Committee, including his published articles, congressional testimony, transcripts from interviews, speeches, and panel discussions, and material related to the dozens of cases he argued before the U.S. Supreme Court.

The Judiciary Committee obtained more than 14,000 pages of material in the public domain. And as if all of that were not enough, the committee obtained a staggering 82,943 pages of additional material from the National Archives and both the Reagan and Bush Libraries regarding Judge Roberts’s service in those administrations.

If you total that up, there was more than 100,000 pages of material on a 50-year-old nominee, which amounts to 2,000 pages for every year of his life.

What did all that material reveal? Simply put, that Judge Roberts is one of the finest nominees ever to come before the Senate. His professional record speaks for itself, but I am going to speak about it for a minute.

He was a student. He graduated from Harvard—I can forgive him that—in only 3 years as an undergrad. I am a University of Chicago lawyer myself. He became the top graduate in law school and became editor in chief of the Harvard Law Review. He served as clerk for Judge Friendly, who was, by consensus, one of the greatest circuit court judges ever. He served as clerk for Chief Justice Rehnquist. He went on to become Deputy Solicitor General of the United States. He became one of the top partners in one of the top law firms in the country and argued 39 cases before the Supreme Court. In 2003, he was confirmed unanimously by this Senate to be a judge on the Court of Appeals for the District of Columbia Circuit.

We learned a lot about him as a person as well. He embodies the idea of being fair, being thoughtful, and being capable. He is certainly hard working. He is learned. He managed his testimony before the Judiciary Committee without a note. He is a man of integrity, he is honest, and he is devoted to his family.

Those are the qualities we want in the men and women who serve our Nation on the High Court. They are the kind of qualities that will move America forward and move the judicial branch forward, and more on that in a minute or two.

He has proven beyond any doubt that he has the qualifications, the temperament, the knowledge, and the understanding to serve as America’s next Chief Justice. I was particularly impressed by the humility he showed through the process. I think it is very important that judges have a judicial temperament and, for me, that begins with the idea of service.

When you are a judge, the people who come before you have to treat you with respect because of your position. You should conduct yourself in that position so they want to treat you with respect, they feel that is owing to you, not just because of your office but because of how you conduct yourself in office.

I would hazard to say even those who will oppose his nomination for other reasons would agree that he has that kind of a temperament. He wants to be on the Court because he loves the law, and he wants to be a judge because he wants to serve the United States of America. Those are the right reasons to want to be on the Supreme Court of the United States.

We have had this opinion ratified by the individuals who know him the best—by his colleagues on the bar, Democrats and Republicans alike, who have overwhelmingly supported his elevation to the Supreme Court. I think it is very important when you look at judicial nominees to make certain they have support from people from all parts of the political spectrum and all parts of the jurisprudential spectrum.

The right answer does not mean there are no wrong answers.

The wrong answer, as Judge Roberts said so eloquently and so often in his testimony, is one that does not respect the rule of law. A wrong answer is one that is based on an idea of the judicial role that allows the judge to do whatever he or she thinks they would want to do if they were in control of the policy in issue. Whatever their theory of interpreting the Constitution is, they should be consistent in applying it. They should be circumscribed by their own jurisprudence. They should have a standard against which they measure their decisions, and that standard has to be other than their own predilections on the underlying issue.

It is one thing to be ruled, to some extent, by judges. We are talking about officers of the Government. So the decisions have the power of law, and we should conduct ourselves in an appropriate way, been ruled by judges. It is another point to be ruled by judicial whim. This is the distinction Judge Roberts made over and over again, for which I think we should all be grateful.

Because of his attitude in that respect, more than 150 Democratic and Republican members of the DC Bar, including well-known Democrats such as
Lloyd Cutler and Seth Waxman, wrote to the Senate calling Judge Roberts one of the very best and most highly regarded appellate lawyers in the Nation.

The American Bar Association has given Judge Roberts a rating of “unanimously well-qualified,” its highest possible rating. As Steve Tober, the chairman of the ABA Standing Committee on the Federal Judiciary, explained: “Judge Roberts has the admiration of his colleagues on and off the bench, and he is, as we have found, the very definition of collegial. This is another quality that I hope and believe Judge Roberts will bring to the role of Chief Justice. I think he can operate in that Court in a way that pulls the Justices together where their convictions honestly allow them to be pulled together. It is one thing to disagree when you have strongly different opinions on the jurisprudential matters before the Court; it is another to disagree because over time you have become part of one faction or you have become alienated or estranged on some other grounds from some of the other Justices.

That is not good, and I believe, just my gut opinion after talking with him and watching him is that this is a person who can lower the temperature on the Court, who can shed light rather than just heat on many of the issues that are before the Court.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator or Senator from States remaining of the 15 minutes allocated.

Mr. TALENT. I did not want my eloquence to outrun the time I had available, Mr. President, so thank you for that.

We have heard a lot from Judge Roberts himself, and maybe it is good for me to close by quoting some of what he has said about the judicial function. I thought he did an excellent job of explaining what the judicial role of explaining what the judicial role of convincing someone clearly you have to, to some extent, oversimplify it, and he admitted the times he was doing that.

He talked about the judge being the umpire, and somebody else basically writes the rules. The judge is the umpire. Believe me, that gives plenty of discretion and authority to the judge to develop the law in one direction or another. But to develop it within the constraints of the rule of law.

Judge Roberts said about this: If the people who framed our Constitution were jealous of their freedom and liberty, they would not have sat around and said, “Let’s take all the hard issues and give them over to the judges.” That would have been the farthest thing from their mind. Now judges have to decide hard questions when they do not have the context of a particular case. That is their obligation. But they have to decide those questions according to the rule of law, not their own social preferences, not just public views, not their personal preferences, but according to the rule of law.

That leaves room for Supreme Court Justices, for the rule of law, to include their views developed over time carefully with respect to colleagues and arguments from litigants about how particular provisions of the Constitution ought best to be interpreted in a range of cases so as to reflect the purposes of the document and the impulses of the Framers.

There is room there for that, but always according to the rule of law, not according to a desire to make the case that will maximize this particular thing, or to make Americans live the way the judge wants them to live, rather than the way they have chosen to live in the decisions they make about their own lives or the decisions they make through their representatives. I think Judge Roberts understands that. He understands that is a judicial role with which we can all live.

He clerked for Judge Henry Friendly. And another court of appeals judge—he had an interesting name—was Learned Hand. If I had met his parents, I would have asked them why they called him Learned Hand, but they did. Judge Hand said one time, and he was referring to the Supreme Court: Learned Roberts was referring to about the rule of law: I would not choose to be governed by a bevy of platonic guardians even if I knew how to choose them, which I most assuredly do not.

The first right, the first birthright of every American, is to participate through the representative process in their own governance. The first and most basic right is the right to govern yourself through the processes set up in our Constitution. And it is not out of a desire to avoid difficult decisions but out of a respect for that right that Judge Roberts talked about the rule of law. He manifested in those hearings a respect for that right that is OK, but out of a respect for that right that Judge Roberts talked about the rule of law. He manifested in those hearings a respect for that right that is OK, whether their views about social policy are on the rightwing or whether they are on the leftwing, whether they are conservative or liberal. The rule of law is OK basically to leave the development of our culture and our society to the wisdom and the decency of the American people.

The center will hold. The people will move us in an orderly and decent direction as they have for 200 years. We don’t need to be ruled by platonic guardians or dictators, whether they are in the form of judges or anybody else. There is plenty of scope, in the Senate, on the other end of Pennsylvania Avenue, and the Supreme Court building as well, for the exercise of individual leadership and appropriate discretion to try to move the people in a direction that we think is appropriate, with their consent. But there is no room for someone out of some fit of desperation or panic that courts or anybody else have to make the American people do something they have not chosen the orderly processes to do. That is what Judge Roberts meant when he was talking about the rule of law.

That is why I believe, because of that and also his professional qualifications, he is going to do an outstanding job as Chief Justice of the United States, and that is why I think he will be confirmed by an overwhelming majority of this body.

I thank the Chair, and I yield back whatever remains of my time.

Mr. THUNE. Mr. President, I rise today to voice my strong support for the nomination of Judge John G. Roberts to be Chief Justice of the United States. This is a historic moment. Mr. President, as many of my colleagues have already noted, this moment marks only the 17th time in the history of our Republic that the U.S. Senate has considered a nominee to be Chief Justice.

As one of the Senate’s newest Members, it is a great privilege for me to participate in this process. To have had only 16 individuals lead the judicial branch of government in our history illustrates the most important characteristic of the judicial branch, and that characteristic is lifetime tenure.

I believe the guiding question for each of us in determining a nominee’s fitness for this post should be whether the person is dedicated to applying the Constitution to every case considered by the Court, and not adding to or changing the Constitution’s text to suit his or her own personal policy preferences.

I was pleased to have met privately with Judge Roberts just yesterday. I came away from that meeting even more convinced that this man has the ability and temperament necessary to lead the Supreme Court. I believe Judge Roberts is dedicated to the rule of law, and the principle of judicial restraint, and most importantly, will not substitute his own policy preferences for those of the elected representatives in the executive and legislative branches of our government.

The Supreme Court gets the last word on some of the most challenging and divisive issues of our day. Because Federal judges and justices have lifetime tenure, we must ensure that those who populate Federal bench are people of strong character and high intellect, who have a passionate commitment to applying the law as it is written, rather than legislating from the bench.

Judges and justices must say what the law is, not what they believe it should be. That is the job of the Congress. That is what the authors of the Constitution intended.

I believe Judge Roberts’ career embodies these principles. As Judge Roberts stated during his hearing, judges are like umpires, and umpires don’t make the rules, they apply them. I do not believe Judge Roberts will engage in judicial activism that we have witnessed on the Supreme Court and the lower Federal courts in the past few decades.
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Even in the recent past, we have witnessed several instances of judicial activism. Judicial activism manifests itself when justices detect “penumbras, formed by emanations” in the Constitution, as Justice Douglas did in the case of Nixon v. Condon. In other words, judges who rely on their personal views rather than the Constitution when deciding matters of great importance.

We have seen what damage the Supreme Court is able to do when it is committed to judicial restraint. In Kelo v. City of New London, the Supreme Court emptied any requirement of the fifth amendment for public use without just compensation. However, in the Kelo case, the Supreme Court emptied any meaning from the phrase “for public use” in the fifth amendment.

In Kelo, the Supreme Court held that a city government’s decision to take private property for public use without just compensation is constitutional. In that case, the Supreme Court emptied any meaning from the phrase “for public use” in the fifth amendment. This case makes private property vulnerable to being taken and committed to judicial restraint. In other words, judges who rely on their personal views rather than the Constitution to provide our advice and consent will then become our duty in the Senate as an institution.

The process by which justices and judges are nominated and confirmed has degenerated to a point where ideological litmus tests are too often applied and nominees are torn apart by personal attacks. The nomination process should not be brought down to the level of personal attacks on the nominee or fishing expeditions into the nominee’s political allegiances. The process by which justices and judges are nominated and confirmed is the President’s prerogative to nominate qualified persons to fill judicial vacancies, and in the past the Senate has afforded the President this critical responsibility.

One ideological litmus test I am hearing about a lot these days is that the Supreme Court must somehow balance the Constitution does it say that a certain balance must be maintained on the Supreme Court? According to the Constitution, the President is entitled to nominate the individuals he desires to have on the courts, and it is the Senate that must determine whether the nominee is fit and qualified. There should be no ideological litmus test for nominees. If a nominee is fit and qualified, he or she should be confirmed.

I believe Judge Roberts is eminently fit and qualified to serve as the next Chief Justice. I will proudly cast my vote for him, and I urge my colleagues to do the same.

Thank you, Mr. President. I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana is recognized for 10 minutes.

Mr. VITTER. I thank the Chair.

Mr. VITTER. I thank the Chair.

I, too, rise in strong support of the nomination of John Roberts to be Chief Justice of the U.S. Supreme Court. I do so for two reasons. Firstly, it is important reasons. One is the strong qualification and background of Judge Roberts. But the second and perhaps just as important or even more important is the fact that this nomination and this confirmation process I believe has gone vastly different than the way that it is. I would remind my colleagues on the other side of the aisle that they have sworn to uphold the Constitution through their representation in this body, not to thwart its intent or re-
the sort who will legislate from the bench. His judicial philosophy is based on the rule of law and on respect for the Constitution.

Let’s think about what he said in his own words. This is what he said on September 12, 2005, in those words:

[A] certain humility should characterize the judicial role. Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don’t make the rules, they don’t even make the ball and the bat. The role of an umpire and a judge is critical. They make sure everybody plays by the rules but it is a limited role. Nobody ever went to the ball game to see the umpire.

That, first and foremost, is the traditional role. We are getting back to with this confirmation. I sincerely hope that it is a tradition in which we remain grounded. Let’s remember again the lessons of this nomination and this confirmation. Let’s remember that it is not the Senate’s job to call balls and strikes, and not to pitch or bat.

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That, first and foremost, is the traditional role. We are getting back to with this confirmation. I sincerely hope that it is a tradition in which we remain grounded. Let’s remember again the lessons of this nomination and this confirmation. Let’s remember that it is not the Senate’s job to call balls and strikes, and not to pitch or bat.
John Roberts also worked for the Attorney General, the White House counsel and Solicitor General in previous administrations.

In private practice, he was one of the best appellate and Supreme Court litigators. He argued an unprecedented 39 cases before the Supreme Court. Now he is a judge on the DC Circuit Court of Appeals, where he has been since we confirmed him unanimously in 2003.

His record is what convinces me that he will be a fine Chief Justice. What is clear is that John Roberts respects the law and Constitution and will be faithful to the proper role of a judge. In his confirmation hearings, Judge Roberts used an example to explain the proper role of a judge. It has been stated before. He said a judge is like an umpire, not a player or a coach. And similar to an umpire, a judge applies the rules to the situation at hand. An umpire doesn’t rewrite the rules or enforce what he thinks the rules ought to be.

I know a little bit about umpires. I have dealt with them, and all types of them, for years. Some are liberal and some conservative with the strike zone. There were unpredictable and made the strike zone up as the game went along. The worst umpires decided the outcome of the game by playing favorites or enforcing their own version of the rules. The best umpires applied the rules as written in the rule book and let the rules and the players dictate the outcome of the game.

As Judge Roberts said, that is how judges should act. The law, and not judges, should decide the outcome of the cases. The rules of the game, the writing of the laws is done by Congress. The President implements and enforces the laws, the judiciary settles disputes by applying laws and the Constitution. Judges are not lawmakers as umpires are not lawmakers if umpires want to be players, that umpire should quit and join a team. If a judge wants to write laws, he should run for Congress.

We have seen courts try to replace Congress and legislatures. Social issues have been taken out of the political process and decided by unelected judges. The voice of the people has too often been ignored. Activism of a few judges threatens our judicial system.

If judges keep exercising powers not granted by the public and its servants may tune out the courts and ignore them altogether. That would be bad and we would all suffer. I think Judge Roberts sees that danger. As Chief Justice, he will protect the Constitution and reputation of the courts. At his confirmation hearings, Judge Roberts recognized the damage of an activist judiciary. Their activism undermines the authority and respect needed to overturn truly unconstitutional actions. Courts must not be activists and settle public policy disputes. Judge Roberts also sees that danger, and I trust he will work hard to keep the Court within its boundaries and implore judges to exercise restraint in decisionmaking. A key part of that restraint is to not wade into public policy disputes. I imagine it is tempting for judges to impose their personal views when making decisions. I believe Judge Roberts will exercise restraint and encourage the Federal court system to do the same.

Many of my colleagues are frustrated over Judge Roberts not revealing his views on public policy. As Chief Justice, Judge Roberts is not going to act like a Senator. He will not let his personal views influence his decision and rulings.

The complaints of some of my colleagues led me to believe that they did not understand the role our Founding Fathers intended for the courts. Congress is the policymaking branch of government. The President and the administration enforce the laws. And the courts act as neutral decisionmakers when disputes arise.

But my colleagues know this. And so I fear they see the courts as a political arm to implement their liberal policy agenda.

To them, the Supreme Court is a super legislature. But that is not what our Framers envisioned. And that is not how Judge Roberts will use his position as Chief Justice.

The left turns to the courts to impose their agenda because they cannot advance it through elections. They cannot pass their laws through Congress or legislatures. They cannot even get elected by running on their liberal policies. So they must use the courts to impose their agenda.

What is that agenda?

Unlimited abortion on-demand; banning schoolchildren from saying the Pledge of Allegiance; banning the Ten Commandments from public places; rewriting the definition of marriage; and banning arms for self-defense.

That agenda does not sell with America or in Congress.

So the last hope for liberals is the judicial bench. And that is why they oppose nominees who do not agree to their liberal activist agenda.

The only thing stopping the rewriting of our Constitution are judges that support the rule of law.

John Roberts is one such judge. He will not write new laws from the bench. As Chief Justice, he will set an example for the court system to follow the same principles.

Many Senators have expressed frustration at not knowing Judge Roberts’ political views. I do not know his views either.

I have not asked him. And I will not ask him.

They do not matter. I trust him not to let his political beliefs influence his decisions.

During his hearing, Judge Roberts rightly declined to answer how he would rule in specific cases.

The current Supreme Court Justices also declined to answer similar questions.

Answering those kind of questions would corrupt and politicize the process.

Judicial nominees would turn into politicians campaigning for office to get confirmed—pledging to vote a certain way in order to get confirmed.

They would also have to make promises to the President in order to get nominated.

Judges must be selected based on their qualifications. I have not asked Judge Roberts about his personal political views. I have not asked him about his legal views. I do not need to know how he will rule in a certain particular case—because I know his approach to the law—and that is all I need to know.

John Roberts will lead by example and earn the respect of the other Justices and the American public. He will also be joined on the Court by another new Justice.

I trust President Bush will choose another highly qualified nominee to replace retiring Justice Sandra Day O’Connor.

If the new nominee is in a similar mold and has the same respect for the rule of law, then I will be glad to support the next nominee.

I have seen comments from some of my Democrat colleagues that they will filibuster certain nominees. That is most unfortunate. And it could bring us back to the point where we were earlier this year.

I hope and pray the minority does not do this.

But make no mistake about it. We will ensure that the next nominee receives fair treatment in the Senate and gets a vote.

I thank President Bush for keeping his promise to nominate outstanding individuals to our courts.

I thank Chairman Specter for ushering this nomination swiftly through his Judiciary Committee.

And I thank John Roberts for his service to our country.

I vow very strongly to vote for him when his vote comes up tomorrow.

I yield the floor.

Mr. SESSIONS. Mr. President, I would like to express my agreement with the Senator from Kentucky. He stated the case very clearly for the proper role for a judge. I know he faced many an umpire in his Hall of Fame baseball career. But he knows when they make the call, they are stuck with it, and he has every right to expect that that umpire is going to make the call not based on whether they favor one team or another or one side or another but what the rules of the game are.

I think that metaphor Judge Roberts utilized as he talked about the role of a judge is an apt one.

I saw Senator Burns here. He used to be a football referee. I wanted to ask him Senator Burns, if you thought that the holding call was a little bit inadvertent and it wasn’t too a bad a holding call but the penalty called for
Mr. Chairman, I come before this committee with no agenda. I have no platform.

Neither the President nor Members of our side of the aisle are asking any nominee to impose our political agenda on this country. I would never do that. That is the role of a judge. But neither do I think the judge ought to be opposing any agenda. And I certainly am offended when they oppose the agenda which I don’t agree with, which I think is the province of the legislative branches. Judge Roberts understands that.

Then he goes on:

That’s a paraphrase, but the phrase, calmly poise the scales of Justice if, if anything, the motto of the court on which I now sit. That would be the guiding principle for me whether I am back on that court or a different one, because some factors may be different, the issues may be different, the demands may be different, but the Bill of Rights remains the same. And the obligation of a court to protect those basic liberties in times of peace and in times of war, in times of stress and in times of calm, that doesn’t change.

What a beautiful statement.

Another:

Like most people, I resist the labels. I have told people who pressed that I prefer to be known as a modest judge, and to me that means some of the things that you talked about in those other labels. It means an appreciation that the role of the judge is limited, that a judge is to decide the cases before them, they’re not to legislate, they’re not to execute the laws.

Another:

I don’t think the courts should have a dominant role in society and stressing society’s problems. It is their job to say what the law is.

Isn’t that correct?

But the Court has to appreciate that the reason they have that authority is because they’re interpreting the law, they’re not making policy, and to the extent they go beyond the confines of limits and make policy or execute the law, they lose their legitimacy, and I think that calls into question the authority they will need when it’s necessary to act in the face of unconstitutional action.

That is a brilliant statement.

If a court consistently abuses its power, does not remain faithful to the Constitution, at some point it may have to take a very unpopular stand to truly and rightfully defend the Constitution against congressional Presidential overreaching.

Will they have the credibility to do so? Not so, perhaps, if they have squandered the opportunity for many years that has undermined public confidence in the Court.

That is exactly what he is saying—a beautiful statement.

If you believe in our Constitution, if you believe in the laws to protect our liberties and that laid the foundations for our prosperity, one must believe that we have to enforce the Constitution, even if you might not agree with some part of it.

He was asked, “Are you an originalist? Are you a strict constructionist? What label do you put on your—self, Judge?”

He said this:

I do not have an overarching judicial philosophy that I bring to every case, and I think that’s true. I tend to look at the cases from the bottom up rather than the top down. And like I think all good judges focus a lot on the FACTS. We talk about the law, and that’s a great interest for all of us, but I think most cases turn on the facts, so you do have to know those, you have to know the record.

In other words, we were asking him to blithely make his views known on how he would rule on this case or that case. That is not the time it gets to the Supreme Court of the United States there has been a full trial and maybe hundreds, maybe thousands of pages of transcript and records. There are facts that underlie the dispute, and it is only after the facts are asserted that a judge needs to be making a decision about the outcome of a case.

Judges apply the facts to the legal requirements of the situation, and only then make a decision. He refused to make opinions on cases that may come before him. Of course, he should not make opinions on that. He has not studied the record, the transcript, talked with the other judges, read the briefs, or heard the oral arguments of counsel. He should not be up there making opinions on the cases. That is so obvious. He was pushed, pushed, and pushed to do that and criticized for not doing so. That is the rule of the law: Do not make a decision until you know the facts and the law.

I will say this: We have had a tutorial on the rule of law under the American system. We have had a classroom exercise beyond anything any Member could ask for on the role of a judge in the American system. It was a beautiful thing. I am pleased to see many of my colleagues on the other side of the aisle have seen fit now to announce they intend to support Judge Roberts. That is the right thing.

I am confident, also, the President will submit another one, just like him, who will be consistent with the same philosophy of Judge Roberts—one who does not seek to impose any political agenda, liberal or conservative, on the American people, but will simply consider the facts, consider the arguments of counsel, and decide the case before them.

That is what we have a right to ask and to insist on to preserve the rule of law in this country, which, more than any other country in the world, reveres and respects and venerates law and order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

MR. SPECTER. Mr. President, before the distinguished Senator from Alabama yields the floor, I thank and compliment him for his comments and for his work on the Judiciary Committee. He has been steadfast in his participation in all matters and is truly with the nomination proceedings as to Judge Roberts. It ought to be noted for the record.
Mr. President, Senator DOMENICI was here seeking an opportunity to speak. I ask unanimous consent he be sequenced following my speech.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition today to comment on a story which is in the Washington Post today captioned “Filibuster Showdown Looms in the Senate: Democrats Prepare For Next Court Pick.”

I suggest it is in the national interest that there be a lowering of the decibel level of the partisan rhetoric. There is no doubt that the process for the nomination, hearings, and confirmation of a Supreme Court nominee is part of the political process. I further suggest partisanship has its limits.

The partisanship which is demonstrated in this report by the Washington Post story is frustrate party activists who think their elected leaders did not put up a serious fight against Judge Roberts.

I was present as chairman of the committee during the entire proceeding. I can state it was a very vigorous fight. It is not necessary to have ARLEN SPECTER’s characterization of it. The record speaks for itself. We had experienced Senators on the Democrat side of the aisle who questioned Judge Roberts very closely and who came to the conclusion they would vote no, which they did in the committee proceedings. Senator KENNEDY, who can doubt his tenacity? Senator BIDEN, who can doubt his sincerity? And Senator FEINGOLD questioned eloquently in many directions. Senator SCHUMER was on top of all of the issues not only in three rounds of questioning which we had, 30 minutes and then 20 minutes and then 30 more minutes, but in the submission of written questions. And Senator DURKH, the assistant minority leader, spoke and all voted against Judge Roberts because that was their conclusion.

But who can say they didn’t put up a strong fight? That is an insult to those dedicated Senators tending to their business to say they did not put up a professional fight.

There are at this moment some 18 announced or reported Senators on the Democrat side who are going to vote in favor of the Roberts nomination: Senator BAUCUS, Senator BINGMAN, Senator BYRD, Senator CONRAD, Senator DODD, Senator DORGAN, Senator FEINGOLD, Senator JOHNSON, Senator KOHL, Senator LANDRICK, Senator LEAHY, Senator LIEBERMAN, Senator LINDEBERG, Senator NELSON of Nebraska, Senator NELSON of Florida, Senator Pryor, Senator SALAZAR, and Senator WYDEN.

Among those 18 Senators are some veterans of the Senate whose credentials cannot be challenged as progressive, as liberal, as forward-thinking Senators.

I will quote from just a few of the comments that were made. Senator LEAHY was the first among the Democrats to speak out in favor of the nomination of Judge Roberts to be Chief Justice. As the ranking member, I sat next to him during the entire proceeding; I can attest firsthand the way Senator LEAHY approached this nomination. It was not a matter of our discussing the merits. It was not a matter of my trying to persuade him.

I have served with Senator LEAHY for 25 years, and many years before that, back in 1969 when I was the host at the National District Attorney’s Association Convention in Philadelphia, I was Philadelphia’s D.A., and Pat Leahy, a young prosecutor from Burlington, VT, was the host at the convention. I could see him struggle with the nomination as a matter of conscience. He came to the conclusion that was where his conscience led.

I identified with his courageous move in the committee. It is not easy to go against the party line, and Senator LEAHY was prepared to do that.

His statement was a very thoughtful statement, as Senator LEAHY is accustomed to be: He commented extensively on Judge Roberts’ reliance on the Rehnquist decision, moving away from Lopez and Morris on the commerce clause. He comments extensively on the precedence of Roe and Planned Parenthood v. Casey and forcefully on a number of occasions regarding the recognition to the right to privacy embodied in Griswold v. Connecticut.

Senator LEAHY commented about the assurances which he accepted from Judge Roberts about taking the mold of Justice Jackson, moving away from being a partisan in the administration as Attorney General to being an impartial judge.

There is much more, but the record of what Senator LEAHY has said speaks for itself.

In addition to Senator LEAHY, there are other very well established Senators on the other side of the aisle, impeccable standing in the liberal community. Senator LEVIN spoke in favor of Judge Roberts; Senator FEINGOLD in the committee; Senator LIEBERMAN. I have already enumerated the Senators.

So when there are some so-called Democrat political activists who speak up and are critical, as they were of Senator LEAHY after he made the opening declaration, first of the Democrats to speak—we are all subject to comment and we are all subject to criticism, but I was taken a little aback by the criticism which came to Senator LEAHY after he made his declaration. I have been the object of such substantial criticism myself, so I know what it was like. But I think it goes a little too far when the so-called political activists are raising these objections out of purely partisan motivations. One activist was quoted in this story as saying that Democrats must vote against Judge Roberts, otherwise “we will not win an election.”

The political process, I submit, goes only so far. And as foreign policy debate stops at the water’s edge, at least it used to traditionally, I think that extreme partisanship stops at the consideration of a nominee for the Supreme Court of the United States. That is a line at which party loyalties ought to end and there ought to be independence. That is the confluence of the three branches of Government where, as we all know under our Constitution, the President nominates, where the Senate conducts proceedings and confirms or rejects, and where the nominee, if confirmed, if approved, then takes a seat on the Supreme Court.

This kind of comment, I believe, is only going to inspire corollary comment from the other end of the political spectrum. We simply do not need it. I sensed, and have commented publicly on, a lot of frustration bubbling just below the surface in the Roberts nomination hearings. I am concerned about the next nomination. We are looking at a replacement for Justice O’Connor, who will have stated both publicly and privately my hope we will find someone in the mold of Judge Roberts.

The statements which were made by Senator LEAHY, by Senator LEVIN, by Senator DODD, by Senator FEINGOLD, and others all focused on the approach of Judge Roberts to modesty and stability. And it was more than the words he uttered, it was the way he conducted himself. It was the way he spoke about the cases when he answered the questions and when he did not answer questions. I spoke at length earlier, on Monday, about questions which I thought he should have answered but he did not answer. But that is the nominee’s prerogative. And then the Senator’s prerogative is to make a decision on how the Senator is going to vote. But when you talk about a filibuster, this body was at the risk of a virtual civil war, with the Democrats filibustering and with Republicans exercising the constitutional or nuclear option. I took the floor earlier this year on several occasions to urge an independent stand. I
heard so many Democrats say they did not like the idea of a filibuster and I heard so many Republicans say they did not like the idea of the constitutional or nuclear option, but Democrats felt constrained to the filibuster and Republicans felt constrained to the nuclear option.

I urged my colleagues to take an independent stand, that when you talked about the long-range composition and the long-range approach of the institution of the Senate, it was more important than the passions of the moment. I went into some detail and quoted how the Senate saved judicial independence in the impeachment proceedings of Supreme Court Justice Chase in 1885 and 1886 and how the U.S. Senate saved the independence of Presidential prerogatives in the impeachment proceedings of President Andrew Johnson. The Congress had passed a law saying there had to be consent by the Senate for the President to remove a Cabinet Secretary or Supreme Court Justice, he bolted himself in his office, he would not leave. Because President Johnson would not tolerate that kind of usurpation of Presidential power, he was impeached. In this Chamber, he was not removed, he was acquitted. In this Chamber, he was exonerated.

When you talk about the institutions of the Senate, we do not need outsiders telling us when to filibuster. We do not need outsiders and political activists on either side telling us when to filibuster or when to use the constitutional option. We were elected, they were not.

When you have men of the stature of Senator LEAHY and Senator DODD and Senator LIEBERMAN taking a position, those positions ought to be respected. When you have hard-fighting Senators such as KENNEDY and BIDEN and SCHUMER fighting a nomination and voting no, their positions ought to be respected.

So I hope as to this headline in the Post about “Filibuster Showdown Looms in Senate,” it is the last time we will hear the work “filibuster” and that we will have a nominee who will command respect, that we will have an orderly, dignified proceeding in the Judiciary Committee in another round of hearings, and that we will acquire ourselves with distinction.

At a time when the Congress is under a very heavy fire on all sides for so many reasons—on the response to the hurricane and for the highway bill and for spending and for a lack of offsets—I have heard many comments that the Senate has acquitted itself very well throughout the entire confirmation process, not just what was done in the Judiciary Committee, but what has been done on the floor of the Senate, and what will be concluded tomorrow when the full body votes.

So we do not need outsiders telling us how to do our business. They can make their suggestions. They have freedom of speech. But it ought to be within bounds. This sort of extreme, excessive partisanship has no place in the selection of the next Supreme Court Justice.

In the absence of any Senator seeking recognition, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

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

Mr. STEVENS. Mr. President, is it proper now to speak on the nomination of Judge Roberts?

The PRESIDING OFFICER. Yes, it is in order.

The President pro tempore is recognized.

Mr. STEVENS. Mr. President, having lived and studied alongside one of the greatest legal minds of my generation, I believe Judge Roberts’ capability and knowledge of the law is superior to any of his generation. When I was at Harvard Law School, my roommate was H. Reed Baldwin. He had abilities quite similar to those of John Roberts. He was on the Supreme Court and on the Harvard Law Review. He was what I call a Renaissance man. He could handle almost any subject. Unfortunately, he suffered an untimely death; otherwise, he might have once been in the same place Judge Roberts is today.

During the Judiciary Committee’s hearings, Juneau Mayor Bruce Botelho testified in support of Judge Roberts’ nomination. Bruce, whom I know well, was Attorney General for the State of Alaska from 1994 through 2002. He employed John Roberts to represent our State before the Supreme Court on a wide range of issues, including the Venetie case involving Indian country claims and cases related to submerged lands issues, in the Fish and Wildlife Act, and the Alaska Statehood Act. As a matter of fact, I met with Judge Roberts then and have met with him since. He has a brilliant legal mind.

I am not alone in that opinion. Judge Roberts has been to our State many times, and he has won the respect of Alaskans who hold a wide range of political beliefs and opinions.

Judge Roberts also won the respect of the bar association of the District of Columbia and of the bar association of the District of Alaska from 1994 through 2002. He employed John Roberts to represent our State before the Supreme Court on a wide range of issues, including the Venetie case involving Indian country claims and cases related to submerged lands issues, in the Fish and Wildlife Act, and the Alaska Statehood Act. As a matter of fact, I met with Judge Roberts then and have met with him since. He has a brilliant legal mind.

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Congressional Record — Senate


Charles Davidsom, Wilmer, Cutler & Pickering; Grant Dixon, Kirkland & Ellis; Edward F. Elguero, Wilmer, Cutler & Pickering; Donald R. Dunner, Finnegan Henderson Farabow Garrett & Dunner; Thomas J. Eastment, Baker Botts; Charles S. Ellett, Hogan & Hartson; R. Taiwell Ellett, Hogan & Hartson; Roy T. Engletr, Jr., Robbins, Russell, Englekirk, Untereiner, Marin, Evans, Kellogg, Huber, Hansen, Todd & Evans; Frank Farenkopf, Hogan & Hartson; Michele C. Farquhar, Hogan & Hartson; Barry Bartow, Farr, Farr & Taranto; Jonathan J. Frankel, Wilmer, Cutler & Pickering; Johnathan S. Franklun, Hogan & Hartson; David Frederick, Kellogg, Huber, Hansen, Todd & Evans; Richard W. Garnett, Notre Dame Law School; H.P. Goldfield, Vice Chairman, Stonebridge International; Thomas Goldstein, Goldstein & Rowe; Griffith L. Green, Sidney, Austin, Brown & Wood; Jonathan Hacker, O'Melveny & Myers.

Mark J. Hahn, George W. Miller, Hogan & Hartson; Joseph M. Hassan, Hogan & Hartson; Kenneth J. H Caitman, Hogan & Hartson; David J. Hensler, Hogan & Hartson; Patrick F. Hofer, Hogan & Hartson; William Michael House, Hogan and Hartson; Janet Holt, Hogan & Hartson; Robert Hoyt, Wilmer, Cutler & Pickering; A. Stephen Hut, Jr., Wilmer, Cutler & Pickering; Lester S. Hyman, Swiller & Berlin; Sten A. Jensen, Dunn, Graham; Erika Z. Jones, Mayer, Brown, Rowe & Maj; Jay T. Jorgensen, Sidney Austin Brown & Wood; John C. Keeny, Jr., Hogan & Hartson; Michael K. Kellogg, Kellogg, Huber, Hansen, Todd & Evans; Nevin J. Kelly, Hogan & Hartson; J. Hovey Kemp, Hogan & Hartson; David A. Kikel, Hogan & Hartson; R. Scott Kilgore, Wilmer, Cutler & Pickering; Michael J. Kennedy, Hogan & Hartson; Duncan S. Klinderm, Hogan & Hartson; Robert Klonoff, Jones, Day Reavis & Pogue.

Jody Manier Kris, Wilmer, Cutler & Pickering; Chad A. Kirk, Kirkland & Ellis; Phillip C. Larson, Hogan & Hartson; Richard J. Lazarus, George town University Law Center; Thomas B. Lesser, Commissioner, Federal Trade Commission; Darryl S. Lew, White & Case; Lewis E. Leibowitz, Hogan & Hartson; Kevin J. Lipson, Hogan & Hartson; Robert A. Long, Covington Burling; C. Kevin Marshall, Sidney Austin Brown & Wood; Stephanie A. Marts, Mayer, Brown, Rowe & Maj; Warren Maruyama, Hogan & Hartson; George W. Mayo, Jr., Hogan & Hartson; Mark E. Maze, Hogan & Hartson; Mark S. McConnell, Hogan & Hartson; Janet L. McDavid, Hogan & Hartson; Thomas L. McGovern III, Hogan & Hartson; A. Douglas Melamed, Wilmer, Cutler & Pickering; Martin Michaelson, Hogan & Hartson; Evan Miller, Hogan & Hartson.

George W. Miller, Hogan & Hartson; William L. Monte III, Hogan & Hartson; Stuart M. Muench, Hogan & Hartson; Jeff Munk, Hogan & Hartson; Glen D. Nager, Jones Day Reavis & Pogue; William L. Neff, Hogan & Hartson; John T. Patrick, Hogan & Hartson; David Nemmann, Hogan & Hartson; Karol Lynn Newman, Hogan & Hartson; Keith A. Noreika, Covington & Burling; William D. Nussbaum, Hogan & Hartson; Bob Glen Odle, Hogan & Hartson; Jeffrey Puriser, Hogan & Hartson; Bruce Parmly, Hogan & Hartson; George T. Patton, Jr., Rose, McKinney & Evans; Robert B. Pender, Hogan & Hartson; John Edward Porter, Hogan and Hartson; Thomas A. Reed, Member of Congress; Philip D. Porter, Hogan & Hartson; Patrick M. Raher, Hogan & Hartson; Laurence Robbins, Robbins, Russell, Enrecke & Unterlein; Peter A. Rohrbach, Hogan & Hartson; James J. Rosenhauer, Hogan & Hartson.

Richard T. Rossier, Meleod, Wathixon & Miller, Chicago; Robert N. Schech, Mayo, Brown, Rowe & Maj; David J. Saylor, Hogan & Hartson; Patrick J. Schiltz, Associate Dean and St. Thomas More Chair in Law, University of St. Thomas School of Law; Jay Alan Sekulow, Chief Counsel, American Center for Law & Justice; Kannon K. Shanmugam, Kirkland & Ellis; Jeffrey K. Shapiro, Hogan & Hartson; Richard S. Silverman, Hogan & Hartson; Samuel M. Sipe, Jr., Septe and Jones, Day, Reavis & Pogue; Luke Scorfani, Wilmer, Cutler & Pickering; Peter Svitak, Hogan & Hartson; Janstalet, Hogan & Hartson; Kara F. Stoll, Finnegan, Henderson, Farabow, Garrett & Dunner; Silvija A. Strikis, Kellogg, Huber, Hansen, Todd & Evans; Clifford D. Stromberg, Hogan & Hartson.

Mary Anne Sullivan, Hogan & Hartson; Richard G. Taranto, Farr & Taranto; John Thorne, Deputy General Counsel, Verizon Communications Inc. & Lecturer, Columbia; Helen Trilling, Hogan & Hartson; Rebecca K. Troth, Washington College of Law; American University; Eric Van Salzen, Hogan & Hartson; Charles Varney, Hogan & Hartson; Ann Morgan Vickery, Hogan & Hartson; Donald B. Verrilli, Jr., Jenner & Block; J. Warren Gorrell, Jr., Chairman, Hogan & Hartson; John B. Watkins, Wilmer, Cutler & Pickering; Robert N. Weiner, Arnold & Porter; Robert A. Welp, Hogan & Hartson; Douglas P. Wheeler, Duke University School of Law; Christopher T. Wright, Harris, Wiltshire & Grannis, White & Case; Kevin Veysey, Hogan & Hartson (former Secretary of Agriculture); Paul J. Zidlicky, Sidney Austin Brown & Wood.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico?

Mr. DOMENICI. Is it appropriate now for the Senator from New Mexico to speak?

The PRESIDING OFFICER. It is appropriate.

Mr. DOMENICI. Is there a time limit?

The PRESIDING OFFICER. There is none.

Mr. DOMENICI. I thank the Chair.

Mr. President, it is, indeed, a privilege to come before this august body today to speak on behalf of such a distinguished nominee for Chief Justice of the Supreme Court. I have a unique perspective on Judge Roberts because I practiced law for 16 years before I came to the Senate, during which time I got to know and truly appreciate his opinions, as well as those of many judges. I have also been here for 33 years, during which time I have had the luxury and privilege of hearing from, reading transcripts of, and voting for 10 Supreme Court nominees. So everyone sitting on the Supreme Court now I have had the luxury and privilege of considering through the confirmation process, which means I have heard what those eight justices have written, and I have seen what qualifications they came before the Senate with.

Based upon my previous experiences, it is almost as if Judge Roberts were designed to be a Supreme Court Justice. As I have listened to him, read what he has written, reviewed his background, and watched his conduct before the Judiciary Committee, it has become clear to me that he exemplifies the highest qualities. When I look at him in comparison with nominees of the past, considering those men and women that I have previously voted for, it has become clear to me that he was born to serve his nation on our highest court.

Frankly, in all deference to the judges I have voted for heretofore, I have never been more confident that the President picked the right person for the job right at the time as I am today.

If there is a perfect judge that can be visualized based upon all of the judges I have seen, listened to, read about, and voted for, this man seems to me to be the one. He will be a judge for whom I will be extremely proud to have voted for.

Many people have described the message I am trying to convey about Judge Roberts in different ways, and there have been some outstanding analyses of him in paper in my home state of New Mexico wrote: “In addition to hisencyclopedia fuency in constitutional law and the flesh and blood history behind it, Roberts exhibited a fine quality for a Chief Justice: collegiality. Justices, like Senators, disagree. Roberts showed he can disagree without disrespect, leaving open the door to work toward consensus. If Democrats cannot accept Roberts, is there any suitable Republican nominee?”

I appreciate those words from the Albuquerque Journal, and I agree with the question they raise. Democrats who want a Democratic nominee who fits their mold and agrees with their positions will have to wait until there is another Democratic President for such a nominee to come before the Senate. That is the way it has always been, and my friends from the other side of the aisle cannot expect a Republican President to nominate an individual who will carry their beliefs onto the court. Such a belief is not consistent with history or with tradition.

I will close by saying that I have great confidence that in 5 years, God willing, in 10 years, God willing, I can look back at Judge Roberts’ performance as our Chief Justice and say: I was right in how I analyzed what he has been, and what he will be as a Supreme Court Justice. I don’t think I will be surprised or let down.
And I know, looking back at nominees for whom I voted, that such is not an ordinary expectation. Some judges for whom I voted did not turn out to be what I expected. But I am quite confident that Judge Roberts will not be anything but the great judge I expect as I look back on his tenure in the ensuing years.

I congratulate the Judge on his nomination. I hope he will remain loyal to what he has said and the way he has said it when he pledged what he wanted to be and what he would be. I wish him the very best because if he is successful, it will be good for America. His success in this job is correlated with good relationships under our Constitution between the great powers of the executive, legislative, and judicial branches.

I yield the floor and thank the Senator for listening.

The PRESIDENT. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I appreciate the opportunity to comment on the issue before us, which of course is Judge John Roberts. Certainly we have been talking all about him for the last several days and nearly everything that is to be said has been said at least once. But I do want to take the opportunity to say I am very impressed with this candidate for Supreme Court Chief Justice. I am convinced that he will be a strong defender of the Constitution, that he has an exceptional ability to interpret the Constitution with respect to the law, and that certainly he has the background and qualifications to do that.

I am not an expert in law, but I do feel strongly that the Court is there to measure what is done in other places, what is done in the executive branch, and what is done in the legislative branch with respect to how it fits into the Constitution.

I have met with Judge Roberts, and I appreciated the opportunity to get better acquainted with him. I am very impressed by a number of his characteristics. It is comforting to see someone you think is extremely qualified for such an exceptional job and, at the same time, seems to see the world pretty much from the standpoint we all do, just as a human being, a person who wants to live in a country with freedom, in a country with constitutional law, in a country that does the best for everyone, and I have that impression. So I like about him.

He has great respect for the rule of law and that, it seems to me, is one of the most important aspects of our country. I have had a chance to visit other places. I have had a chance to talk to people about other countries. As I have gone about, one of the big differences is we have a rule of law, not a rule of people who happen to be in a strong position at the time, but a rule of law that exists and continues in the Constitution to be interpreted by the Supreme Court.

Of course, Judge Roberts has credentials that are outstanding. His educational background is great. He has been a White House Counsel, so he knows how that works. He has been a Deputy Solicitor General, so he knows how that aspect of it works, too. And he is a circuit judge, so he has a background as a judge. I believe that is very important.

I am very impressed, I am very pleased, and I am very proud to be a part of voting for him. I think the vote will be strong.

I share the view with Judge Roberts a few areas about which I am concerned. I did not ask his opinion on them, but rather in the State I am from, Wyoming, we are very concerned about venue shopping. It is my impression about the idea of people filing suit or going to the proper district court or area to get one that is sympathetic. That is not the way it ought to be. The Federal court that deals with the issue from a when those issues come up in that history, and I wanted to share that with Judge Roberts.

I am very concerned about eminent domain, with regard to people’s rights and property, gun rights, endangered species, and so forth. I was not surprised for his opinion on those issues because that is not the issue. The issue is, as legislation is passed, are they consistent with the Constitution, and that is, indeed, the role of judges—to listen to the facts and see how they apply to the rule of law.

I was very impressed, as most of us were as we watched some of the interrogation in the committee, with his conduct. Of course, he was concerned many times with different kinds of questions and tried to be pushed into making specific stands on his own opinions on issues, which really is not what it is all about. That is for him to decide when those issues come up with respect to the law, with respect to the Constitution. He handled that situation very well.

We have the opportunity—and a very pleasant opportunity—to support a person who not only has an educational background, a learned lawyer, a well-trained lawyer. I am persuaded he will be a strong defender of the Constitution.

I must confess that is the strongest point I support and seek to see the Court do. I think that will happen.

Mr. President, if I may, during this time, I wish to divert from this subject for a minute or two.

Mr. President, I wish to talk about a condition that is very much important to us, where we have unusual events happening in our country. We have the situation arising of our country where we have the situation arising of our country and the freedoms of this country there. I just came from a hearing. I am very proud of what is happening in Iraq, and I think we are making some progress towards getting people to take care of their own country.

That, of course, is the goal, and I am sure we will be there until that goal is achieved.

Then comes along the problems with the disasters on the gulf coast. Both of those events, of course, have given us special needs for spending, and we have had to spend. It is right to spend when we have emergencies that arise of that nature, but then we find ourselves in a situation of having to do something about this excessive spending and how do we handle it?

I see it as the same thing we undertake in our families. If an emergency happens in the family, you have to decide and handle it. You have to find some way to deal with that emergency. At the same time, your family activities go on and you have to take care of those. Then you have to decide: How can I make some changes in my economic situation to deal with this excessive spending because of an emergency?

That is where we are now. We are talking about all kinds of ways. I hope we take enough time to deal with these situations on the gulf coast and give those people what they need. That is the responsibility of the Federal Government. I hope we make sure there is accountability with those monies spent, that we can be sure they are spent the way for which they are defined to be spent. Hopefully, we make sure the Federal Government does what it is supposed to do and that the other units of government—State, local, and private sector—do what they are supposed to do.

But we still will spend a great deal of money, and, indeed, we should.

We also have to consider that over the last year, because of Iraq and other events, we have also had an increase in our deficit. Our deficit has gone up. So we need to find some ways to do something about it. Obviously, we will take a look at spending and see what areas we can reduce. I hope we do that as we finish our budget for this year. We need to.

We should look at some of the ways we raise money, in the case of some taxes, that probably we might otherwise change. Perhaps they will have to be left as they are for a while and continue to offset some of these costs.

I wish to specifically mention a bill I am currently sponsoring that requires the regular review of Federal programs. This should be done anyway, but it makes it particularly important as we look toward this business of spending. It is called the Government Reorganization and Program Performance Improvement Act. It creates the necessary mechanism, I believe, to set up some commissions to take a look, No. 1, at programs that have been in place. Let’s say, for 10 years, and to determine if, in fact, the program is still as needed as it was 10 years ago, to see if it accomplished what it was set up to do 10 years ago and now is completed, could be ended, or could be put in with some other program, or could be reduced. Perhaps we do not have to be the same as it was when a program was put in place. Even though there probably was a very good reason to have
the program then, is the reason still good? Should we be changing it?

It is really a modernization effort, something we would do in every business, something we should do, which is take a look at what we have done historically and do if they are appropriate, and see whether we can do it better.

The second half is to not only look at programs that might be unnecessary or wasteful, but take a look at programs that will continue, but are they being done in the way that they can.

One of the issues we have to take a look at in terms of excessive spending is controlling the size of the Federal Government. It has continued to grow and grow. We have sort of developed a political notion that if there is anything needed anywhere, let’s get the Federal Government to pay for it.

Well, that is a nice thing to do. The fact is we are supposed to be divided up, and there are local governments, State governments, and the Federal Government, each of which has its own responsibilities and its own areas and we ought to be seeking to define what the role of the Federal Government is and sort of restrict those things to that area so that we can control size.

So what I would do is throw the programs, would have proactive steps toward improving and eliminating unnecessary and redundant efforts, and it would help us return to fiscal responsibility. It is kind of common sense in Government, each of which has its own responsibilities and its own areas and we ought to be seeking to define what the role of the Federal Government is and sort of restrict those things to that area so that we can control size.

So I would do an inventory of the programs, would have proactive steps toward improving and eliminating unnecessary and redundant efforts, and it would help us return to fiscal responsibility. It is kind of common sense in Government, each of which has its own responsibilities and its own areas and we ought to be seeking to define what the role of the Federal Government is and sort of restrict those things to that area so that we can control size.

Mr. President, we always have a responsibility to make sure that Government is as efficient as possible, that spending is as effective as possible, that we hold spending to the minimum to do the things we need to do but not in excess of that, and I think we have an opportunity to put that kind of measurement into place and to ensure that those things can happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent that the next hour under majority control be allocated as follows: 20 minutes for Senator CORNYN, 5 minutes for Senator COCHRAN, 15 minutes for Senator RESENDEZ, and 20 minutes for Senator ALLEN.

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

Mr. CORNYN, I thank the Chair.

Mr. President, I am going to talk about something that we recently have before the Senate, Judge John Roberts, in a moment. First, let me express my concerns about a Washington Post story that was published today entitled “Filibuster Showdown Looms in Senate.” The curious thing about this article is it does not talk about the nominee for Chief Justice of the United States, John Roberts, the nominee that we presently have before the Senate. Rather, what this article talks about is the next nominee of the President of the United States to fill the seat of Justice Sandra Day O’Connor.

I am afraid it is perhaps a sign of the times in which we are living and perhaps a sign of the contentiousness with which the nomination for a vacancy on the Supreme Court has met in the Senate that some of my colleagues are already talking about a filibuster of the next nominee of the President when that nominee has not yet been named. I think it takes partisanship to a new level, to threaten to block an up-or-down vote on the Senate floor when we do not even know who that person is yet and, indeed, some apparently cannot even conceive of the possibility that this President would nominate someone on whom they would at least allow an up-or-down vote. We are not talking about a Senator not following their conscience but talking about Senators, a minority, threatening to block a bipartisan majority from casting an up-or-down vote without even knowing who that nominee is going to be.

We ask that nominees for the courts not judge cases that will come before them, but to think that we should also ask Senators not to pre-judge nominees who have not even been nominated by the President yet. Whomever the President nominates should be entitled to an up-or-down vote and majority rule. That is all we would ask for this yet-to-be-named nominee.

Mr. President, I yield the floor.

Mr. President, second, I am not voting for his confirmation because he told us how he would rule on cases or issues that might come before the Supreme Court. Some of my colleagues have said that they would not vote to confirm Judge Roberts because they are not certain how he would rule on cases or issues that will come before the Court.

They are not certain whether he will vote in favor of abortion rights, for example. They are not certain that he will vote in favor of racial preferences and quotas. They are not certain whether he will vote to give the Federal Government unlimited regulatory power to the exclusion of State and local government. I am not certain how Judge Roberts would rule on either, but although my constituents are as concerned and as interested in these issues as anyone, I am not going to refuse to vote for this nominee on that basis.

Mr. President, second, I am not voting for his confirmation because he told us how he would rule on cases or issues that might come before the Supreme Court. Some of my colleagues have said that they would not vote to confirm Judge Roberts because they are not certain how he would rule on cases or issues that will come before the Court. They are not certain whether he will vote in favor of abortion rights, for example. They are not certain that he will vote in favor of racial preferences and quotas. They are not certain whether he will vote to give the Federal Government unlimited regulatory power to the exclusion of State and local government. I am not certain how Judge Roberts would rule on either, but although my constituents are as concerned and as interested in these issues as anyone, I am not going to refuse to vote for this nominee on that basis. Judges are not politicians. They do not come to Washington to run on a political platform. They do not say: Vote for me, and I will put a chicken in every pot. They are not supposed to come before the Senate and try to promise to vote this way or that way on a matter that will come before them. Certainly, I understand as well as anyone why the American people, and Members of the Senate included, have concerns about how Judge Roberts is likely to rule on future cases. I am curious about that, too. But sometimes we have to put our curiosity aside for a greater good. We do not want to create a situation where a Justice cannot win confirmation to the Supreme Court unless he pledges to vote this way or that way on certain hot-button issues of the day. Judges are supposed to be impartial, and they are supposed to be independent. That is why they have lifetime tenure once confirmed. Judges are supposed to be independent. If they are forced to make promises to the Senate of how they will vote in order to get confirmed.

Some of my colleagues have said they simply cannot or will not put political concerns aside for this greater good of independence and impartiality. One of my colleagues says she wants to know who will be the winners on certain issues when Judge Roberts is on the Court. I can tell you who the winners will be. The winners will be the parties whose positions are supported by the Constitution and laws of the United States of America. Judge Roberts eloquently explained this during his confirmation hearing. He was asked whether he would rule in favor of the little guy. His answer was that if the Constitution and laws of the United States supported the little guy’s position, the little guy will win. But if the Constitution says that the big guys are supported, their position is supported by the Constitution and laws of the United States and the facts in the case, then he will vote in favor of the big guy.

This is exactly how it should be. Over the Supreme Court of the United States, as you look at that stately edifice, it says, “Equal justice under the law,” not that justice will be rendered in favor of the little guy all the time or against the big guy all the time, or, conversely, for the little guy all the time or against the big guy all the time or, in favor of the little guy all the time or in favor of the big guy all the time. That is the antithesis of equal justice under the law. As a matter of fact, we all recall that Lady Justice wears a blindfold for a very good reason—because justice is about the law, not about persons who are sitting in front of a judge. The law is not partial. One of my colleagues says that judges are partial. The law is not partial. One of my colleagues says that judges are partial.
in private law practice he would not
turn down clients with positions anath-
ema to liberal special interest groups.
Now, although they acknowledge that
Judge Roberts has donated his time to
clients who, for example, were on the
liberal side of a lawsuit over gay
rights, they criticize Judge Roberts be-
to at his confirmation hearings he
said he would have donated his time to
clients on the conservative side of that
same issue had they approached him
first.

This is perhaps the strangest argu-
ment of all against this nominee. My
colleagues are going to vote against
him because they think it is heartless
to take on clients regardless of wheth-
er he agreed with them or not. That is
the very essence of being a lawyer, a
professional, an advocate. Lawyers are
somewhat like public accommodations
in a sense. Similar to hotels, res-
taurants, and the like, when lawyers
place their shingle out and say, I am
willing to entertain cases that people
may bring to me, they are supposed to
serve anyone who comes through the
door, as long as they have an arguable
legal position or factual position with
which the Court might ultimately agree.
By fact, our ad-
versarial system of justice depends on
law-
yers not just taking cases with which
they perhaps ideologically are inclined
to agree but, rather, they are supposed
to take the facts and the legal argu-
ments of both sides of the issue. I am
willing to entertain cases that
people with whom they
might personally not agree, then they
would never have a chance to be judged
by a jury of their peers because they
would not have a lawyer to take their
case so that it could be presented to
that impartial conscience of the com-

I wish to ask where this reasoning of
my colleagues might lead. There are
any number of clients who few people
would turn down either physically but who
are not represented people with whom
they would represent people whom they
might personally not agree, then they
would never have a chance to be judged
by a jury of their peers because they
would not have a lawyer to take their
case so that it could be presented to
that impartial conscience of the com-

People are not supposed to be judged
by the lawyers. Rather, in our system
they are supposed to be judged by a
jury of their peers. But if lawyers were
constrained or prohibited from rep-
resenting people with whom they
might personally not agree, then they
would have a chance to be judged by
a jury of their peers because they
would not have a lawyer to take their
case so that it could be presented to
that impartial conscience of the com-

I want judges who will side with
the party who has the best argument
and whose position is most consistent
with established law that we all can
recognize and read and understand for
ourselves.

Again, Lady Justice is blindfolded
for a reason. Justice should not depend
on who you are or who you know. It
should depend on who has the law on
their side.

Third, I am not voting for John Rob-
erts because he will preserve some hy-
pothetical quixotic ideal of balance on
the Supreme Court. Some of my col-
leagues have said they will vote for
Judge Roberts because he is not any
more conservative than his prede-
cessor, Chief Justice Rehnquist, whom
he will be succeeding. But they issued
the warning that I started out with:
Mr. President, don’t you dare nominate
someone we disagree with next time or
we will use this unconstitutional fili-
buster. We will break with 200 years of
precedent in the Senate and the very
premise of our law, which is based on
majority rule. We will break with that
and we will filibuster in the Senate and
the very kind of precedent in the taking
of the bench if you nominate someone
we perceive is more conservative than
Sandra Day O’Connor.

My colleagues have said this is im-
portant because they want to preserve
balance on the Court. Preserving so-
called balance on the Court has never
been the basis of a Supreme Court con-
firmation vote. The examples of this
are legion. One of the last Supreme
Court nominees to win confirmation
was Justice Ruth Bader Ginsburg, who
replaced Justice Byron White. Justice
Ginsburg, I think it is clear, I think we
would all agree, was an unabashed lib-
eral and one of the most zealous sup-
porters of abortion rights who has ever
been confirmed to the U.S. Supreme
Court.

Justice White, nominated by Presi-
dent John F. Kennedy, was fairly con-
servative by contrast and indeed was
one of the dissenters in the celebrated
case of Roe v. Wade. Yet Justice Ginz-
burg, a self-avowed liberal, replaced a
moderate to conservative Justice on
the Court, and she was confirmed by a
vote of 96 to 3. No one argued that Jus-
tice Ginsburg should be defeated be-
cause she would somehow shift this ide-
ological balance on the Court.

But she is only one example. Justice
Clarence Thomas, one of the most con-
servative members of the Court, was
nominated and confirmed to succeed
Justice Thurgood Marshall, arguably
one of the most liberal justices of all
time.

Chief Justice Burger, President Nixon’s
antidote to judicial activism, re-
placed Chief Justice Earl Warren, whose
name, in the minds of some, was
synonymous with the phrase judicial
activism.

Justice Goldberg, who believed the
nine amendment gave the Supreme
Court a license to invent new constitu-
tional rights, replaced Justice Frank-
furter, the father of judicial restraint.

So it is clear this has never been the
way it has been, historically. Nor is
there any precedent or any obligation of
a President to try to seek ideolog-
eal balance when nominating someone
to the Supreme Court. The reason why
is very simple. Elections are supposed
to primarily emanate from the elected
representatives of the people in Con-
gress, not life-tenured judges who are
unaccountable.

If Presidents were not entitled to
change the Supreme Court, then Abra-
ham Lincoln could not have changed
the Dred Scott case, and Franklin
Delano Roosevelt could not have
changed the Lochner Court. I doubt my
colleagues who are arguing for this ide-
ological lockstep, or uniformity, would
have favored that.

But that brings me to why I am sup-
porting this nominee, and the reasons
are actually pretty simple. First, Jus-
tice Roberts is simply one of the most
qualified individuals ever nomi-
nated to serve on the Supreme Court.

Indeed, he may very well be the best
qualified. We have heard it before. He


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supported taxpayer funding for abortions. She thought there was a constitutional right to polygamy and prostitution. Suffice it to say, her ideas were far outside of the legal, not to mention the political, mainstream of America.

Finally, I am going to vote to confirm this nominee because this judge understands the proper role of an unelected Supreme Court Justice in a democratic Nation.

Mr. President, I ask unanimous consent for an additional 3 minutes.

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

Mr. CORNYN. To repeat, Judge Roberts understands the proper role of an unelected Supreme Court Justice in a democratic Nation. Ours is not a nation where nine judges sit in a marble edifice and decide what is good for us. Nor is it a Nation conceived on the premise that these nine unelected judges are primarily policymakers. Rather, our notion of justice and law is based on consent of the governed. You can read it in the Declaration of Independence. Obviously, were unelected, lifetime-tenured judges to depart from the text of the Constitution, precedent, and set into a mode of sort of freewheeling ad hoc public policymakers, they would have departed in the extreme from the framework laid down by our Founders and from the framework enounced in our Constitution.

I will vote to confirm this nominee. I hope my colleagues will do likewise. I hope further that my colleagues, who already stated their intention to filibuster the next nominee, will wait until the President has in fact named a nominee to succeed Justice Sandra Day O’Connor. It is just possible—it is just possible they will be surprised and they will find the President has, indeed, selected another nominee in the mold of John Roberts, who will be overwhelmingly confirmed as Chief Justice of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. COCHRAN. Mr. President, I appreciate the opportunity to speak on behalf of Judge John G. Roberts’ nomination to serve as Chief Justice of the United States. The Members of the Senate are many as to wrong political issues, but I am confident a majority of the Senate will agree that Judge John Roberts should be confirmed. He has provided the Judiciary Committee with the story of his life. He has answered questions on a wide range of issues. In the process, he has demonstrated the ability, the temperament, and the wisdom to serve as Chief Justice of the United States.

The process of providing advice and consent on a Supreme Court nomination is one of the Senate’s most significant constitutional responsibilities, although it is not something we are called upon to do very often. Eleven years have passed since the Senate last exercised its duty to provide advice and consent to the President on his selection of a Supreme Court nominee; 19 years have passed since the Senate last considered a nominee for Chief Justice.

By now, all Americans know that the American law courts to know the impressive life story of John G. Roberts, Jr. He is a summa cum laude graduate of Harvard University and an honors graduate of the Harvard Law School. He was an editor of the Harvard Law Review.

After graduating from law school with high honors, Judge Roberts served as a law clerk to a judge on the Second Circuit Court of Appeals and as a law clerk to then Associate Justice Rhenuquti on the U.S. Supreme Court. He has also served as a Special Assistant to the Attorney General of the United States and as an associate counsel to President Ronald Reagan.

After those years of public service, he spent 3 years practicing at a well-respected law firm, specializing in civil litigation. Judge Roberts then returned to public service as the Principal Deputy Solicitor General of the United States.

During the years of service at the Department of Justice and as a lawyer in private practice, Judge Roberts argued 39 cases before the U.S. Supreme Court. His performance before the Court earned him a reputation as one of the Nation’s premier appellate court advocates.

Two years ago Judge Roberts was unanimously confirmed by this Senate to the U.S. Circuit Court of Appeals for the District of Columbia. This circuit court is considered by many to be the Nation’s second highest court.

Judge Roberts is a devoted husband, a dutiful father of two young children, and he is a good and honest man. I closely followed the Senate Judiciary Committee’s hearings on his nomination to be Chief Justice. It is clear to me that he is the right person for this very important responsibility. Judge Roberts has served with distinction in every job he has ever had. His record is compelling evidence that he would be an able and thoughtful member of the Supreme Court, and that his experience and his respect for the rule of law demonstrate he would be an outstanding Chief Justice of the United States.

The quality and correctness of opinions and decisions by the Supreme Court will depend upon the conscientious application of reason and the rule of law by Chief Justice Roberts and his colleagues on the Supreme Court. I think Judge Roberts fully understands the role of the Supreme Court and is totally qualified to discharge the duties of Chief Justice. I believe he will be fair to all and, in the application of the rule of law, impartial and unbiased.

This is serious business. The members of the Federal judiciary are charged with the responsibility of protecting our rights as American citizens, adjudicating our grievances, promoting order and justice, and serving as stewards of the rule of law. The Chief Justice of the United States is the highest ranking official in the judicial branch of our Federal Government. He is in charge of the management and administration of the highest Court in the land. This is what it takes to be an outstanding Chief Justice.

I congratulate the President for his selection of Judge Roberts and I commend the President for his nomination. I hope my colleagues will be in an important position in our Government. I am pleased, indeed, that I will be able to vote in favor of his confirmation by the Senate.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized for 15 minutes.

Mr. BENNETT. Mr. President, most of the speakers who have discussed this subject have talked about Judge Roberts’ qualification. There is no point in being repetitious to them or repeating them again.

There is a point that I do wish to make with respect to the entire process, which I think needs to be emphasized and stressed. It is this: Nominations are not elections. Read the Constitution, and we see that it allows for elections. It provides for elections. It says there are places where elections are appropriate. The President is elected. The Vice President is elected. The Members of the Senate and House are elected. But members of the Cabinet are not; they are appointed by the President. And to allow the election process to have an influence, they have to be confirmed by the Senate. But they are not elections.

The same thing is true very much with respect to the judicial branch. A nomination for the Supreme Court is not an election.

The reason I make such stress of that is because there are many groups out there who think this is an election. There are big ads on television. They are organizing demonstrations. They are walking around with placards. That is what you do when you try to influence voters in an election. This is not an election. The Founding Fathers understood that it should not be an election.

There are some who have made up their minds long in advance of any hearing or any vote as to what it is they want to do. I think, quite frankly, if President Bush were to somehow resurrect John Marshall and send his name to the Senate to be the Chief Justice of the United States, People For the American Way and Ralph Neas would insist that he was badly out of the mainstream and unqualified to be Chief Justice, even though history says he was the greatest Chief Justice in our history. But if he were picked by George W. Bush, that group would immediately say he is radical, he is out of the mainstream.

We are getting the same thing with respect to Judge Roberts—an election
campaign complete with television ads and placards and demonstrations saying that Judge Roberts is out of the mainstream.

I do not know where you go to find mainstream today. I do not know exactly where the mainstream is. I know where the left bank of this particular stream is. The New York Times is against Judge Roberts. That was predictable. That was as sure as the Sun would rise—that the New York Times would oppose anybody George W. Bush proposed.

The Washington Post is usually thought of as being fairly close to the left bank, but the Washington Post looked at this nominee and said this is a qualified nominee.

The American Bar Association tries to be as much of the mainstream as they can. They have given Judge Roberts' nomination their highest support, "well qualified," unanimously. Maybe they are not mainstream enough for some of these people who are using this argument.

The Los Angeles Times is not thought of as a rightwing organization. The Los Angeles Times said it would be a travesty if we didn't confirm Judge Roberts by a wide margin.

Why do we want to confirm somebody like Judge Roberts? Why is the President's nomination a good one? In my view, it is because Judge Roberts understands one fundamental truth. Along with the one I have just given, a second fundamental truth, if you will, is that nominations are not elections and judges are not politicians, or more appropriately judges are not legislators. You have elections for legislators. You should not have elections for judges.

Judge Roberts put it this way in describing his understanding of his responsibility. We have heard this before with respect to this nominee, but it is worth repeating. He said to the committee:

I come before the committee with no agenda, I have no platform.

Again, judges are not legislators. Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability. I will remember that it is my job to call balls and strikes and not to pitch or bat.

In other words, he is the umpire, he is not a player. We have seen an example brought up in an effort to try to de-legitimize him, a case in which he called "balls and strikes" and how he was not a legislator. It has been dropped now because those people who raised it didn't realize that it was going to be analyzed properly and turn out to be embarrassing to them rather than to the judge.

But there was the case of the 12-year-old girl in Washington who, while waiting with her friend at the Metro station to buy a Metro ticket, happened to eat a single french fry, and she was arrested, handcuffed, and taken down to the station. Judge Roberts upheld the action of the Metro Police.

There is an election. We can grab onto this as an example that we can sensationalize and win votes on. Then they examined the matter very carefully, and we got Judge Roberts' actual opinion in this case. He said:

Judge Roberts: There is an election. We can grab onto this as an example that we can sensationalize and win votes on. Then they examined the matter very carefully, and we got Judge Roberts' actual opinion in this case. He said:

"It is my job to call balls and strikes and to do certain things in exchange for votes. I am a politician. I have a conversation with a member of the Senate had the occasion to be made up of people who examine the law. It should not be repealed by the judge just because it is stupid.

I remember a conversation that took place after the Supreme Court ruled on the bipartisan Campaign Reform Act. It is no secret that I opposed that action. The child was frightened, embarrassed, and, indeed, the policy was changed after those responsible endured the sort of publicity reserved for adults who make young girls cry. The question before us now is: whether those policies were a bad idea but whether they violated the Fourth and Fifth Amendments to the Constitution.

He put the emphasis in the right place. This was a stupid law. It was passed for some other reason and turned out in administration to be a stupid law. It was passed by legislators, people with legislative responsibility. It was passed by legislators. It should not be repealed by the judge just because it is stupid.

I will vote for him with great confidence.

The real reason so many groups have tried to turn, Judge Roberts' nomination into an election rather than a nomination is because they lost the election and they are hoping they can turn the Supreme Court into a super-legislature. You have heard that the Founding Fathers had in mind that the Supreme Court at the national level to be open to the electoral process, they would have done what others have done at the State level. There are States where the appointment to the supreme court of the State is an electoral process. Whether that is good or bad is the subject for another conversation. But in this circumstance, we are talking about the U.S. Constitution, which every Member of this Chamber has taken an oath to uphold.

We are going to uphold the Constitution of the United States and defend it against all enemies who would undermine it, be they foreign or domestic, we should preserve the constitutional process of nominations coming from the President of the United States. He has to answer to the people for his decisions. He should be the one to make the nomination. He is the one who is given the powers specifically.

We can say, Mr. President, we don't consent to that because we think you made a mistake, but we in the Senate should not condone those who are trying to turn the nomination process into an electoral process. Because we should understand as Members of the legislature that members of the judiciary are not legislators, and we should move in a different way by participating in an election-type process in vetting their credentials. If this man is qualified, he should be confirmed. If he is unpopular with the electorate, that should be irrelevant. The Constitution does not allow for that to intrude upon the confirmation process.

There is no question but that John Roberts is qualified.

I end with a conversation I had with one of my colleagues who made up his mind to oppose Judge Roberts. I said to him: In a theoretical situation, suppose you had everything you own on the line in a nasty lawsuit, and you had a legal problem where you could lose everything. Who would you choose to defend you? Which lawyer would you hire, the one you think would win votes on. Then they examined the matter very carefully, and we got Judge Roberts' actual opinion in this case. He said:

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The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized for 20 minutes.

Mr. ALLEN. Thank you, Mr. President.

Mr. President, I rise this afternoon in strong support of the confirmation of Judge John Roberts to be the 17th Chief Justice of the United States.

When we first learned of this vacancy on the Supreme Court earlier this summer, I laid out the principles of what kind of judge I believe the President should nominate and how the nomination process should proceed. It should be a dignified approach as a due process. It should be fair, and there should be a vote.

Federal judges are appointed for life. When one recognizes those debates in the founding of our country, Mr. Jefferson wanted judges appointed for terms, and Mr. Hamilton wanted them for life. Unfortunately, in my view, Mr. Hamilton was right. The practice today of judges having lifetime tenure without accountability on the part of the public is at this time of confirmation. While some may not like the editors, some may not like the TV ads, the demonstrations, and all the speeches. I don’t think judges ought to be legislators, and I don’t think they should campaign because it actually displays a woeful and inexcusable ignorance of America’s legal and historical traditions.

This past summer, in the case of Kelo v. City of New London, Connecticut, the Supreme Court of the United States held that the City of New London could take Mr. Kelo’s home on the basis of the public’s economic interest to promote economic development. Mr. Kelo’s home is in the seaside neighborhood of Grove City. The court ordered the City of New London to compensate Mr. Kelo for the loss of his home. This is a terrible ruling, not just because it violates the will and the values of the people of California, which it surely does, but it is also a terrible ruling because it violates the worrisome and inexcusable ignorance of America’s legal and historical traditions. This is all sacrificed on the altar of judicial activism.

The Supreme Court of the United States should ultimately reverse this prohibition of the Pledge of Allegiance in schools. The Supreme Court of the United States has trampled upon the will of the people of California, which it knows because it actually displays a woeful and inexcusable ignorance of America’s legal and historical traditions going all the way back to Mr. Jefferson’s statute of religious freedom. This is all sacrificed on the altar of judicial activism.

Unless the Ninth Circuit reverses itself, then the Supreme Court of the United States should ultimately reverse this prohibition of the Pledge of Allegiance in schools.

Exhibit A comes from, I regret to say, the highest Court in the land, the Supreme Court of the United States. This past summer, in the case of Kelo v. City of New London, Connecticut, the Supreme Court of the United States held that the City of New London could take Mr. Kelo’s home on the basis of the public’s economic interest to promote economic development.

I believe Judge Roberts is precisely the kind of lawyer and jurist that this country needs now. He has the credentials, the values, and the temperament to be an outstanding Chief Justice.

I met with Judge Roberts back in August. We discussed things one on one. I found him to be a very well grounded individual. He possesses the right judicial philosophy. I know people are concerned that some judges might get in there and somehow get out of touch in the rarefied air of judgeships, particularly on the Supreme Court. I thought it was good he cuts his grass every now and then—not that it is a qualification for the judge, but it shows he understands how people live in a relatively normal way.

Most importantly, we talked about the importance of precedence, individual rights, the interpretation of Federal and State laws, and what deference should be given to laws passed by the representatives of the people, as well as a variety of other issues.

I am very comfortable with Judge Roberts and his understanding of the role of a judge, the rule of law, the Constitution, and that the Constitution should not be amended by judicial decree.

I enjoyed asking him what he thinks the role of international law or laws from other countries should be for judges. We will not have others from another country tell us what our laws ought to be. I love his judicious approach that any judge who uses international laws or the laws from other countries to make decisions upon cases in the United States is trying to accrue to themselves more power than they should have. The powers of Federal judges in this country...
work
Judge Roberts, this is exactly how this concerns about [the] legitimacy of their au-
prenting the law and not to making it, and if imacicy of their action is confined to inter-
apply the meaning that is in the Constitu-
tion and the Supreme Court
we saw how Judge Roberts continued
to show a rare reverence for our Con-
stitution as our Nation's Chief Justice.

He declared:

sponsibilities under our Constitution.

We should be fair and dignified, we
have another Supreme Court vacancy
to fill. We will need to fill it very soon.

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

Under the previous order, the time
from 5 p.m. to 6 p.m. will be under the
control of the Democratic side.

The Senator from Delaware.

Mr. CARPER. Mr. President, I ask
unanimous consent that the order for the
quorum call be rescinded.

The PRESIDING OFFICER. Without
debellation, conversations with many
Democrats and Republicans on the
Senate Judiciary Committee, as well
as with others back home and here, I
have decided to vote tomorrow to con-
firm the nomination of John Roberts as our Nation's Chief Justice.

Time will determine the wisdom of
that decision, along with the decisions of
each of our colleagues who join me in
casting our votes tomorrow.

Yesterday, I had the privilege of
meeting with Judge Roberts in my of-
fice. I asked him for his thoughts of the
concerns and question marks I men-
tioned just a few minutes ago. His re-
sonses were forthright. They were in-
sightful. And I believe they were sin-
cere.

Our conversation also provided me
with insights into how a young man
from a small town in Indiana could
grow up, attend Harvard, become one
of the most admired lawyers in Amer-
ica, be nominated for the Supreme
Court, not once, but twice, and then sit
through 3 days of often grueling ques-
tioning before the Senate Judiciary
Committee, responding calmly and re-
spectfully to questions on a wide range
of legal issues without the benefit of
an agenda or even a pad of paper.

Judge Roberts and I spoke with one
another at length about our respective
childhoods and of our parents and the
roles they played in our lives and the
values they instilled in us and in our
sides. We also talked about educa-
tional opportunities, our careers, our
mentors, our spouses, and even about
the children we were raising.

It was a revealing and encouraging
conversation. It was a revealing and
encouraging conversation in that it
provided me with important insights
into his personal values and with a
measure of re assurance on the direc-
tion he may ultimately seek to lead
the highest Court of our land.

I shared with him that in the 8 years
before coming to the Senate, I served
as Governor of Delaware. In that role,
I nominated dozens of men and women
to serve as judges in our State courts,
several of whom enjoy national promi-
nence given my State's role in business
and corporate law.

Ironically, and I think wisely, Dela-
ware's Constitution requires overall
political balance on our State's courts.
For every Democrat who is nominated
to serve as a judge on the Superior
Governors must nominate a Republican,
and vice versa. The result has been an
absence of political infighting and a
national reputation for Delaware's State
judiciary regarded by some as the
finest of any State in our land.

The qualities I sought in the judicial
nominees I submitted to the Delaware
State Senate included these: unim-
peachable integrity, a thorough under-
standing of the law, a keen intellect, a
willingness to listen to both sides of a
case, excellent judicial temperament,
sound judgment, and a strong work

I yield the floor and suggest the ab-

Mr. CARPER. Mr. President, I believe they meet or

What did the Senator from Delaware say about Judge Roberts in his confirmation hearings?
Congress and our country even further or it can serve to bring us a little closer together. We need a choice that unites us, not one that divides us further.

We also need a choice that reflects the America of which we are a part, and which we live. There are any number of well-qualified women, and maybe even a few men, who would be a good choice for the seat now held by Justice Sandra Day O’Connor. On behalf of all of us, Mr. President, let me encourage you to send us one of them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I rise to announce my vote on the nomination of Judge John G. Roberts, Jr., to be the 17th Chief Justice of the United States.

I do not cast this vote lightly. I recognize how critical the courts are in protecting and advancing the rights of all Americans. I know what is at stake. I am also mindful that John Roberts has been nominated for a lifetime appointment to the highest seat on the highest Court in our country. In our system, there is no backstop or review of a Supreme Court Justice once he or she is confirmed. That means under the Constitution we in the Senate have the responsibility to fully evaluate each nominee before voting, and that is exactly what I have done.

For me personally, casting a vote on a nominee to the Supreme Court carries special meaning. Thirteen years ago the nomination of another Supreme Court Justice, Clarence Thomas, helped launch my own path from the kitchen table in Shoreline, WA to this historic desk on the floor of the Senate. During the Thomas confirmation, I was deeply frustrated that the questions I believed needed to be answered were not even raised. I was troubled that average Americans, moms and dads, had no voice in a process that would affect their rights and liberties.

This time I had the opportunity to ask questions that I had not had the opportunity to ask the nominee. I was pleased to work with my Democratic women colleagues to open the process and empower people across the country to submit questions to the nominee via a Web site that Senator Barbara Mikulski created. Today I am pleased to ask those questions directly, but the weight has also been on my shoulders.

For days I have struggled with whether this nominee represents the fear I have of the worst motives of this administration or whether he represents the best hopes of a country for wise decisions that protect our rights and our freedoms and our responsibilities. No one of us can know for sure. There is no doubt that anyone I would have nominated would have come from a different background with a different history, but this was not my choice. There is much I do not know about how Judge Roberts will rule, but as history has shown, none of us can predict that.

And without a crystal globe, I must make this very difficult decision based on what I do know and upon the criteria I have long used to evaluate nominees for judicial appointments.

This evening I talk about how I have applied my standards to other nominees for the Federal bench. I am especially pleased that in Washington State we do judicial nominations the right way, through a careful, bipartisan process that helps us select qualified candidates without regard to politics. In Washington State, I have worked with different administrations to a rough start to this appointment and confirm qualified individuals for the Federal bench.

We solicit input from a wide variety of respected individuals within the Washington State legal community, screen individu- ally interview each recommended candidate prior to submitting his or her name to the White House for consideration.

During the Clinton administration, my colleague Senator Gorton and I worked together to recommend and support individuals for appointment to the Federal bench. Senator Gorton and I disagreed on a lot of issues, but we did agree that when it came to our duty in confirming individuals to the third and coequal branch of our Government, we should set aside partisanship and focus on qualifications. That tradition has continued with my colleague Senator Cantwell. We got off to a rough start on this approach because the Bush administration at first did not want to continue the fair process Senator Gorton and I had established, but eventually the wisdom of our process prevailed. While there have been hiccups along the way, we have used it to confirm qualified people to serve on the bench.

Through this fair and deliberative process, I have supported nominees with a wide variety of backgrounds. I have supported people who have come from privileged backgrounds and those who beat the odds to realize their achievements. I have supported Democrats and Republicans. Each time, though, I was convinced that I was supporting an individual who would serve every American who came before them well, and I have not been disappointed.

My home State of Washington is 2,500 miles away from Washington, DC. In other words, it is easy to forget the importance of thought. The White House would do well to learn from the example we set in Washington State, and I hope the Bush administration will do a better job in terms of our independence of thought. The White House would do well to learn from the example we set in Washington State, and I hope the Bush administration will do a better job in informing the Senate on its next nominee and providing a more complete record of that nominee’s background and writings.
Some have suggested to me that I use my vote to register my disapproval at things the Bush administration has done or that I use my vote to send a message to the President. While I am angry about mistakes and miscalculations, I believe that I must attempt to set every judge to do when a case comes before them. My vote is based on the same standards I have used for years, not on anger or in sending messages or ignoring a nominee’s actual record.

This would be an easier decision if we had a complete record. The White House has refused to provide more recent memos from Judge Roberts’ work in the Solicitor General’s office which would have provided us with a clearer picture of the nominee. I, frankly, think the White House’s position is a reflection of the general breakdown in the process that we use to select and confirm judges today. With this administration, consultation with the Senate is cursory at best, and from the very beginning it has been often the kind of “spoils of war” approach to how they view appointments to the Federal bench. I believe this approach has resulted in unqualified individuals being forwarded by the administration to the Senate. This approach has contributed to the partisan rancor regarding nominations to the courts.

These actions are even more concerning in light of the second vacancy the Bush administration is set to fill in the coming weeks. I do not believe that an honest, fair evaluation could be completed with any less material information than what we were provided during this confirmation process. I believe the Bush administration is attempting to set a dangerous precedent with its words and actions or lack thereof, and I fear that future court nominations could be even more contentious as a result.

In looking at nominees for our courts, I always follow a very deliberative process of having a set of standards and comparing individuals who come before us as nominees to that set of standards. I examine their record and I listen and the candor and their honesty, I see if they meet the basic standards of honesty and ethics and qualifications and fairness. Then I evaluate if they will be independent, evenhanded in deciding cases, and if they will uphold our rights and our liberties. These standards help me ensure that when any American, regardless of background, comes before the court, he or she receives a fair hearing and that the resulting decision renders justice according to the law.

In reaching a decision on Judge Roberts, I reviewed all of the information that was available, and then I examined how Judge Roberts measured up to my criteria for judicial nominees. I followed the Judiciary Committee hearings closely. I read the transcripts. I have spoken directly with Judge Roberts twice, once in a meeting in my office and once by phone.

Looking at the standards, I found Judge Roberts to be honest, ethical, qualified, and fair. I believe he will be evenhanded in deciding cases. On those criteria, Judge Roberts clearly met my test. It was my last criteria, upholding the Constitution and the rights of all Americans, where I had a harder time evaluating Judge Roberts. I wish the White House had been more forthcoming in making available more documents that would have shed light on some of his more recent work and opinions. I wish the nominee himself had been more responsive to questions in his testimony before the Senate Judiciary Committee.

Through this process, I have concluded that Judge Roberts is a decent and capable individual with high ethical standards. I believe he does know the difference between the role of advocacy, which he has held in the past, and the role of judge. I think he has the capacity to be fair, and I think he has the ability to serve all of the American people.

On the question of upholding the hard-won rights and liberties of the American people, I believe Judge Roberts has a healthy regard for precedent and hard-won rights and liberties. His approach to interpreting the law. This is not to say I would expect or even hope to agree with every decision he might make or every opinion a Chief Justice Roberts might author. In making my decision, I recognize that history has shown no one can accurately anticipate what type of Justice a nominee may ultimately become.

For many weeks I have known some people in Washington State will be displeased with what that decision is. I have heard from friends and colleagues, constituents and strangers, on all sides of the question. Many of them have surprised me in their candor and in their position. All this has led me to struggle with the decision for many days now. I have read up on Judge Roberts. I have listened to the thoughts of others. I have talked with the judge himself. After the while, it has been an extremely close call in my mind. I fear the consequences of this important vote. I have had deep and lasting concerns. But I have had strong, heartfelt hopes as well. In the end, I returned to the basic criteria I use on any tough question and to the values the people of Washington State sent me here to protect. In examining those criteria and those important values, I have made a decision that I hope everyone can understand and appreciate and even be proud of. I believe Judge Roberts meets my long-held criteria and, therefore, I will vote to confirm his nomination.

I believe Judge Roberts is well qualified to serve. I believe he is intelligent and honest and fair. Is he wise? Only time can answer that. I cast this vote with the hope that John Roberts will be an individual who will combine common sense and decency with a real respect for how each American as he serves out his tenure on the Supreme Court. In spending time with him and reviewing the available record, I believe Judge Roberts has the capacity to be that kind of justice.

Throughout our history, America has always had to confront challenges and enjoyed a lively debate on how to meet them. Today is no different. Our great Nation is confronting enormous challenges, and the debate over how to address those challenges has caused great divisions in our country. Many people, as I do, fear the direction in which this country is headed. They fear for our security. They fear we are not doing enough to ensure a longer and better future, and they fear the progress we have made in the last several generations is being eroded by a political agenda. Those fears are well founded, and they are real. But our country was also founded on hope, hope that by securing individual liberty, a free people could govern themselves in the interest of promoting the common good, hope that despite our differences, we could band together to create strong communities and a better future for generations of Americans. That spirit of hope is alive today and should help guide us at least as much as our fears.

My vote tonight is a vote of hope—hope that despite our differences, we can unite around the common good; hope that equal justice under the law means something powerful to every American, regardless of background or political persuasion; and hope that John Roberts responds to the needs of this Nation to have a Supreme Court that serves our past and helps secure the rights and liberties of every American into the future.

When I asked Judge Roberts what kind of judge he wanted to be, he said: A Justice for all Americans. I hope my vote, along with the diverse group of my Senate colleagues, reminds him every day that he must be a judge for all Americans.
that is incredibly important. I agree with my colleague from Washington State that this is a time where our Nation needs much hope, whether it comes from the devastation we have seen in the gulf coast in the southern region of our Nation, whether it is the families of our military who fight themselves giving of themselves and of their families to protect the rights and the freedoms in which we in this Nation take great pride, and it is also as we come to the consideration of a Supreme Judge of the United States, which I find to be one of the most important and consequential duties we have as an institution in our system of Government.

I think the American people look to us now with hope that we will work in a bipartisan way, in a way of union, in unifying our Nation to bring about a co-equal branch of our Government that can reassure the American people of justice and of hope.

This is especially true when the candidate being considered has been nominated to the position of Chief Justice of the United States, not simply an Associate Justice but someone who is going to provide the leadership to the highest Court of the land.

As the Senate performs its duty under the Constitution with regard to this nominee, I am also mindful this is the first Supreme Court nominee I have been called upon to evaluate as a Senator from the great State of Arkansas. I have no doubt this is one of the most important nominations I will consider during my tenure in public service.

Given the import of this decision for the future of this Nation and the responsibilities I have to my constituents and my country, I have examined all of the information available about Judge Roberts’ nomination to ensure I have given this matter the full attention it needs and, most importantly, that it deserves.

In making my decision, I very carefully and deliberately reviewed the record compiled by the Senate Judiciary Committee. Further, I have considered the views of Arkansans, both those who think Judge Roberts will make a fine Supreme Court Justice and those who have real concerns about the direction he might lead this very important Court.

I have also met with Judge Roberts privately to get a better sense of who he is as a person, his temperament, and, most importantly, what his experiences have been in his life that may form his views and the interpretation of the Constitution.

Additionally, I have considered the views of his peers and colleagues in the legal community on both sides of the political spectrum who know Judge Roberts, who have worked with him firsthand and have a firsthand knowledge of his works and abilities.

Finally, I have prayed. I searched my conscience and reflected on my principles as a Senator for the people of the State of Arkansas, using my experience, coming from the salt of the earth in east Arkansas, a farmer’s daughter, my experience as a wife, a mother, a neighbor, to make what I believe is the right decision and one I will have to live with for the rest of my life.

I want to say at the outset this has been one of the hardest decisions I believe I have been called upon to make since I came to the Senate more than 6 years ago. It has been difficult because of the consequences of confirming a new Chief Justice are so profound.

Judge Roberts will likely serve on the Court for several decades, and I believe he will have more influence on the future of our Nation than any Member who serves perhaps in this body today.

This decision has also been difficult for me because of the manner in which this administration has handled this nomination, in some respects, and certainly many other nominations that have come before it.

When President Bush first ran for office in 2000, he told the American people he was a uniter, not a divider. He talked about how well he had worked with Democrats as Governor of Texas and that he was going to continue that approach as President to change the tone in Washington. And, oh, how that tone in Washington needed to be changed.

But sadly, that did not happen. President Bush has not followed through on that promise, and judicial nominations, unfortunately, are one of the most glaring examples of where his administration has failed short. In my opinion, this administration has gone out of its way to divide this Nation and the Senate on judicial nominations, which I think is truly a disservice to the judiciary and to the American people.

When the Senate rejected only a handful of Federal appeals court nominees during the President’s first term in office, I expected a uniter who would work with Senators, who expressed concerns, and nominate other qualified candidates who could win confirmation with broad bipartisan support. Instead, after winning reelection, the President renominated many of the same controversial nominees and essentially dared the Senate to challenge him again.

Reflecting on the last 5 years, his administration apparently believes it is possible to pick a fight over judicial nominees than it is to pick sometimes qualified nominees who have earned the support and respect from those on both sides of the aisle in the legal community in which they work.

As a pragmatic Democrat who has always been willing to find common ground and to work in good faith with members of both parties to serve the best interests of my constituents, I am alarmed by the confrontational approach this administration has taken.

We can all be proud of the Founders of this great Nation who created our system of government, where they wisely divided the power of appointment and confirmation of the Federal court Justices between the executive and legislative branches of our Government. They did this to ensure only the most qualified candidates who had the trust of the judiciary and the Senate would be confirmed to a lifetime seat on the Federal bench.

I truly worry that the political tug of war over the judiciary, which President Bush has encouraged, threatens to undermine the judicial selection process and with it our framework of checks and balances which has preserved for centuries the rights and freedoms we cherish as Americans, not to mention the sense of pride and comfort or peace of mind it provides the American people to know that in that third coequal branch of Government, they can rest assured that their freedoms, their rights will be justly directed.

To work properly, the process depends on mutual trust and respect between the executive and the legislative branches, and when that trust and respect is strained, our ability to do our very best as a government, to preserve and to protect a fair and independent judiciary for future generations, becomes in jeopardy.

So it is into this atmosphere of political confrontation that Judge Roberts was nominated to the Supreme Court. And it is why, frankly, I have had difficulty separating my profound disappointment with the administration and the distrust it has fostered from my opinion of Judge Roberts as an individual. So to separate that opinion of Judge Roberts that I needed to develop as an individual, as a lawyer, and potentially the next Chief Justice of the United States, ultimately, I concluded it is unfair to hold Judge Roberts accountable for the actions of the President who appointed him.

I have set aside the history of the last 5 years to take a closer look at this nominee, it has become apparent to me that Judge Roberts does meet the test I believe we should strive to achieve in the judicial selection process. After careful thought and deliberation, I have concluded Judge Roberts is a very smart man who has an enormous respect for the law.

There is no question in my mind that Judge Roberts has the legal skills and the intellect necessary to perform his duties on the Supreme Court. He has impeccable academic credentials and has demonstrated an impressive command of the law and Constitution throughout his professional career and during his recent confirmation hearings.

I also believe that above all else, Judge Roberts is devoted to the Constitution and the institutional integrity of the judiciary and the vital role it plays in our system of Government. I have no doubt John Roberts is a Republican, like the President who appointed him. But I don’t believe his party affiliation will prevent him from
giving both sides in each case before the Court a fair and impartial hearing.

Simply put, I believe John Roberts cares more about following the law and maintaining the respect for the judiciary than he does about politics and ideology.

I base this conclusion on the respect and support he has earned from lawyers and colleagues on both sides of the aisle who know Judge Roberts well—they know him far better than I do—on the extensive record from his own comments and those of his colleagues that he has had an abiding respect for the Court's decisions and that he understands the value of continuity in the law, and on his distinguished career as a lawyer and advocate before the Federal judiciary over many years.

I regret Judge Roberts has made this decision more difficult than it needed to be by refusing to be more forthcoming about his views on protections in the Constitution for individuals, especially protections which guarantee rights to civil rights and gender equality.

As many of my colleagues have already mentioned, Judge Roberts wrote several memos when he worked in the Reagan administration in which he advocated for a narrow application of Federal antidiscrimination statutes, specifically the Voting Rights Act and title IX. Judge Roberts indicated in his response to questions about these memos during his confirmation hearing that he was representing the views of his client, the administration, without elaborating on whether he held those views today. He stated he could not say more regarding his views on those subjects because to do so might undermine his ability, if confirmed, to impartially consider similar cases that are likely to come before the Court.

I believe he could have said more on those other issues before crossing that line, but I don't believe Judge Roberts is entirely to blame for failing to be more responsive.

The partisan atmosphere which pervades the confirmation process today almost guarantees that Senators are left with no choice but to ask legitimate questions of a Supreme Court nominee during the confirmation process and from a nominee who has made them available in this instance. Future nominees to the Supreme Court, or any lifetime judicial position, may not possess the same outstanding personal qualities and impeccable reputation that helped Judge Roberts overcome his failure, and the failure of the Committee to respond more fully to legitimate requests for information. Indeed, there have been past nominees who have failed to receive Senate confirmation, at least partially because they refused to answer questions or release information.

I feel that I have done my level best, despite my misgivings about the actions of this administration in the past, to fairly and carefully and in good faith evaluate this nomination, which is my duty as a Senator. I believe I have done that. It is my hope and expectation that, if confirmed, Judge Roberts will do likewise with respect to every litigant who comes before the Court, especially those who have experienced the same opportunities with which he has been so richly blessed.

I believe Judge Roberts will do that, and therefore I will support his nomination. I join my other colleagues who are concerned about the political process and from a nominee who has not made them available in this instance. Future nominees to the Supreme Court, or any lifetime judicial position, may not possess the same outstanding personal qualities and impeccable reputation that helped Judge Roberts overcome his failure, and the failure of the Committee to respond more fully to legitimate requests for information. Indeed, there have been past nominees who have failed to receive Senate confirmation, at least partially because they refused to answer questions or release information. I feel that I have done my level best, despite my misgivings about the actions of this administration in the past, to fairly and carefully and in good faith evaluate this nomination, which is my duty as a Senator. I believe I have done that. It is my hope and expectation that, if confirmed, Judge Roberts will do likewise with respect to every litigant who comes before the Court, especially those who have experienced the same opportunities with which he has been so richly blessed.

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is doing exactly what he said he was going to do, and I hope that would enhance credibility to the American people of at least one more politician who keeps his word when he is in office. He appoints whom he said he was going to appoint, and that is what he is doing here. And I think anytime you have a President who is committed to doing that, and that is his word, I hope he would be respected for doing that and have leeway in doing that, as long as they are not political hacks but they are qualified.

The other one is, over a long period of time, you may wake up some worry about whether or not we have to be concerned about this specific person doing exactly what he said he was going to do. I would refer to Judge Souter. I was thinking Judge Souter was maybe not exactly whom I would want on the Court, but he would be pretty close to it. During that debate—I think it was in committee and not on the floor—there was one of the Senators on your side, who I have named but I don’t think it is him, who made this point about Justice Souter—that he didn’t have respect for the right to privacy and there was a threat to Roe v. Wade.

Here is one Republican who thought that maybe he would work out OK, from my point of view. There was a Democrat over there who thought Souter would be a threat to Roe V. Wade. We were both wrong.

So it is difficult to predict what people are going to do down the road, so you have to look at are they qualified. I don’t have any doubt but that Judge Souter is qualified to be on the Court. But I misjudged him and this Democratic Senator also misjudged him.

The other one is, if you worry about Republicans, to look at what they might appoint versus what Democrats might appoint, and you end up getting something from a Republican you don’t like. I assume you are more to the liberal conservatives who are out there, and you have to stop to think that a Republican appointed John Paul Stevens and a Republican appointed Justice Souter, two of the four most liberal people on the Supreme Court.

To some extent, you get what you want from a Republican President as much as you do from a Democratic President because the other two were appointed by President Clinton.

Then, also, from a historical standpoint going to a great deal of balance to the Court. Justices change their views sometimes over a period of 25 or 30 years on the Court. Or Presidents that you might be thinking are appointing conservatives end up appointing liberals—they end up being liberals on the Supreme Court.

History is going to bring balance to the Court. Right now, if Justice Roberts is appointed, we will have four liberals, I don’t need to name them. Everyone understands who they are. You are going to have three conservatives: Roberts, Scalia and Thomas. And then you are going to have two moderates, Kennedy and O’Connor—O’Connor for a little while now. So you have some balance, but it is tilted a little bit more toward the liberal side than it is to the conservative side.

Maybe, when President Bush gets done with this next nominee, there will be even more moderates. Four conservatives and four liberals or one moderate, Justice Kennedy left as a moderate.

Then I keep thinking about what we ought to do if we want to bring balance to the Court, and I next more about that on your side than I do on this side: Let’s just say that Justice Ginsburg, obviously a woman, and Justice O’Connor is obviously a woman; we have two women, so maybe we ought to have a woman appointed to the Supreme Court.

The liberal women of America have Justice Ginsburg as voting the way that they think Justices ought to vote. Maybe the conservative women of America are entitled to a seat on the Supreme Court. We might be fortunate enough to get appointed a very qualified woman who is also a strict constructionist. Then we would have one liberal woman and we would have one conservative woman on the Supreme Court, and I don’t have even more balance brought to the Court.

So you see history kind of takes care of these things. I hope 25 years from now—and you are a lot younger than I am and you will be around here 25 years from now—you are satisfied that history will take care of all these problems that are brought up about what the Supreme Court might do 10 or 15 years from now.

Mrs. LINCOLN. If the Senator will yield, I want to say how grateful I am to my chairman because he always does provide helpfulness, without a doubt, as well as a bipartisan attitude, in trying to get things done.

I guess you are exactly right. Some of my fear comes from the role that I have in helping to create history and the thoughtfulness that I need to put into it.

Some of it also certainly comes from recognizing that there is a right way and a wrong way to do everything. My hope is, as we go through these processes, that we become a more unified body, looking at the right way to go about things and a more unified way.

I am grateful to the chairman. He is always thinking about how many ways this body works with and he always brings balance and helpfulness and I am glad he is my chairman.

MR. GRASSLEY. She said she is glad I am her chairman. She means she and I serve on the Finance Committee together. I don’t want to mislead the audience, I am not chairman of the Judiciary Committee.

MR. President, I will proceed, then, with the remarks I wanted to make in regard to my support for Judge John Roberts to be the next Chief Justice of the United States. I do support that nomination. Judge Roberts has earned our vote. He understands the proper role of a judge in our constitutional democracy. He understands the courts are not superlegislatures.

He understands that I am elected to be a legislator, to make law. If people do not like the law I make, they can vote me out of office. But if Judge Roberts makes law with a lifetime appointment to the Court, he can never be voted out of office unless he is impeached. He understands that the courts are not responsible for addressing every social ill or injustice that, in fact, ought to be settled through law and public policy. He understands that courts do not create new rights. Rather, courts protect those liberties and rights guaranteed by our Constitution and the laws appropriately enacted by Congress and State legislatures.

He also understands that there are a great deal—infinite number of unenumerated rights out there for you and me that are reserved under our Constitution to the States and to the people thereof.

Judge Roberts said this to the committee:

Judge Roberts underscores that “judges and Justices” make sure everybody plays by the rules. But these rules limiting the power of Government over the people apply to the courts as well. He made it very clear to us. In Judge Roberts’ view, “Not everybody went to a ball game to see the umpire.”

That is the right approach to the job of a Supreme Court Justice.

Judge Roberts has demonstrated, particularly to the committee, that he understands the limited nature of judges, and especially the humility and the modesty necessary to be the kind of judge we need on our highest Court.

Judge Roberts believes that courts may act only to decide cases and controversies. That is exactly what it says in article III of the Constitution. So judges cannot address every unaddressed and unremedied social problem.

Judge Roberts said:

Judges have to decide hard questions when they come up in the context of a particular case. That is their obligation. But they have to decide those questions according to the rule of law, not their own social preferences, not their policy views, not their personal preferences but according to the rule of law.

That is what he told us in committee.

Judge Roberts also said:

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 is because we want him to do the law. Let me say parenthetically, as I would interpret that, not to make law, but to apply the law.

He went on to say:

They—Meaning judges—are constrained when they do that. They are constrained by the words that I choose to
enact into law in interpreting that law. They are constrained by the words of the Constitution. They are constrained by the precedents of the other judges that became part of the rule of law that must apply.

This answer he gave to the committee demonstrates that Judge Roberts believes in and will exercise judicial restraint on the bench. This principle of judicial restraint is a cornerstone of our constitutional system, best articulated by the Tenth Amendment that that power is not specifically given to the Federal Government or reserved to the States and the people thereof. This is the defining characteristic of the judiciary in our Government.

In particular, I was pleased when Judge Roberts told the committee that he has no agenda to bring to the bench. I want to remind you what Judge Roberts said in a very short opening statement. To quote a little bit of it:

I came before the committee with no agenda. I have no platform. Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the concurrence of my colleagues on the bench, and I will decide every case based on the record according to the rule of law, without fear or favor, to the best of my ability, and I will remember that it's my job to call the balls and strikes and not to pick or pitch. I was also pleased when Judge Roberts told the committee that: I had someone ask me in this process: Are you going to be on the side of the little guy? And you obviously want to give an immediate answer. But as you reflect on it, if the Constitution says that the little guy should win, the little guy is going to win in court before me. But if the Constitution says that the big guy should win, well, then the big guy is going to win because my obligation is to the Constitution. That's my oath.

So, obviously, Judge Roberts will strive to uphold the Constitution and the laws of the United States, regardless of his personal beliefs. I want to take a little time to commend Chairman Specter for conducting a fair and respectful hearing. I am pleased we are looking at a timely and fair vote on this nominee. Obviously, so many people for so long were inclined to filibuster judges, and to have this important person—this "well-qualified" person—go through the Senate doing what the Constitution says to do, give its advice and consent with a 51-vote margin, is something that surprises me to some extent after the last 2 years. But to have it happen gives me a very warm feeling toward all my colleagues for having sent up Judge Roberts' nomination. Article II of the Constitution puts the appointment power in the executive, and says the President gets to nominate the person of his choice to the Supreme Court. And President Bush didn't have to do that under the Constitution. But it was wise for him to do so.

Even though I have been a member of the Judiciary Committee for my 25th year, I don't remember a President who has talked to me or to whom I think ought to be appointed. I wouldn't want to say over 25 years that I couldn't have forgotten some Republican or Democrat talking to me about it, but I don't remember. I was consulted by this President on the type of person I thought should be nominated. I was even offered to give names, if I wanted to. And I took advantage of giving my advice to him.

At the hearing which Senator Specter conducted, Senators were able to ask numerous questions of the nominee over a period of 3 days. The Judiciary Committee also reviewed thousands of documents, opinions, and other information produced by the White House.

Throughout the process, Judge Roberts was asked very cleverly, namely liberal views—views a majority of the American public would deem way out of the mainstream. But the Judiciary Committee evaluated her as a fully competent person to serve on the Supreme Court. And then because of that, because we were doing what we should constitutionally be doing, we voted her in 96 to 3.

As I said in committee, it seems there is a whole new ball game out here and we have an individual with the competence, intelligence, and brilliance of Judge Roberts who nonetheless is going to get a lot of Democrats voting against him. This says far more about the Democrats today than it does about the nominee John Roberts. The truth is that at another time Judge Roberts would have been confirmed 100 to 0, and properly so, as Justice Scalia 20 years ago was approved almost unanimously. Today's Democratic Party seems to be beholden to far left pressure groups who know their radical agenda for America can only be implemented by judicial fiat. I am sad to say that the other party has expressed an unquestionable loyalty to what is probably their base but a base out of touch with the vast majority of Americans. When we finally cast our vote on the nomination of Judge Roberts, most Senate Democrats will show they will be voting in lockstep with the demands of their leftwing interest groups regardless of how qualified, brilliant, or worthy the nominee is.

On the other hand, I have to admit since I prepared these remarks, I have heard speeches by two Members of that party within the last hour who I did not think would come to the conclusion that I thought the Senate Judiciary Committee had said within the last hour they were going to vote for Judge Roberts. I am pleased with that.
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But we still have a situation that has been demonstrated over the last 3 years, up until May of this year when some judges finally got through for the circuits, that judges were being held up for very partisan reasons. The other party and their outside groups have their nominees. They want to fill the Supreme Court or courts, generally, to implement it, particularly things they might not be able to get through the Congress of the United States. My colleagues like to say they voted for nominees appointed by Republican Presidents than judges appointed by Democrat Presidents. But my friends on the other side of the aisle who say this, are not telling the whole picture. Sure, they voted for a lot of Republican nominees during my time in the Senate. More Republican nominees have been sent up for consideration than Democrat nominees. The point is, the Democrats have stuck like glue to their outside interest groups through thick and thin and voted in lockstep against more Republican-appointed judges than Republicans have voted against Democrat-appointed judges. That has been by a landslide margin.

The fact is, a majority of the Democrats voted in lockstep against Judge Bork and Justice Thomas. A majority of Democrats voted in lockstep against Justice Rehnquist when he was elevated to Chief Justice.

On the other hand, Republicans voted overwhelmingly for President Clinton’s two liberal nominees, Justices Ginsburg and Breyer. So I think my party has shown it is not wedded to the single-issue interest groups.

My friends on the other side of the aisle are weaving revisionist history saying the more conservative Justices of the Court, such as Scalia and Thomas, are the ones who are really the judicial activist on the bench. But we all know that is just not true.

The American people know what is really going on. The liberal leftwing interest groups and Senate enablers, as my friend, Senator HATCH, has some interest groups and Senate enablers, as saying the more conservative Justices on the Court are weaving revisionist history has shown it is not wedded to the single-issue interest groups.

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The bottom line is we should not be thinking of liberal, conservative, or moderate judges—men or women for that matter—right to think of who is qualified. If you are qualified for the job, you ought to get the vote of the Senate. Someone who has the right temperament and integrity on the job is also a requirement. But these liberals voted for bad that as well. Judge Roberts recognized this problem, politicizing the Federal bench, and in particular the Supreme Court, when some of my colleagues on the other side of the aisle attempted to pin a litmus test questions on his nomination hearings. Judge Roberts said:

[It] is a very serious threat to the independence and integrity of the Court to politicize them. I think that is not a good development to regard the courts as simply an extension of the political process. That’s not what they are.

Judge Roberts went on to say:

Juries go on the bench and they apply and decide cases according to judicial process, not on the basis of promises made earlier to get elected and promises made earlier to get confirmed. That is why the independence and integrity of the Supreme Court.

I hope I made this clear in my comments that Senator LINCOLN listened to so closely, and that was that history takes care of a lot of this. Of the four liberals on the Supreme Court today, two were appointed by Republicans, President Ford and President Bush 1. The moderates, O’Connor and Kennedy, were appointed by a Republican President. So we do not know what we get. I wish we did. I wish we could predict 25 years from now, but we can’t.

The Democrats were so eager to get President Clinton to appoint a moderate judge to replace Justice Byron White. I remind my colleagues that Justice White was one of the two Justices who dissented in Roe v. Wade. We Republicans did not say: Well, Justice White is retiring so we need to make sure we appoint another person just like Justice White to the Supreme Court. President Clinton wasn’t elected to appoint people the Republicans wanted.

The PRESIDING OFFICER. Under the previous order, the time from 6:20 to 7:20 is under the control of the Democrat side, if the Senator would like to ask unanimous consent to finish his remarks.

Mr. GRASSLEY. I ask unanimous consent for 3 or 4 more minutes.

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

Mr. GRASSLEY. So we got appointments such as Ruth Bader Ginsburg, totally qualified to be on the Court. I voted for her; Justice Breyer, totally qualified to be on the Court, I voted for him. We did not try to second-guess President Clinton.

Clearly, Justice Ginsburg does not share Justice White’s philosophy. Yet Senate Republicans overwhelmingly confirmed her, with only three “nay” votes. The fact is, the President picked people they thought would be good Justices.

The bottom line is we should not be thinking of liberal, conservative, or moderate judges—men or women for that matter—right to think of who is qualified. If you are qualified for the job, you ought to get the vote of the Senate. Someone who has the right temperament and integrity on the job is also a requirement. But these liberals voted for bad that as well. Judge Roberts recognized this problem, politicizing the Federal bench, and in particular the Supreme Court, when some of my colleagues on the other side of the aisle attempted to pin a litmus test questions on his nomination hearings. Judge Roberts said:

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Judge Roberts went on to say:

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I am in total agreement with that statement. So when Judge Roberts testifies his oath is to uphold the Constitution and the laws of the United States and that he won’t impose a political or social agenda in his decision-making, that is what I hear. This is because the bottom line is, irrespective of Judge Roberts’ impressive resume, brilliant intellect, and personal integrity, he would not be qualified to be a Supreme Court Justice unless he was truly willing and able to subject himself to that judicial restraint.

Judge Roberts says his obligation is to the Constitution and that is his oath. He says he will not impose his personal views on the people but will make decisions in an impartial manner in accordance with the Constitution, the laws enacted by Congress. He says he will be modest in his judging and exercise judicial restraint. He says he will respect the limits of the Judge in society. That is the kind of Justice we need to see on the Supreme Court. That is the kind of Justice the Senate should support.

I yield the floor.

Mr. JEFFORDS. Mr. President, generally when we vote, the decisions we make can be revisited within a few months or years. This year’s appropriations policy can be replaced by a new one next year. Unintended consequences can be rectified, legislation fine tuned.

But the consequences of confirming a Supreme Court Justice last well beyond the term of a Senator’s term or even his or her life. Given Judge John Roberts’ age, he may be making critical decisions on constitutional rights when my newborn grandson is welcoming children of his own into this world.

Not surprisingly then, I consider voting on the confirmation of a Supreme Court Justice, and especially the Chief Justice, one of the most important responsibilities of a Senator.

I have considered and voted on four Supreme Court nominees during my tenure in the Senate, the nomination of Judge Roberts to be the 17th Chief Justice of the U.S. Supreme Court is my first chance to consider the nomination of an individual to be the Chief Justice.

I have spent a great deal of time the last few weeks considering this nomination. I looked at Judge Roberts’ decisions during his tenure on the D.C. Circuit Court of Appeals. Any of the memorandums he wrote while working in the Reagan administration, watched the nomination hearing, and listened to what my Senate colleagues have said on this nomination. After consideration of this, I have decided to support Judge Roberts’ nomination to be Chief Justice of the U.S. Supreme Court.

My decision to support Judge Roberts did not come easily. As my father, who served as the Chief Justice of the Vermont Supreme Court, first taught me, the law trumps any personal beliefs when a judge is working to reach
a decision on a case. A fair, equal application of the law is what Olin Jeffords was known for, which is a reflection of Vermont’s view of the judiciary.

As the former attorney general in Vermont, and as a lawyer, I have always devoted myself to the public interest and the principles that lie at the heart of a law. These are issues that affect every citizen, and it is the responsibility of the President to closely and carefully re-examine every nominee.

There are clearly many stances. Judge Roberts took as a lawyer in the Reagan administration that I do not agree with. Here it is unfortunate the Senate has been denied access to the memorandums Judge Roberts wrote while part of the Solicitor General’s office. These documents would have provided a complete picture.

From the record we have, nobody has raised a question on whether Judge Roberts has the proper legal experience or character to be the next Chief Justice of the U.S. Supreme Court. It also appears to me from a review of his judicial decisions that Judge Roberts has not allowed his judicial temperament or ideology to influence his decision-making process.

This focus on litmus tests and political, even religious, ideology during the confirmation process not only undermines the Supreme Court’s role—namely, that of an impartial arbiter of the most important cases—but also represents a potential evisceration of the evolution in the history of the confirmation process. Throughout the history of the Senate, Supreme Court nominees have not been expected to swear under oath what their opinions will be on unsettled areas of law. I believe that this is a good thing. If the confirmation process were to become a series of litmus tests and ideological hurdles, the Senate would be politicizing the one branch of government that the Founding Fathers intended to be the one political branch where members who serve on the Federal bench would no longer be determined on the basis of their legal qualifications and dedication to uphold the life of the nominee. That is why I have said that Justices and judges should approach each case with an open mind and decide cases according to the rule of law—and not based on their own personal preferences or policy views. Judge Roberts has testified, against oath, that he would fully and fairly analyze the legal arguments that come before the Court.

Finally, let me acknowledge and thank the Senate Judiciary Committee, the Senators SPECTER and LEAHY led a dignified, bipartisan and thorough hearing on Judge Roberts. For all this hard work they deserve our thanks and appreciation.

Mr. GREGG. Mr. President, I rise today to speak on the nomination of Judge John Roberts to become Chief Justice of the United States. I have followed the confirmation hearings and careful review of the nominee, I strongly support President Bush’s nomination of Judge Roberts to be the next Chief Justice.

There are a few key questions: What is the Senate’s role in the confirmation process? The Constitution gives meaning to what is the scope of the right of privacy: whether Vermont’s limits on campaign contributions and spending are constitutional; what is an unreasonable search and seizure; how expansive the power of the president can be; or whether Congress exceeded its power in passing a law that affects everyone, and it is the responsibility of the Senate to closely and carefully review every nominee to the Supreme Court.

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the rule of law, but mainly based on who wins at the ballot box and on certain hot button issues. Is this what we or the American people want?

I am hopeful that the Senate will not go down this path and establish a precedent that will someday look back on with regret. Fortunately, most of my colleagues, led by the majority leader, share this same hope and have done an admirable job throughout the Senate’s review of the Roberts nomination. They have stayed true to the Senate’s proper role under the Constitution and to what truly matters when confirming a judicial nominee. I would never want to come before a court knowing that the judge already has made up his mind based on certain personal views and therefore I will never get a fair hearing. Rather, I want someone who is bright, considerate of different viewpoints, experienced, and dedicated to upholding the rule of law with the Constitution as his guide. In his last nomination under oath, Judge Roberts already has shown that he would be precisely this type of Chief Justice. In fact, I cannot recall a judicial nominee in recent memory that lives up to this ideal as much as Judge Roberts. I am pleased to support this nomination and applaud President Bush for making such an outstanding choice.

Mr. INOUYE. Mr. President, I had the privilege and honor of meeting with Judge Roberts. I was impressed by his legal scholarship, but expressed a hope that he would be forthright and open with the American people as he progressed through the Senate confirmation process. Although I must regretfully conclude that there are still questions outstanding on Judge Roberts’ record, in light of the urgency of ensuring that our Nation’s Supreme Court has its full complement of Justices, I agree with my Democratic and Republican colleagues that his nomination should be given an up-or-down vote.

I have studied the development of the Supreme Court by our Founding Fathers, and it is apparent to me that our Nation’s leaders did not want this group of citizens to be subjected to the political pressures of the day, so they provided for lifetime appointments, with no termination date. Further, candidates were not required to be law students. They have stayed true to the Senate’s proper role under the Constitution and to what truly matters when confirming a judicial nominee. I would never want to come before a court knowing that the judge already has made up his mind based on certain personal views and therefore I will never get a fair hearing. Rather, I want someone who is bright, considerate of different viewpoints, experienced, and dedicated to upholding the rule of law with the Constitution as his guide. In his last nomination under oath, Judge Roberts already has shown that he would be precisely this type of Chief Justice. In fact, I cannot recall a judicial nominee in recent memory that lives up to this ideal as much as Judge Roberts. I am pleased to support this nomination and applaud President Bush for making such an outstanding choice.

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I wish Judge Roberts well as he takes his seat as Chief Justice of the United States Supreme Court.

Mr. HAGEL. Mr. President, 25 years from now most of the events and personalities of September 2005 will have passed from our memory. New Orleans will once again stand proudly as one of America's most vibrant cities; America will have been forced to address our need for energy independence; and the legacies of today's politicians will influence the work of tomorrow's history professors. However, the confirmation of John Roberts as the 17th Chief Justice of the United States Supreme Court could well be even more significant in 2030 than it is today. The Roberts Court will have a profound and historic impact on the preservation of liberty for decades to come.

I first met John Roberts when we both served in the Reagan administration in the early 1980s. He is a person of enormous intelligence, character and judgment. His performance in his Senate confirmation hearings earlier this month transcended television ads, internet blogs, television talking heads and the billion dollar campaigns that reduce the judicial nominations process to caricatures and buzz words across the political spectrum. As many of my colleagues have noted, the Roberts confirmation hearings forced a serious examination of the role of the Supreme Court and the Federal Government in our society.

My beliefs about the role of Government were shaped and molded when I served on the state of Nebraska Congress. John McCollister was a master in the 1970s. I remember him warning America about the wholesale disregard of the 10th Amendment to the Constitution which states:

"The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people."

In the late 1930s and early 1940s, the Supreme Court used Article I, Section 8 of the Constitution which gives the Federal Government the power to "regulate commerce," as a crowbar to pry open the lid of federalism and more fully insert the Federal Government into the lives of the American people. By the 1970s, we saw an expansion of the Federal Government's power our Founders could not have imagined.

At the same time that Congressman McCollister was invoking the 10th Amendment in the House of Representatives, Justice William Rehnquist was frequently the lone voice on the Supreme Court for the discretion of States and the integrity of the 10th Amendment. Much has been said about William Rehnquist in the last month. He was a giant of our time. As history considers his legacy, I believe his ability to move the Court back to a responsible position concerning federalism will be his greatest accomplishment. In this, he had a strong ally in Justice Sandra Day O'Connor.

The Founders did not arrive at the 10th Amendment by accident. It was a necessary compromise in order to get the Constitution ratified. The Founders believed that the Constitution must protect the citizens of the United States from the consolidation of the Federal Government's power. History has proven them right. The willingness of politicians to do all the good things they believe are essential to the Nation's well-being. History shows that the growth of central governments is no substitute for the ingenuity and energy of individual citizens.

It was President Woodrow Wilson who said:

"The history of liberty is a history of the limitation of governmental power, not the increase of it."

As we work to address 21st century challenges like terrorism, the proliferation of weapons of mass destruction and incredible advances in technology, we will constantly be confronted with the need to balance the expansion of the Federal Government's power with States rights, individual liberties and national security. As we act to secure our Nation, we must also guard against Federal overreach. That is why measures like the sunset provisions in laws like the Patriot Act are so important.

In years to come, Congress will be under great pressure to reach into areas of law historically reserved for State and local governments, including land use, environmental protection, law enforcement and contract law, including marriage. A wise and judicious Supreme Court will be as critical as it has ever been to see America through this volatile time. Decades from now, if John Roberts can look back upon a legacy of having protected the rights of States and individuals while helping strengthen America from within, and constraining the power of the Federal Government, then it will be a legacy worthy of succeeding William Rehnquist.

Mr. VOINOVICH. Mr. President, I rise today to urge my colleagues to vote to confirm Judge John G. Roberts as the next Chief Justice of the United States Supreme Court.

Before I discuss my reasons for supporting Judge Roberts, however, I would like to make a few remarks about the judicial confirmation process. Judge Roberts is the first nominee that I have been a Senator. I have been very pleased with how his nomination has been handled by both the White House and the Judiciary Committee and hope that this confirmation process will be a model for future confirmations.

I want to compliment the President, and in particular the President's Counsel Harriet Miers, for doing an excellent job in reaching out to Senators prior to Judge Roberts' nomination. Ms. Miers called me prior to Judge Roberts' nomination and asked me what qualities I thought the President's nominee should possess. Our conversation gave me confidence that the President wanted to work with Senators to make sure that he nominated an excellent candidate—which I believe he succeeded in doing. I hope the White House undertakes the same outreach to the Senate prior to the President's nomination of the next nominee to the Supreme Court.

I also want to compliment Senator SPECTER and Senator LEAHY for the superb job they have done in handling the confirmation hearings for Judge Roberts. The hearings were fair and orderly and did not significantly interfere with the Senate's other business. I was very pleased that the questioning and debate on Judge Roberts was largely devoid of personal attacks. Indeed, I think the hearings gave the country an opportunity to see what type of judge and person Judge Roberts is. They also gave the country a wonderful lesson in constitutional law. I hope that Judge Roberts' confirmation hearing will serve as a model for confirmation hearings for nominees to the Supreme Court.

Turning now to Judge Roberts' nomination, I believe that Judge Roberts is one of the finest candidates the Supreme Court in our Nation's history. I believe history will look back on the nomination of Judge Roberts as one of the most important legacies of the Bush administration.

I spoke with White House Counsel Harriet Miers on the qualities I looked for in a Supreme Court nominee. I told her there were two qualities I valued most. First, a nominee must have outstanding professional credentials. And second, a nominee must be committed to the rule of law. I am very pleased to say that Judge Roberts is extraordinarily qualified on both of these counts.

It is difficult to see how Judge Roberts could have more impressive professional credentials. From his academic record to his Government service to his law practice, Judge Roberts has accumulated a remarkable record of achievement.

As my colleagues have previously noted, he graduated from Harvard College magna cum laude in 3 years, and graduated from Harvard Law School magna cum laude, where he served as the managing editor of the Harvard Law Review. During his time at Harvard, he was awarded numerous academic accolades, including being inducted into Phi Beta Kappa.

He has excellent Government experience, having served as a law clerk to then Justice William Rehnquist and in several top positions in the Reagan and Bush administrations, including as Associate Counsel to President Reagan and as Principal Deputy Solicitor General for the first President Bush.

Prior to his unanimous confirmation to the U.S. Court of Appeals for the D.C. Circuit, Judge Roberts was widely regarded as the best Supreme Court litigator in the Nation. Throughout his distinguished career, he argued an impressive 39 cases before the Supreme Court.
He has now served for 3 years as a judge on the D.C. Circuit, which is regarded as among the most important appellate courts in the Nation. As a judge, he has developed a reputation for fairness and producing well-written and well-reasoned opinions.

This impressive background has made Judge Roberts well prepared to be Chief Justice of the Supreme Court. As he displayed during his confirmation hearings, he has an encyclopedic knowledge of the Supreme Court and of constitutional law. Yet, he also has real world experience in Government and in how law interacts with the actual day-to-day operation of Government. Judge Roberts has the perfect balance of academic and practical experience.

Judge Roberts also has an impeccable ethical record. No question has been raised regarding his integrity or professionalism. On the contrary, the record is full of testimony praising his honesty and integrity from former colleagues. Moreover, during his confirmation hearings he properly resisted the temptation to discuss cases and legal disputes that could come before him as Chief Justice so he would not bias himself. Real world experience in Government is full of testimony praising his honesty and propriety from friends and colleagues. On the contrary, the record is full of testimony praising his honesty and propriety from friends and colleagues. Given his professional achievements and ethical record, it is not surprising that the American Bar Association has given Judge Roberts a unanimous well-qualified rating, its highest rating.

I also believe that Judge Roberts has shown a commitment to the rule of law. Now, no two people will agree on how to interpret every provision of the Constitution or statute, as must interpret the law based on the precedents of other judges. Judges must interpret the law based on the text of the Constitution or statute, as the case may be, and based on precedent, rather than on their own personal beliefs about how the case should be resolved. It is the role of Congress to pass legislation and the role of the courts to apply that legislation to particular cases. I believe Judge Roberts not only understands this, but also will prove to be both a skilled practitioner and an eloquent advocate of judicial restraint.

Accordingly, I have every confidence that the nominee who appears before Judge Roberts will see a fair and brilliant judge who will decide their case according to the dictates of the law, not his own personal preferences. When I initially spoke to Ms. Miers about the qualities I was looking for in a nominee, we were discussing a replacement for Justice O’Connor. Now that Judge Roberts has been re-nominated to be Chief Justice, I believe that Judge Roberts’ management skills are an important aspect to consider. The Supreme Court is not only the highest court of the Federal Courts, so any nominee to Chief Justice must possess management skills. Former Chief Justice Rehnquist was an excellent administrator, so Judge Roberts has some shoes to fill.

I had an opportunity to sit down with Judge Roberts, and I asked him about his management experience. We discussed his management responsibilities while he was at his law firm where he helped manage the firm’s litigation group. While Judge Roberts has never managed anything as large as the Federal court system, our conversation convinced me that he has the management skills necessary to be Chief Justice. He clearly has already thought about how he will undertake his management responsibilities and what he needs to do in order to effectively carry out those responsibilities.

Finally, I want to offer some personal observations about Judge Roberts. Too often we view executive and judicial nominees through political or ideological glasses and not as human beings. Nominees quickly get labeled as being a “Republican Nominee” or a “Democratic Nominee” or as belonging to a particular “school of thought” or as being a follower of a particular thinker or politician. This is unfortunate, as each nominee’s own personality gets overlooked and we fail to see the overall quality of the nominee. It is, however, a nominee’s character that can have the biggest impact on his or her work.

In Judge Roberts, I believe the Senate has before it not only a nominee who has the capability to be a great Chief Justice, but also a nominee who is simply a wonderful person. During my meeting with him, I was struck by his gracious manner and humble attitude. He is clearly very smart and engaging, and it is a pleasure to hear him explain his cases. But, he is also a very open minded person, who listens to others with sincerity and a willingness to hear their views. Yet what struck me most about him was his humility. For such a brilliant and successful person, I did not detect a hint of arrogance. He is a dedicated family man with a good sense of humor whom I believe all Americans will be able to respect and admire.

I, therefore, urge my colleagues to support the nomination of Judge Roberts to be the next Chief Justice of the Supreme Court.

Mrs. CLINTON. Mr. President, the nomination of Judge John Roberts to be Chief Justice of the United States is a matter of tremendous consequence for future generations of Americans. It requires thoughtful inquiry and debate, and I commend my colleagues on the Judiciary Committee for their dedication to making sure that all questions were presented and that those outside of the Senate had the opportunity to make their voices heard. After serious and careful consideration of the committee proceedings and Judge Roberts’ writings, I believe I must vote against his confirmation. I do not believe that the judge has presented his views with enough clarity and specificity for me to give a clear vote on the nomination of Judge Roberts. Now, my regard for Judge Roberts has been echoed by so many others, including many whose politics may differ from his. I would like to encourage my colleagues to get a hold of an interview C-SPAN recently aired of Professor Richard Lazarus and Patricia Brannan, two long-time friends of Judge Roberts. Both Professor Lazarus and Ms. Brannan are Democrats, but they both expressed the highest respect for Judge Roberts and supported his nomination. Now, such testimonials may concern some of my Republican friends, but to me they are further signs that Judge Roberts has the ability to persuade people across the spectrum about the importance of judicial restraint.

In short, I believe Judge Roberts displays the openness and humility that should serve as the paradigm for judicial temperament for members of the Federal bench.

Given Judge Roberts’ impeccable academic and professional record, his firm commitment to the rule of law, and his strong character, I believe that Judge Roberts is a nominee of the highest caliber. Indeed, I wonder if a stronger nominee could be found.

I, therefore, urge my colleagues to support the nomination of Judge Roberts to be the next Chief Justice of the Supreme Court.

The Constitution commands that the Senate provide meaningful advice and consent to the President on judicial nominations, and I have an obligation to my constituents to make sure that I cast my vote for Chief Justice of the United States for someone I am convinced will be steadfast in protecting fundamental women’s rights, civil rights, privacy rights, and who will respect the appropriate separation of powers among the three branches. After the Judiciary hearings, I believe the record on these matters has been left unclear. That uncertainly means as a matter of conscience, I cannot
vote to confirm despite Judge Roberts's long history of public service.

In one memo, for example, Judge Roberts argued that Congress has the power to deny the Supreme Court the right to hear appeals from lower courts of constitutional claims involving burning, abortion, and other matters. He wrote that the United States would be far better off with 50 different interpretations on the right to choose than with what he called the "judicial excesses" in Roe v. Wade. The idea that the Supreme Court could be denied the right to rule on constitutional claims had been so long decided that even the most conservative of Judge Roberts's Justice Department colleagues strongly disagreed with him.

When questioned about his legal memoranda, Judge Roberts claimed they did not necessarily reflect his views and that he was merely making the best case possible for his clients or responding in the court's interest. He maintained that he was not making a particular argument. But he did not clearly disavow the strong and clear views he expressed, but only shrouded them in further mystery. Was he just being an advocate for a client or was he using his position to advocate for positions he believed in? The record is unclear.

It is hard to believe he has no opinion on so many critical issues after years as a Justice Department and White House lawyer, appellate advocate and judge. His supporters remind us that Chief Justice Rehnquist supported the constitutionality of legal segregation before his elevation to the high court, even discussed Roe v. Wade, much less refuted the right rule on constitutional claims involving burning, abortion, and other matters. This is the process envisioned by the so-called Gang of 14, and that it resulted in an excellent nominee. Judge Roberts has impeccable legal credentials and a strong reputation and record as a fair and sharp-minded lawyer and jurist. The American Bar Association and many others of all political stripes agree that his distinguished career as a lawyer and jurist makes him very well qualified for the position of Chief Justice. Indeed, some observers have pointed out that if one were to imagine the perfect training to be a Supreme Court Justice, Judge Roberts's career would be the model. I could not agree more.

As an appellate judge, Judge Roberts has built a record of measure, control, and fairness— all crucial characteristics for a member of our Nation's highest court.

Prior to his tenure as a Federal judge, John Roberts was a widely respected appellate lawyer. The Washington Post recently characterized him as "among the country's best-regarded appellate lawyers, both in private practice and as deputy solicitor general during the administration of George H.W. Bush."

The Senate Judiciary Committee has engaged in an extensive review of Judge Roberts' record. During his nomination hearing, he acquiesced himself with dignity and honesty, answering directly questions that he believed he could address without hindering his ability to carry out his functions on the Supreme Court or in his current position on the DC Court of Appeals. The editorial board of the San Francisco Chronicle wrote some days ago that Judge Roberts "passed the key tests before the Senate Judiciary Committee. His command of the law is impressive. He carries no trace of ethical taint. His ability to stay calm and on point in the face of exhaustive questioning from a panel of highly inquisitive—and occasionally posturing—U.S. senators was indicative of judicial temperament."

The committee has voted to recommend that the full Senate confirm Judge Roberts as the Chief Justice of the United States. Several Democratic members of the committee joined in that recommendation, and rightly so—this nominee's exceptional credentials and temperament should place him well above the fray of partisanship.

I agree wholeheartedly with the nomination of the President and the recommendation of the Judiciary Committee. I will vote for John Roberts, a man who has proven to be an extraordinarily talented lawyer and judge who approaches the law with modesty and a deep respect for the Constitution and our Nation's laws.

EMERGENCY HEALTH CARE RELIEF ACT OF 2005

Mr. MCCAIN. Mr. President, I am in the Senate to mention that there is ongoing discussions between the Senator from Iowa, Mr. Grassley, the distinguished chairman of the Committee on Finance, and a number of Members who have been concerned about S. 1716, the Emergency Health Care Relief Act of 2005. I fully support the desire of the Senator from Iowa and most Members of the Committee on Finance to provide health care relief for the victims of Hurricane Katrina. We have noted that it has about a $9 billion price tag, and we have been in ongoing discussions which I believe will bear fruit with the Senator from Iowa.

It is important to know that the administration also objects to S. 1716, and I ask unanimous consent the letter from Secretary Leavitt be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, D.C., September 27, 2005.

HON. WILLIAM H. FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: I am writing to express the views of the Department of Health and Human Services (HHS) with respect to S. 1716, the "Emergency Health Care Relief Act of 2005."

We understand and appreciate that the intent of S. 1716 is to help provide, in the most timely manner possible, emergency health care relief to the victims of Hurricane Katrina. The Department is strongly committed to this same objective, and we have...
engaged in our utmost efforts to furnish such relief directly to Katrina victims as well as to support State efforts to provide emergency health care and related services (see additional below). We believe these ongoing efforts largely preclude the need for the activities proposed under S. 1716. Moreover, we have serious concerns with S. 1716, as enunciated below.

In addition, the bill spends significant amounts on adjustments to the Medicaid FMAP (Federal medical assistance percentage), denying States under the Medicare/SCRIP program (SCHIP) other funds because they are not survivors of Hurricane Katrina. We think this is indefensible and that resources should be targeted to services for these survivors.

EMERGENCY HEALTH CARE RELIEF

Title I of S. 1716 establishes a new Disaster Relief Medicaid (DRM) program for survivors of Hurricane Katrina. Survivors of the hurricane would be entitled to five months of Medicaid coverage, and the President is given the option to extend the program for another five months. Individuals who were previously receiving Medicaid before the hurricane are deemed eligible for this assistance. In addition DRM eligibility is also available to pregnant women and children with incomes up to 200% FPL, disabled individuals and other individuals with incomes up to 100% FPL. As a result, a new eligibility category for childless adults is established. There is no resource or residency determination under DRM. DRM recipients will receive the benefits package available to categorically needy beneficiaries under the Medicaid state plan. States may also provide additional medical benefits and coordination benefits to DRM eligibles, which are not limited to conditions directly resulting from the hurricane.

The bill also establishes a new Medicaid entitlement for Katrina survivors, regardless of whether that will work best for those survivors or the states. This new program is unnecessary. CMS is already acting to meet the health care needs of hurricane survivors through the establishment of a new Medicaid/State Children’s Health Insurance Program (SCHIP) waiver program that builds upon existing Medicaid/SCRIP eligibility and other program rules to provide immediate, comprehensive, non-Federal, non-FMAP (Federal medical assistance percentage) coverage without the need for congressional action. This waiver program allows individuals who otherwise would be eligible for Medicaid in their home states to receive temporary coverage without going through a complex and burdensome application process. Texas, Alabama, Florida, and Mississippi now have these programs, and more states with significant numbers of evacuees are very close to establishing similar programs. With this new waiver program, we are providing care rather than waiting to implement an unprecedented new federal program as envisioned by S. 1716.

The bill (section 108) also establishes a mass enrollment program which would be administered by the Secretary of HHS, rather than states. The fund would provide $600 million for direct payments to Medicaid providers for costs incurred as a result of Hurricane Katrina, and for payments to state insurance commissioners for health insurance premiums for individuals otherwise eligible for DRM. Again, this is duplicating efforts which are well underway at CMS through the uncompensated care pools referenced in the new waiver program. The Hurricane-related care paid for by S. 1716 is duplicating efforts which are well underway at CMS through the uncompensated care pools referenced in the new waiver program. The Hurricane-related care paid for by S. 1716 is duplicating efforts which are well underway at CMS through the uncompensated care pools referenced in the new waiver program.

Under title II, S. 1716 would also make a number of adjustments to P.L. 109–88 the Medicare Part D program. The TANF program bears no relationship to the needs of Katrina victims. The bill (section 109) would modify the allowable uses of the contingency fund if it qualifies as a ‘‘needy State’’ based on Hurricane Katrina-related criteria, while still remaining eligible to receive reimbursement from the fund if it meets the current law definition of a ‘‘needy State’’ (based on certain Food Stamp and unemployment-related criteria). We are advised by the Office of Management and Budget that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration’s program.

Sincerely,

MICHAEL O. LEAVITT

Mr. MCCAIN. I say again to my friend from Iowa, I think he does a tremendous job as chairman of our Committee on Finance. He continues to distinguish himself in that role. But I do believe—and we had, I think, a very productive meeting with the Senator from New Hampshire, Mr. SUNUNU, and Senator LOTT, who, obviously, has a very deep and abiding interest in this situation, as well as the Senator from Iowa. I hope we can work out the objections that the administration has, as well as the concerns that others of us have on this issue.

Again, I thank the Senator from Iowa for his diligent efforts in trying to get this legislation done and, at the same time, satisfy the concerns of many who are concerned about the scope of it, as well as his efforts to attempt to satisfy the concerns of the administration.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I come to the floor once again to insist that the Senate act on the emergency health care needs of Katrina victims. They need help. They need help— not tomorrow, not the next day, not tomorrow. The Senate must pass the Katrina health care package that Chairman SPECTER and I put together. Why? Obviously, to help the victims of Katrina. That is why. They need the help now.
I might say, Senator Grassley and I have worked for weeks on this legislation. It has been 4 weeks since Katrina hit—4 weeks.

Now, some suggest the administration was slow to respond, that FEMA was inadequate in responding. We have heard these complaints. A lot of them are accurate.

Where is the Senate? Where is the Congress? Where? I ask Senators, where is the Senate? Where is the Congress? I will tell you where. We are poised to pass legislation, but the same people and the same political party that were slow with respect to FEMA and the administration are now here today slowing down and stopping this legislation from passing. The same group. The same group. I cannot believe it. I cannot understand it.

This legislation has very broad support. It has the support of Senator Grassley, the chairman of the Finance Committee. I might think of chairman of the Finance Committee, who, I might say, is a very good man. He is a good man. He cares. He puts people above politics. He puts the needs of the Katrina victims above politics. He wants to do the right thing. And I very heartily and soundly congratulate him. He has done such a wonderful job.

We have also consulted for weeks with the Senators from the States affected, working out the details of this legislation, crossing the Ts, dotting the Is, making changes to make sure it works right. We have consulted with the Senators from the States affected, who are from both political parties. They want this legislation. They are from both political parties, and they want it.

We spent a lot of time working on this—a lot of time. We have done the right thing. We made changes, as Senators suggested. We are trying to make it balanced, trying to make it fair, trying to make it respond to the needs of the people in Louisiana, Alabama, Texas—the States affected. We have tried our very best to do this right.

I might repeat, not only the Senators of the States want this legislation, but the Governors of the States want this legislation. If we want to get to labels here, two of those Governors are Republicans. Today, publicly, I asked the question and Senator Grassley, the chairman, asked the question: Governors, what do you think of this legislation? Yes, they want it, they want it now.

Ask Governor Blanco of Louisiana. They know the needs. They are there. They know the stakes. They are the Government. They want this legislation passed now.

Governor Riley of Alabama, he wants it now. Governor Barbour of Mississippi, he wants this legislation passed now. Governor Blanco of Louisiana, she would certainly like it passed now.

I might say, too, this is a compromise. There are Senators here who would like to offer more sweeping legislation and try to get that legislation up for a vote. I daresay, if that legislation was up for a vote, it would pass by a very large margin.

But there are Senators here who do not want to vote, who want to want to vote on that legislation. They do not want to vote on it. They do not want to vote on it. What is my evidence of that? Many times I have asked unanimous consent to bring up this legislation. Many times the chairman of the committee brings up this legislation. And we get objections from the other side of the aisle. We get objections from the other side of the aisle. Oh, it costs too much, I heard. That is one complaint.

I do not know. This legislation is temporary. It is only for several months. It is only basically until the end of the year. It is basically to help people get health care under Medicaid, to get health care now.

There are examples of people who cannot get health care today, victims of Katrina who cannot get health care today. Why in the world is the Senate, controlled by the same party as the White House, saying no? Oh, you want to get your health care?

Let me tell you this. What is the compromise I heard? The compromise I heard is: Take it all out of the $65 billion appropriated for Katrina. Take it out of that. That is what I have heard. Can you believe that? Can you believe that? They say some of that money has been misspent. So people who need health care shouldn’t get the dollars? They shouldn’t get support? They shouldn’t get their health care because some of the FEMA dollars might have been misspent? Give me a break. Give me a break.

What is going on here? What, in fact, is going on here? I don’t understand it. I thought we were Senators. I thought we were the people in the Senate to do the right thing, to rise up and help people who need help, particularly immediately. Sure, we should scrub this stuff and look at it closely. And we have. We have. Senator Grassley and I have. Our staffs have—very closely. We have tailored this down and cut it back down compared to what other Senators in the body want passed, some of the Senators in the committee wanted passed. We said: Oh, no, no, we are not going to go that far. We will take this a step at a time. We will get legislation, only until the end of this year.

These provisions, the Medicaid provisions, the FMAP provisions, the eligibility requirements only apply for several months, to the end of this year. Then they stop.

Let me tell you, we met today, the Finance Committee, with experts—one was George Yin, head of the Joint Tax Committee staff—trying to learn some lessons from New York that might be applied in this case. He made a very interesting point to us. He said: You must know, Senators, it is very hard to know the effectiveness of tax breaks because we don’t have a lot of evidence. He also said something else. He said: Because these are of a short duration, the ones proposed in this bill, they probably will not be utilized very much because people don’t know about them. People don’t know they are there. It is hard to get the word out.

So those Senators should not be too concerned this bill will be “too expensive.” If they are concerned about FEMA fraud, FEMA fraud can be concentrated about money not being properly spent under FEMA, and so forth. I suggest when the next appropriations bill comes up to spend more money at FEMA, to give more cash, that is the proper place to look at any potential waste, any problems, if any, that occur under FEMA. I don’t know what occurs and does not occur, but the Senators I have heard don’t want this bill passed because they say: Oh, it is wasteful. FEMA wasted money. If that is the case, don’t take it out of the hides of poor people who need help. You take it out of the hide of FEMA. You take it out of the hide of additional appropriations.

I heard something else here tonight. I have heard the administration is opposed to this legislation. They quietly kind of are. I don’t think they want to undo. They sent this letter that the Senator from Arizona put in the RECORD. They say: Well, maybe we can do it with waivers. Maybe we can do it a little bit better. Come on. That is not going to work. Why isn’t it going to work? It is not going to work because this waiver process is so vague, it is so amorphous. Nobody knows what it is. Nobody knows when it might go into effect.

Let me give you an example of that. Today at the Finance Committee hearing, I raised the question: Governor Barbour, Governor Riley, Governor Blanco, what about waivers?

Governor Barbour did not know anything about it. They were doing this 4 weeks since Katrina. He said: I have to plead ignorance. I don’t know. You would think if this waiver process is going into effect a little bit, if there has been discussion between the administration and some of these States, you would think the Governor of Mississippi, if this waiver program is worth anything, would know about it. No, he did not know anything about it. He wants this legislation passed.

Mr. President, I ask unanimous consent that the letter Senator Grassley and I wrote back to Secretary Leavitt in response to that White House letter be printed in the Record?

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. Senate, Committee on Finance, Washington, D.C., September 27, 2005. Hon. Michael O. Leavitt, Secretary, Department of Health and Human Services, Washington, DC.

Dear Mr. Secretary: The aftermath of Hurricane Katrina has left hundreds of thousands of Americans displaced and in need of...
assistance. We want to, first and foremost, thank you for your assistance with Katrina relief. We share the goal of addressing the immediate health care needs of people affected by the disaster.

We have, however, chosen different paths for achieving our shared goal. We have introduced the Emergency Health Care Relief Act, S. 1716, which would provide immediate coverage for a temporary period for Americans displaced by Hurricane Katrina. This bill was passed by the states of Louisiana, Mississippi, and Alabama, and provides a means for survivors to retain private health insurance coverage. We believe that this would be the quickest and most efficient way to provide assistance.

Second, it is unclear to us why the Katrina evacuees do not deserve the same assistance provided the people of New York.

Your waiver process appears to contemplate having those Katrina evacuees without private coverage covered by an uncompensated care fund. Providers will provide charity care and then seek reimbursement from the uncompensated care fund. We have questions about that. First, how does the Department believe it has the statutory authority to provide funding for this uncompensated care fund when we believe it is fairly obvious the Department does not have statutory authority to do so? Second, it is unclear to us how much money will be needed for the uncompensated care fund for Texas and all other host states. How much money does the Department anticipate needing for the fund? Third, the Medicaid program has known costs, payment rates, and purchasing power, which is why we sought to use the Medicaid program for the temporary assistance program. How does the Department plan to control expenditures for the uncompensated care fund to prevent fraud and abuse? What accountability measures will apply to these new funds?

3. The states of Louisiana, Mississippi, and Alabama have suffered tremendous devastation that will drastically affect their ability to meet state obligations, including their share of Medicaid. The Department’s waiver process simply bills claims for Katrina evacuees in Texas (and other host states) back to Louisiana and Alabama. When the bill comes due for those claims we would anticipate that the Department is going to expect payment since the Department does not have statutory authority to waive those payments. Will the Department be seeking a statutory response or does the Department believe that the affected states do not have the statutory authority to waive those payments. Will the Department be seeking a statutory response or does the Department believe that the affected states do not have the statutory authority to waive

The bill provides additional assistance for people who have lost their job through extensions of unemployment insurance. We feel that it is appropriate and necessary.

4. The bill provides additional funding for the office of the Inspector General to ensure that relief funds are appropriately spent. We certainly hope you approve of that provision.

We truly believe that we have similar interests in assisting people displaced by this disaster. While we are troubled that you have chosen to oppose our effort, we will continue to work with you to meet our common goal. In that spirit, we respectfully request that you respond to the questions by the Friday, September 30, so that we may better understand how you intend to proceed.

Sincerely,

CHARLES E. GRASSLEY
MAX BAUCUS.

Mr. BAUCUS. That letter points out the glaring defects of the waiver process the administration talks about.

First, the Government is amorphous, as I said. Second, the waiver kind of promises money to hospitals for uncompensated care. It does not say how it is going to happen. It is very unclear. It is very amorphous.

I might say, at that point for 9/11 FEMA was billed for $700 million; and, I think, FEMA did not pay it. In this case the administration, in the waiver process, says, well, there might be some money for hospitals for all the uncompensated care they have provided. It is a promise, who knows it is only or not empty. There are no dollars behind it.

We have dollars in our legislation. It is $800 million. It goes for uncompensated care to hospitals. You talk to the administrators of the hospitals in these areas—Louisiana, New Orleans; other States, Arkansas, Texas—that are overwhelmed—and most of this is uncompensated care—they need help. We are providing it in this bill, $800 million.

We also provide help for people who need care, who do not have health insurance, who live up to 100 percent of poverty. They are not wealthy people: only up to 100 percent of poverty, and 200 percent of poverty for mothers who have children, pregnant women and children. That is not very much. But no, we cannot pass that. Senators say that is too much. That might be wasteful.

I don’t get it. I don’t get it. It reminds me of when I graduated from high school. This fellow sent me a congratulation card for graduating from high school. He said basically: Congratulations, and all this stuff. He said: Best of luck in those interstitial spaces when your brain runs against headlong perversity. This is one of those interstitial spaces in the sense that I don’t get it. I can’t fathom why people would not want to get this passed.

We can go to conference. We can modify this bill in conference. There are these problems. This is what we do around here. If something is not perfect—nothing is ever perfect—you don’t let perfection be the enemy of the good
around here. We go to conference. By that time, little wrinkles crop up, little problems. We take care of them in conference. No, we can’t do that. We can’t even pass the legislation. Some Senators say: No, we can’t pass it. Wrona said FEMA, it won’t work. For the life of me, I don’t understand why we are here.

One small example, not so small for Tina. Who is Tina? Tina Eageron is a lady who fled Louisiana 7 months pregnant but could not find a Florida doctor who would accept her Louisiana Medicaid card. Wouldn’t do it. With this legislation, Tina can get some help.

I can talk about Rosalind Breaux, who has colon cancer and was scheduled for her third round of chemotherapy on August 31, the day after the flooding began. Her husband has lost his job. There is no health insurance. Rosalind is in a real bind. His health care provider would not accept her Louisiana Medicaid card. The woman with diabetes would not be covered. She would not be covered under the administration’s waiver policy dragged out in these shelters, more than 1 in 5 were screened out as ineligible. They did not meet Louisiana’s traditional eligibility rules—apparently, they do not need any dollars. That is the implication of that process. They don’t appropriate dollars. It is against the law. We have to do that. They do not want us to do it.

The waivers, I might say, also limit eligibility for Medicaid coverage to only those groups of people traditionally eligible for Medicaid. Adults without children, no matter how poor they are, or how much they need health care, are covered under the administration’s waiver policy suggested by the letter the Senator from Arizona mentioned.

The woman with diabetes would not be covered. She would not be covered. Diabetes is a very time-sensitive illness. Limiting access to benefits in the waiver would mean leaving tens of thousands of Katrina victims without aid.

After Katrina, Louisiana dispatched Medicaid eligibility workers to more than 200 shelters to enroll evacuees in Medicaid. Of the 4,000 potentially eligible families screened in these shelters, more than 1 in 5 were screened out as ineligible. They did not meet Louisiana’s traditional eligibility rules—apparently, they do not need any dollars. That is the implication of that process. They don’t appropriate dollars. It is against the law. We have to do that. They do not want us to do it.

The waivers, I might say, also limit eligibility for Medicaid coverage to only those groups of people traditionally eligible for Medicaid. Adults without children, no matter how poor they are, or how much they need health care, are covered under the administration’s waiver policy suggested by the letter the Senator from Arizona mentioned.

The lady who fled Louisiana 7 months pregnant but could not find a Florida doctor who would accept her Louisiana Medicaid card wouldn’t do it. With this legislation, Tina can get some help. The waiver process is not going to help that out because the eligibility requirements are not raised. Most of these people are denied because they don’t meet the eligibility criteria.

Among those, more than 40 percent reported that they had no insurance. A third reported having trouble getting the prescription drugs they need. I can’t believe it. What is going on here? Differentiating among individuals during this time of need is not right. This isn’t legislation that is usual; this is an emergency. People need health care right now. Katrina did not differentiate. Katrina hit all the residents of the gulf hard. We should not differentiate in our efforts to help those in need.

The second key difference between the administration’s policy and what our bill does is the funds provided to defray the cost of uncompensated care that thousands of health care providers across our Nation are giving to Katrina survivors. As I mentioned that. Let me repeat that point. The administration has said it will provide an uncompensated care fund. But the administration in this waiver letter referred to on the floor a few minutes ago, has not given any further information about how much would be provided, not one iota, whether it be $1 or zero dollars. The administration has not even given information about how it will be spent.

By contrast, the Grassley-Baucus bill includes an uncompensated care fund of up to $800 million to be spent on compensating those health care providers—that is, hospitals—who have seen a dramatic increase in drop in inpatient load as a result of Katrina. The administration promises, but under our bill, there would be no doubt. We would be there. It is not words but deeds. The administration is words. Our legislation is deeds. It is getting it done.

Third, our bill provides 100 percent Federal funding for all evacuees covered under Medicaid, wherever they are, and for the affected States. By contrast, the administration’s waiver policy applies only to States. What does that mean? I have serious questions about how they can deliver on that without legislation, because it is unclear that the administration would provide additional funds to States. I referred to that earlier. I don’t think they have the legal authority to provide additional funds. I have no doubt they intend to do so. I am sure they do. Why wouldn’t they? I just do not believe that they have the legal authority to do so. So the administration involved in this legal morass—do they have the authority? Do they have the authority? Are we going to sit down and argue about this, while the people need health care? I don’t get it.

At the same time the administration has asked for the three most affected States to sign a memorandum of understanding making them financially responsible for uncompensated care evacuees’ care in other States. Louisiana, Mississippi, Alabama need our help, not more bills to pay—now. We could straighten that out later.

It is an outrage that a small number of willful Senators continue to stall this bill. Hurricane Katrina’s health costs continue to spill in waves across the gulf coast region. Victims continue to suffer without proper medical care. Our bill will restore immediate access to basic health care. Our bill would relieve the financial burden health care providers have shouldered. We must act.

Thus, at the appropriate time, I intend to join with my colleagues and ask unanimous consent for the Senate to pass our bill.

In fact, I do so now. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 214, S. 1716; that the Grassley-Baucus substitute amendment be at the desk be considered and agreed to, that the bill as amended be read a third time, passed, and that the motion to reconsider be laid on the table, and that all of this occur with no intervening action or debate.

The PRESIDENT pro tempore. In my capacity as a Senator from Oklahoma, I object.

Objection is heard. The unanimous consent request is not agreed to. The Senator from Iowa.

MORNING BUSINESS

Mr. GRASSLEY. 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 PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL SECURITY LETTERS AND PATRIOT ACT REAUTHORIZATION

Mr. DURBIN. Mr. President, the USA PATRIOT Act greatly expanded the Government’s authority to use national security letters, documents issued by FBI agents without judicial or grand jury approval that allow the Government to obtain sensitive information about innocent American citizens. The recipient of a national security letter is subject to a permanent gag order.

The Justice Department claims that they are not interested in the library records of innocent Americans. However, they acknowledge that they do not know how often FBI agents have obtained library records since enactment of the PATRIOT Act. And just 3 weeks ago, the Justice Department again refused my request to make public the number of national security letters that FBI agents have issued since
the PATRIOT Act became law. As a result, the American people have no idea how often the FBI is using this controversial power to obtain their sensitive personal records, including library records.

I cried as our Nation’s librarians for defending our Constitution and leading the fight to reform the PATRIOT Act. Unfortunately in the past this Justice Department has criticized librarians for exercising their first amendment rights. Now they have gone even further preventing a librarian from speaking publicly about a legal challenge to the national security letter power.

In our democracy, the government is supposed to be open and accountable to the people and the people have a right to keep their personal lives private. This Justice Department seems to want to reverse this order, keeping their activity secret and prying into the private lives of innocent American citizens.

The President has asked Congress to reauthorize the PATRIOT Act. In order to have a fully informed public debate, the American people should know how often the national security letter authority has been used and they should be able to hear from librarians and others who are concerned about this power.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

you have asked. A similar letter is being sent to Chairman Goodlatte.

Sincerely,
MIKE JOHANNS,
Secretary.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2005

Mrs. FEINSTEIN. Mr. President, I rise today to thank very much all of my colleagues for their support in extending the Breast Cancer Research Stamp for another 2 years.

This strong bipartisan support of Senator HUTCHISON and 68 other Senators from both sides of the aisle.

Without congressional action, this extraordinary stamp is set to expire on December 31 of this year.

During the past 7 years, the U.S. Postal Service has sold over 650 million semipostal breast cancer stamps—raising $47.4 million for breast cancer research.

These dollars allow the National Institutes of Health, NIH, and the Department of Defense, DOD, to conduct new and innovative breast cancer research.

So far the NIH has received approximately $31 million and the DOD about $13 million for breast cancer research—helping more people become cancer survivors rather than cancer victims.

In addition to raising much needed funds, this wonderful stamp has also focused public awareness on this devastating disease and provided hope to breast cancer survivors to help find a cure.

The breast cancer research stamp is the first stamp of its kind dedicated to raising funds for a special cause and remains just as necessary today as ever. For example: breast cancer is considered the most commonly diagnosed cancer among women in every major ethnic group in this country; over 2 million women in the U.S. are living with breast cancer, 1 million of whom have yet to be diagnosed; this year, approximately 21,240 women in this country will get breast cancer and about 40,410 women will die from this dreadful disease; and about 1,300 men in America are diagnosed with breast cancer each year though much less common.

Extending the life of this remarkable stamp is crucial so that we can continue to reach out to our women and men who do not know of their cancer and to those who are living with it.

This bill would permit the sale of the breast cancer research stamp for 2 more years—until December 31, 2007.

The stamp would continue to have a surcharge of up to 25 percent above the value of a first-class stamp.

Surplus revenues would continue to go to breast cancer research programs at the National Institutes of Health, 70 percent of proceeds, and the Department of Defense, 30 percent of proceeds.

This bill does not affect any other semipostal proposals under consideration by the Postal Service.

With this stamp every dollar we continue to raise will help save lives until a cure is found.

Again, I thank my colleagues for supporting this important legislation to extend the breast cancer research stamp for 2 more years.

THE 2005 BRAC PROCESS

Mr. GRASSLEY. Mr. President, I rise to speak on the Base Realignment and Closure, or BRAC, process that occurred this year. I have always voted to authorize base closure rounds in deference to the Department of Defense’s stated need to restructure our military facilities to meet current and future needs. Nevertheless, the ceding of significant authority by Congress to an independent commission is an extraordinary step that should not be undertaken frequently or lightly. When Congress does lend its power to an independent commission, it should retain the responsibility to closely monitor the commission’s deliberations and actions. I have done so with respect to the 2005 BRAC Commission, naturally paying the closest attention to the issues before the Commission that affect Iowa.

My observation of the Commission’s final deliberations raised some concerns about the information and reasoning used in making its decisions. I feel it is important to the Commission to clarify these concerns and have recently received a response that did nothing to allay my concerns. As a result, I have now concluded that I do not have full confidence that this was a thorough and fair process.

A joint resolution to disapprove the 2005 BRAC recommendations has been introduced in the House and has just been marked up by the House Armed Services Committee. It will now be considered under expedited procedures. I would urge my colleagues in the House to approve this resolution. Obviously, if this resolution is not approved by the House, Senate action will be meaningless. But, if the Senate does take up such a resolution, I will vote to disapprove the 2005 BRAC recommendations.

The BRAC Commission is charged with reviewing the recommendations of the Department of Defense and altering those recommendations if they are found to deviate substantially from the BRAC criteria. On that basis, the Quad Cities community in Iowa and Illinois challenged some recommendations for the Rock Island Arsenal and did not challenge others.

One issue on which I thought we had a clear-cut case of a substantial deviation of the BRAC criteria was the proposed move of the U.S. Army Tank Automotive and Armaments Command, or TACOM, organization at the Rock Island Arsenal to the Detroit Arsenal. This was supported by a footnote to a consolidation of what is called inventory control point functions from 11 separate organizations around the country that would now report to the Defense Logistics Agency. The consolidation of inventory control point functions would affect 52 people at TACOM Rock Island and was not challenged by the community. However, the DOD recommendation then, puzzlingly, proposed to move the rest of the approximately 1,000 employees of TACOM Rock Island to the TACOM Headquarters at the Detroit Arsenal in Michigan.

The facilities at the Detroit Arsenal are already strained to capacity. The base is encroached on all sides and has no room to grow. In fact, the Detroit Arsenal is rated far lower in military values than the Rock Island Arsenal. Moving in 1,000 new employees will require major military construction.

That includes building two parking garages to replace the already limited parking space that would be used up. That’s important because of higher locality pay in the area, it will cost significantly more in the long term to pay those employees at the new location.

You also lose some unique facilities currently used by the Rock Island Arsenal like a machine shop and live fire range.

In addition, there will be no space to house the outside contractors currently embedded with TACOM Rock Island, who would also need to move but aren’t counted in the BRAC data.

The Quad Cities community challenged this proposed move on the basis of military value, and the enormous costs both up front and in the long run. In fact, the move would cost the taxpayers millions of dollars instead of growing the Rock Island Arsenal into the future. This point was made clear when Commissioner Skinner visited the Rock Island Arsenal. It featured prominently in my testimony before three BRAC Commissioners at the regional hearing in St. Louis. My colleagues, Senators DURBIN, OBAMA, and HARKIN and Representative EVANS also made this point at the regional hearing. This was followed by a detailed presentation by union representatives. Members of our bistate congressional delegation reinforced this point in follow-up phone calls to commissioners.

Finally, community representatives and congressional staff met with the BRAC Commission staff to make sure they knew about the costs.

When it came time for the final deliberations, the Commission considered the TACOM move with the consolidation of inventory control point functions would affect 52 people at TACOM Rock Island and was not challenged by the community. However, the DOD recommendation then, puzzlingly, proposed to move the rest of the approximately 1,000 employees of TACOM Rock Island to the TACOM Headquarters at the Detroit Arsenal in Michigan.

The facilities at the Detroit Arsenal are already strained to capacity. The base is encroached on all sides and has no room to grow. In fact, the Detroit Arsenal is rated far lower in military values than the Rock Island Arsenal. Moving in 1,000 new employees will require major military construction.

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You also lose some unique facilities currently used by the Rock Island Arsenal like a machine shop and live fire range.

In addition, there will be no space to house the outside contractors currently embedded with TACOM Rock Island, who would also need to move but aren’t counted in the BRAC data.
Furthermore, despite all the briefings from the community, the BRAC staff presented a summary of the community’s concerns that omitted the critical issue of the long-term costs of the move. The summary’s only reference was a relatively minor concern that the number of positions to move were underestimated. When Commissioner Skinner asked how increased estimates of the military construction costs at the Detroit Arsenal would affect the payback, the BRAC staff responded that “Payback with the new scenario, new MILCON, is $1.8 billion over 20 years, still a large savings.” However, that figure refers to the entire recommendation package, not just the otherwise unrelated TACOM move. I believe that response by the BRAC staff was intellectually dishonest and misleading.

The disturbing fact is that the TACOM move will actually squander $128.23 in taxpayer money. I pointed out this problem in a message delivered to Commissioner Skinner before the Commission’s final vote on the BRAC report, but no action was taken. Only after the final vote has the Commission admitted to me in a letter that the TACOM move, if done, would cost $128.23 million over the 20 year time frame used in their estimate. The Commission’s letter also confirmed that the Commissioners were never told about the cost of the TACOM move by itself.

In its response to me, the BRAC Commission continued to justify considering the cost of the TACOM move in terms of the net present value of the entire recommendation. However, in reference to another portion of the same recommendation regarding a cryptological unit at Lackland Air Force Base, the slide used by the BRAC staff for its presentation read, “The extent and timing of potential costs outweigh benefits with regards to payback investment.” The same could have been said about the TACOM portion of the recommendation. The Commission then voted to overturn the portion of the recommendation to realign Lackland Air Force Base. In this case, the Commission did consider one portion of the larger recommendation separately, including a staff analysis of the payback for just that portion of the recommendation, and voted to overturn that portion of the recommendation. The Commission’s justification for its failure to do so with respect to the TACOM portion of that recommendation therefore falls flat.

In fact, there is evidence that the selective presentation of facts by the BRAC staff resulted in Commissioners misunderstanding the issue when voting. In justifying his decision on the TACOM move in an interview with the Rock Island Argus, Commissioner Skinner said of the BRAC staff’s analysis, “There’s still the same significant payback by doing that and that was the major objection that they (the community) had.” Commissioner Skinner should have known the most about this proposed move from his site visits to both the Rock Island Arsenal and the Detroit Arsenal, but his statement is inaccurate. It seems clear from this quote that he was misled by relying on the faulty presentation by the BRAC staff.

Of course, while cost is a major consideration in BRAC, it is not the only consideration. Still, if a recommendation contains significant costs, like the TACOM move, there must be a very compelling case for an increase in military value to justify the costs. In this case, I think it is clear that more is lost in terms of military value than is gained. Moreover, the Commission never got to this point since the BRAC staff represented that the move was justified based on cost.

I don’t believe that DOD made this recommendation based on a conclusion that consolidating TACOM in one location would increase military value in the first place. Several smaller components of TACOM in other locations were not proposed for consolidation. Still, if there was a compelling case for merging the two TACOM organizations together, then why wasn’t the Rock Island Arsenal selected as a receiving site? The Rock Island Arsenal could have accommodated the personnel at the Detroit Arsenal without major military construction, possibly even allowing Detroit Arsenal to be closed entirely. The Rock Island Arsenal is not a very low-cost receiving site. The Rock Island Arsenal was considered as a receiving installation by DOD since it was assumed to be closing during much of DOD’s internal BRAC process.

In fact, the preliminary assumption that the Rock Island Arsenal would close is why it was not considered as a receiving site for the consolidation of the Defense Finance and Accounting Service, Installation Management Agency, and Civilian Personnel Operations Center, the BRAC staffer who presented this issue to the Commission pointed out that this was not fair and equal treatment, which is a violation of the BRAC rules. The Commission then voted to overturn the recommendation based on the fairness issue. I asked the BRAC Commission to answer why this same logic did not apply to their actions in each of these areas. The response stated that this was a very compelling case for the Civilian Personnel Operations Center, the BRAC staff who presented this issue to the Commission pointed out that this was not fair and equal treatment, which is a violation of the BRAC rules. The Commission then voted to overturn the recommendation based on the fairness issue. I asked the BRAC Commission to answer why this same logic did not apply to their actions in each of these areas. The response stated that this was a very compelling case for the Civilian Personnel Operations Center, the BRAC staff who presented this issue to the Commission pointed out that this was not fair and equal treatment, which is a violation of the BRAC rules.

Why the Commission did not recommend full closure as first contemplated. Moreover, as I testified before the BRAC Commission, if it was determined that an organization would be more efficient and less expensive somewhere else, then I could have lived with that. On this basis, I was even prepared for the BRAC Commission to disagree with my assessment about the proposals for the Rock Island Arsenal that I didn’t think made any sense.

However, what I saw in the BRAC Commission’s final deliberations took me by surprise. The Commission did not refute the concerns raised by the community. No evidence was produced that the TACOM move made economic sense or would be more efficient. Instead, the staff gave a misleading presentation that gave the impression that the move made economic sense when it didn’t. Based on the data used by the Commission. That doesn’t mean I absolve the Commissioners from responsibility in this either. Four of them had seen a presentation by the community and all of them had been contacted by Members of Congress. They had a responsibility to challenge the staff when the staff analysis didn’t match what they had heard previously. In this respect, both the BRAC staff and the Commissioners failed in their responsibilities. In some cases, what we have seen has caused me to lose confidence in the work of the BRAC Commission. As a result, I cannot endorse their final product.

I ask unanimous consent to have the Rock Island Argus article to which I referred printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

**SKINNER: ARSENAL DODGED A BULLET**

WASHINGTON—BRAC Commissioner Samuel K. Skinner on Thursday said the Rock Island Arsenal “dodged a major bullet” in the base closing process by losing jobs but not closing completely.

During a brief interview, Mr. Skinner, who visited the Arsenal on behalf of the commission, defended the panel’s decision to send 1,129 Quad-Cities jobs to the Detroit Arsenal. The panel approved the move despite protests that the transfer will cost too much and not further Army integration.

Mr. Skinner said that he looked into arguments that the Detroit Arsenal did not have...
the space for the incoming workers, but was satisfied that additional construction costs will not hamper expected savings to the taxpayers.

"They said there’s still significant payback by doing that," he said of the BRAC staff’s review of the move, “and that was the major objection that they had.”

He conceded that it was only fair to keep open the Arsenal’s 251-job Civilian Personnel Office and Civilian Human Resource Agency. It was originally slated to move to Fort Riley, Kan., as part of a sweeping consolidation of defense personnel offices.

But Mr. Skinner urged the panel to delete it because it was targeted as part of a complete closure of the Rock Island Arsenal, and the move was never re-examined after the Pentagon decided to keep the Arsenal open.

“They had no chance to be heard, it wasn’t even considered, and on that basis it wasn’t fair. So we got a little life," Mr. Skinner said.

He also defended the closure of the Arsenal’s 301-job Defense Finance and Accounting Service office. The commission voted to keep other offices at the Pentagon targeted for closure, but Mr. Skinner said they were on bases of higher military and had the worst economic closure impact among DFAS locations.

He said the overall result for the Arsenal was better than it could have been. “They dodged a major bullet. Not perfect, but it could have been a lot worse.”

GOVERNMENT REORGANIZATION AND PROGRAM PERFORMANCE IMPROVEMENT ACT OF 2005

Mr. THOMAS. Mr. President, we are facing times of record spending. Whether it is in the form of relief to the hurricane ravaged gulf coast, financing the war on terrorism, or meeting our obligations to seniors with the Medicare prescription drug benefit, Federal spending is higher now than ever. We have committed ourselves to funding these priorities.

In doing so, I believe we must also look for ways to save in other areas to offset our increased costs. I liken our current fiscal situation to that of any common American household. When emergencies or unforeseen obligations arise, such as an illness or a major repair, you find a way to pay the bill. But in doing so, you must also look at your household budget and find places to save.

So I come to the Senate floor today to speak a little bit about legislation I recently introduced to require regular reviews of programs and to set as the target of identifying areas where savings can be made. S. 1399, the Government Reorganization and Program Performance Improvement Act, will create the necessary mechanisms to require Congress and the executive branch to regularly and formally examine whether Federal programs and agencies are achieving, or have achieved desired results for the American people, and make the necessary adjustments.

That bill would do this through the creation of a seven-member bipartisan sunset commission and individual results commissions. The sunset commission would hold the Federal Government accountable for performance by reviewing and providing recommendations to retain, restructure, or end Federal agencies or programs. Congress and the President would enact a 10-year schedule for the administration to assess the performance of one set of Federal programs. Acting on those assessments, the seven-member bipartisan sunset commission, appointed by the President in consultation with Congress, will recommend ways to improve effectiveness and spend taxpayer dollars more wisely.

The commission will provide an important framework to facilitate the reform, restructurings, or possible elimination of those agencies or programs that are duplicating efforts or outlived their usefulness. A second key feature of this important measure is the creation of individual results commissions targeted at specific programs or policy areas where duplication and overlapping jurisdiction hinder their performance. The seven-member bipartisan commissions, appointed by the President in consultation with Congress, will consider administration proposals to improve the performance of various programs and agencies by restructuring and consolidation. This will reduce unnecessary costs and waste paid for by the American taxpayer.

We need to continue to evaluate the way the Federal Government operates and look for ways to make it more cost effective for the long term. I believe this legislation presents a good step toward dealing with the large number of Federal programs out there, many of which are, frankly, wasteful and unnecessary, and to other Federal, State and private efforts. S. 1399 provides a commonsense framework for reorganization and review of Federal programs, and provides for a way to abolish them if determined unnecessary.

S. 1399 is a good government measure. It is about efficiency, accountability to the American taxpayer, and identifying potential savings. It is a fiscally responsible measure that will provide a way for the Federal Government to save even as it meets its spending obligations in the future. I invite my colleagues to take a serious look at this proposal and to join me in advancing this effort.

AUGUST 2005 CODEL TO LATIN AMERICA

Mr. SPECTER. Mr. President, from August 14 to the 22, I traveled to Latin America to investigate first hand important issues relating to national security, immigration and the war on drugs. I would like to share the details of this trip and some of the insights I gained with my colleagues.

On Sunday, August 14, we flew to Havana, Cuba. Upon our arrival we drove to the U.S. Mission where we met with James Cason, our chief of mission, and members of his staff. I started off the meeting by asking my hosts if Cuba could help the U.S. combat the smuggling of illegal drugs into our country. Mr. Cason, the public affairs officer of the United States Mission in Havana, who currently serves as the U.S. Drug Interdiction Specialist based in Havana, noted that there is a good working relationship between the Coast Guard and the Cuban Border Guard on drug interdictions. It is the form of the Cubans sharing information with the United States as to suspicious ships passing through its territorial waters. The United States then interdicts these ships when they cross into U.S. waters. While the number of such reports has fallen in recent years, Mr. Rojas believes that this is a testament to the success of Cuban efforts: now that they know they will be reported, drug smugglers seem to be avoiding Cuban waters.

These reports confirm my long-held view that we should be working more closely with Cuba on drug interdiction efforts. This is why since 2001 I have sought to include language in the Foreign Operations appropriations bill to fund joint drug interdiction efforts between our two countries. This language is in the Senate version of the fiscal year 2006 bill, and I intend to press to secure its retention in the bill through conference.

From this positive report on the drug interdiction situation, our conversation turned to a troubling report on the current human rights situation in Cuba. Mr. Cason told us that there has been a deterioration of human rights in Cuba in recent years as Castro has cracked down on political dissidents. In 2003, Castro jailed 75 dissidents and has thus far released fewer than 20 from this group. These arrests were followed by others including the arrest of over 300 people earlier this year. In addition to arrests, Castro has begun to employ other atrocious practices including having dissidents assaulted on the streets and generating demonstrations at the homes of dissidents to prevent them from stepping outside.

This repression has spread to the economic realm as well. In the late 1990s, Castro had opened a very limited window to free enterprise in Cuba by issuing licenses for private businesses. It appeared this trend could have followed the path of China and Vietnam towards a limited market economy and higher living standards. Instead, Castro has abandoned this liberalization and cut back the number of licenses for private business. Both politically and economically, there are signs that Cuba is going backwards.

Finally, our conversation turned to the issue of immigration. In an effort to provide a legal outlet for immigration and avoid the massive boatlifts of the past, the United States allows 20,000 Cubans to legally immigrate every year. This number includes family reunifications, visas given out by
lottery, and approximately 5,000 visas granted to individuals accorded refugee status because they are found to face persecution if they remain in Cuba. Yet this legal outlet is still overwhelmed by the desire to leave Castro's Cuba: every year hundreds of Cubans attempt to flee to our military base at Guantanamo Bay. Upon arrival we were met by White House Counsel Harriet Miers, Department of Defense General Counsel Jim Haynes, and a contingent of my Judiciary Committee staff. The base commander, MG Jay Hood, greeted us all and loaded us into a boat for the trip across the inlet from the airstrip to the operational center of the base.

Our visit began with a briefing by General Hood and members of his staff about many of the individuals being held and interrogated at Guantanamo and what they were learning from them. The briefing also reviewed the many cases on record of individuals we released from Guantanamo who immediately returned to the ranks of the terrorists once free. This briefing was an important reminder of the difficult balance that must be struck in our handling of these detainees. While we must strive for fair processes, we must remember that the individuals we are dealing with are often our most vicious enemies.

After our briefing, we drove to a mess hall for lunch where I had the opportunity to meet a number of Pennsylvanians who are serving with distinction at the base. We then visited one of the buildings used for interrogation and met with a group of interrogators who have been assigned to work with the Saudi prisoners. The interrogators informed us of what they have learned by the trial process. While the interrogators are not at liberty to reveal their techniques, I asked them about the tactics they use. They were adamant that they did not use coercive tactics. They added that such tactics do not work. On the contrary, they told us that they have found the most effective method of interrogation to be developing a relationship with a detainee, treating him with respect, and winning him over through positive reinforcement.

On August 1, the New York Times ran a front page story detailing the allegations of two senior prosecutors at Guantanamo that the trial system for detainees had “been secretly arranged to improve the chances of conviction and to deprive defendants of material that could prove their innocence.” After our tour of the base, I questioned General Hood, DoD General Counsel Jim Haynes, and Brigadier General Thomas Hemingway of the DoD Office of Military Commissions about these allegations. They confirmed that there is no evidence that the military justice system, White House Counsel Miers was present. Since our conversation was classified, I will not comment in this forum on what was said. After this meeting we returned to Havana.

On Tuesday, August 16, we returned to the U.S. Mission to meet with two brave Cuban dissidents: Vladimir Roca and Martha Roque. Mr. Roca is the President of the Social Democratic Party of Cuba. Knowing that I would meet with President Castro later in my trip, I felt it important to meet with the dissidents who worked hard to support me from both sides. I learned after my visit that the Governor of Nebraska, who was in town at the same time I was, also met with Castro but declined to meet with the dissidents.

Since political parties are banned in Cuba, Mr. Roca’s “party” has only 35 members. Mr. Roca was jailed by Castro for 5 years from 1997 to 2002 for criticizing his government. Yet Mr. Roca continues to speak out and to train his staff in how to do so. Mr. Roca has been the subject of intimidation and demonstrations designed to keep him from leaving his home. Like Mr. Roca, Ms. Roque has also been jailed for her anti-Castro views. She spent 3 years in jail from 1997 to 2000. Upon her release from prison she immediately returned to her activism. In 2003, she was arrested for a second time while attending an anti-Castro demonstration and sentenced to twenty years in jail. One year and five months into her term, Ms. Roque suffered a heart attack and was released.

While both Mr. Roca and Ms. Roque had trials, many political prisoners sound as if it was worthy of the name. According to Mr. Roca, he was told prior to his trial that the verdict and sentence would be. Mr. Roca and Ms. Roque are not alone. They inform me that there are still more than 200 political prisoners languishing in Cuban jails for doing nothing more than exercising a right to free speech that their government refuses to recognize.

Following this meeting we drove to a luncheon meeting with President Fidel Castro. I had met with Castro during two prior visits to Cuba in 1999 and 2002 and found the experience to be worthwhile. As before, I found Castro to be an engaging host. He has an easy wit and enjoys a good-natured exchange. Yet beneath the joking was a serious undertone. Having just come from a meeting with dissidents, I pressed Castro to release the political prisoners in his jails. Castro shifted the topic of conversation from his prisoners by bringing up the case of five Cubans convicted of spying in the U.S. whose convictions were recently overturned by the 11th Circuit. I suggested to Castro that the case was an example of American wrongdoing, this kind of fair process is exactly the type of justice he should be offering to his own people. I also pressed Castro to open his country to democracy and dissent. He listened, but my exhortations obviously had no effect.

Much of Castro’s conversation focused on his efforts to provide health care to third world countries. Castro discussed this topic at length, and it quickly became clear that he believes this effort will be his central legacy. Cuba, a country of 11 million, has 70,000 doctors due to Castro’s early emphasis on providing medical care to his own people. Castro has in recent years started sending thousands of these doctors abroad to help serve the underprivileged. Venezuela is the leading recipient of this medical largesse and has the majority of Cuba’s overseas medical corps. According to Castro, Cuban doctors in Venezuela live and work in the slums and provide crucial medical care to those who would otherwise go without. For example, Castro told us that 6,000 Cuban eye doctors will perform 100,000 eye operations on poor Venezuelans this year. In addition to providing care, Castro told us that his doctors also provide an education, teaching Venezuelans to be doctors both in Venezuela and in Cuba. Castro then showed us a list of the many countries in which Cuban doctors are living and serving from East Timor to Haiti and including many African and Latin American countries.

It must be noted that Castro’s policies are not entirely altruistic. Our Embassy in Caracas informed me that in exchange for these medical services he is given a generous supply of free oil and his doctors are paid a subsidy which is remitted back to the state. There are doubtless business arrangements with poorer countries such as Haiti bring similar financial rewards. While there is much to criticize about Castro and his regime, this humanitarian effort is to be respected. To underscore the personal importance of this effort to him, Castro ended his discourse by stating that “history will vindicate us.”

When we left Castro we proceeded to the airport and flew to Caracas, Venezuela. On Wednesday, August 21, we had breakfast with our Ambassador in Caracas, William Brownfield. Mr. Brownfield is a career diplomat with an obvious passion for his work and a deep knowledge of his subject. Ambassador Brownfield sets forth a pragmatic approach to Venezuela. While fundamental differences exist between our two countries, he argues, we can and must cooperate on those issues where we share an agenda, namely oil and drug issues.

On oil, Venezuela lacks the infrastructure to refine more than one-fourth of the oil it produces. Venezuelan oil is heavier than most and needs special refineries, and these refineries are located in the United States. In addition, Venezuela is relatively close to the United States when compared to other United States suppliers and other Venezuelan markets. Thus continued cooperation on oil is imperative for both nations. Currently, both nations are interested in combating drugs. There have been some recent conflicts over the specifics of fighting drugs. Only a week
before our trip, President Chavez announced that he was suspending all cooperation with our DEA. The United States, in turn, suspended the visas of three high ranking Venezuelan law enforcement officials. Yet beneath the conflict of interests and goals remain and can serve as a motivation to overcome these differences and proceed with the important work of drug interdiction.

The Venezuelan President, Hugo Chavez, has been criticized for governing in an anti-democratic fashion. While in Caracas, I wanted to hear directly from Chavez loyalist as well as to fill the election boards with Chavez loyalists.

We next drove to the Venezuelan foreign ministry where we met with Venezuelan Foreign Minister Ali Rodriguez Araque and the Venezuelan Minister of Interior and Justice Jesse Chacon. Foreign Minister Araque started things on a positive note by stating that despite the differences which the United States and Venezuela may have in the political sphere, our two nations have many shared interests in oil and drug interdiction and must emphasize our common goals. Interior Minister Chacon picked up on the theme of drug interdiction and went on at some length about Venezuela’s efforts to fight the use of its territory as a transit point for Colombian drugs. According to the Ministry of Justice authorities, 57 tons of cocaine and heroin in 2004 and 42 tons in 2003. He then spent some time discussing the recent controversy between our DEA agents in Venezuela and the Venezuelan government. He set forth his government’s side of the story, and focused on alleged inappropriate actions by our DEA agents including the use of “controlled delivery” vehicles to ship illegal drugs out of Venezuela in contravention of Venezuelan law.

Immediately following this meeting, we drove to Miraflores Palace where I met with Venezuelan President Hugo Chavez. We were joined by the two Ministers with whom I had previously met as well as U.S. Ambassador Brownfield. President Chavez began the meeting with an extended discussion about the importance of drug interdiction to both of our countries. He noted that drugs are a destabilizing force in the countries victimized by them. He then spoke about the deteriorating relations between the United States and Venezuela. Chavez expressed concern in particular about statements coming from the United States that he is trying to destabilize Latin America. He also said he is concerned about his U.S. ambassador’s lack of access to the White House and high ranking executive branch officials.

Chavez continued about having met President Clinton on three occasions, one of which was at the United Nations. President Chavez believed that his relations with President Clinton were good and would like to see similar relations with President Bush. Presidnet Chavez also spoke about Venezuela’s oil resources and his plans for billions of dollars of investments to increase oil production.

After the President’s extensive opening statement, I responded that good relations between the United States and Venezuela are very important to both countries. I told the President that we appreciate his help in stopping the flow of drugs from Colombia and South America. Chavez said that this was of great importance to the United States and the world. I expressed my view that United States companies would be willing to invest substantial sums to improve Venezuelan oil production and help them produce oil for the world and help Venezuela generate revenue money to fight poverty. I then took up the dispute between Venezuelan narcotics officers and the DEA and suggested that all facts should be out. President Bush, in exactly what occurred so that both parties are then in a position to decide what steps could be taken to resolve the dispute. President Chavez said that this was a good idea and that consideration ought to be given to having a new agreement on drug interdiction.

President Chavez later spoke at some length about President Castro and his efforts to provide extensive medical personnel to Venezuela. Chavez commented that he had discussed my meetings with Castro and thought that they were productive. Chavez then returned to the topic of oil and pointed out that a Venezuelan company, presumably Citgo, had 13,000 gas stations and 8 refineries in the United States. He then reiterated his concern about statements from the U.S. regarding Venezuela destabilizing Latin America. Chavez said that public opinion in Venezuela was running against the United States because of these statements.

At the conclusion of our meeting, President Chavez agreed that it would be useful for his Foreign Minister and Minister of the Interior to meet with our Ambassador the following week to try to resolve United States/Venezuela differences on drug enforcement. Previously, all of our Ambassador’s efforts to arrange such a meeting had been rejected.

On Thursday, August 18 we flew to Liberia, Costa Rica. Our first meeting that afternoon focused on the drug issue. We sat down with Paul Knierim, our top DEA agent in Costa Rica, and his Costa Rican counterpart, Al Soloran, who is the Director of the Costa Rican Drug Control Police. Although no drugs are grown or processed in Costa Rica, the nation and the rest of Central America are a crucial transit route for smugglers bringing South American drugs to the markets in North America and Europe.

Drugs are transported overland on Costa Rica’s roads, by sea through both its Pacific and Caribbean territorial waters, as well as over Costa Rica’s airspace in private planes and on passenger jets. These operations are often sophisticated. In one smuggling ring that was uncovered, re-fueling ships made smuggling boats at fixed points along the Costa Rican coast so that the boats would not have to risk detection by coming ashore.

The region faces its own set of issues. The Trans American Highway, an important overland transport link for drugs, passes through this region and has been the site of increased drug traffic in recent years. Also, the Daniel Oduber international airport outside of Liberia has seen a growth in passenger traffic in recent years, especially to and from the United States, as the local tourist industry and real estate markets have developed. This increased traffic provides an opportunity for smugglers to blend into the crowd. Thus authorities have found that drug traffickers are sending more smugglers on the planes to transport drugs northward. These “mules” typically transport the drugs by placing them in latex bags and allowing them, a practice which can prove fatal if the latex bags break.

I was pleased to learn that in Costa Rica cooperation between our DEA and the local authorities is excellent. We have five of our agents stationed in Costa Rica and the Costa Ricans to investigate and interdict drug shipments. Success is difficult. Mr. Knierim of our DEA told me that they know they are having an impact, since their actions have forced the smugglers to change their tactics. But he also realizes that they have not been able to defeat the smugglers. The battle continues.
Later in my visit, I met with Dr. Rolando Herrero, a leading cancer research-er who has been a pioneer in the exploration of the connection between viral infections and cancer. In particular, in a series of studies conducted in the 1980s and early 1990s, Dr. Herrero demonstrated a connection between the Human Papilloma Virus, HPV, a sexually transmitted disease, and cervical cancer. Having proven this connection, Dr. Herrero is now conducting a trial for a vaccine that could prevent the spread of the virus and thus significantly lower the incidence of cervical cancer. This vaccine trial received $5 million in NIH funding through the National Cancer Institute this year. Given the prevalence of the HPV virus among sexually active young Americans, and the enormous expense of pap smears and treatments, this trial has obvious importance for the protection of women's health in the U.S.

Dr. Herrero has conducted his studies, including the current vaccine trial, in the Guanacaste Province in northwest Costa Rica. He explained that because of the relative stability of the local female population aged 18-25, this region is the ideal place to see if the extensive yearly follow up that would not be possible in the more mobile societies of America and Europe. As a result of his extensive prior work in the region, Dr. Herrero also has an impressive infrastructure in place to enforce the extraordinary study by a highly professional team of 150 scientists and health care workers who know the local population and its habits well.

Finally, we drove to the offices of Mr. Bernardo Rojas, the Director of Ecodesarollo, a private company which has been given a concession from the Costa Rican government to develop an area known as the Papagayo Peninsula on the Pacific Coast of northern Costa Rica. Located just south of the Federal Border with Mexico, the Ecodesarollo concession has been given to Mr. Rojas and this innovative public/private partnership can serve as a model for other countries wishing to develop their tourism industry while preserving the environment and respecting local populations.

Specifically, the Ecodesarollo Company has been given the rights to develop and manage an 840 hectare peninsula for a period of 49 years, with a right to renew the concession for another 20 years. To accomplish this, the company must meet a series of significant requirements. First, it must build 9 hotels and 3 golf courses in this area within a 28-year period which began in 1999. To date, two hotels and one golf course have been built to very impressive standards. The company has also put in place extensive water treatment and recycling and a project to re-populate the local forests with local species of plants. The developers have focused on the prevention of forest fires with great success. Before the project began, there were 18 consecutive years of forest fires during the dry season. Since development began, there have been six dry seasons without any forest fires.

Finally, they must assist the local population. The company is required to build 2,000 residential units in the region. It must also provide additional funding and programs to the local schools and college students.

While in Costa Rica I learned that the day after my meeting with Venezuela's President Chavez, Secretary of Defense Donald Rumsfeld made some critical comments about the Venezuelan leader during a visit to Peru. I was concerned that Mr. Rumsfeld's rhetoric had the potential to erode the progress we had made with President Chavez during our visit. Accordingly, I wrote to Secretary Rumsfeld and informed him of my concerns and my belief that a window of opportunity had been opened to resolve our disagreement over drug interdiction policy. I suggested that, at least for the time being, we should have a cooling off period and not get involved in adverse comments about Venezuela.

Our next and final destination was Mexico City, Mexico. Given our long common border, Mexico presents the greatest challenges and opportunities in the war on drugs and terror and on the immigration issue. Good relations with Mexico are crucial to both of our nations, and I was very glad for the opportunity to learn about these issues first hand.

On my first morning in Mexico we were met at our hotel by our Ambassador, Antonio Garza. Prior to his assignment to Mexico, Ambassador Garza was elected Railroad Commissioner of Texas and appointed by then Governor Bush to be Texas's Secretary of State. Ambassador Garza has a detailed knowledge of the issues facing our two countries, and I believe he is serving us very well in Mexico.

From the hotel we drove to the Mexican Foreign Ministry for a breakfast with a group of Mexican government officials to discuss the most important issues before us: drugs and immigration. The group included Geronimo Gutierrez, Mexico's Under Secretary of State for North American Affairs, and Eduardo Medina Mora, the Director of Mexico's Center for National Security Investigations, Mexico's equivalent of the CIA.

I began our breakfast by asking my hosts about the problem of the drug cartels and the recent violence in Nuevo Laredo, a town just south of the border with Texas, where rival cartels have been fighting each other in the streets with machine guns and rocket launchers. Mr. Mora informed us that the authorities have been successful in prosecuting the leaders of some of the country's largest drug cartels, including a major cartel in Baja, California and the Gulf Cartel operating south of Texas. I was also informed that the U.S. has been providing crucial assistance in this effort. We have helped to train, equip and fund a new, professional Federal police force to replace the corrupt and inefficient predecessor. The new force now stands at 7,000 members. According to Mr. Mora, the next big challenge facing the Mexicans in the war on drugs is to replicate the state and local level what they have accomplished at the federal level by replacing ineffective and/or bribed police forces with professional police forces capable of winning the fight against the cartels. I was informed that the U.S. can be helpful in this effort as much as we were in building the Federal police by providing money, equipment and training.

Extradition of drug lords to the U.S. is a key component in this fight against the drug cartels. Mexican pris- ons fail to deter or to deny them the power to operate in Mexico, and there are stories of many who, through bribes, have been able to get everything they need to manage their em- pires from behind bars. I have been told repeatedly, however, that Mexican drug lords are terrified by the prospect of an American prison cell, a cell in the U.S. prisons where they serve hard time.

Unfortunately, the Mexican courts have created a serious impediment to extradition to the U.S. Like many Eu- ropean countries, Mexico is opposed to the death penalty and will not extradite an individual to the U.S. if that individu- al may face the death penalty upon conviction. Yet the Mexican courts have extended this policy in a unique way. Three years ago the Mexican Supreme Court held that life imprisonment without the possibility of parole is the equivalent of the death penalty since the prisoner will die in jail, and therefore a prisoner who would face a life sentence in the U.S. could not be extradited to the U.S. The Mexican courts have gone so far as to declare that a 20-year sentence is the equivalent of the death penalty when imposed on a 60-year old convict, since someone of that age will likely die in prison.

My Mexican hosts expressed displeasure with these court decisions and tell me they will seek their review. Still, despite these setbacks, ex-traditions are at their highest level ever, exceeding thirty a year in recent years. The Mexican authorities have sent extradition requests to the Department of Justice in the U.S. and the justices of the Mexican courts have gone as far as to declare that a 20-year sentence is the equivalent of the death penalty when imposed on a 60-year old convict, since someone of that age will likely die in prison.

As I was informed that the U.S. now has the authority to extradite drug lords to the U.S. I was informed that the U.S. has been providing crucial assistance in this effort. We have helped to train, equip and fund a new, professional Federal police force to replace the corrupt and inefficient predecessor. The new force now stands at 7,000 members. According to Mr. Mora, the next big challenge facing the Mexicans in the war on drugs is to replicate the state and local level what they have accomplished at the federal level by replacing ineffective and/or bribed police forces with professional police forces capable of winning the fight against the cartels. I was informed that the U.S. can be helpful in this effort as much as we were in building the Federal police by providing money, equipment and training.

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The Mexicans have also agreed to permit the U.S. to implement an interior repatriation program. Typically, when we catch an illegal immigrant, we deposit them on the other side of our border with Mexico where they are tantamount to being in the United States and likely to try again to enter. Under the interior repatriation program, we fly those illegals who wish it all the way back to their home towns and villages. Once home, far away from the border, they are far less likely to try again. So far, this program has returned 13,000 illegal immigrants to their homes in Mexico.

From the Mexican Foreign Ministry we drove to the United States Embassy, where I was greeted by over 30 representatives of the Embassy and other U.S. agencies for a briefing on our drug and counter-terror efforts. This briefing largely confirmed what I had learned earlier in the day from the Mexico's office, Larry Holifield, the regional director of the DEA for Mexico and Central America, described the great cooperation between our DEA and their Mexican counterparts, including permission to conduct wiretaps and joint operations where vetted Mexican police units act on U.S. intelligence tips to take down members of the drug cartels. He and others spoke about the help we have provided to the Mexicans in building their police force and what has been achieved.

Greg Stephens of the Department of Justice confirmed that the Mexicans are getting better on extradition. As of 6 years ago the Mexicans had never extradited a Mexican citizen to the United States but last year the Mexicans extradited 34 people to the United States and are on track to extradite a similar number this year. Renee Harris of U.S. Customs and Border Control spoke about the internal repatriation program and agreed that it was working, and that we would like to see more help from the Mexican government in publicizing the program to its citizens. In response to my question about what more we can do to stem the flow of illegal immigrants, Ms. Harris responded with a familiar refrain: we can provide more technology, equipment, and training.

Following this meeting, we drove to the office of the Mexican President, Vicente Fox. Before our meeting with the President began, I had the opportunity to sit down with Mexican Attorney General Daniel Francisco Cabeza de Vaca. I asked Attorney General Cabeza de Vaca about the extradition issue and if it would help if we agreed not to seek a sentence of longer than 60 years for anyone extradited to the United States from Mexico. The Attorney General thought this would help, and told me that he had discussed this topic directly with Attorney General Gonzales. He also believed that the problematic Supreme Court decision would be reviewed.

I asked the attorney General about the situation in the Nuevo Laredo, and he expressed confidence that the situation was improving. He told me that the Federal Government had sent over 1,500 police to the city and that some important arrests were made just last week. He praised the sharing of intelligence tips which has helped them identify and detain targets. He said there were two phases to combating the violence in Nuevo Laredo. The first phase was to ensure the permanent presence of the Federal police in the City. This has already been accomplished. The second phase was to improve local law enforcement and create a new and professional local police force which was not owned by the cartels. He expected to see a reduction in the level of violence very soon. The Attorney General also asked for my assistance in the matter. He told me that the warring cartels were using very high powered weapons, including 50 caliber machine guns and rocket launchers. He also noted that these weapons were coming from the United States. I agreed to contact the ATF to see what could be done to stem the flow of such illegal weapons to Mexico.

Next I was received by President Vicente Fox. Fox started off our meeting by telling me that it is vital for the United States, Canada and Mexico to work together on a variety of problems including immigration, counter narcotics, and terrorism. He noted that our governments were losing jobs to Asia and needed to work jointly to bolster our economies.

On the issue of violence in Nuevo Laredo and elsewhere, the President told me that Mexico has both a short term and a long-term approach. In the short term, Mexico has jailed 40,000 members of the drug cartels in a 4-year period. Among those in prison are six of the major drug lords. The President complained, however, that even while in jail some drug lords have been able to continue their operations by bribing prison guards for access to telephones and other means of communication. Fox then spoke in more general terms about the problem of police corruption at the local level. He noted that police earn a salary of $600 a month but are offered bribes in the thousands. In Nuevo Laredo alone, 1,100 policemen were fired from their jobs last month for corruption. The Federal Government has moved 1,000 policemen into the area to stem the violence.

In the long term, President Fox told us that he is trying to foster greater cooperation between the Mexican Federal Government and the U.S. and Canadian governments. To do so would require passage of legislation that has long been pending in the Mexican Congress. President Fox’s party controls neither house of Congress and so far this legislation has not been enacted. To emphasize the importance of better cooperation from local police, President Fox pointed out that there are approximately 400,000 local police and only 10,000 Federal police. He also noted that approximately 95 percent of all crime consists of violation of state and local laws, while only 5 percent is Federal.

On the issue of extradition, President Fox told me that he would like to extradite more criminals to the United States but is limited by what his Supreme Court has done. While he would like to see this opinion overruled, he is sensitive not to take any action which would be counter productive. But he is working hard in the fight against drugs. He told me that earlier that day he spent 2 hours with his counter narcotics experts. He plans to meet with the governors of Arizona and New Mexico to discuss the states of emergency that they have declared in response to the influx of illegal drugs and immigrants.

On the violence in Nuevo Laredo, President Fox stated that the cause was the fight between rival drug cartels for control of the city. He is using his military in Nuevo Laredo. I told President Fox that I was not optimistic that the war over the drug cartels could be won having observed the problems in Colombia since the early 1980s and having now seen the problems in Venezuela and Costa Rica. I asked the President if he felt that war was winnable. President Fox replied that it would be very difficult to win the war on drugs as long as the demand for drugs remains strong. But he believes that the fight must continue.

**ADDITIONAL STATEMENTS**

**HONORING RALPH CURTIS**

- Mr. ALLARD. Mr. President, I would like to take a moment to recognize one of my constituents, Mr. Ralph Curtis. Mr. Curtis has served as manager of the Rio Grande Water Conservation District for 25 years. He took over the managerial position when the organization was very small, consisting of just Ralph and one other employee. The time and energy that Ralph has given...
to the Rio Grande Water Conservation District has made this organization the well respected entity that it is within the San Luis Valley and Colorado.

Because he grew up on—and later managed—his family’s ranch in Saguaros, he knows the value of the importance of water to the San Luis Valley. Under his direction, the district took a leadership role in fighting against the American Water Development Inc., water grab, in water conservation and in proactive efforts on behalf of endangered species such as the Southwestern Willow Flycatcher.

Ralph’s community contributions have not gone unmarked either. He has been honored with numerous awards such as: the Wayne Aspinall Water Leader of the Year, San Luis Valley Wetlands Stewardship Award, Friend of 4-H, Distinguished Service Award for Conservation of Natural Resources, Support of Colorado Association of Soil Conservations Districts, and he was inducted into the Honorable Order of the Water Buffalo.

Ralph has always looked ahead to the next challenge has always looked forward to the next hill, in order to see where the road will lead him. I would like to wish Ralph and his wife Gloria the very best as they walk down that new road together looking for new challenges.

CONGRATULATIONS TO JAY DAVIDSON

Mr. BUNNING, Mr. President, I pay tribute and congratulate Jay Davidson on his reception of an America Honors Recovery Award given to him by the Johnson Institute, a nationally recognized organization dedicated to helping people overcome alcohol and substance addiction.

Mr. Davidson has dedicated his life to the cause of fighting addiction. He does this by serving as the president and CEO of The Healing Place, based in Louisville, KY. Under Mr. Davidson, this center has achieved a success rate of 65 percent, which is five times the national average. The efforts of The Healing Place have been so successful that this year Governor Ernie Fletcher has announced that it will serve as a model to 10 other shelter and recovery centers throughout Kentucky. In fact, this model has been effective enough that other branches of The Healing Place have been opened in Lexington, KY, Raleigh, NC, and Richmond, VA.

The citizens of Kentucky are fortunate to have the leadership of Jay Davidson. His example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

He has my sincere appreciation for this work and I look forward to his continued service to Kentucky.

TRIBUTE TO PATRICIA M. DIXON

Mr. GRAHAM, Mr. President, today I wish to recognize the outstanding service and dedication in the field of economic development of Mrs. Patricia M. Dixon, this on the occasion of her retirement from the Economic Development Administration, United States Department of Commerce effective today, September 28, 2005.

Mrs. Dixon has worked honorably at the Economic Development Administration for 33 years, most recently and prominently as the Economic Development Representative to the State of South Carolina. Her contributions to this model has been effective enough that the State and national level, and has garnered numerous awards, on both the State and national level, over his 33-year tenure. Among other things, Officer Gonzalez has been particularly active in aiding crime victims and victims of sexual and domestic abuse.

After the September 11 attacks, he worked at Ground Zero.

Sonia Parras Konrad immigrated to the United States 9 years ago from Granada, Spain. She was trained as a lawyer and is most recently a graduate of Drake University Law School. Today she practices law in Des Moines and is being honored today for her passionate dedication to helping victims of domestic and sexual violence, particularly within Spanish speaking communities. Among the programs she has founded is LUNA, Latinas Unidas por un Nuevo Amanecer—Latinas United for a New Dawn—designed to prevent and deal with the effects of domestic and sexual violence. This program has aided countless Iowans and has been used as a model in the country.

Juliet Cunningham emigrated from Kirkuk, Iraq, to the United States in 1979 to pursue advanced educational opportunities. She is actively involved with many Iowa institutions, including the Iowa State University Engineering and Research Complex, Des Moines Science Center, Society of Women Engineers and the West Des Moines United Methodist Church. In 1984 Mrs. Cunningham cofounded TEAM Services Inc., a soil, environmental, and construction materials consulting firm with her husband. Of particular note is her role in helping get a TEAM Services laboratory in central Iowa accredited for the testing of construction materials, making it the first laboratory in Iowa with these capabilities.

Dr. Liansuo Xie was born in 1958 and grew up in China’s Hebei Province. He worked as a mechanic in a paper manufacturer plant there before studying to receive a B.S. from the Beijing Agricultural University in 1982. Shortly thereafter, he married and came to the U.S. to study further at Iowa State University where he eventually earned a Ph.D. and was honored with a Research Excellence award.

He is widely considered to be one of the best engineers at the Townsend Engineering Company in Des Moines, where he has worked since 1990, for his work on projects designed to increase productivity. Finally, Dr. Liansuo is a longstanding contributor to his community, serving as a founding member of the Iowa City University (ICIU) awards and to thank and congratulate them on an America Honors Recovery Award for helping get a TEAM Services laboratory in central Iowa accredited for the testing of construction materials, making it the first laboratory in Iowa with these capabilities.

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the Iowa Chinese Language School, the Sister States of Iowa, Hebel Committee, and acting as a tour guide for Chinese delegations to Iowa and the United States.

B.J. Do arrived in Iowa in 1975 at the age of 15. He arrived wearing shorts and speaking very limited English, having fled Vietnam at the end of the Vietnam War. Despite his humble beginning, he went on to earn both B.S. and M.S. degrees in electrical and computer engineering from the University of Iowa. From there the sky was the limit, as Mr. Do went on to work on, design for, and manage projects for major international companies all over the United States. He has since returned to Iowa where he is the co-founder and CEO of ABC Virtual Communications, a software product and services company based in west Des Moines. He has received recognitions for his accomplishments from myriad institutions, including the University of Iowa and the State of Iowa, along with receiving the Ernst and Young Entrepreneur of the Year Award in 1999.

We are proud of their achievements and are pleased they are members of our community. I am sure that ICIU would agree that for every story told here today, countless others remain untold.

TRIBUTE TO THE SOUTHEAST MISSOURIAN

Mr. TALENT. Mr. President, I wish to pay tribute to a historically significant anniversary for one of Southeast Missouri’s most widely recognized and respected institutions. For the past year, the Southeast Missourian, located in Cape Girardeau, MO, has been celebrating its grand centennial.

Its first issue rolled off the presses on October 3, 1904, with George and Fred Naeter at the helm. The brothers had purchased the small business with hopes of one day transforming it into the thriving company thousands of faithful readers are familiar with today. After a number changes, the Southeast Missourian was formally dedicated on September 11, 1925, at 301 Broadway.

Over the past several decades, the Southeast Missourian has provided timely reporting of the important changes in the region. Much of the area surrounding Cape Girardeau is rural. The Southeast Missourian has been a primary source of information to those readers. They depend on the Southeast Missourian for local, statewide, national, and world news.

From the reports on flooding along the banks of the Mississippi River, to the birth announcements in the Sunday edition, the Southeast Missourian has a unique appeal that is difficult to match. They have set a precedent for excellence in journalism with the underlying theme of community and public service. It’s been a personal privilege over the years to be covered by the paper’s news department and to discuss ideas with its editorial board.

The Southeast Missourian has been instrumental in collaborating with its host city of Cape Girardeau to strengthen the community through local enterprise. And year after year the newspaper continues to give back countless charitable donations and sponsorships to the community.

I express my sincerest gratitude to the entire staff, past and present, for their contribution and dedication in making the Southeast Missourian the publication it is today. I extend warm congratulations to the Rust family, which has continued to raise the bar year after year in achieving excellence for fair and objective journalism. Joe Sullivan, the editor of the paper, in particular deserves credit for his hard work and professionalism. I hope for the next 100 years, the Southeast Missourian will continue to make a difference for the good of Southeast Missouri.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the President Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2385. An act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3794. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 1:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2062. An act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the “Randall D. Shughart Post Office Building”.

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the “Staff Sergeant Michael Schafer Post Office Building”.

H.R. 3865. An act to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid program, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

H.R. 3866. An act to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.

H.J. Res. 66. Joint resolution supporting the goals and ideals of “Lights On After-school”, a national celebration of after-school programs.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 209. Concurrent resolution expressing a war or other military operation or national emergency.

We are proud of their achievements and are pleased they are members of our community. I am sure that ICIU would agree that for every story told here today, countless others remain untold.
of draft legislation to authorize the Secretary of Agriculture, at the request of a participating State to convey to the State, by quitclaim deed, without consideration, any land or other property conveyed within the State under the Forest Legacy Program; to the Committee on Agriculture, Nutrition and Forestry.

EC-4015. A communication from the Secretary of Energy and the Secretary of Agriculture, transmitting, pursuant to law, a report entitled “Collection of State Community Assessments” (RIN0560-AS35) received on September 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4016. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled “Post separates Amicable Resolutions; New Clearinghouse; and Consistent Exemptions” (FRL No. 7735-3) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4017. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled “Amicable Resolutions; New Clearinghouse; and Consistent Exemptions” (FRL No. 7735-3) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4018. A communication from the principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Initial Determination of Redesignation of Phoenix to Attain the Carbon Monoxide Standard” (FRL No. 7966-8) received on September 7, 2005; to the Committee on Environment and Public Works.

EC-4019. A communication from the principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Initial Determination of Redesignation of Phoenix to Attain the Carbon Monoxide Standard” (FRL No. 7966-8) received on September 7, 2005; to the Committee on Environment and Public Works.

EC-4020. A communication from the principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Initial Determination of Redesignation of Phoenix to Attain the Carbon Monoxide Standard” (FRL No. 7966-8) received on September 7, 2005; to the Committee on Environment and Public Works.

EC-4021. A communication from the principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Initial Determination of Redesignation of Phoenix to Attain the Carbon Monoxide Standard” (FRL No. 7966-8) received on September 7, 2005; to the Committee on Environment and Public Works.

EC-4022. A communication from the principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Initial Determination of Redesignation of Phoenix to Attain the Carbon Monoxide Standard” (FRL No. 7966-8) received on September 7, 2005; to the Committee on Environment and Public Works.

EC-4023. A communication from the principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Initial Determination of Redesignation of Phoenix to Attain the Carbon Monoxide Standard” (FRL No. 7966-8) received on September 7, 2005; to the Committee on Environment and Public Works.

EC-4024. A communication from the principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Initial Determination of Redesignation of Phoenix to Attain the Carbon Monoxide Standard” (FRL No. 7966-8) received on September 7, 2005; to the Committee on Environment and Public Works.
REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2863. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 1779. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. Frist, Mr. HATCH, Mr. LIEBERMAN, Mr. NOYEE, Mr. COLEMAN, and Mr. RUNNING):

S. 1780. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the economic security of Americans by increasing the use of financial security by building assets, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 1781. A bill to amend the Internal Revenue Code of 1986 to allow full expensing for the cost of qualified refinery property in the year in which the property is placed in service, and to classify petroleum refining property as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1782. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal services may continue to use the cash method of accounting, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. ENZI, Mr. KENNEDY, and Mr. BAUCUS):

S. 1783. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; placed on the calendar.

By Mrs. CLINTON (for herself and Mr. OBAMA):

S. 1784. A bill to amend the Public Health Service Act to promote a culture of safety within the health care system through the establishment of a National Medical Error Disclosure and Compensation Program; to the Committee on Health, Education, Labor and Pensions.

By Mr. CORNYN (for himself, Mr. LEAHY, Mr. HATCH, and Mr. KOHL):

S. 1785. A bill to authorize chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, Mr. CORNYN, and Mr. BURNES):

S. 1786. A bill to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for airport improvements and costs related to damage from Hurricanes Katrina and Rita; considered and passed.

By Mr. VITTER (for himself, Mr. GRASSLEY, Mr. CORNYN, and Mr. DeWINE):

S. 1787. A bill to provide bankruptcy relief for victims of natural disasters, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 1788. A bill to amend section 524(g)(1) of title 11, United States Code, to predicate the discharge of debts in bankruptcy by any entity, to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 1789. A resolution recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGMAN, and Mr. KENNEDY):

S. Res. 255. A resolution recognizing the spirit of Jacob Mock Dub and many young people who have contributed to encouraging youth to be physically active and fit, and expressing support for “National Take a Kid Mountain Biking Day”; considered and agreed to.

By Mr. FRIST (for himself, Mr. Reid, and Mr. BENNETT):

S. Res. 258. A resolution to commend Timothy Scott Wineman; considered and agreed to.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. Res. 259. A resolution commending the efforts of the Department of Veterans Affairs in responding to Hurricane Katrina; to the Committee on Veterans’ Affairs.

By Mr. SCHUMER:

S. Con. Res. 54. A concurrent resolution expressing the sense of Congress regarding a commemorative postage stamp honoring Jasper Francis Cropsey, the famous Staten Island-born 19th Century Hudson River Painter; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 256, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urolologic diseases, and for other purposes.

S. 347

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals’ health care operations and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals’ wishes are known should they become unable to
speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

At the request of Mr. Bunning, the name of the Senator from New York (Mr. Schumer) was added as a co-sponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists, pharmacists for purposes of covering physician services under the medicare program.

S. 357

At the request of Mr. Bingaman, the names of the Senator from New York (Mrs. Clinton) and the Senator from Illinois (Mr. Durbin) were added as co-sponsors of S. 357, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

At the request of Mr. Hatch, the names of the Senator from Colorado (Mr. Allard) and the Senator from Arkansas (Mrs. Lincoln) were added as co-sponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 627

At the request of Mr. Bingaman, the name of the Senator from Illinois (Mr. Durbin) was added as a co-sponsor of S. 663, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 713

At the request of Mr. Roberts, the name of the Senator from Wyoming (Mr. Enzi) was added as a co-sponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 755

At the request of Mr. Bunning, the name of the Senator from Ohio (Mr. DeWine) was added as a co-sponsor of S. 755, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to women needing such services, and for other purposes.

S. 911

At the request of Mr. Conrad, the name of the Senator from Iowa (Mr. Harkin) was added as a co-sponsor of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1007

At the request of Mr. Bingaman, the name of the Senator from South Dakota (Mr. Johnson) was added as a co-sponsor of S. 1007, a bill to prevent a severe reduction in the Federal medical assistance percentage determined for a State for fiscal year 2006.

S. 1046

At the request of Mr. Kyl, the name of the Senator from North Carolina (Mr. Burr) was added as a co-sponsor of S. 1046, a bill to amend title II, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1060

At the request of Mr. Coale, the name of the Senator from New York (Mrs. Clinton) was added as a co-sponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1172

At the request of Mr. Specter, the name of the Senator from Vermont (Mr. Jeffords) as a co-sponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. Biden, the names of the Senator from Arkansas (Mrs. Lincoln) and the Senator from Minnesota (Mr. Coleman) were added as co-sponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1217

At the request of Mr. Bingaman, the names of the Senator from Vermont (Mr. Jeffords) and the Senator from California (Mrs. Boxer) were added as co-sponsors of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1309

At the request of Mr. Baucus, the name of the Senator from California (Mrs. Feinstein) was added as a co-sponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1358

At the request of Mr. Bunning, the name of the Senator from Maryland (Ms. Mikulski) was added as a co-sponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1402

At the request of Mr. DeWine, the name of the Senator from Minnesota (Mr. Coleman) was added as a co-sponsor of S. 1402, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 1405

At the request of Mr. Nelson of Nebraska, the names of the Senator from Vermont (Mr. Jeffords), the Senator from Hawaii (Mr. Akaka) and the Senator from Arkansas (Mrs. Lincoln) were added as cosponsors 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. 1411

At the request of Ms. Snowe, the name of the Senator from Wyoming (Mr. Enzi) was added as a co-sponsor of S. 1411, a bill to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 1479

At the request of Mr. Dodd, the name of the Senator from Vermont (Mr. Jeffords) was added as a co-sponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1489

At the request of Mrs. Clinton, the name of the Senator from California (Mrs. Boxer) was added as a co-sponsor of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1573

At the request of Mrs. Dole, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a co-sponsor of S. 1573, a bill to amend the Internal Revenue Code of 1986 to encourage the funding of collectively bargained retiree health benefits.

S. 1587

At the request of Mr. Bingaman, the names of the Senator from New York (Mrs. Clinton) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally prepared nurse faculty.

S. 1589

At the request of Mr. Bingaman, the names of the Senator from New Jersey (Mr. Lautenberg), the Senator from Michigan (Mr. Levin) and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 1589, a bill to amend title XVIII of the Social Security Act to provide for reductions in the medicare part B premium through elimination of certain cost-sharing payments to Medicare Advantage organizations.

S. 1613

At the request of Mr. Dorgan, the name of the Senator from Nevada (Mr.
REID) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1700

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1735

At the request of Ms. CANTWELL, the name of the Senator from Hawai‘i (Mr. AKAKA) was added as a cosponsor of 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.

S. 1761

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1761, a bill to clarify the liability of government contractors assisting in the Gulf Coast region of the United States affected by Hurricane Katrina or other major disasters.

S. 1789

At the request of Mr. TALENT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. CON. Res. 25, a concurrent resolution expressing the sense of Congress regarding the application of Air Force launch aid.

S. 1793

At the request of Mr. OBAMA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of 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.

S. RES. 216

At the request of Mr. COLEMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 216, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of the National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 1799. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Downed Animal Protection Act, legislation intended to protect people from the unnecessary spread of disease. This bill would prohibit the use of nonambulatory animals for human consumption.

Nonambulatory animals, also known as downed animals, are data from European countries, downer cattle are among the highest risk population for BSE. According to the Harvard Study, the removal of nonambulatory cattle from the population intended for slaughter would reduce the probability of spreading BSE by 82 percent. The USDA and the FDA have acknowledged that downed animals serve as a potential pathway for the spread of BSE. While both have entertained the idea of prohibiting the rendering of downed cattle, they have taken no formal action. It is imperative that we, Congress, ensure that downer livestock does not enter our food chain, and the best way to accomplish this task is to codify the prohibition of downer livestock from entering our food supply.

The Downed Animal Protection Act, legislation intended to ensure the humane slaughter of nonambulatory livestock, both for interstate and foreign commerce. The euthanizing of nonambulatory live- stock would remove this high risk pop- ulation from the portion of livestock reserved for our consumption. Due to the presence of other TSE diseases found throughout other species of livestock and foreign commerce, the removal of downed cattle would result in safer working conditions for persons handling livestock. This added protection against disease would help the flow of livestock and livestock products in interstate and foreign commerce, making commerce in livestock more easily attain- able.

Some individuals fear that this bill would place an excessive financial bur- den on the livestock industry. I want to remind my colleagues that one single downed cow in Canada diagnosed with BSE in 2003 shut down the world’s third largest beef exporter. It is esti- mated that the Canadian beef industry lost more than $1 billion when more than 30 countries banned Canadian cattle and beef upon the discovery of BSE. As the Canadian cattle industry con- tinues 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.

Today, the USDA has increased its efforts to test approximately ten percent of downed cattle per year for BSE.
However, it is my understanding that the USDA is looking to revisit this issue. I do not believe that now is the time to lower our defenses. We must protect our livestock industry and human health from diseases such as BSE. This bill reduces the threat of passing diseases from downed livestock to our food supply. It ensures downed animals will not be used for human consumption. It also requires higher standards for food safety and protects the human population from diseases and a livestock industry from economic distress.

American consumers should be able to rely on the Federal Government to ensure that meat and meat by-products are safe for human consumption. I urge my colleagues to support this important bill. I ask unanimous consent that the text of the measure be printed in the RECORD.

‘‘There being no objection, the bill was ordered to be printed in the RECORD, as follows:‘

S. 1779
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 ‘‘Downed Animal Protection Act’’.

SECTION 2. FINDING AND DECLARATION OF POLICY.
(a) The Congress finds that the humane euthanization of nonambulatory livestock in interstate and foreign commerce—
(1) prevents needless suffering;
(2) results in safer and better working conditions for persons handling livestock;
(3) brings about improvement of products and reduces the likelihood of the spread of diseases that have a great and deleterious impact on interstate and foreign commerce in livestock; and
(4) produces other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate foreign commerce.

(b) DECLARATION OF POLICY.—It is the policy of the United States that all nonambulatory livestock in interstate and foreign commerce shall be immediately and humane euthanized when such livestock become nonambulatory.

SECTION 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.
(a) IN GENERAL.—Public Law 85-785 (commonly known as the ‘‘Humane Methods of Slaughtering Act of 1960’’) (7 U.S.C. 1902 et seq.) is amended by inserting after section 2 (7 U.S.C. 1902) the following:

‘‘SEC. 3. NONAMBULATORY LIVESTOCK.
‘‘(a) DEFINITIONS.—In this section:

‘‘(1) COVERED ENTITY.—The term ‘covered entity’ means—

‘‘(A) a stockyard;

‘‘(B) a market agency;

‘‘(C) a dealer;

‘‘(D) a packer;

‘‘(E) a slaughter facility; or

‘‘(F) an establishment.

‘‘(2) ESTABLISHMENT.—The term ‘establishment’ means an establishment that is covered by the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

‘‘(3) HUMANE EUThANIZE.—The term ‘humaneely euthanize’ means to immediately render an animal unconscious by mechanical, chemical, or other means, with this state remaining until the death of the animal.

‘‘(4) NONAMBULATORY LIVESTOCK.—The term ‘nonambulatory livestock’ means any cattle, sheep, swine, goats, or horses, mules, or other equines, that will not stand and walk unassisted.

‘‘(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

‘‘(6) HUMANE TREATMENT, HANDLING, AND DISPOSITION OF NONAMBULATORY LIVESTOCK.—The Secretary shall promulgate regulations to provide for the humane treatment, handling, and disposition of all nonambulatory livestock by covered entities, including a requirement that nonambulatory livestock be humanely euthanized.

‘‘(c) HUMANE EUThANASIA.—

‘‘(1) IN GENERAL.—Subject to paragraph (2), when an animal becomes nonambulatory, a covered entity shall immediately humanely euthanize the nonambulatory livestock.

‘‘(D) EFFECTIVE DATE.

‘‘(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) takes effect on the date that is 1 year after the date of enactment of this Act.

Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. HATCH, Mr. LUgar, Mr. SMith, Mr. INOuye, Mr. COlEman, and Mr. BUNNING):

S. 1780. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce the CARE Act of 2005 along with Senator LIEBERMAN, a bill we have been trying to push through Congress since 2000. However, at no point in those five years has the passage of this bill been so timely.

At a time where America appears divided on a War on Terror, Supreme Court nominations, and the relief effort in the gulf region, Americans are unified in their support of charitable organizations. In a recent Zogby poll, 86 percent of those polled rated private charities’ response to Hurricane Katrina as excellent or good. By contrast, 32 percent described the government’s response as excellent or good, and 67 percent said fair or poor.

The work of charitable organizations and their volunteers have been inspirational at a time when hopelessness. I recently held a hearing in the Finance Subcommittee of Social Security and Family Policy to hear from charitable organizations about their efforts around the gulf coast. Though the hearing was scheduled before the events of Hurricane Katrina, the amazing work being done by these organizations highlighted the need for charitable incentives to continue and expand the generosity we are seeing.

In response to Hurricane Katrina, we have seen organizations such as America’s Second Harvest and the Florida Boulevard Baptist Church feed the hungry. We have seen that within 48 hours of Katrina, the Nation’s fraternal benefit societies were accounting, and providing supplies, clothes, toiletries, cash and beds to those in need in shelters both in Houston and in New Orleans. During the first week of this effort, fraternalists had already expended upwards of $14 million on hurricane relief, a sum which is expected to increase as these efforts broaden. We see community foundations, such as the Baton Rouge Area Foundation, literally saving people’s lives by helping Louisiana State University open a field hospital for 1,000 people in an old Kmart. And we see national organizations such as the YMCA of the USA providing program services such as emergency child care, recreation, and grief counseling. The YMCA has provided showers and other physical comfort and opened up their facilities as staging areas for relief, recovery and clean-up efforts. And the list goes on and on—and—not even considering the response of these same organizations and many others to Hurricane Rita.

The CARE Act is a bipartisan bill that received strong bipartisan support as it passed the Senate in the 108th Congress by a vote of 95-5. The House of Representatives passed companion legislation, the Charitable Giving Act, by a vote of 408-13. Sadly, this bill was blocked this bill from going to conference despite overwhelming support from both Houses and the general public.

The CARE Act of 2005 provides commonsense provisions to induce charitable giving. Among these include the above-the-line deduction for non-itemizers. More than two-thirds of Americans do not itemize on their tax returns, yet this group is estimated to contribute $36 billion to charities. Research indicates that lower and moderate-income individuals are more likely not to itemize on their tax returns, and that they give a greater percentage of their incomes to charity than higher income individuals. It is only fair that they benefit for their generosity. As Majority Hood from the Salvation Army...
so eloquently wrote in his testimony at my hearing, “[t]he provision allowing non-itemizers to deduct charitable contributions can only encourage those Americans with smaller incomes—including young professionals who might otherwise be inclined to begin a life of annual giving—to contribute to worthy causes. We do not discriminate among those in need, and we ask Congress not to discriminate in providing tax incentives for charitable giving.

The CARE Act also provides expanded tax incentives for contributions to tax-free IRA charitable distributions for individuals aged 70 1/2 and over. My home State of Pennsylvania has the second highest percentage of seniors in the country. Many of these older Americans want to experience the joy of making a difference by giving, and this provision provides them with that opportunity. Certainly, these individuals should not be penalized for contributing portions of their life’s savings to a worthy cause.

Organizations have been generous during this crisis by donating food to those who need it. The CARE Act provides expanded incentives that will yield over $20 billion worth of food donations from farmers, restaurants, and corporations to help those in need. America’s Second Harvest estimates that this is the equivalent of 676 million meals for hungry Americans over 10 years. Last year, the North American Mission Board of the Southern Baptist Convention helped provide 3 million meals to hungry people. At the time of my hearing they were feeding hurricane victims 250,000 meals each day. By allowing businesses to recoup production costs this provision will incentivize food donations and help our action fight hunger. For the first time, farmers, ranchers, small business and restaurant owners will benefit from the same tax incentives afforded major corporate donors for the donation of food to the needy.

The CARE Act also provides asset building tools for low-income individuals. Low-income Americans face a huge hurdle when trying to save. Individual Development Accounts, IDAs, provide them with a way to work toward building assets while instilling the practice of saving into their everyday lives. IDAs are one of the most promising tools that enable low-income and low-wealth American families to save, build assets, and enter the financial mainstream. Based on the idea that all Americans should have access, through the tax code or through direct expenditures, to the structures that subsidize homeownership and retirement savings of wealthier families, IDAs encourage saving efforts among the poor, including IDAs that provide them one match for their own deposits. IDAs reward the monthly savings of working-poor families who are trying to buy their first home, pay for post-secondary education, or start a small business. These matched savings accounts are similar to 401(k) plans and other matched savings accounts, but can serve a broad range of purposes.

We have also seen the philanthropy of corporations such as Home Depot and Coca-Cola Company. The Home Depot Foundation has donated nearly $1 million to assist in the relief efforts. Coca-Cola Company donated $5 million and 200,000 cases of water and other beverages to the Federal Emergency Management Agency for its relief efforts. This is an appropriate time to gradually raise the caps on corporate contributions from 10 to 20 percent to encourage corporations to continue their social responsibility. We must also level the playing field for all corporate donations by expanding charitable incentives for S corporations to increase charitable giving.

In my home State of Pennsylvania, I have worked closely with the Pennsylvania Association of Nonprofit Organizations. I have heard from many of the nonprofits in my State about the pressing need for the charitable incentives we have in place. The time is now to expand charitable giving, both in my home State and throughout the Nation. One certainty we have seen is in every disaster that occurs in the world is the desire of fellow Americans to help those that are in need. We should commend that generosity by passing this legislation.

By Mr. HATCH:

S. 1781. A bill to amend the Internal Revenue Code of 1986 to allow full expensing for the cost of qualified refining property in the year in which the property is placed in service, and to classify petroleum refining property as 5-year property for purposes of depreciation; to the Committee on Finance.

Mr. HATCH. Mr. President, just this past May, I stood at a gas station in Salt Lake City and announced the introduction of S. 1039, the Gas Price Reduction Through Increased Refining Capacity Act of 2005.

By standing near a gas pump charging $2.25 per gallon, I thought I was making a strong statement about the high price of gas and the need for greater refining capacity in our country.

That was only a few months ago, but hurricanes Katrina and Rita have since exposed the vulnerability of our Nation’s refining infrastructure, and the gas prices in May now seem like the good old days.

I am pleased that the energy bill signed by President Bush this summer included the principal concept of S. 1039—that of providing a strong tax incentive to expand refinery capacity by allowing the cost to be written off immediately. Unfortunately, because of budget restrictions, my legislation had to be cut.

I have been concerned that our shrinking number of refineries and their proximity to our Nation’s coasts pose an unacceptable risk to our economy and our military. I thought cutting S. 1039 was a mistake at the time, and now I am hoping Congress will remedy that mistake.

Today, I reiterate those portions of my refining capacity legislation that were left out of the energy bill and call upon my colleagues to help me finish what was begun with my original bill.

In the current legislation, the Refinery Investment Tax Assistance Act, would enhance the incentives made in the energy bill by increasing the short-term incentive to add new and expanded refining facilities and by removing the obstacle of long-term depreciation schedules that refiners face.

For those refiners able to commit to installing new refining equipment before 2008 and to have that added capacity built by 2012, my original bill would have allowed a complete write-off for investments in new refining equipment in the first year. As passed by Congress, though, this provision was cut for budgetary reasons to allow for expensing of only 50 percent of the costs in the first year. The legislation I am introducing today would allow for the full 100 percent expensing in the first year. Now, more than ever, we need to use every possible means to increase the security of our fuel supply.

This bill would also restore another very important provision of S. 1039 that was dropped out of the energy bill as a cost savings. This provision would help to remove some of the disparity the refining industry faces in our current tax system. Refiners in our country are able to depreciate the cost of their new equipment over five years. Refiners, on the other hand, are strapped with a full 10-year depreciation period. This unfair treatment of our refining industry acts as a long-term obstacle to new investment in increased capacity. The current 10-year depreciation schedule for refiners is unwarranted, and it is past time that we level the playing field on depreciation for this critically important sector of our energy industry.

On September 6, in the aftermath of Katrina, Mr. Bob Slaughter of the National Petrochemical & Refiners Association testified before the Senate Energy and Natural Resources Committee. He said that an important solution to our energy crisis would be “[e]xpand the refining tax incentive provision in the Energy Act. Reduce the depreciation period for refining investments from 10 years to five years in order to remove a current disincentive for refining investment. Allow expensing under the current language to take place as the investment is made rather than when the equipment is actually placed in service. Or the percentage expensed could be increased as per the original legislation introduced by Senator HATCH.”

I think it is important to recognize that, over time, this legislation will not cost the U.S. Treasury one dime. It would allow refiners to change the timing of the depreciation of their equipment, but not the amount. And, we should keep in mind that when this
bill leads to more refineries and increased capacity, we will have also increased the tax base.

I want to throw my full support behind the proposals recently announced by House Energy and Commerce Chairman Barton and House Resources Committee Chairman Pombo, which would take other approaches to increase the number of refineries in our Nation. From both a national security and an energy security perspective, I especially endorse a proposal by Chairman Pombo to locate more refineries on public lands near oil resource deposits. Such a move will make our Nation more secure from attacks from terrorists and from Mother Nature. I understand that Senate Energy and Natural Resources Committee Chairman Pete Domenici is promoting similar proposals on the Senate side. And I applaud these men for their leadership.

We have learned that when it comes to our Nation’s energy security, refining is where we are the most vulnerable. It is not the time for half measures, but bold immediate action to establish a secure and independent refining program in this country. I hope my colleagues will join me in my efforts to achieve this goal. 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. 1781

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 “Refinery Investment Tax Assistance Act of 2005”.

SEC. 2. FULL EXPENSING FOR QUALIFIED REFINERY PROPERTY.

(a) In general.—Subsection (a) of section 179E of the Internal Revenue Code of 1986, as added by section 1323 of the Energy Policy Act of 2005, is amended by striking “50 percent of”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1323 of the Energy Policy Act of 2005.

SEC. 3. PETROLEUM REFINING PROPERTY TREATED AS 5-YEAR PROPERTY.

(a) In general.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended by inserting “and”, and” at the end of clause (v), by striking the period at the end of clause (vi), by inserting “; and”, and” at the end of clause (vii), and by inserting “—

1. SPECIAL RULE FOR MERGERS AND ACQUISITIONS.—Such term shall not include any property with respect to which a reorganization under section 368(a)(3)(B) by any other taxpayer in any preceding year.”;

2. EFFECTIVE DATE.—(i) In general.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(ii) Exception.—The amendments made by this section shall not apply to any property with respect to which the taxpayer has entered into a binding contract for the construction thereof before the date of the enactment of this Act.

S. 1784.

A bill to amend the Public Health Service Act to promote a culture of safety within the health care system through the establishment of a National Medical Error Dislosure, an unCompensation Program: to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce legislation that will improve patient safety while helping to provide some relief to health care providers dealing with escalating medical liability costs.

We are dealing with a medical malpractice problem in this country that is jeopardizing patient safety and hurting our health care system. As I visit with doctors and hospitals in New York and around the Nation, I hear about the pressures and problems of escalating medical liability costs.

At the same time, we have all heard the terrorizing statistics from the landmark 1999 IOM report stating that as many as 98,000 deaths every year are the result of medical errors. But, far fewer people know that the IOM suggests that 90 percent of medical errors are the result of failed systems and procedures, not the negligence of physicians.

We must do better. If properly designed, these systems and procedures could go a long way towards seriously reducing medical errors.

But, understanding the root causes of errors requires their disclosure and analysis. And that’s the fundamental tension between the medical liability system and our common goal of providing high quality care and improving patient safety in the health care system.

Studies have consistently shown that health care providers are reticent to engage in patient safety activities and be open because they believe they are being asked to do so without appropriate assurances of legal protection.

That’s where this legislation comes in. We build on the patient safety bill that was signed into law earlier this summer by creating a voluntary program to encourage disclosure of errors, an opportunity to enter negotiations and early settlement, while, at the same time, providing rights and providing liability protection for health care providers who participate in the program.

Our bill is designed to bridge the gap between the medical liability and patient safety perspectives, the benefit of patients and providers.

The truly unfortunate result of the current congressional stalemate over caps is that patients and physicians are left waiting for someone to break the logjam and work to find bipartisan solutions that have an opportunity to mitigate this problem. I believe it’s critical that we find a way around this stalemate and that Congress work in good faith to find solutions that can get enough support to find their way to the President’s desk.

I believe that this is an exciting and innovative program that will improve patient-physician communication, reduce the rates of preventable patient injury, reduce the liability insurance premiums that physicians are facing, and insure that patients have access to fair compensation for medical injury: Four fundamental goals that I believe are necessary components of any solution we consider.

There are a number of successful programs across the country that are consistent with the provisions of our legislation, including one at the University of Michigan, and even one initiated by a medical malpractice insurance provider in Colorado. I am excited about the results these programs are producing—fewer numbers of suits being filed, more patients being compensated for injuries, greater patient trust and satisfaction, and significantly reduced administrative and legal defense costs for providers, insurers, and hospitals where these programs are in place.

I am hopeful that our legislation will provide an opportunity for more hospitals and physicians to use this program and see for themselves the benefits they—and their patients—will reap.

Mr. OBAMA. Mr. President, it is my pleasure to join Senator Clinton to introduce legislation that will help us all find common ground on the debate over patient safety and medical malpractice claims.

Today, medical error is the eighth leading cause of death in the United States. Every year, these tragic mistakes cost the lives of up to 98,000 Americans. This is unacceptable in America, and we must do more to ensure that every patient gets the right care, at the right time, in the right way.

The debate in Washington over this issue has been centered on caps and lawsuits. But across America, hospitals and medical providers are proving that...
there’s a better way to protect patients and doctors, all while raising the quality of our care and lowering its cost.

From the Children’s Hospitals and Clinics of Minnesota to the VA hospital in Lexington, Kentucky, doctors and administrators aren’t trying to cover up mistakes. They’re trying to fix them when they make them. Instead of closing ranks and keeping the patient in the dark, they’re investigating potential errors, apologizing if mistakes have been made, and offering a reasonable settlement that keeps the case out of court.

This program is often known as “Sorry Works,” and it’s led to some amazing results. When patients are treated with respect and told the truth, they sue less. More are actually compensated for their injuries, but medical providers pay less because the reward is the result of a settlement, not an expensive lawsuit. Malpractice costs for doctors go down, and health care professionals actually learn from their mistakes—much like they’re not repeated and lives are saved.

At the VA hospital in Lexington, Kentucky, this program has reduced the average settlement to $16,000, compared with $98,000 nationwide. This rank is in the lower quartile of all VA facilities for malpractice payouts. At the University of Michigan’s hospital system, this program helped them cut their lawsuits in half and save up to $2 million in defense litigation.

The program today builds on these hopeful results and incorporates them into a national program. The National Medical Error Disclosure and Compensation Act, or MEDIC Act, will help reduce medical error rates and medical malpractice costs by opening the lines of communication between doctors and patients—encouraging honesty and accountability in the process.

The bill will also set up a National Patient Safety Database, which will be used to practice preventive medicine, improving patient safety, and increasing accountability in the healthcare system.

We expect participants to see a cost savings, and we will require them to re-invest a portion of these savings into patient quality measures that will reduce medical errors. This bill also requires that some of these savings are passed along to providers in the form of lower malpractice insurance premiums. Certainly, these are lofty goals. But what Senator CLINTON and I hope to do with this legislation is promote the type of creative thinking that will be required if this country is going to overcome some of the gridlock in the healthcare debate. The MEDIC Act of 2005 brings together some of the best ideas currently out there, and I hope my colleagues in the Senate will work with Senator CLINTON and me to put these ideas in action.

By Mr. CORNYN (for himself, Mr. LEAHY, Mr. HATCH, and Mr. KOHL):

S. 1785. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidelines for determining protectability in the determination of the protectability of a revised design, and for other purposes; to be entitled the "Vessel Hull Design Protection Act Amendments of 2006.

This third recent piece of legislation on which I have teamed with Senator LEAHY—first working together on important reforms to the Freedom of Information Act and then joining to introduce significant counterfeiting prevention legislation. I am glad to continue our work by introducing this legislation which, though seemingly technical and minor, offers very important clarifications about the scope of protections available to boat designs.

Boat designs, like any technical designs, are complex and are the result of a great deal of hard work and contribution of intellectual property. Accordingly, under the Vessel Hull Design Protection Act in 1998 to provide necessary protections that were not present among copyright statutes prior to that time. The Act has been instrumental for the continued development of substantial boat designs, but unfortunately recently has encountered a few hurdles.

A recent court decision raised questions about the scope of protections available to various boat designs. Justifiably or not, this interpretation under the VHDPA unfortunately has led many in the boat manufacturing industry to conclude that the Act’s provisions are not effective at protecting vessel designs. Intellectual property is critical to those manufacturers in order to encourage innovative design and clarification is needed.

The legislation we offer will clarify that the protections accorded to a vessel design can be used to separately protect a vessel’s hull and/or deck as well as a plug or mold of either the hull or deck. The proposed amendments would make clear that it remains possible for boat designers to seek protection for both the hull and the deck, and for a plug or mold of both, of a single vessel, and many designers no doubt will continue to do so. However, these amendments are intended to clarify that protection under the VHDPA for these vessel elements may be analyzed separately.

This bipartisan legislation provides the necessary assurance to boat manufacturers that the Vessel Hull Design Protection Act will remain a vital intellectual property protection statute. The bill offers very important clarifications about the scope of protections available to boat designs and will be welcome news to boat makers across the Nation and in Texas. The thousands of miles of coastline in Texas, and all the lakes and rivers in between, provide significant opportunities for recreational and commercial boating throughout the State. This legislation will ensure that there will be continued innovation in the design of boats for many years to come. 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. 1785

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 "Vessel Hull Design Protection Act Amendments of 2005." Section 2. DESIGNS PROTECTED.

Section 1301(a) of title 17, United States Code, is amended by

(1) in paragraph (2), by striking "vessel design is subject to protection under this chapter," and inserting "vessel hull or deck, including a plug or mold, is the result of a settlement, not an exception to protection under this chapter, notwithstanding section 1301(a).";

(2) by striking paragraph (4) and inserting the following:

"(2) Vessel features.—The design of a vessel hull or deck, including a plug or mold, is subject to protection under this chapter.

(3) by adding at the end the following:

"(4) A hull is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.; and

(3) by adding at the end the following:

"(5) A deck is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.

SEC. 3. DEFINITIONS.

Section 1301(b) of title 17, United States Code, is amended by

(1) in paragraph (2), by striking "vessel hull or deck, including a plug or mold," and inserting "vessel hull or deck, including a plug or mold;" and

(2) by striking paragraph (4) and inserting the following:

"(4) A hull is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.

Mr. LEAHY. Mr. President, Senator CLINTON and I have already worked together on significant Freedom of Information Act legislation and on counterfeiting legislation during the first session of this Congress. Today, we are introducing another bill and taking our partnership to the high seas, or at least to our Nation’s boat manufacturing industry, with the Vessel Hull Design Protection Act Amendments of 2005.

Designs of boat vessel hulls are often the result of a great deal of time, effort, and financial investment. They are considered intellectual property rights: to encourage continued innovation, to protect the works that emerge from the creative process, and to reward the creators. Recent courtroom experience has made it clear that the protections Congress, passed seven years ago need some statutory refinement to ensure they meet the purposes we intended. The Vessel Hull Design Protection Act Amendments shore up the law, making an important clarification about the scope of...
Resolved, That the Senate—
(1) recognizes the Honorable Gaylord Nelson’s environmental legacy;
(2) celebrates the dedication of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore; and
(3) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Honorable Senator Mark W. O’Bey, and to the Honorable Senator Chuck Grassley.

Mr. FEINGOLD. Mr. President, December 8, 2004, approximately 80 percent of the Apostle Islands National Lakeshore in Wisconsin was designated the Gaylord Nelson Wilderness. Although we did not celebrate the new wilderness area until August 8, 2005, we have been delighting in the designation ever since December of last year.

The designation of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore on August 8, 2005 was a tremendous occasion for both Wisconsin and the country. I was deeply honored to participate in the ceremony marking the creation of the Gaylord Nelson Wilderness. As the United States Senator for Wisconsin, I knew Gaylord, and am proud to occupy his Senate seat. Like all of those in attendance at the dedication ceremony, including Tia Nelson, Governor Doyle, Congressman Obey, local officials, tribal chairmen, and many others, I was deeply saddened that Gaylord wasn’t able to be sitting among us, having passed away on July 3, 2005. However, I do believe that, because the area, the magnificent Apostles, and the magnificent Apostle Islanders who were celebrating were such a part of Gaylord, he was in fact there with us that day, urging us to mark the achievement and to continue his life’s work of building a national conservation ethic.

As we all know, while his record of achievements is long and impressive, it is Senator Nelson’s passion and commitment to protecting our environment that will remain the centerpiece of his legacy. For this reason, Senator KoHL and I have submitted a resolution to bring recognition to Gaylord’s unwavering efforts on behalf of the environment and to celebrate the dedication of a wilderness area rightly named in his honor.

Gaylord so believed in his responsibility to the environment that he started a revolution that has inspired millions of people from across the globe. The day he created in 1970—Earth Day—has become a cause for celebration toward understanding and reflection for all. Simply stated, Gaylord Nelson changed the consciousness of a Nation, and quite possibly the world. He was a distinguished Governor and Senator, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. Most importantly, he was the embodiment of the principle that one person can change the world.

August 8, 2005 marked the beginning of a new period for the Apostle Islands and I could not be more proud of this. In 1997, Senator OBEY and I asked for a wilderness survey. Seven years later, we finally gathered to salute the awe-inspiring resource as well as the man who dedicated himself to protecting our environment, particularly those places where we humans are but humble visitors—wilderness areas. Let us not forget, however, that before we could talk about having a wilderness area within the Apostle Islands National Lakeshore, we needed a National Lakeshore. I am sure it will come as no surprise that Gaylord was essential in the effort to recognize the Apostle Islands as a national treasure. The Apostle Islands National Lakeshore was designated the Gaylord Nelson Wilderness.

It is a truly amazing place. And people know it. In fact, just recently, the Apostles was rated the #1 National Park in the U.S. by National Geographic Traveler. The rating was based on a variety of factors, most notably environmental and ecological quality, social and cultural integrity, and the outlook for the future.

We have it all in the Park—ecological and cultural resources intertwined with one another. The history of the islands is a history of people living off the land and water surrounding them. A visit to the Apostles and the Gaylord Nelson Wilderness can be, if we let go of the trappings of modern society, an enlightening voyage that challenges us to think about those who came before us, who the Ojibwae people before the original inhabitants of the Apostles, had great respect for the resources. They believed in taking something only if they were giving something in return. The Ojibwae people understood their dependence on the environment long before many others began contemplating such a relationship. Unfortunately, as a society, we have not always heeded their example. We must be better stewards of our land, our air, and our water. Gaylord’s challenge for all of us is to maintain our respect and appreciation for the land and water of our world.

The Apostle Islands as a national treasure. The Ojibwae, who Wisconsinites know were the original inhabitants of the Apostle Islands, had great respect for the resources. They believed in taking something only if they were giving something in return. The Ojibwae people understood their dependence on the environment long before many others began contemplating such a relationship. Unfortunately, as a society, we have not always heeded their example. We must be better stewards of our land, our air, and our water. Gaylord’s challenge for all of us is to maintain our respect and appreciation for the land and water of our world.

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the whole Apostle Islands and now the Gaylord Nelson Wilderness. Future generations whom none of us will ever know will benefit deeply from their commitment to one of Wisconsin’s most treasured places.

Every time I visit the Apostles and piece together now the Gaylord Nelson Wilderness, I depart with a sense of inner peace and clarity. A New York Times journalist wrote about the Apostle Islands National Lakeshore in 1972, saying he encountered a “silence so intense one can hear it.” I believe that what all those who visit the Gaylord Nelson Wilderness are bound to hear through that “intense silence” is Gaylord himself calling them to action.

SENATE RESOLUTION 255—RECOGNIZING THE ACHIEVEMENTS OF THE UNITED STATES FISH AND WILDLIFE SERVICE AND THE WATERFOWL POPULATION SURVEY

Mrs. LINCOLN (for herself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. Res. 255

Whereas every spring and summer teams of United States Fish and Wildlife Service pilot-biologists take to the skies to survey North America’s waterfowl breeding grounds flying more than 80,000 miles a year, crossing the country just above the treetops and open fields, they and observers on the ground record the number of ducks, geese, and swans and assess the quality and quantity of water-fowl breeding habitats.

Whereas the pilot biologists operate from the wide open bays and wetlands of the eastern shores of North America to some of the most remote regions of Canada and Alaska, and are documenting an important part of our wildlife heritage.

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary later this year on the 2006 Duck Stamp, and has been recognized by the Congressional Sportsmen’s Foundation for its contribution to waterfowl hunting;

Whereas the Waterfowl Population Survey Program has evolved into the largest and most reliable wildlife survey effort in the world;

Whereas for more than 50 years cooperative waterfowl surveys have been performed by the United States Fish and Wildlife Service, the Canadian Wildlife Service, State and provincial biologists, and nongovernmental partners; and

Whereas survey results determine the status of North America’s waterfowl populations, play an important role in setting annual waterfowl hunting regulations, and help guide the decisions of waterfowl managers throughout North America: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Waterfowl Population Survey Program;

(2) expresses strong support for the continued success of the Waterfowl Population Survey Program;

(3) recognizes the United States Fish and Wildlife Service in its efforts to broaden understanding and public participation in the Waterfowl Population Survey Program by increasing partnerships to continue growth and development of the Survey; and

(4) reaffirms its commitment to the Waterfowl Population Survey Program and the conservation of the rich natural heritage of the United States.

SENATE RESOLUTION 256—HONORING THE LIFE OF SANDRA FELDMAN

Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. Res. 256

Whereas Sandra Feldman was born Sandra Abramowitz in October, 1928, to blue-collar parents living in a tenement in Coney Island, New York;

Whereas Sandra Feldman, while at James Madison High School, Brooklyn College, and New York University, began a life-long dedication to education both in the United States and abroad;

Whereas Sandra Feldman began her career by teaching fourth grade at Public School 34 on the Lower East Side of New York City;

Whereas during her service as union leader at Public School 34, Sandra Feldman became employed by the United Federation of Teachers in New York City, and was elected president in 1986, after 20 years of service;

Whereas Sandra Feldman’s tenure as president of the United Federation of Teachers was distinguished by her devotion to better working conditions for the teachers she represented.

Whereas in 1997, the American Federation of Teachers elected Sandra Feldman to serve as their president, until she retired 7 years later;

Whereas Sandra Feldman effectively represented the educators, healthcare professionals, public employees, and retirees who made up the membership of the American Federation of Teachers;

Whereas Sandra Feldman was a tireless advocate for public schools and President George W. Bush on the No Child Left Behind Act of 2001 to improve accountability standards and provide increased resources to schools to help increasing numbers of students achieve at high levels;

Whereas Sandra Feldman was equally devoted to fighting against discrimination, raising the nursing shortage into national public awareness, advocating for smaller class sizes and better teacher-to-nurse ratios, promoting increased benefits and compensation for workers, and spreading her message beyond her own membership by advocating for workers’ rights and working conditions in their own unions;

Whereas Sandra Feldman lent her expertise to both the national and international labor movements in her capacities as a member of the AFL-CIO’s executive council and a vice president of Education International; and

Whereas Sandra Feldman succumbed on September 18, 2005, to a difficult struggle against breast cancer at the age of 65: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the health risks associated with childhood obesity;

(B) the spirit of Jacob Mock “Jack” Doub and so many others who have been actively promoting physical activity to combat childhood obesity; and

(C) Jack Doub’s contribution to encouraging youth of all ages to be physically active and fit, especially through bicycling;

Whereas according to the Centers for Disease Control and Prevention, obesity rates have nearly tripled in adolescents in the United States since 1980;

Whereas overweight adolescents have a 70 percent chance of becoming overweight or obese adults;

Whereas research conducted by the National Institutes of Health indicates that, while genetics do play a role in childhood obesity, the large increase in childhood obesity rates over the past few decades can be traced to overeating and lack of sufficient exercise;

Whereas the Surgeon General and the President’s Council on Physical Fitness and Sports recommend regular physical activity, including bicycling, in the prevention of overweight and obesity;

Whereas Jacob Mock “Jack” Doub, born July 11, 1960, was actively involved in encouraging others, especially children, to ride bicycles and was an active youth who was introduced to mountain biking at the age of 11 near Grandfather Mountain, North Carolina, and quickly became a talented cyclist;

Whereas Jack Doub died unexpectedly from complications related to a bicycling injury on October 21, 2002;

Whereas Jack Doub’s family and friends have joined, in association with the International Mountain Bicycling Association, to honor Jack Doub’s spirit and love of bicycling by establishing the Jack Doub Memorial Fund to promote and encourage children of all ages to learn to ride and lead a physically healthy lifestyle;

Whereas the International Mountain Bicycling Association’s worldwide network, which is based in Boulder, Colorado, includes 32,000 individual members, more than 450 bicycle clubs, 190 corporate partners, and 240 bicycle retailer members, who coordinate more than 1,000,000 volunteer trail work hours each year and have built more than 5,000 miles of new trails;

Whereas the International Mountain Bicycling Association has encouraged low-impact recreational and volunteer trail work participation since 1988; and

Whereas “National Take A Kid Mountain Biking Day” was established in honor of Jack Doub in 2004 by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the health risks associated with childhood obesity;

(B) the spirit of Jacob Mock “Jack” Doub and so many others who have been actively promoting physical activity to combat childhood obesity; and

(C) Jack Doub’s contribution to encouraging youth of all ages to be physically active and fit, especially through bicycling;
SENATE RESOLUTION 258—TO COMMEMORATE TIMOTHY SCOTT WINEMAN

Mr. FRIST (for himself, Mr. REID, and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. Res. 258

Whereas Timothy S. Wineman became an employee of the United States Senate on October 19, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate for a period that included 19 Congresses;

Whereas Timothy S. Wineman has served in the senior management of the Disbursing Office for more than 25 years, first as the Assistant Financial Clerk of the United States Senate from May 1, 1978 to March 31, 1988, and finally as Financial Clerk of the United States Senate from May 1, 1998 to October 14, 2005;

Whereas Timothy S. Wineman has faithfully discharged the difficult duties and responsibilities of his position as Financial Clerk of the United States Senate with great pride, loyalty, efficiency, dedication, integrity, and professionalism;

Whereas Timothy S. Wineman has earned the respect, affection, and esteem of the United States Senate; and

Whereas Timothy S. Wineman will retire from the United States Senate on October 14, 2005, with 36 years of service with the United States Senate all with the Disbursing Office: Now, therefore, be it

Resolved, That the United States Senate commends Mr. Wineman for his exceptional service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

Mr. President, I rise today to submit a resolution that honors the extraordinary heroics exhibited by the Department of Veterans Affairs in the response to the catastrophic conditions caused by Hurricane Katrina.

The Department of Veterans Affairs operates 11 medical centers, 18 community-based outpatient clinics, three regional offices, and eight national cemeteries in the states of Alabama, Mississippi, and Louisiana. Throughout this tragedy, VA moved employees, their families, equipment, and even patients from many of these places. Incredibly with over 1,000 people evacuated in total, not one life was lost.

While it is impossible for me to recognize every act of bravery and courage exhibited, I would be remiss if I did not highlight the incredible story of two VA nurses and their efforts to ensure continued patient care during the aftermath of Katrina. These two nurses not only braved the danger of the storm, but they risked their own lives to ensure that their patients could survive. These two women fed their own water supply to their patients, and, even more incredibly, they then administered intravenous fluids to another to stay hydrated so that they could continue to deliver care. Clearly, this was going far above and beyond the call of duty. The example set by these two courageous women must be recognized.

I also want to note that VA’s success in responding to this storm was largely due to the extensive preparation by VA workers before Katrina hit the Gulf Region. This preparation ensured the successful administration of continued medical care to veterans upon relocation as well as the safe evacuation of all staff and their families.

Before the storm hit, VA workers oversaw the evacuation of 166 patients in Mississippi and Louisiana. In addition, VA workers had the foresight to transfer copies of electronic medical records from the New Orleans VA Medical Center to the VA facility in Houston so that those records would be available on a national level. The bottom line is that this careful preparation before the storm hit saved lives.

The examples of sacrifice and heroics are countless. But, I do not want to forget those who simply stayed put in the right place and did their job—sometimes for days on end. I am speaking most specifically of the valiant efforts of the employees in the VA facilities throughout Texas. These dedicated doctors, nurses, and supporting staff worked countless hours providing medical assistance, shelter and comfort to the evacuated VA patients, employees, and their families.

As Chairman of the Senate Committee on Veterans’ Affairs, it is my distinct honor to commend the heroic efforts of VA workers throughout the country in this resolution. I am also pleased to note that Ranking Member AKAKA has joined with me in expressing our sincere appreciation. The devastation of Hurricane Katrina is something with which we are all familiar. It gives me great pleasure to highlight the dedication, sacrifice, and courage of VA workers in light of the terrible devastation caused by what many have called the worst natural disaster in our Nation’s history.

SENATE CONCURRENT RESOLUTION 54—EXPRESSING THE SENSE OF CONGRESS REGARDING A COMMEMORATIVE POSTAGE STAMP HONORING JASPER FRANCIS CROPSEY, THE FAMOUS STATEN ISLAND-BORN 19TH CENTURY HUDSON RIVER PAINTER

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. Con. Res. 54

Whereas Jasper Francis Cropsey was born on February 18, 1823, in Roseville, Staten Island, New York to Jacob Cropsey and Elizabeth Hilyer Cortelyou;

Whereas Jasper Francis Cropsey was a famous second generation 19th Century Hudson River Valley Painter, and became known as America’s “Painter of Autumn” after his vibrant depiction of Autumn on the Hudson River was unveiled in 1853;

Whereas Jasper Francis Cropsey contributed greatly to the Hudson River Valley, Staten Island, and the United States through his artistic and architectural talent by producing, throughout his lifetime, more than 1,300 oil paintings, 400 water colors, and numerous architectural drawings; and

Whereas Jasper Francis Cropsey admired the work of Thomas Cole and other American landscape painters and he believed in the natural unspoiled beauty of the United States depicting serene landscapes of man’s peaceful coexistence with nature and harmonious American naturalism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that...
(1) a commemorative postage stamp should be issued by the United States Postal Service honoring Jasper Francis Cropsey, the famous Staten Island-bom 19th Century Hudson River Painter and etcher.

(2) the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1875. Mr. GRAHAM (for Mrs. Hutchinson (for herself and Mr. Nelson, of Florida)) proposed an amendment to the bill S. 1281, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

SA 1876. Ms. SNOUC (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill S. 1042, 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; which was ordered to lie on the table.

SA 1877. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table. Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

SA 1878. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1879. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1880. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 147, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; which was ordered to lie on the table.

SA 1881. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1042, 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; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1875. Mr. GRAHAM (for Mrs. HUTCHISON (for herself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1281, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; as follows:

On page 2, after line 8, beginning with the item relating to section 107 strike through the item relating to section 152 on page 3 and insert the following:

Sec. 137. Lessons learned and best practices.

Sec. 138. Safety management.

Sec. 139. Cost-effective budget structure that aids effective oversight and management.

Sec. 140. Earth observing system.

Sec. 141. NASA healthcare program.

Sec. 142. Assessment of extension of data collection from Ulysses and Yohkoh to 2009.

Sec. 143. Program to expand distance learning in rural underserved areas.

Sec. 144. Institutions in NASA’s minority serving institutions program.

Sec. 145. Aviation safety program.

Sec. 146. Atmospheric, geophysical, and rocket research authorization.

Sec. 147. Orbital debris.

Sec. 148. Continuation of certain educational programs.

Sec. 149. Establishment of the Charles ‘‘Pete’’ Conrad Astronomy Awards Program.

Sec. 150. GAO assessment of feasibility of Moon and Mars exploration missions.

Sec. 151. Workforce.

Sec. 152. Major research equipment and facilities.

Sec. 153. Data on specific fields of study.

On page 3, before line 1, strike the second item relating to section 161 and insert the following:

Sec. 162. Facilities management.

On page 3, before line 1, the item relating to section 304 insert the following:

Sec. 305. Power and propulsion reporting.

Sec. 306. Utilization of NASA field centers and workforce.

On page 3, before line 1, beginning with the item relating to section 402 strike through the item relating to section 507 and insert the following:

Sec. 402. Commercial technology transfer program.

Sec. 403. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.

Sec. 404. Commercial goods and services.

TITLE V—AERONAUTICS RESEARCH AND DEVELOPMENT

Sec. 501. Governmental interest in aeronautics.

Sec. 502. National policy for aeronautics research and development.

Sec. 503. High priority aeronautics research and development programs.

Sec. 504. Test facilities.

Sec. 505. Miscellaneous provisions.

TITIE VI—MICROSCALE ADMINISTRATIVE IMPROVEMENTS

Sec. 601. Extension of indemnification authority.

Sec. 602. Intellectual property provisions.

Sec. 603. Retrocession of jurisdiction.

Sec. 604. Recovery and disposition authority.

Sec. 605. Requirement for independent cost analysis.

Sec. 606. Electronic access to business opportunities.

Sec. 607. Reports elimination.

Sec. 608. Small business contracting.

Sec. 609. GAO audit accountability office review and report.

On page 4, strike line 16 through 22, insert the following:

(4) The exploration, development, and permanent habitation of the Moon will inspire the Nation, spur commerce, imagination, and excitement around the world, and open the possibility of further exploration of Mars. NASA should return to the Moon within the next decade.

On page 10, line 7, strike ‘‘schedules,’’ and insert ‘‘schedules, and may place a greater emphasis on programs described in this paragraph, throughout the fiscal years for which funds are authorized by this Act (and for this purpose, of the funds authorized by section 1011 of this Act, no less than $5,341,200,000 shall be for science, and of the funds authorized by section 1021 of this Act, no less than $5,980,300,000 shall be for science);’’.

On page 14, line 12, strike ‘‘and’’.

On page 14, line 17, strike ‘‘orbit’’ and insert ‘‘orbit.’’

On page 14, between lines 17 and 18, insert the following:

(5) conduct a program to assure the health and safety of astronauts during extended space exploration missions which include more effective countermeasures to mitigate deleterious effects of such missions, and the means to provide in-flight psychiatric and medical care delivery to crews with little or no real-time support from Earth, relevant issues such as radiation exposure, exercise countermeasures, cardiovascular, diagnostic and monitoring devices, and medical imaging;

(6) utilize advanced power and propulsion technologies, including nuclear and electric technologies, to enable or enhance robotic and human exploration missions when feasible; and

(7) develop a robust technology development program to provide surface power for use on the Moon and other locations relevant to NASA space exploration goals which, to the degree feasible, address needs for modular, scalable power sources for a range of applications on the Moon including human and vehicular uses.

On page 28, beginning with line 8, strike through line 12 on page 18.

On page 18, line 13, strike ‘‘SEC. 139.’’ and insert ‘‘SEC. 137.’’

On page 19, line 9, strike ‘‘SEC. 140.,’’ and insert ‘‘SEC. 138.’’

On page 20, line 20, strike ‘‘SEC. 141, ’’ and insert ‘‘SEC. 139.’’

On page 21, line 17, strike ‘‘SEC. 142,’’ and insert ‘‘SEC. 140.’’

On page 23, line 9, strike ‘‘SEC. 143,’’ and insert ‘‘SEC. 141.’’

On page 23, line 17, strike ‘‘SEC. 144,’’ and insert ‘‘SEC. 142.’’

On page 24, line 8, strike ‘‘SEC. 145,’’ and insert ‘‘SEC. 143.’’

On page 25, line 4, strike ‘‘SEC. 146,’’ and insert ‘‘SEC. 144.’’

On page 25, line 23, strike ‘‘SEC. 147,’’ and insert ‘‘SEC. 145.’’

On page 26, line 6, strike ‘‘SEC. 148,’’ and insert ‘‘SEC. 146.’’

On page 26, line 13, strike ‘‘SEC. 149,’’ and insert ‘‘SEC. 147.’’

On page 26, line 18, strike ‘‘SEC. 150,’’ and insert ‘‘SEC. 148.’’

On page 27, line 1, strike ‘‘SEC. 151,’’ and insert ‘‘SEC. 149.’’

On page 28, line 3, strike ‘‘SEC. 152,’’ and insert ‘‘SEC. 150.’’

On page 28, line 12, after ‘‘schedules,’’ insert ‘‘The Comptroller General shall include in this assessment the short- and long-term impact of the exploration program on other NASA program areas, including aeronautics, space science, earth science and NASA’s overall research and technology development budget.’’

On page 28, between lines 12 and 13, insert the following:

SEC. 151. WORKFORCE.

(a) In GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. The strategy shall ensure that the workforce personnel are at the maximum feasible, in implementing the vision for space exploration and NASA’s
other programs. The strategy shall cover the period through fiscal year 2011.

(b) CONTENT.—The strategy shall describe, at a minimum:

(1) the categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(2) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(3) the steps NASA will use to retain needed employees; and

(4) the budget assumptions of the strategy, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in subtitle A, and any expected additional costs or savings from the strategy by fiscal year.

(c) SCHEDULE.—The Administrator shall transmit the strategy developed under this section to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Science, Technology, and Innovation not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. The Administrator shall transmit the strategy not less than 60 days before submitting the strategy. NASA shall provide a draft of the strategy to its Federal Employee Unions for a 30-day consultation period and shall respond in writing to any written concerns provided by the Unions.

(d) LIMITATION.—

(1) IN GENERAL.—NASA may not initiate any buyout offer after the date of enactment of this Act until 60 days after the strategy required by this subsection has been transmitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science in accordance with subsection (c).

NASA may not implement any reduction-in-force or other involuntary separations (except for cause) prior to June 1, 2007, except as provided in paragraph (2).

(2) EXCEPTIONS.—

(A) SPECIFIC BUY-OUTS.—Notwithstanding paragraph (1), NASA may make exceptions can be made for specific buy-outs on a case-by-case basis to provide for the separation of employees who are designated by the Committees that justifies those specific buy-outs, including why the relevant employees could not be utilized to fulfill other NASA mission needs.

(B) EMERGENCY REDUCTIONS-IN-FORCE.—NASA may also request an exception for an emergency reduction-in-force of management personnel by transmitting to the Committees—

(i) a detailed rationale for the proposed reduction;

(ii) an explanation of why the proposed reduction-in-force cannot wait until after the workforce strategy has been transmitted to the Committees in accordance with the requirements of this section; and

(iii) an explanation of why the relevant employees could not be utilized to fulfill other NASA mission needs.

SEC. 152. MAJOR RESEARCH EQUIPMENT AND FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the National Science Foundation in consultation with the relevant agencies and organizations, including the National Aeronautics and Space Administration and other Federal agencies, shall advise Congress on the overall schedule, budget, and program for major research equipment and facilities construction account for the design and development of projects that—

(1) have demonstrated a very high rating by relevant scientific peer review panels in the relevant discipline;

(2) have substantial cost-sharing with non-Foundation entities; and

(3) have passed a critical design review.

(b) NATIONAL SCIENCE BOARD APPROVAL.—Nothing in this title shall be construed to eliminate the need for approval by the National Science Board before such equipment and facilities are eligible for acquisition, construction, or operation.

SEC. 153. DATA ON SPECIFIC FIELDS OF STUDY.

(a) IN GENERAL.—The National Science Foundation shall collect statistically reliable data through an American Community Survey on the field of degree of college-educated individuals.

(b) ADDITIONAL CENSUS QUESTION.—In order to facilitate the implementation of sub-section (a), the Secretary of Commerce shall expand the American Community Survey to include a question to elicit information concerning the field of study in which college-educated individuals received their degrees. The Director of the Bureau of the Census shall consult with the Director of the National Science Foundation before such equipment and facilities are eligible for acquisition, construction, or operation.

SEC. 154. POLICY STATEMENT.

(a) IN GENERAL.—The Administrator shall—

(1) have been given a very high rating by relevant scientific peer review panels in the relevant discipline;

(2) the estimated length of time during which the United States will not have independent space exploration expertise and facilities; and

(3) what steps will be taken to shorten that length of time; and

SEC. 155. POWER AND PROPULSION REPORTING.

(a) IN GENERAL.—In evaluating the feasibility and desirability of establishing significant research and development programs in power and propulsion systems relevant to the Vision for Space Exploration and the President’s Space Exploration Policy Directives, the Administrator shall—

(1) include a question to elicit information concerning the field of degree of college-educated individuals.

(b) POLICY COMPLIANCE REPORT.

(a) IN GENERAL.—In carrying out the strategy described in paragraph (1), the Administrator shall—

(1) United States strategic risks associated with the hiatus or gap; and

(2) the estimated length of time during that time. The strategy shall cover the period through fiscal year 2011.

(b) ADDITIONAL CENSUS QUESTION.—In order to facilitate the implementation of sub-section (a), the Secretary of Commerce shall expand the American Community Survey to include a question to elicit information concerning the field of degree of college-educated individuals.

(c) ASSESSMENT.—The Administrator shall carry out an assessment of the potential of existing and launch support facilities and capabilities in the states of Montana and New Mexico and their respective contiguous states, and the state of Alaska, and shall include an assessment of the feasibility of integrating the potential National Free Flyer Launch Center within the operations and facilities of an existing non-profit organization currently available to the extent feasible.

(d) LIMITATION.—

(1) have been given a very high rating by relevant scientific peer review panels in the relevant discipline;

(2) have passed a critical design review.

(3) what steps will be taken to shorten that length of time; and

(4) what other means will be used to allow human access to space.

On page 39, line 19, strike ‘‘(c)’’ and insert ‘‘(e)’’.

On page 40, line 7, strike ‘‘In’’ and insert ‘‘(a) In GENERAL.—In’’.

SEC. 401. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange of technology and intellectual property between NASA and the private sector.

(b) PROGRAM STRUCTURE.—In carrying out the program described in paragraph (a), the Administrator shall maintain the funding and program structure of NASA’s existing technology transfer and commercialization organizations through the end of fiscal year 2006.

On page 41, line 16, strike ‘‘SEC. 402.’’ and insert ‘‘SEC. 403.’’.

On page 45, line 1, strike ‘‘SEC. 403.’’ and insert ‘‘SEC. 404.’’.

On page 45, between lines 7 and 8, insert the following:

TITLe V—AERONAUTICS RESEARCH AND DEVELOPMENT

SEC. 501. GOVERNMENTAL INTEREST IN AERONAUTICS.

Congress reaffirms the national commitment to aeronautics research made in the National Aeronautics and Space Act of 1958.
Aeronautical research and development remains a core mission of NASA. NASA is the lead agency for civil aeronautics research. NASA shall conduct a robust program of aeronautics research and development that includes fundamental basic research as well as research in the fields of vehicle systems and of safety and security.

SEC. 502. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT. (a) IN GENERAL.—The President shall develop and submit to the Congress, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation appropriate annual program plans for research and development programs for the national aeronautics and space programs to support objectives set by the National Aeronautics and Space Act of 1958 and reaffirmed in section 501. The President shall submit to the Congress a comprehensive integrated plan for the national aeronautics and space programs for the following year no later than 1 year after the date of enactment of this Act, the President shall establish a program of long-term fundamental research in aeronautics and space science and technology that is not tied to specific development projects. The Administrator shall set aside no less than 5 percent of the aeronautics budget for this program. As part of this program, the Administrator is encouraged to make merit-reviewed grants to institutions of higher learning, including such institutions located in states that participate in the Experimental Program to Stimulate Competitive Research.

(b) VEHICLE SYSTEMS RESEARCH AND TECHNOLOGY.—In order to maintain the United States economic competitiveness and protect the environment, the Administrator shall establish programs in each of the following technology areas:

(1) ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT.—The Administrator shall establish an initiative with the objective of developing and in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(i) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate;

(ii) ENERGY CONSUMPTION.—Twenty-five percent reduction in fuel required for medium to long range flights, compared to aircraft in commercial service as of the date of enactment of this Act; and

(iii) EMISSIONS.—Nitrogen oxides on takeoff and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of the date of enactment of this Act.

(2) SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT.—The Administrator shall establish a research and development program whose objective shall be to explore and demonstrate in a relevant environment within the United States the potential of supersonic civil transport aircraft with no significant impact on the environment.

(3) ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIRCRAFT.—The Administrator shall establish a research and development program whose objective shall be to explore and demonstrate a rotorcraft and other runway-independent air vehicles with the objective of developing and demonstrating in a relevant environment within the United States the potential of aeronautic systems and technologies to enable efficient, economical and environmentally friendly supersonic civil transport aircraft with no significant impact on the environment.

(4) HYPERSONIC RESEARCH.—The Administrator shall establish a research program whose objective shall be to explore the science and technology of hypersonic flight using air-breathing propulsion concepts, through theoretical work, basic and applied research, and development of flight research demonstration vehicles. Emphasis in the program shall be given to advancing and demonstrating key technologies for propulsion and thermal protection systems.

(5) REVOLUTIONARY AERONAUTICAL CONCEPTS.—The Administrator shall establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing configurations, as well as fuel cell technologies.

SEC. 503. HIGH PRIORITY AERONAUTICS RESEARCH AND DEVELOPMENT PROGRAMS. (a) IN GENERAL.—In its role as lead agency for civil aeronautics research and development, NASA shall develop programs and projects in accordance with the National Aeronautics Policy described in section 502, as well program areas listed in subsection (b). These programs must be driven by scientific merit.

(b) PROGRAM AREAS.—The Administration shall establish a program of long-term fundamental research in aeronautics and space science and technology that is not tied to specific development projects. The Administrator shall set aside no less than 5 percent of the aeronautics budget for this program. As part of this program, the Administrator is encouraged to make merit-reviewed grants to institutions of higher learning, including such institutions located in states that participate in the Experimental Program to Stimulate Competitive Research.

(c) SCHEDULE.—In providing input to and executing the National Aeronautics Policy, the Administrator shall consider the following issues:

(1) The established governmental interest in conducting research and development programs for improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and vehicles, as described in section 102(c)(2) of the National Aeronautics and Space Act of 1958 and reaffirmed in section 501.

(2) The established governmental interest in conducting research and development programs for improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and vehicles, as described in section 102(c)(2) of the National Aeronautics and Space Act of 1958 and reaffirmed in section 501.

(3) The appropriate balance between long-term, high risk research and shorter, more incremental research, and the expected impact on the United States economy and public good.

(4) The appropriate balance between in-house research and procurement with industry and academia.

(5) The extent to which NASA should address military and commercial aviation needs.

(6) How NASA will coordinate its aeronautics programs with other Federal agencies.

(7) Opportunities for partnerships with the private sector.

(8) SCHEDULE.—No later than 1 year after the date of enactment of this Act, the President shall submit to the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation an integrated plan for the national aeronautics and space programs for the following year that includes:

(a) Aeronautics research and development, including activities intended to improve the safety and security needs of the National Airspace System and the aircraft that fly in it.

(b) Test facilities.

(c) Flight research demonstration vehicles.

(d) SCHEDULE.

(e) Aeronautics research and development, including activities intended to improve the safety and security needs of the National Airspace System and the aircraft that fly in it.

(f) Test facilities.

(g) Flight research demonstration vehicles.

(h) SCHEDULE.

(i) Aeronautics research and development, including activities intended to improve the safety and security needs of the National Airspace System and the aircraft that fly in it.

(j) Test facilities.

(k) Flight research demonstration vehicles.

(l) SCHEDULE.

SEC. 504. TEST FACILITIES. (a) Prior to completion of the National Aeronautics Policy described in section 502 and transmittal of such policy pursuant to subsection (d) of that section, the Administrator may not establish contracts for the operation of major aeronautical test facilities, including wind tunnels, unless the Administrator—

(1) certifies in writing that such closure will not have an adverse impact on NASA’s ability to execute the National Policy and achieve the goals described in that Policy; and

(2) provides notification to and receives concurrence from the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science and Transportation 60 days in advance of such action.

SEC. 505. MISCELLANEOUS PROVISIONS.

(a) WORKFORCE DEVELOPMENT.—The Administrator shall encourage the development of a skilled and diverse aeronautics research workforce using appropriate available tools such as grants, scholarships, for service, and fellowships.

(b) ALIGNMENT OF PROGRAMS.—Notwithstanding any other provision of this title, the Administrator shall align NASA’s aeronautics programs with priorities established by the Joint Planning and Development Office and by the National Aeronautics Policy described in section 502 of this Act.

(c) DEFENSE.—The Administrator shall establish a research and development program whose objective shall be to explore and demonstrate in a relevant environment within the United States the potential of aeronautic systems and technologies to enable efficient, economical and environmentally friendly supersonic civil transport aircraft with no significant impact on the environment.

(d) HYPERSONIC RESEARCH.—The Administrator shall establish a research program whose objective shall be to explore the science and technology of hypersonic flight using air-breathing propulsion concepts, through theoretical work, basic and applied research, and development of flight research demonstration vehicles. Emphasis in the program shall be given to advancing and demonstrating key technologies for propulsion and thermal protection systems.

(e) REVOLUTIONARY AERONAUTICAL CONCEPTS.—The Administrator shall establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing configurations, as well as fuel cell technologies.

SEC. 506. CONGRESSIONAL RECORD — SENATE September 28, 2005
SEC. 608. SMALL BUSINESS CONTRACTING.
(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and value of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) to meet established contracting goals for such concerns.
(b) PRIORITY.—The Administrator shall establish, as a priority, meeting the contract goals to support the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year for small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 609. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW AND REPORT.
(a) REVIEW.—The Comptroller General of the United States shall conduct a review of NASA’s policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Applied Sciences Directorate and former Earth Science Applications Program. A formal and transparent peer review process that instills public confidence in NASA sponsored applications research and development programs is important and the process by which this program defines requirements, scopes programs, selects peer reviewers, manages the research competition, and selects proposals is of concern. The review shall include—

(A) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes in the processes within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(B) the peer review process including—

(1) membership selection, determination of qualifications and use of NASA and non-NASA reviewers;

(2) management of conflicts of interest, including reviewers funded by the program with a significant consulting or contractual relationship with NASA, and individuals who both review and participate in the submission of proposals under the same solicitation announcement;

(C) compensation of non-NASA proposal reviewers;

(D) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(E) alternative models for NASA planning and management of applied science and applications research, including an evaluation of—

(a) the National Institutes of Health’s intramural and extramural research program structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(b) the Department of Agriculture’s research structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality; and

(c) the “best practices” of both in the planning, selection, and management of applied sciences research and development.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing the results of the review conducted under subsection (a), including recommendations for NASA best practices.

(c) IMPLEMENTATION.—Not later than 90 days after receipt of the report, NASA shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a plan describing the implementation of those recommendations.

SEC. 617. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW AND REPORT.
(a) REVIEW.—The Comptroller General of the United States shall conduct a review of the results of the review conducted under section 609 of this Act, including recommendations for NASA best practices.

(b) REPORT.—Not later than 1 year after receipt of the report, NASA shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a report detailing the implementation of those recommendations.

SEC. 608. SMALL BUSINESS CONTRACTING.
(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and value of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).
(b) PRIORITY.—The Administrator shall establish, as a priority, meeting the contract goals to support the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year for small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 609. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW AND REPORT.
(a) REVIEW.—The Comptroller General of the United States shall conduct a review of NASA’s policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Applied Sciences Directorate and former Earth Science Applications Program. A formal and transparent peer review process that instills public confidence in NASA sponsored applications research and development programs is important and the process by which this program defines requirements, scopes programs, selects peer reviewers, manages the research competition, and selects proposals is of concern. The review shall include—

(A) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes in the processes within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(B) the peer review process including—

(1) membership selection, determination of qualifications and use of NASA and non-NASA reviewers;

(2) management of conflicts of interest, including reviewers funded by the program with a significant consulting or contractual relationship with NASA, and individuals who both review and participate in the submission of proposals under the same solicitation announcement;

(C) compensation of non-NASA proposal reviewers;

(D) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(E) alternative models for NASA planning and management of applied science and applications research, including an evaluation of—

(a) the National Institutes of Health’s intramural and extramural research program structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(b) the Department of Agriculture’s research structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality; and

(c) the “best practices” of both in the planning, selection, and management of applied sciences research and development.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing the results of the review conducted under subsection (a), including recommendations for NASA best practices.

(c) IMPLEMENTATION.—Not later than 90 days after receipt of the report, NASA shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a plan describing the implementation of those recommendations.

SA 1876. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, 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; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. TRANSFER TO REDEVELOPMENT AUTHORITY WITHOUT CONSIDERATION OF PROPERTY LOCATED AT MILITARY INSTALLATIONS CLOSED OR REALIGNSED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.


(1) by striking “shall seek” and all that follows through “with respect to the installation” and inserting the following: “may not seek or obtain connection with any transfer under this paragraph of property located at the installation. The redevelopment authority to which such property is transferred shall:"

(2) in clause (i), by striking “agrees” and inserting “agree”;

(3) in clause (i)—

(A) by striking “executes” and inserting “execute”; and

(B) by striking “accepts” and inserting “accept”.

SA 1877. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, 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; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. ENVIRONMENTAL REMEDIATION AT MILITARY INSTALLATIONS CLOSED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2697 note) is amended by inserting after sub-
(1) the ancestors of today’s Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) the Native Peoples have for millennia honored, protected, and stewarded this land we cherish;

(3) the Native Peoples are spiritual peoples with a deep and abiding belief in the Creator, and for millennia their people have maintained a powerful spiritual connection to this land, as is evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a new chapter in the histories of the Native Peoples in their vicinities;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of the Native Peoples in their vicinities;

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian Peoples and their traditions; and

(8) Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(9) Native Peoples and non-Native settlers engaged in numerous armed conflicts;

(10) the United States Government violated many treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(11) this Nation should address the broken covenants with Indian tribes have for millennia spiritual peoples for the thousands of years that they have stewarded and protected this land;

(12) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the “Indian Removal Act”);

(13) many Native Peoples suffered and perished;

(A) during the execution of the official United States Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890;

(C) on numerous Indian reservations;

(14) the United States Government has dispossessed Indian tribes and their citizens of lands they traditionally occupied, the Pueblo of which is the concept of sacred tribal lands;

(15) the United States Government has dispossessed Native tribes and their citizens of their homelands;

(16) the policies of the United States Government toward Indian tribes and the breakdown of the relationship between the United States and Indian tribes have contributed to the serious social ills and economic troubles in many Native communities today;

(17) despite the wrongs committed against Native Peoples by the United States, the Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native people have served in the United States Armed Forces and placed themselves in harm’s way in defense of the United States in any military conflict than any other ethnic group;

(18) Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official United States Government positions, and by leadership of their own sovereign Indian tribes;

(19) Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

(20) the National Museum of the American Indian was established in the Smithsonian Institution as a memorial to the Native Peoples and their traditions; and

(21) Native People are endowed by their Creator with certain unalienable rights, and that among those rights, life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship the Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors the Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official deprivations, ill-conceived policies, and the breaking of covenants by the United States Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future through the establishment of permanent Euro-American friendships that will be models for future U.S.-Indian relationships and encourage the President to acknowledge the policies of the United States Government toward Indian tribes;

(6) commends the State governments that have made significant investments in public and private utility services in Indian country.

The purpose of the hearing is to receive testimony on S. 10608, to amend the Act entitled “An Act to authorize the Equus Beds Division of the Wichita Project, Kansas, and for other purposes” to authorize the Equus Beds Division of the Wichita Project; S. 1498, to direct the Secretary of the Interior to convey to the Colorado River Basin the benefits to Indian tribes, and for other purposes; and S. 1529, to authorize the reauthorization of the Upper Colorado River Basin Reclamation projects; S. 1578, to extend the period of time for the administration of the lower Colorado River Reclamation projects; and S. 1760, to authorize early repayment of obligations to the Bureau of Reclamation within the Rogue River Valley Irrigation District or within the Medford Irrigation District, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 28, 2005, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Housing.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON WATER AND POWER

Ms. MUKROWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 6, 2005 at 3 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1025, to amend the Act entitled “An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes” to authorize the Equus Beds Division of the Wichita Project; S. 1498, to direct the Secretary of the Interior to authorize certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona; S. 1578, to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs; and S. 1760, to authorize early repayment of obligations to the Bureau of Reclamation within the Rogue River Valley Irrigation District or within the Medford Irrigation District, and for other purposes.
wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Kellie Donnelly 202-224-9260 or Shannon Ewan at 202-224-7555.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 6, 2005 at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive an update on Hurricanes Katrina and Rita’s effects on energy infrastructure and the status of recovery efforts in the Gulf Coast region.

Because of the limited time available for the hearing, witnesses may testify invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

I would also like to announce that the hearing to evaluate and receive a status report on the Environmental Management Programs of the Department of Energy which was previously scheduled before the Committee for this date and time has been postponed and will be rescheduled at a later date. For further information, please contact Lisa Epifani 202-224-5269 or Shannon Ewan at 202-224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 28, 2005, at 10 a.m., on S. 1114—Professional Athletes Drug Testing bill and S. 1334—Professional Sports Integrity and Accountability Act, in Hart 216.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURR. 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 Wednesday, September 28, at 11:30 a.m. to consider pending calendar business.

Agenda

Agenda Item 3: S. 166—To amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes.

Agenda Item 4: S. 206—To designate the Ice Age Floods National Geologic Trail, and for other purposes.

Agenda Item 5: To direct the Secretary of the Interior to convey certain Federal land to Río Arriba County, NM.

Agenda Item 6: S. 242—To establish four memorials to the Space Shuttle Columbia in the State of Texas.

Agenda Item 7: S. 251—To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Sub-basins.

Agenda Item 8: S. 592—To extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming.

Agenda Item 9: S. 652—To provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, PA, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

Agenda Item 11: S. 761—To rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

Agenda Item 12: S. 777—To designate Catootie Mountian Park in the State of Maryland as the “Catootie Mountain National Recreation Area,” and for other purposes.

Agenda Item 13: S. 819—To authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, SD, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

Agenda Item 14: S. 891—To extend the water supply contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, NE.

Agenda Item 15: S. 895—To direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

Agenda Item 16: S. 955—To direct the Secretary of the Interior to conduct a special independent study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, TN, relating to the Battle of Franklin.

Agenda Item 17: S. 956—To amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail.

Agenda Item 18: S. 1154—To extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes.

Agenda Item 19: S. 1170—To establish the Fort Stanton-Snowy River National Cave Conservation Area.

Agenda Item 20: S. 1238—To amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

Agenda Item 21: S. 1338—To require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

Agenda Item 23: H.R. 126—To amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

Agenda Item 24: H.R. 409—To provide for the exchange of land within the Sierra National Forest, CA, and for other purposes.

Agenda Item 26: H.R. 539—To designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

Agenda Item 27: H.R. 584—To authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

Agenda Item 28: H.R. 606—To authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

Agenda Item 29: H.R. 1101—To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, CA.


In addition, the Committee may turn to any other measures that are ready for consideration.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet Wednesday, September 28, 2005, at 9:30 a.m. to conduct a hearing to discuss the role of science in environmental policy making.

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

COMMITTEE ON FINANCE

Mr. BURR. Mr. President I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 28, 2005, at 10 a.m., to hear testimony on “Hurricane Katrina: Community Rebuilding Needs and Effectiveness of Post Proposals.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on

...
Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 28, 2005, at 9:30 a.m. to hold a hearing on Darfur Revisited: The International Response.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 28, 2005, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Housing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 28, 2005, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on Protecting Copyright and Importation in a Post-Grokster World” on Wednesday, September 28, 2005 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List


Panel II: Marty Roe, Lead Singer, Diamond Rio, Nashville, TN; Cary Sherman, President, Recording Industry Association of America, Washington, DC; Gary Shapiro, President and Chief Executive Officer, Consumer Electronics Association, Arlington, VA; Mark Lemley, William H. Neukom, Professor of Law, Stanford University Law School and Director Stanford Program in Law, Science and Technology Stanford, CA; Ali Aydar, Chief Operating Officer, SNOCAP, San Francisco, CA; and Sam Yagan, President, MetaMachine, Inc. (developer of eDonkey and Overnet) New York, NY.

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

COMMITTEE ON THE JUDICIARY

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Protecting Copyright and Importation in a Post-Grokster World” on Wednesday, September 28, 2005 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List


Panel II: Marty Roe, Lead Singer, Diamond Rio, Nashville, TN; Cary Sherman, President, Recording Industry Association of America, Washington, DC; Gary Shapiro, President and Chief Executive Officer, Consumer Electronics Association, Arlington, VA; Mark Lemley, William H. Neukom, Professor of Law, Stanford University Law School and Director Stanford Program in Law, Science and Technology Stanford, CA; Ali Aydar, Chief Operating Officer, SNOCAP, San Francisco, CA; and Sam Yagan, President, MetaMachine, Inc. (developer of eDonkey and Overnet) New York, NY.

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

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

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

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 174, S. 1281.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:


There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with amendments.

(Strike the parts shown in black brackets and insert the parts shown in italic.)

Mrs. HUTCHISON. Mr. President, I am delighted to join my friend and colleague, the distinguished Senator from Florida, in bringing before the Senate today, S. 1291, the NASA Authorization Bill of 2005. Our subcommittee and the full Commerce Committee have worked hard to prepare legislation that we believe is important and timely, because it comes at a watershed moment in this Nation’s civil space program.

That moment has come at no small cost. It grew out of a terrible tragedy that took place in the skies over Texas 2½ years ago, when the space shuttle Columbia and her brave crew were lost as they were returning home from an important and successful research mission.

In the aftermath of that accident, we were forced, as a nation, to once again confront the question of the value of space exploration in the face of the risks involved in sending our best and brightest—and those of other nations who are our partners in space exploration—into the hostile realm of space. The overwhelming and resounding answer from the families of those who were lost to men, women and children across the country, and our elected leadership, was “yes.” They gave the same answer that Lewis and Clark gave to Thomas Jefferson 200 years ago, when he charged them with the task of exploring what was then a large, largely unknown expanse.

It is that difficult but inspiring voyage of discovery opened the way for this Nation to spread its wings from sea to sea, the voyages of discovery into the far reaches of space have begun—and will continue—to open vast opportunities for our Nation, and for the world.

While the vision that drove Lewis and Clark—the discovery of a north-west passage to the Pacific Ocean—was not the result they achieved, the undoing of the hostile realm of our continent, and the insights into themselves and their fellow human beings provided a wealth of discovery more diverse and more valuable than any specific goal they had in mind as they began their journey, will be to meet those challenges and turn them into opportunities.

Among the many important findings of the investigation into the Columbia accident was the need for a renewed guiding vision for our human space exploration programs. On July 14, 2004, President George W. Bush provided the essence of that bold new vision for exploration, not only for NASA, but for the Nation. It extends far beyond his tenure in office—beyond the tenure of most of us serving in the Senate today. It reaches beyond many years and ultimately millions of miles into the solar system in which we live. It will require a long-standing commitment by this Nation, and it will not be an easy vision to achieve. We will find unexpected obstacles and challenges along the way. If we didn’t, it would not really be exploration. Our task as a nation, and in the company of international partners who will join us on this journey, will be to meet those challenges and turn them into opportunities.

The essential first step in the new Vision for Exploration was to return the space shuttle to flight. As we all know, the space shuttle was launched into orbit and began this Nation’s return to space flight on July 26th. Commander Eileen Collins and her crew,
the crew aboard the International Space Station, and the entire NASA team conducted an extremely successful first test flight to assess the progress made in the space shuttle program since the tragic Columbia accident. In fact, after the哥伦比亚 accident during liftoff—the direct cause of the damage to Columbia—was reduced to a level far below that previously experienced, it has not been eliminated and more work remains to understand and address this problem. Furthermore, among the major improvements in the Shuttle program is the vast increase in the ability to monitor and collect visual information on the health of the Orbiter both during launch and in orbit. That unprecedented level of information was combined with new on-orbit repair techniques to further enhance our confidence in the Shuttle program's flight readiness. All of us, I'm sure, were thrilled to watch astronaut Steve Robinson deftly pluck the small gap fillers from Discovery's underside, and the amazing never before seen images of the orbiter's thermal protection system. Our subcommittee will continue to monitor the application of the findings of this first test flight to future Shuttle missions, to ensure that the project has learned from the Columbia accident.

Over the past 17 years, this Chamber has been the scene of vigorous discussion and debate on the International Space Station, long before the first module was launched in November of 1998. Through all that discussion, the central theme of those of us who supported the space station—the entire NASA community, in fact—is to monitor and collect visual information on the health of the Orbiter both during launch and in orbit. That unprecedented level of information was combined with new on-orbit repair techniques to further enhance our confidence in the Shuttle program’s flight readiness. All of us, I’m sure, were thrilled to watch astronaut Steve Robinson deftly pluck the small gap fillers from Discovery’s underside, and the amazing never before seen images of the orbiter’s thermal protection system. Our subcommittee will continue to monitor the application of the findings of this first test flight to future Shuttle missions, to ensure that the project has learned from the Columbia accident.

As we have undergone the recovery from the Columbia accident, we have witnessed the most comprehensive review of the hardware, systems and processing for the space shuttle program since the return of operational flights 24 years ago. While we may never be able to completely eliminate the risks of human spaceflight, the space shuttle system is safer today than it has ever been, and we have learned valuable lessons that can be applied to the next generation of human space flight vehicles.

Last year we witnessed dramatic evidence of yet another major change in how we view space. On September 29, 2004, later, on October 4 Brian Binnie at the controls, SpaceShipOne became the first private manned spacecraft to exceed an altitude of 328,000 feet twice within the span of a 14-day period. With that accomplishment, Scaled Composites Corporation won the $10 million Ansari X-Prize, funded entirely by private funds. A new era in private, commercial development of manned and unmanned spacecraft has begun, which offers exciting opportunities for the future. For example, two space entrepreneurs are planning to join together in the launch early next year of the Falcon V launch vehicle, built by Elon Musk’s Space-X Corporation, which will carry aloft a prototype one-third scale model of Burt Rutan and Robert Bigelow’s Bigelow Aerospace Corporation. Other companies are developing designs and building prototype hardware that could be the precursors of commercially developed space station modules and the key to supplying and maintaining them with cargo and crews that could complement and expand the research opportunities provided by the International Space Station. S. 1261 includes language which both encourages and enables increased commercial involvement in space activities, including servicing the International Space Station, developing and conducting free-flying research vehicles, and providing for increased use of private investment and development. We would expect to see that private sector interest and involvement eventually extend beyond earth orbit to become an integral part of the nation’s broader commitment to exploration of the Moon, Mars, and beyond.

I would like now to discuss some of the key provisions of the NASA reauthorization bill which I believe are especially important today. As I noted earlier, the increased participation and involvement of commercial interests and capabilities, in a way that can relieve NASA of some of the basic burdens of space operations. With respect to space station research, we believe additional steps must be taken to enable NASA to conduct the research it must to support long-duration human spaceflight, and to return to the Moon, and on-orbit to Mars, while we can’t afford the investment we have made in the ISS.

To accomplish this, the legislation designates the U.S. segment of the

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International Space Station as national laboratory facility. It further directs the NASA Administrator to develop a plan, within one year after enactment of the bill, to establish a ground-based national laboratory structure that will be responsible for maintaining and operating the research capabilities in the on-orbit laboratory facilities. The ISS national laboratory will be empowered to establish scientific—and funding—relationships with other governmental and non-governmental entities and to include international participation as well. The infusion of new participants and non-NASA resources will free NASA of much of the financial burden it would require to sustain broad-based research aboard ISS, and would thus enable it to focus its ISS research, as planned, on those disciplines and experiments which directly support the needs of the Vision for Exploration.

We believe this represents a creative and responsible approach to meeting our international commitments and fulfilling the long-standing research promise of the ISS, while not inhibiting NASA's pursuit of its exploration objectives.

In order to continue the Nation's exploration activities, both in continuing essential activities in low-Earth orbit and moving outward, back to the Moon, Mars, and beyond, we must have a new generation of launch and flight vehicles. The Vision for Exploration calls for the development of a new crew exploration vehicle and associated launch systems, to meet that objective.

As I have stated, this legislation supports the goals and objectives of Vision for Exploration. As the saying goes, however, sometimes “the devil is in the details.” As those details have been revealed in the planning to implement the vision, I have expressed concerns about some of the early transitional steps. NASA's transition from low-Earth orbit to exploration of the Moon and Mars. I have already addressed the question of ensuring the maximum use of the International Space Station. My other primary concern has to do with the transition from the Space Shuttle to the new crew exploration vehicle. The initial announcement of the Vision for Exploration called for the termination of Shuttle flights in 2010, and the first flights of the Vision Exploration System in 2014. The resulting 4-year hiatus in this Nation’s ability to launch humans into space was simply unacceptable to me. It would represent a serious degradation of our national and economic security, as the community of spacefaring nations expands with the advent of Chinese human spaceflight capability and the potential of even more nations developing such capability, potentially challenging U.S. leadership in this important strategic area and major engine of technological advancement.

S. 1281, as introduced, stated that uninterrupted U.S. spaceflight capability is essential to our Nation, and required, in Section 202 of the bill, that the Space Shuttle Orbiter not be retired until a replacement crew-capable space vehicle be made operational. NASA’s new Administrator, Dr. Michael Griffin, testified at his confirmation hearing before the Commerce Committee, and again in a subsequent subcommittee hearing on the space shuttle, that he shared our concern about a lengthy hiatus period in U.S. spaceflight capability. Since assuming leadership of NASA, he has undertaken an effort to approach the development of the replacement vehicle in such a way as to close that gap as much as possible. In anticipation of the success of those efforts, Senator NELSON and I agreed to a modification of the language in the bill—included in the manager's amendment to the bill—which provides some flexibility in meeting the goal of uninterrupted U.S. spaceflight capability, but continues to require NASA to work expeditiously toward making our exploration goals a reality.

The non-orbiter elements of the space shuttle program, both in flight hardware and ground support, represent an enormous national asset and, with modifications and reengineering, can potentially be adapted to—support—NASA’s plans for human spaceflight and for the launch of large, heavy payloads. Those large payloads are beyond the reach of either evolved expendable launch vehicles or privately-developed launch vehicles—or the current or planned launch vehicles of any other country—for that matter. For these reasons, and others, this legislation directs and encourages NASA to make the maximum possible utilization of the personnel, assets and capabilities of the space shuttle program in developing the next generation of launch and exploration systems. The NASA plans will do just that, as envisioned by this legislation.

Another important and historical NASA research activity is aeronautics research, a funding mandate of NASA’s activities since its inception. Indeed, not only is “aeronautics” the first “a” in NASA, but NASA came into being as an expansion of the National Advisory Committee on Aeronautics, which was established in 1915. That heritage is an important NASA legacy and the continued health of the Nation’s aerospace industry in a very competitive global market—makes it essential that our Nation have solid aeronautical research capability.

The equally important environment of limited resources, is that decisions about priorities for funding and programs be guided by a clear statement of policy, based on a thorough understanding of both available assets and essential requirements. This legislation directs the development of a national policy to guide the Nation’s aeronautical research—including that conducted by NASA. The policy is to be developed within one year after enactment for all the funding levels for aeronautics programs. For these reasons, the legislation provides time for a thorough and complete assessment of every aspect of aeronautics research, and yet provide the earliest possible guidance for both the administration and the Congress in determining the appropriate funding levels for U.S. aeronautics research. We have chosen not to establish a specific level of funding for that research in the legislation, in order to provide the flexibility for the NASA Administrator to establish those levels using the national policy that we have required to be developed.

Finally, let me say something about the broad range of science activities
In the other body, we will be able to reinforce our Nation’s space exploration programs into a new era of discovery. I believe that, together with our colleagues in the other body, we will be able to craft a congressional consensus that will help ensure this Nation’s leadership in space exploration and provide benefits beyond measure and beyond imagination to this Nation and the world.

I want to thank my friend and colleague from Florida, Senator Nelson, for the spirit of cooperation he and his staff have brought to the development and refinement of this legislation. It represents a truly bi-partisan—really a non-partisan—result, as is appropriate for the Nation’s space exploration programs. I also want to express my appreciation to the staff of my Subcommittee and the full Commerce Committee, who have worked hard to bring this measure before the Senate.

And, of course, I want to acknowledge the leadership of Senators Stevens and Inouye, who have supported our efforts to provide authorization and a strong policy foundation to our Nation’s space exploration efforts. I urge my colleagues to support S. 1281.

Mr. NELSON of Florida, Mr. President, I am pleased to join Senators Hutchison, Stevens, Inouye, and Lott today in sponsoring an amended NASA Authorization Act and managers package that provides policy guidance for keeping NASA on track to achieve their goals and to ensure that there is a good balance between the different activities that NASA performs.

Just a few days ago, NASA released their Exploration Systems Architecture Study. The study describes how NASA plans to implement the President’s Vision for Space Exploration by returning to the Moon and preparing to go beyond.

Through this NASA bill, Congress can provide constructive support to the good work being done by Administrator Michael Griffin, as they begin to implement the President’s vision and prepare NASA for the challenges of the future. For fiscal year 2006, the President requested $16.456 billion, which is a 2.4 percent increase over the fiscal year 2005 NASA operating budget. Recently the Commerce, Justice, and Science Appropriations Subcommittee approved legislation for NASA. This bill authorizes $16.556 billion for fiscal year 2006, which is a 3 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes increases at a level of about 3 percent each year, consistently providing more than the President’s budget projection.

Like many of our colleagues, Senator Hutchison and I believe that recent NASA budget requests have been below the levels required for NASA to perform its various missions effectively. Once this bill is enacted, we intend to work with the Appropriations Committee to ensure that adequate funds are provided for NASA to succeed.

This legislation authorizes NASA to return humans to the Moon, to explore it, and to maintain a human presence on the Moon. Consistent with the President’s vision, it also requires using what we learn and develop on the Moon as a stepping stone to future exploration of Mars.

To carry out these missions, our bill requires NASA to develop an implementation plan for the transition from shuttle to crew exploration vehicle, CEV. The plan will help NASA to make a smooth transition from retirement of the space shuttle orbiters to the replacement spacecraft systems. The implementation plan will help make sure that we can keep the skills and the focus that are needed to assure that each space shuttle flight is safe through retirement of the orbiters, and to retain those personnel needed for the CEV and heavy-lift cargo spacecraft.

It is essential to our national security that we prevent any hiatus or gap in which the United States cannot send astronauts to space without relying on a foreign country. The Russians have been selected as our partner in construction of the International Space Station, and the Soyuz spacecraft has been a reliable vehicle for our astronauts. But with all of the uncertainties in our relationship with Russia, we simply cannot afford to be dependent on being totally dependent on the Soyuz. We need to maintain assured access to space by U.S. astronauts on a continuous basis. We therefore require in this legislation that there not be a hiatus in funding between the space shuttle orbiters and the availability of the next generation U.S. human-rated spacecraft.

We have worked with NASA to address their concerns regarding the hiatus, and have crafted language that expresses our desire not to have a gap, and that NASA feels is suitable. We are aware of Dr. Griffin’s efforts to reduce the gap and appreciate the work that he is doing to accelerate the crew exploration vehicle.

Our bill directs NASA to plan for and consider a Hubble servicing mission after the two Space Shuttle Return to Flight missions have been completed. Americans are inspired by the images that Hubble produces. The new instruments to be added during the SM-4 Hubble servicing mission will produce higher quality images, enable us to see further into space; and give scientists a better understanding of our universe’s past, and perhaps of our future. The replacement gyroscopes and batteries that are planned for the mission will extend Hubble’s life by 5 or more years.

This NASA authorization bill calls for utilization of the International Space Station for basic science as well as exploration science. It is important that we reap the benefits of our multi-billion dollar investment in the Space Station. The promise of some basic science research requires a micro-gravity or a space environment for us to better understand the problem that we are trying to solve. This bill ensures that NASA will maintain a focus on the importance of basic science.

In order to assure that we can meet our obligations with respect to the Space Station, the administration has proposed that Congress modify the proposals in the 2004 Authorization Act to ensure that we can continue to cooperate with the Russian Federation in this area. There may be periods when our only access to the Space Station will be on the Russian Soyuz spacecraft. But Russia’s failure to cease all proliferation activities with respect to Iran has resulted in sanctions against Russia that would preclude such cooperation.

This bill directs NASA to improve its safety culture. According to the Columbia Accident Investigation Board, CAIB, report, the safety culture at NASA was as much a cause of the Columbia tragedy as the physical cause. Low- and mid-level personnel felt that they could not report safety concerns without reprisals, or being ignored. NASA has already taken significant steps to address these problems, but we need to assure that the safety culture improves as quickly as possible and that it continues to improve.

This legislation proposes that the Aerospace Safety Advisory Panel monitor and measure NASA’s improvements to their safety culture, including safety personnel for facing concerns about safety.

It also contains policy regarding NAS’s need to consider and implement lessons learned, in order to avoid another preventable tragedy like the Challenger and Columbia disasters.

This authorization bill addresses NASA aeronautics and America’s preeminence in aviation. The Europeans...
have stated their intent to dominate the airplane market by 2020. It is not in our national interest to let that occur.

We are calling on NASA to develop and demonstrate aviation technologies for reducing commercial aircraft noise levels at airports, making aircraft more fuel-efficient, improving airport safety and security, and continuing the pursuit of revolutionary concepts such as hypersonic flight. Aeronautics is a very important function of NASA and needs to be continued and further developed. This bill calls on NASA to assure that at least 5 percent of the aeronautics budget is allocated for fundamental aeronautical research.

NASA has a new direction, and they have outstanding leadership in Dr. Michael Griffin.

We have an opportunity to authorize NASA for: implementing the Vision for Space Exploration; renewing our commitment to U.S. aviation and NASA aeronautics research; retaining or re-creating very important science activities at NASA; and assuring that America has continuous human access to space.

By passing this legislation, we will continue to advance our national security, promote our economy, inspire the next generation of explorers, and fulfill our destiny as explorers.

Mr. STEVENS. Mr. President, passage of S. 1281, the NASA Authorization Act of 2005, is a milestone in our country’s continued efforts to open and develop new frontiers.

One year after the Columbia space shuttle tragedy, President Bush gave us a bold, new vision for the future of space exploration. This legislation provides the framework we need to implement the President’s vision.

The Moon is the strategic gateway to the rest of the solar system. It will ultimately be a critical point for many human endeavors. It will support economic growth, cutting-edge research and technology, and innovative partnerships.

This legislation also provides NASA with important guidance for its other missions. It outlines a national aeronautics policy, which will be developed by the administration. This policy will enable us to take into account emerging challenges in aeronautics research as we plan our investments going forward.

S. 1281 also calls for the implementation of a balanced space science program and highlights the need for better access to data which can meet local and national challenges.

This is a bipartisan bill which provides a solid foundation for our current and future space activities. I am pleased we are sustaining our long-standing commitment to space exploration.

Mr. GRAHAM. I ask unanimous consent that the Hutchinson amendment at the desk be agreed to; the committee-reported amendments, as amended, if amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table; and that any statements relating to the bill be printed in the Record.

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

The amendment (No. 1875) was agreed to.

The bill (S. 1281), as amended, was read the third time and passed, as follows:

S. 1281
Be it enacted by the Senate and House of Representatives of the United States of America in Congress as follows:

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as “National Aeronautics and Space Administration Authorization Act of 2005”.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS
Sec. 102. Fiscal year 2007.
Sec. 103. Fiscal year 2008.
Sec. 104. Fiscal year 2009.
Sec. 105. Fiscal year 2010.
Sec. 106. Evaluation criteria for budget requests.

SUBTITLE B—GENERAL PROVISIONS
Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
Sec. 132. Biennial reports to Congress on science programs.
Sec. 133. Status report on Hubble Space Telescope servicing mission.
Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
Sec. 135. Ground-based analog capabilities.
Sec. 136. Space launch and transportation transition, capabilities, and development.
Sec. 137. National policy for aeronautics research and development.
Sec. 138. Identification of unique NASA core aeronautics research.
Sec. 139. Lessons learned and best practices.
Sec. 140. Safety management.
Sec. 141. Creation of a budget structure that aids effective oversight and management.
Sec. 142. Earth observing system.
Sec. 143. National Aeronautics Research Program.
Sec. 144. Assessment of extension of data collection from Ulysses and Voyager spacecraft.
Sec. 145. Program to expand distance learning in rural underserved areas.
Sec. 146. Institutions in NASA’S minority institutions program.
Sec. 147. Atmospheric research program.
Sec. 148. Atmospheric, geophysical, and rocket research authorization.
Sec. 149. Orbital debris.
Sec. 150. Commercialization of educational programs.
Sec. 151. Establishment of the Charles “Pete” Conrad Astronaut Awards Program.
Sec. 152. GAO assessment of feasibility of Moon and Mars exploration missions.

TITLE II—INTERNATIONAL SPACE ACTIVITY

Sec. 201. International Space Station completion.
Sec. 202. Research and support capabilities on international Space Station.
Sec. 203. National laboratory status for International Space Station.
Sec. 204. Commercial support of International Space Station operations under NASA contract.
Sec. 205. Use of the International Space Station and annual report.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

Sec. 301. United States human-rated launch capacity assessment.
Sec. 302. Space Shuttle transition.
Sec. 303. Commercial launch vehicles.
Sec. 304. Secondary payload capability.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

Sec. 401. Commercialization plan.
Sec. 402. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.
Sec. 403. Commercial goods and services.

TITLE V—MISCELLANEOUS ADMINISTRATIVE MATTERS
Sec. 501. Extension of indemnification authority.
Sec. 502. Intellectual property provisions.
Sec. 503. Retrosession of jurisdiction.
Sec. 504. Recovery and disposition authority.
Sec. 505. Requirement for independent cost analysis.
Sec. 506. Electronic access to business opportunities.
Sec. 507. Reports elimination.

SEC. 2. FINDINGS.
The Congress finds the following:
(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.
(2) Basic and applied research in space science, Earth science, and aeronautics remain a significant part of the Nation’s goals for the use and development of space. Basic research and development is an important component of NASA’s program of exploration and discovery.
(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security. United States preeminence in space, and inspiring the next generation of explorers. Thus, a gap in United States human space flight capability is harmful to the national interest.
(4) The exploration, development, and permanent habitation of the Moon will—
(A) inspire the Nation;
(B) spur commerce, imagination, and excitement around the world; and
(C) open the possibility of further exploration of Mars.
(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.
(6) Commercial development of space, including exploration and other lawful uses, is in the interest of the United States and the international community at large.
(7) Research and access capabilities to support a national laboratory facility within the United States segment of the ISS in low-
Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space, which would uniquely benefit from access to this facility.

(8) NASA should develop vehicles to replace the Shuttle orbiter’s capabilities for transporting new and near-Earth while utilizing the current program’s resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.

(9) The United States must remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation’s economic or security interest, and should align its space leadership to ensure United States leadership. A national effort is needed to ensure that NASA’s aeronautics programs are leading contributions to any supersonic transportation needs, as well as to its exploration capabilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term “ISS” means the International Space Station.

(3) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

(4) SHUTTLE-DERIVED VEHICLE.—The term “shuttle-derived vehicle” means any new space transportation vehicle, piloted or unpiloted, that—

(A) is capable of supporting crew or cargo missions; and

(B) uses a major component of NASA’s Space Transportation System, such as the solid rocket booster, external tank, engine, and orbiter.

(5) IN-SITU RESOURCE UTILIZATION.—The term “in-situ resource utilization” means the technology or systems that can convert indigenous or locally-situated substances into useful materials and products.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. FISCAL YEAR 2006.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 2006, $16,556,900,000, as follows:

(1) $10,549,800,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,600,000 (including amounts for construction of facilities), of which $6,469,600,000 shall be for space operations.

(3) For the Office of Inspector General, $53,500,000.

SEC. 103. FISCAL YEAR 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

SEC. 104. FISCAL YEAR 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,960,000,000.

SEC. 105. FISCAL YEAR 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act shall be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

Subtitle B—General Provisions

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT EXTENDS HUMAN KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA’s science portfolio are developed and maintained in a balanced and healthy manner, and, as part of this balanced science research program, provide, to the maximum extent feasible, continued support and funding for the Magnetospheric Multiscale Mission, SIM-Planet Quest, and Future Explorers programs, including determining whether these delayed missions and planned missions can be expedited to meet previous schedules;

(2) plan projected Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct comprehensive investigations and research around and on the Moon’s surface;

(3) upon successful completion of the planned retargeting schedule of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut or safety or the integrity of NASA’s other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and inter-institutional collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight equipment inventory and procurement of Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities.

SEC. 112. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act shall be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

SEC. 102. FISCAL YEAR 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:

(8) The United States should remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation’s economic or security interest, and should align its space leadership to ensure United States leadership. A national effort is needed to ensure that NASA’s aeronautics programs are leading contributions to any supersonic transportation needs, as well as to its exploration capabilities.

(9) The United States must remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation’s economic or security interest, and should align its space leadership to ensure United States leadership. A national effort is needed to ensure that NASA’s aeronautics programs are leading contributions to any supersonic transportation needs, as well as to its exploration capabilities.

(1) For science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,600,000 (including amounts for construction of facilities), of which $6,469,600,000 shall be for space operations.

(3) For the Office of Inspector General, $53,500,000.

SEC. 103. FISCAL YEAR 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

SEC. 104. FISCAL YEAR 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,960,000,000.

SEC. 105. FISCAL YEAR 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act shall be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

Subtitle B—General Provisions

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT EXTENDS HUMAN KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA’s science portfolio are developed and maintained in a balanced and healthy manner, and, as part of this balanced science research program, provide, to the maximum extent feasible, continued support and funding for the Magnetospheric Multiscale Mission, SIM-Planet Quest, and Future Explorers programs, including determining whether these delayed missions and planned missions can be expedited to meet previous schedules;

(2) plan projected Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct comprehensive investigations and research around and on the Moon’s surface;

(3) upon successful completion of the planned retargeting schedule of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut or safety or the integrity of NASA’s other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and inter-institutional collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight equipment inventory and procurement of Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities.

SEC. 112. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act shall be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

SEC. 102. FISCAL YEAR 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:
conduction of an intensive in-situ resource utilization technology program in order to
devise the capability to use space resources to
to increase independence from Earth, and
and maintenance of a low-Earth orbit.

SEC. 135. GROUND-BASED ANALOG CAPABILITIES.

(a) In General.—The Administrator shall establish a ground-based analog capability in
remote United States locations in order to
assist in the testing and evaluation of aeronautics, life support, and in-situ resource util-
ization experience and capabilities.

(b) Locations.—The Administrator shall select locations for subsection (a) in places that—
(1) are regularly accessible;
(2) have significant temperature extremes and
(3) have access to energy and natural re-
sources (including geothermal, permafrost,
and other potential resources).

(c) Involvement of Local Populations.

Private Sector Partners.—In carrying out
this section, the Administrator shall involve
local populations, academia, and industrial
partners as much as possible to ensure that
ground-based benefits and applications are
encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION
TRANSMISSION, CAPABILITIES, AND DE-
VELOPMENT.

(a) Post-Orbiter Transition.—The Admin-
istrator shall develop an implementation plan
for the transition to a new crew explo-
ration vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets,
and infrastructure of the Space Shuttle to
the fullest extent possible and addresses how
NASA will accommodate the docking of the
crew exploration vehicle to the ISS.

(b) Automated Rendezvous and Docking.

— The Administrator is directed to pur-
sue aggressively automated rendezvous and
docking capabilities that can support ISS and
other mission requirements and include these
activities, progress reports, and plans in
the implementation plan.

(c) Congressional Submission.—Within 120
days after the date of enactment of this Act
the Administrator shall submit a copy of the
implementation plan to the Senate Com-
mittee on Commerce, Science, and Transpor-
tation and the House of Representatives
Committee on Science.

SEC. 137. NATIONAL POLICY FOR AERONAUTICS
RESEARCH AND DEVELOPMENT.

(a) In General.—Through the
Director of the Office of Science and
Technology Policy, shall develop, in con-
sultation with NASA and other relevant Fed-
eral agencies, a national aeronautics policy
to guide the aeronautics programs of the
United States through the year 2020. The de-
development of this policy shall utilize external
studies that have been conducted on the state of
United States aeronautics and aviation research
and have suggested policies to ensure continued
competitiveness.

(b) Purpose.—At a minimum the national aeronautics policy shall provide
—
(1) national goals for aeronautics research;
(2) the priority areas of research for aero-

nautics through fiscal year 2011;
(3) the basis of which and the process by
which priorities for ensuring fiscal years will be
selected; and
(4) processes and responsibilities of
various Federal agencies in aeronautics re-
search.

(c) National Assessment of Aeronautics
Innovative Capabilities.—In de-
veloping the national aeronautics policy, the
President, through the Director of the Office
of Science and Technology Policy, shall con-
duct an assessment of the status of national
aeronautics research infrastructure to as-

(1) uniqueness, mission dependency, and
industry need; and
(2) development or initiation of a con-
solidated national aviation research, devel-
oment, and infrastructure.

(d) Schedule.—No later than 1 year after
the date of enactment of this Act, the President's Science and the Admin-
istrator shall submit to the Appropriations
Committee of the House of Representatives and the
Senate Commerce, Science, and the Senate Committee on
Commerce, Science, and Transportation.

SEC. 138. IDENTIFICATION OF UNIQUE NASA
CAPABILITIES

Within 180 days after the date of enactment
of this Act, the Administrator shall submit a report to the Senate Committee on
Commerce, Science, and Transportation and the House of Representatives Committee on
Science that assesses the aeronautics re-
search program for its current and potential
application to new aeronautics and space vehi-
cles and the unique aeronautical research and
associated capabilities that must be re-
tained and supported by NASA to further
space exploration and support United States
economic competitiveness.

SEC. 139. LESSONS LEARNED AND BEST PRAC-
TICES

(a) In General.—The Administrator shall provide an implementation plan describing
NASA's lessons learned, implementing, imple-
menting, and sharing lessons learned and
best practices for its major programs and
projects within 180 days after the date of en-
actment of this Act. The implementation plan
shall be updated and maintained to as-
sure that it is current and consistent with the
burgeoning culture of learning and safety
that is emerging at NASA.

(b) Required Content.—The implemen-
tation plan shall contain a minimum of the
lessons learned and best practices require-
ments for NASA, the organizations or posi-
tions responsible for enforcement of the re-
quirements, the reporting structure, and the
objective performance measures indicating the
effectiveness of the activity.

(c) Incentives.—The Administrator shall
provide incentives to encourage sharing and
implementation of lessons learned and best
practices by employees, projects, and
programs; as well as penalties for programs and
projects that do not make use of demonstrated
lessons learned.

SEC. 140. SAFETY MANAGEMENT

Section 6 of the National Aeronautics and
Space Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting “(a) In General.—” before
“thereof”;

(2) by striking “to it” and inserting “to it,
including evaluating NASA’s compliance
with the return-to-flight and continue-to-fly
recommendations of the Columbia Accident
Investigation Board”;

(3) by inserting “and the Congress” after
“advise the Administrator”; and

(4) by striking “and with respect to the
adequacy of existing safety standards and shall” and inserting “with re-
spect to the adequacy of approved or existing
safety standards, and with respect to man-
agement and science, The Panel also”;

and

(5) by adding at the end following:

“Annual Report.—The Panel shall submit
annually a report to the Administrator and
to the Congress. In the first annual re-
port submitted after the date of enactment
of this Act, the Panel shall evaluate the
requirements of the National Aeronautics and Space
Authorization Act of 2005, the Panel shall include an evaluation of NASA’s
safety management culture.

(c) Instructions for Congress.—It is the
sense of the Congress that the Administrator
should—

(1) ensure that NASA employees can raise
safety concerns without fear of reprisal;
(2) continue to follow the recommenda-
tions of the Columbia Accident Investigation
Board for safety returning and continuing to
fly; and
(3) continue to inform the Congress from
time to time of NASA’s progress in meeting
these recommendations.”

SEC. 141. CREATION OF A BUDGET STRUCTURE
THAT AFFECTS EFFECTIVE OVERSIGHT
AND MANAGEMENT.

In developing NASA’s budget request for
fiscal year 2007 and thereafter, the Admin-
istrator shall—

(1) line item for—
(A) science, aeronautics, and exploration;
(B) exploration capabilities; and
(C) the Office of the Inspector General;

(2) conduct separately, within the
science, aeronautics, and exploration ac-
tual, the request for—

(A) space science;
(B) Earth science;
(C) aeronautics;

(3) include, within the exploration capa-
bilities account, the request for—

(A) the Space Shuttle; and
(B) the ISS; and
(4) separately the specific request for the
independent technical authority
within the appropriate account.

SEC. 142. EARTH OBSERVING SYSTEM.

(a) In General.—Within 6 months after
the date of enactment of this Act, the Admin-
istrator, in consultation with the Admin-
istrator of the National Oceanic and Atmos-
pheric Administration and the Director of
the United States Geological Survey, shall
submit a plan to the Senate Committee on
Commerce, Science, and Transportation and the House of Representatives Committee on
Science to ensure the long-term vitality of
the earth observing system at NASA.

(b) Plan Requirements.—The plan shall—

(1) address such issues as—
(A) out-year budgetary projections;
(B) technical requirements for the system;
and

(2) evaluate—

(A) the need to proceed with any NASA
missions that have been delayed or canceled;

(B) the technical feasibility of restoring
capabilities from some canceled or de-scoped mis-
ions to the National Polar-orbiting Envi-
ronmental Satellite System;

(C) the technical basis for exploratory earth
observing [systems]; systems, including new
satellite architectures and instruments that
enable global coverage, all-weather, day and night
imaging of the Earth’s surface features;

(D) the need to strengthen research and
analysis programs; and

(E) the need to strengthen the approach to
obtaining important climate observations
and data records.

(c) Earth Observing System Defined.—In
this section, the term “earth observing sys-
tem” means the series of satellites, a science
component, and a data system for long-term
global observations of the land surface,
biosphere, solid Earth, atmosphere, and oceans.

SEC. 143. NASA HEALTHCARE PROGRAM.

The Administrator shall develop policies, pro-
cedures, and plans necessary to—

(1) the establishment of a lifetime healthcare
program for NASA astronauts and their
families; and

(2) the study and analysis of the healthcare
disparities in order to understand the long-
titudinal health effects of space flight on humans better.
SEC. 144. ASSESSMENT OF EXTENSION OF DATA COLLECTION FROM ULYSSES AND VOYAGER SPACECRAFT.

(a) ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall carry out an assessment of the costs and benefits of extending, to such date as the Administrator considers appropriate for purposes of the assessment, the date of the termination of data collection from the Ulysses spacecraft and the Voyager spacecraft.

(b) REPORT.—Not later than 30 days after completing the assessment required by subsection (a), the Administrator shall submit a report on the assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 145. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools, and to support educational video software and Internet interactive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITY.—In carrying out subsection (a), the Administrator shall give priority to existing programs, including Challenger Learning Centers—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and schools; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 146. INSTITUTIONS IN NASA’S MINORITY IN-

The matter appearing under the heading “SMALL AND DISADVANTAGED BUSINESS” in title III of the Department of Veterans Affairs and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking “Historically Black Colleges and Universities and Minority Institutions” and inserting “Historically Black Colleges and Universities and Universities that are part of B institutions (as defined in section 322(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(b)(2)), Hispanic-serving institutions (as defined in section 502(a)(9) of that Act (20 U.S.C. 1101a(a)(5)), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1093c(b)), historically serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1093d(b)(2)), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1093d(b)(4)), and”.

SEC. 147. AVIATION SAFETY PROGRAM.

The Administrator shall make available upon request satellite imagery of remote terrain to the Administrator of the Federal Aviation Administration, or the Director of the Five Star Medalion Program, for aviation safety and aerial photography programs to assist and train pilots in navigating challenging topographical features of such terrains.

SEC. 148. ATMOSPHERIC, GEOPHYSICAL, AND ROCKET RESEARCH AUTHORIZA-

There are authorized to be appropriated to the Administrator for atmospheric, geophysical, or rocket research at the Poker Flat Research Range and the Kodiak Launch Complex, not more than $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 149. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop debris mitigation technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 150. CONTINUATION OF CERTAIN EDUCA-

From amounts appropriated to NASA for educational programs, the Administrator shall ensure continuation of the Gap Grants Program, the Experimental Program to Stimulate Competitive Research, and the NASA Explorer School to Motorspace and develop the next generation of explorers.

SEC. 151. ESTABLISHMENT OF THE CHARLES “PETE” CONRAD ASTRONOMY AWARDS PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program to be known as the Charles “Pete” Conrad Astronomy Awards Program.

(b) AWARD.—The Administrator shall make an annual award under the program of—

(1) $3,000 to the amateur astronomer or group of amateur astronomers who in the preceding year made an important discovery of the brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers; and

(2) $3,000 to the amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center’s mission of cataloging near-Earth asteroids during the preceding year.

(c) QUALIFICATION FOR AWARD.—

(1) RECOMMENDATION.—These awards shall be made based on the recommendation of the Minor Planet Center of the Smithsonian Astrophysical Observatory.

(2) LIMITATION.—No individual who is not a citizen or permanent resident of the United States at the time of that individual’s discovery or contribution may receive an award under this program.

SEC. 152. GAO ASSESSMENT OF FEASIBILITY OF MOON AND MARS EXPLORATION MI-

Within 90 days after the date of enactment of this Act, the Comptroller General shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science an assessment of the feasibility of NASA’s planning for exploration of the Moon and Mars, giving special consideration to the long-term cost implications of program architecture and schedules.

Subtitle C—Limitations and Special Authority

SEC. 161. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to paragraphs (1) and (2) of section 101 may be used, notwithstanding any other provision of law, for official representation and representation expenses.

SEC. 162. FACILITIES MANAGEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, any statutory or equivalent contract entered into with NASA to provide facilities and support services to the ISS may convey, by sale, lease, exchange, or otherwise, including through leaseback arrangements, real and related personal property under the custody and control of the Administrator, or interests therein, and retain the net proceeds of such dispositions in an account within NASA’s working capital fund to be used for general property capital needs. All net proceeds realized under this section shall be obligated or expended only as authorized by appropriations Acts. To aid in the use of this authority, NASA shall develop a facilities investment plan that takes into account uniqueness, mission dependency, and other studies required by this Act.

(b) APPLICATION OF OTHER LAW.—Sales transactions under this section are subject to section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1141).

(c) NOTIFICATION TO CONGRESS.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of both Houses, and the Senate, notice of such action shall concurrently be provided to the House of Representa-

SEC. 201. INTERNATIONAL SPACE STATION COM-

(a) ELEMENTS, CAPABILITIES, AND CONFIGU-

(b) PAYMENT.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capabilities, including a high rate of human biomedical research protocols, countermeasures, applied bio-technologies, technology and exploration research, and other priority areas;

(2) have an ability to support crew size of at least 6 persons;

(3) support crew exploration vehicle dock-

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

Subtitle D—Cost Limitation for the ISS.

Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Congress information pertaining to the impact of the Columbia accident on the implementation of full cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address those impacts.

SEC. 202. RESEARCH AND SUPPORT CAPABIL-

(a) IN GENERAL.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then, if appropriate, validated in space to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

(2) ensure the capacity to support ground-based research leading to the development of new research protocols with potential direct national benefits and applications that can advance significantly from the uniqueness of micro-gravity; and

representatives Committee on Science and the Senate Committee on Commerce, Science, and Transportation.

(d) DEFINITIONS.—In this section—

(1) the term “net proceeds” means the rental and other sums received less the costs of the disposition.

(2) the term "REAL PROPERTY CAPITAL NEEDS"—The term "REAL PROPERTY CAPITAL NEEDS" means any expenses necessary and incident to the agency’s real property capital acquisitions, improvements, and dispositions.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 148. ASSESSMENT OF EXTENSION OF DATA COLLECTION FROM ULYSSES AND VOYAGER SPACECRAFT.

SEC. 149. ORBITAL DEBRIS.

SEC. 150. CONTINUATION OF CERTAIN EDUCA-

SEC. 151. ESTABLISHMENT OF THE CHARLES “PETE” CONRAD ASTRONOMY AWARDS PROGRAM.

SEC. 152. GAO ASSESSMENT OF FEASIBILITY OF MOON AND MARS EXPLORATION MI-

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SEC. 158. ASSESSMENT OF EXTENSION OF DATA COLLECTION FROM ULYSSES AND VOYAGER SPACECRAFT.

SEC. 159. ASSESSMENT OF EXTENSION OF DATA COLLECTION FROM ULYSSES AND VOYAGER SPACECRAFT.
combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities. As additional facilities or resources from sources other than NASA can be identified to support these activities within the framework of the National Laboratory program provided for in section 203 of this Act; and

(4) within 1 year after the date of enactment of this Act, develop a research plan that will demonstrate the process by which NASA will evolve the ISS research portfolio in a manner consistent with the planned growth and evolution of ISS on-orbit and transportation capabilities.

(b) MAINTENANCE OF ON-ORBIT ANALYTICAL CAPABILITIES.—The Administrator shall ensure that the analytical capabilities to support diagnostic human research, as well as on-orbit characterization of molecular crystal growth, cellular research, and other research products and results are developed and maintained, as an alternative to Earth-based analysis requiring the capability of returning research products to Earth.

(c) POTENTIAL SCIENTIFIC USERS.—The Administrator shall assess further potential possible scientific uses of the ISS facilities, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

(d) TRANSITION TO PUBLIC-PRIVATE RESEARCH OPERATIONS.—By no later than the date on which the assembly of the ISS is complete (as determined by the Administrator), the Administrator shall initiate steps to transition research operations on the ISS to a greater private-public operating relationship pursuant to section 203 of this Act.

SEC. 203. NATIONAL LABORATORY STATUS FOR INTERNATIONAL SPACE STATION.

(a) In General.—In order to accomplish the objectives listed in section 202, the United States segment of the ISS is hereby designated a national laboratory facility. The Administrator, after consultation with the Director of the Office of Science and Technology Policy, shall develop the national laboratory facility to oversee scientific utilization of the ISS national laboratory within the organizational structure of NASA.

(b) NATIONAL LABORATORY FUNCTIONS.—The Administrator shall seek to use the national laboratory to increase the utilization of the ISS by other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(c) IMPLEMENTATION PLAN.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, and Transportation and the House of Representatives Committee on Science on the use of the ISS for these purposes, with implementation milestones and associated results.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPACITY ASSESSMENT.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a full description of the resources, requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as funding for the ISS, including:

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles meet the requirements of the implementation plan under section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will ensure the sustainability of the ISS human capital resources, and infrastructure of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation’s aerospace industrial base;

(4) the manner in which the proposed vehicles contribute to national mixed fleet launch and flight capacity;

(5) the nature and timing of the transition from the Space Shuttle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and human exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against orbital debris strikes that offers a high level of safety;

(8) development risk areas;

(9) the schedule and cost;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE USE.

(a) In General.—In order to ensure continuous human access to space, the Administrator may not retire the Space Shuttle orbiter until a replacement human-rated space transportation system has been certified that it can take humans into Earth orbit and return them safely, except as may be provided by law enacted after the date of enactment of this Act. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capability in a manner that uses the personnel, capabilities, assets, and infrastructure of the current Space Shuttle program to the maximum extent feasible.

(b) Report.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary reconfiguration, including requirements, assumptions, and capabilities, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) Contract Terminations; Vendor Replacements.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle program without the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY PAYLOAD CAPABILITY.

In order to help develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payloads on United States launch vehicles, including free flyers, for research, and scientific payloads weighing less than 500 kilograms.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.

(a) In General.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth orbit activities and Earth science missions and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in the development of technologies and services such as the utilization by NASA of advancements made by the private sector in space launch and orbital hardware, and shall include opportunities for enhanced collaboration between the public and the private sector under existing authorities of NASA for reimbursable and non-reimbursable...
agreements under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science, Space, and Technology.

SEC. 402. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

(a) Program Authorized.—The Administrator may carry out a program to award prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstrations by any eligible entity, for any injury, death, damage, or loss arising out of the work. The Administrator shall have the potential for application to the performance of the space and aeronautical activities of the Administrator.

(b) Use of Prize Authority.—In carrying out the program, the Administrator shall seek to develop and support technologies and areas of technology development and planning. The Administrator shall make efforts to protect against near Earth objects and, where practicable, utilize the prize winner’s technologies in fulfilling NASA’s overall exploration and science architecture and plans. The Administrator shall make efforts to protect against near Earth objects and, where practicable, utilize the prize winner’s technologies in fulfilling NASA’s overall exploration and science architecture and plans.

(c) Program Requirements.—The Administrator shall ensure, through such agreement, that the participating party has the option to practice the invention or have the invention practiced through use or by or on behalf of the Government in the exercise of such license. The Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be classified as such if it had been obtained from a non-Federal party.

(d) Approval Required for Large Prizes.—No competition under the program may result in the award of more than $1,000,000 in prize money unless the Administrator or the Administrator’s designee shall consent in writing for the award.

(e) Relationship to Other Authority.—The Administrator may utilize the authority in this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects, only in exceptional circumstances and only if the Government determines that—

(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party; or

(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1998 (15 U.S.C. 3709(c)(4)(B)).

SEC. 403. COMMERCIAL GOODS AND SERVICES.

It is the sense of the Congress that NASA should purchase commercially available space goods and services to the extent feasible in support of the human missions beyond Earth and should encourage commercial use and utilization of space to the greatest extent practicable.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.


SEC. 502. INTELLECTUAL PROPERTY PROVISIONS.

Section 305 of the National Aeronautics and Space Act of 1958, as amended by section 405(b) of this Act, is further amended by adding at the end the following:

"SEC. 203. INTELLECTUAL PROPERTY.

(a) Rights in Inventions.—In consideration for the use of the invention in the applicant’s field of use for any such invention under the agreement or, if there is more than 1 participating party, that the participating party has the option to practice the invention or have the invention practiced through use or by or on behalf of the Government in the exercise of such license. The Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be classified as such if it had been obtained from a non-Federal party.

(b) Definitions.—In this section—

(1) CREAMMEMBER.—The term ‘crewmember’ means an astronaut or another person assigned to a NASA human space flight vehicle, the Administrator may take control over the resources of the United States over lands or interests under the Administrator’s control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

SEC. 504. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 502 of this Act, is further amended by adding at the end the following:

"SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.

(a) IN GENERAL.—

(1) CONTROL OF REMAINS.—Subject to paragraph (2), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains and dispose of them as the Administrator considers appropriate and necessary to the safety needs of the United States.

(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

(b) DEFINITIONS.—In this section—

(1) CREAMMEMBER.—The term ‘crewmember’ means an astronaut or another person assigned to a NASA human space flight vehicle.

(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term ‘NASA human space flight vehicle’ means a space vehicle, as defined in section 308(f)(1), that—

(A) is intended to transport 1 or more persons;

(B) designed to operate in outer space; and

(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.

SEC. 505. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) is further amended by adding at the end the following:

"SEC. 507. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Within 180 days after the date of enactment of this Act, the Administrator shall—

(1) prepare an independent cost analysis for the demonstration projects.

(2) The term ‘independent cost analysis’ means an independent cost analysis conducted by the Administrator and certified by the Administrator to the Administrator that—

(A) provides for an independent cost analysis under section 308(f)(1); and

(B) includes in its preparation the results and recommendations of the independent cost analysis under section 308(f)(1)."
SEC. 506. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

"SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

"(a) In General.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposed contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

"(b) Applicability.—The program implemented under subsection (a) shall apply to non-commercial procurements—

"(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

"(2) that do not involve bundling of contract requirements as defined in section 3(o) of the Small Business Act (15 U.S.C. 632(o)); and

"(3) for which a notice is required by section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(a)).

"(c) Notice.—

"(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the Federal Acquisition Regulation, consistent with section 38(c)(4) of the Office of Federal Procurements conducted by the National Aeronautics and Space Administration.

"(2) Providing access to notice in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(a)).

"(d) Solicitation.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

"(e) Wait Period.—


"(f) Implementation.—

"(1) Nothing in this section shall be construed as modifying regulatory requirements set forth in the Federal Acquisition Regulation, except with respect to the period for the submission of bids or proposals shall be not less than 5 days greater than the minimum deadline set forth in section 8(e)(3)(B) of the Small Business Act (15 U.S.C. 637(e)(3)(B)) and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(a)(3)(B)).

"(2) Providing access to notice in accordance with subsection (a) and redesignating subsection (b) as subsection (a) and redesignating subsection (c) as subsection (b).

"(3) Section 315 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2457a(c)) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).
Section 201. Adjustable rate mortgages.

Section 101. Group life insurance.

Section 102. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance program.

Title II—Housing Matters

Section 201. Adjustable rate mortgages.


Title III—Other Matters

Section 301. Annual plan on outreach activities.

Section 302. Exemptions of reporting requirements on equitable relief cases.

Section 303. Inclusion of additional diseases and conditions in diseases and disabilities presumed to be associated with prisoner of war status.

Section 304. Post traumatic stress disorder claims.

Title I—Insurance Matters

Section 101. Group Life Insurance.

Section 102. Technical corrections to Servicemembers' Group Life Insurance program.

Title II—Housing Matters

Section 201. Adjustable rate mortgages.


Title III—Other Matters

Section 301. Annual plan on outreach activities.

Section 302. Exemptions of reporting requirements on equitable relief cases.

Section 303. Inclusion of additional diseases and conditions in diseases and disabilities presumed to be associated with prisoner of war status.

Title II—Housing Matters

Section 201. Adjustable rate mortgages.


Title III—Other Matters

Section 301. Annual plan on outreach activities.
amended by inserting after section 523 the following section:

"§523A. Annual plan on outreach activities

(a) ANNUAL PLAN REQUIRED.—The Secretary shall prepare each year a plan for the outreach activities of the Department for the following year.

(b) ELEMENTS.—Each annual plan under subsection (a) shall include the following:

(1) To identify veterans who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

(2) Plans for veterans and their dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and other services.

(c) COORDINATION IN DEVELOPMENT.—In developing an annual plan under subsection (a), the Secretary shall consult with the following:

(1) Directors or other appropriate officials of organizations approved by the Secretary under section 5902 of this title.

(2) Directors or other appropriate officials of State and local education and training programs.

(3) Representatives of non-governmental organizations that carry out veterans outreach programs.

(4) Representatives of State and local veterans employment organizations.

(5) Businesses and professional organizations.

(6) Other individuals and organizations that assist veterans in adjusting to civilian life.

(d) INCORPORATION OF ASSESSMENT OF PREVIOUS ANNUAL PLANS.—In developing an annual plan under subsection (a), the Secretary shall take into account the lessons learned from the implementation of previous annual plans under such subsection.

(e) INCORPORATION OF RECOMMENDATIONS TO IMPROVE OUTREACH AND AWARENESS.—In developing an annual plan under subsection (a), the Secretary shall incorporate the recommendations for the improvement of veterans outreach and awareness activities included in the report submitted to Congress by the Secretary pursuant to section 805 of the Veterans Benefits Improvement Act of 2004 to require an annual plan on outreach activities of the Department of Veterans Affairs.

(f) INCORPORATION OF RECOMMENDATIONS TO IMPROVE OUTREACH AND AWARENESS.—In developing an annual plan under subsection (a), the Secretary shall incorporate the recommendations for the improvement of veterans outreach and awareness activities included in the report submitted to Congress by the Secretary pursuant to section 805 of the Veterans Benefits Improvement Act of 2004 to require an annual plan on outreach activities of the Department of Veterans Affairs.

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

The committee amendment in the nature of a substitute was agreed to. The bill (S. 1235), as amended, was read the third time and passed.

The title amendment was agreed to.

ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES AFFECTED BY HURRICANES KATRINA AND RITA ACT OF 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3864 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3864) to assist individuals with disabilities affected by Hurricanes Katrina or Rita through vocational rehabilitation services.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be read a third time and, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3864) was read the third time and passed.

HONORING THE LIFE OF SANDRA FELDMAN

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 256, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) honoring the life of Sandra Feldman.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KERRY. Mr. President, I extend my deepest sympathies to the family and friends of Sandy Feldman at her untimely passing. We have lost a dedicated educator, a proud labor leader, a committed reformer, and someone my wife Teresa, and I were so proud to have as a friend in our lives.

From her early days as a civil rights advocate, Sandy had an unshakeable sense of justice and fairness. Sandy did not just talk about helping teachers and their students—she actually did it. While her career spanned more than four decades, Sandy’s commitment grew out of her early work in the civil rights movement. An advocate for civil rights and social justice, she was an active member of the Freedom Singers in the 1963 March on Washington for Jobs and Freedom. It was her firsthand knowledge of the power of an excellent teacher and her understanding of the importance of quality public education and the wealth of opportunities it can unleash for every student, regardless of who they are or where they’re from.

“Created my future,” that is what Sandy always said about growing up in Brooklyn and the public schools and libraries she spent her childhood in. Sandy’s commitment to education was fueled by her childhood experiences and her dedication to bettering the lives of students and teachers. Beginning as a second grade teacher, Sandy quickly became a union activist when she led the teachers at her elementary school to organize. In 1986, Sandy became president of AFT’s largest affiliate, the New York City United Federation of Teachers, UFT. During her years as UFT president and then since 1997 when she became president of the AFT, Sandy earned the respect of Presidents, of her colleagues, and of many of us in Congress.

Calling early childhood education “getting it right from the start,” Sandy consistently called for greater investment in public education and a greater emphasis on high standards and increased accountability. Sandy’s focus on early childhood education led her to introduce a program that would provide extended learning opportunities for disadvantaged students before and after the normal kindergarten school year. For twenty years, Sandy’s program, Kindergarten-Plus, had been introduced as Federal legislation, passed or considered in several State legislatures, and passed into law in at least one State.

My hope is that her tragic passing after a courageous battle with cancer will inspire all of us to do just what Sandy fought her entire life for—to make sure we are getting it right from the start and to stand up for our children and our teachers. Sandy was an amazing American. I will miss her wisdom and her counsel very much. Our hearts go out to her husband Arthur and their family in this difficult time.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 256) was agreed to.
The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. Res. 256
Whereas Sandra Feldman was born Sandra Abramowitz in October, 1936, to blue-collar parents living in a tenement in Coney Island, New York; Whereas Sandra Feldman, while at James Madison High School, Brooklyn College, and New York University, began a lifelong dedication to education, both in the United States and abroad; Whereas Sandra Feldman began her career by teaching fourth grade at Public School 34 on the Lower East Side of New York City; Whereas during her service as union leader at Public School 34, Sandra Feldman became employed by the United Federation of Teachers in New York City, and was elected president in 1986, after 20 years of service; Whereas Sandra Feldman’s tenure as president of the United Federation of Teachers was distinguished by her devotion to better working conditions for the teachers she represented. Whereas in 1997, the American Federation of Teachers elected Sandra Feldman to serve as their president, until she retired 7 years later; Whereas Sandra Feldman effectively represented the educators, healthcare professionals, public employees, and retirees who made up the membership of the American Federation of Teachers; Whereas Sandra Feldman was a tireless advocate for public education, working with President Bush on the No Child Left Behind Act of 2001 to improve accountability standards and provide increased resources to schools to help improve professional development to better equip teachers and instructors to improve students, and using research-driven methods to redesign school programs; Whereas Sandra Feldman was equally devoted to promoting the rights of public servants, fighting against discrimination, raising the nursing shortage into national public awareness, advocating for smaller class sizes and patient-to-nurse ratios promoting increased benefits and compensation for working conditions as well; Whereas Sandra Feldman lent her expertise to both the national and international labor movements in her capacities as a member of the AFL-CIO executive council and as vice president of Education International; and Whereas Sandra Feldman succumbed on September 18, 2005, to a difficult struggle against breast cancer at the age of 65: Now, therefore, be it

Resolved, That the Senate—
(1) mourns the loss of Sandra Feldman, a vibrant and dedicated public servant; (2) recognizes the contributions of Sandra Feldman; (3) expresses its deepest condolences to those who knew and loved Sandra Feldman; and (4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Sandra Feldman.

RECOGNIZING THE SPIRIT OF JACOB MOCK DOUB
Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate agree to the amendment offered by Senator Grassley, and to the amendment offered by Senator Bunning on the No Child Left Behind Act of 2001 to improve accountability standards and provide increased resources to schools to help improve professional development to better equip teachers and instructors to improve students, and using research-driven methods to redesign school programs; Whereas Sandra Feldman was equally devoted to promoting the rights of public servants, fighting against discrimination, raising the nursing shortage into national public awareness, advocating for smaller class sizes and patient-to-nurse ratios promoting increased benefits and compensation for working conditions as well; Whereas Sandra Feldman lent her expertise to both the national and international labor movements in her capacities as a member of the AFL-CIO executive council and as vice president of Education International; and Whereas Sandra Feldman succumbed on September 18, 2005, to a difficult struggle against breast cancer at the age of 65: Now, therefore, be it

Resolved, That the Senate—
(1) mourns the loss of Sandra Feldman, a vibrant and dedicated public servant; (2) recognizes the contributions of Sandra Feldman; (3) expresses its deepest condolences to those who knew and loved Sandra Feldman; and (4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Sandra Feldman.

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) recognizing the spirit of Jacob Mock Doub and many young people who have contributed to encouraging youth to be physically active and fit, and expressing support for “National Take a Kid Mountain Biking Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 257
Whereas according to the Centers for Disease Control and Prevention, obesity rates have nearly tripled in adolescents in the United States since 1980; Whereas obesity in adolescents has a 70 percent chance of becoming overweight or obese adults; Whereas research conducted by the National Institutes of Health indicates that, while genetics do play a role in childhood obesity, the large increase in childhood obesity rates over the past few decades can be traced to overeating and lack of sufficient exercise; Whereas the Surgeon General and the President’s Council on Physical Fitness and Sport recommended regularly participating in physical activity, including bicycling, for the prevention of overweight and obesity; Whereas Jacob Mock “Jack” Doub, born July 11, 1985, was actively involved in encouraging others, especially children, to ride bicycles and was an active youth who was introduced to mountain biking at the age of 11 near Grandfather Mountain, North Carolina, and quickly became a talented cyclist; Whereas Jacob Doub died unexpectedly from complications related to a bicycling injury on October 9, 2005; Whereas Jacob Doub’s family and friends have joined, in association with the International Mountain Bicycling Association, to honor Jack Doub’s spirit and love of bicycling by establishing the Jack Doub Memorial Fund to promote and encourage children of all ages to get on a ride and lead a physically active lifestyle; Whereas the International Mountain Bicycling Association’s worldwide network, which is based in Boulder, Colorado, includes 32,000 individual members, more than 450 bicycle clubs, 140 corporate partners, and 240 bicycle retailer members, who coordinate more than 1,000 events each year and have built more than 5,000 miles of new trails; Whereas the International Mountain Bicycling Association has encouraged low-impact riding and volunteer trail work participation since 1988; and Whereas “National Take a Kid Mountain Biking Day” was established in honor of Jack Doub by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year; and

Resolved, That the Senate—
(1) recognizes—
(A) the health risks associated with childhood obesity; and
(B) the spirit of Jacob Mock “Jack” Doub and so many others who have been actively promoting physical activity to combat childhood obesity; and
(C) Jack Doub’s contribution to encouraging youth of all ages to be physically active and fit, especially overweight bicycling; (2) supports the goals and ideals of “National Take a Kid Mountain Biking Day,” which was established in honor of Jack Doub by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year; and
(3) encourages parents, schools, civic organizations, and students to support the International Mountain Bicycling Association’s “National Take a Kid Mountain Biking Day” to promote increased physical activity among youth in the United States.

COMMENDING TIMOTHY SCOTT WINEMAN
Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 258, which was submitted earlier today. The PRESIDING OFFICER. The resolution will report the resolution by title.
The assistant legislative clerk read as follows:

A resolution (S. Res. 258) to commend Timothy Scott Wineman. There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 258
Whereas Timothy S. Wineman became an employee of the United States Senate on October 19, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate for a period that included 19 Congresses; Whereas Timothy S. Wineman has served in his capacity in the Disbursing Office for more than 25 years, first as the Assistant Financial Clerk of the United States Senate from August 1, 1980 to April 30, 1998, and finally as Financial Clerk of the United States Senate from May 1, 1998 to October 14, 2005; Whereas Timothy S. Wineman has faithfully discharged the difficult duties and responsibilities of his position as Financial Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity and professionalism; Whereas Timothy S. Wineman has earned the respect, affection, and esteem of the United States Senate; and

Resolved, That the United States Senate commends Timothy S. Wineman for his exemplary service to the United States Senate and the Nation, and wishes to express its faith in his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Timothy S. Wineman.
EMERGENCY AIRPORT IMPROVEMENT PROJECT GRANTS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1786, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1786) to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 1786) was read the third time and passed, as follows:

S. 1786

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


(a) In General.—The Secretary of Transportation may make project grants under part B, subtitle VII, of title 49, United States Code, from funds available for discretionary grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

(b) Eligible Airports and Uses.—The Secretary may make grants under subsection (a) for—

1. emergency capital costs incurred by a public use airport in Louisiana, Mississippi, Alabama, or Texas that is listed in the Federal Aviation Administration’s National Plan of Integrated Airport Systems of repairing or replacing public use facilities that have been damaged as a result of Hurricane Katrina or Hurricane Rita; and

2. emergency operating costs incurred by an airport described in subsection (b)(1) or to a State in which such airport is located; or

(c) Priorities.—In making grants authorized by subsection (a), the Secretary shall give priority to—

1. airport development within the meaning of section 47102 of title 49, United States Code;

2. terminal development within the meaning of section 47110 of that title;

3. replacement or replacement of other public use airport facilities; and

4. emergency operating costs incurred at public use airports in Louisiana, Mississippi, Alabama, and Texas.

(d) Modification of Certain Otherwise Applicable Requirements.—For purposes of any grant authorized by subsection (a)—

1. the Secretary may waive any otherwise applicable limitation on, or requirement for, grants under section 47102, 47109(a)(17), 47110, or 47119 of title 49, United States Code, if the Secretary determines that the waiver is necessary to respond, in as timely and efficient a manner as possible, to the urgent needs of the region damaged by Hurricane Katrina or Hurricane Rita;

2. the United States Government’s share of allowable project costs shall be 100 percent, notwithstanding the provisions of section 47109 of that title;

3. any project funded by such a grant shall be deemed to be an airport development project (within the meaning of section 47102 of that title), except for the purpose of establishing priorities under subsection (b) of this section among projects to be funded by such grants; and

4. no project funded by such a grant may be considered, for the purpose of any other law, to be a major federal action significantly affecting the quality of the human environment.

MEASURE PLACED ON THE CALENDAR—S. 1783

Mr. GRASSLEY. Mr. President, I ask unanimous consent that S. 1783 be placed directly on the calendar.

ORDERS FOR THURSDAY, SEPTEMBER 29, 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 29. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to the time of the two leaders be reserved, and the Senate proceed to executive session and continue consideration of Calendar No. 317, John Roberts to be Chief Justice of the United States; provided further that the time until 10:30 be equally divided between the two leaders or their designees.

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

PROGRAM

Mr. GRASSLEY. Mr. President, we will resume the Roberts nomination tomorrow for a short period of debate. The debate from 10:30 to 11:30 has previously been allocated to the two managers and the two leaders. At 11:30 tomorrow, the Senate will vote on the nomination of Judge Roberts to be Chief Justice of the Supreme Court. I remind all Senators that the majority leader has asked all Senators to be in the Chamber by 11:20 and seated at their desks for this historic vote.

Following that vote, the Senate is expected to begin consideration of the Defense appropriations bill. Additional votes will occur on Thursday and Friday this week.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. 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, following the time controlled by the minority.
There is no more city. There is no more on the heels of it, we have had another gion with over 2 million people. Then cane and major levee failings in a re-

of the United States. We had one hurri-

the Senator from Montana, this is the large natural disaster in the history the Senator from Mississippi—

—

EMERGENCY HEALTHCARE RELIEF FOR THE SURVIVORS OF HURRI-

can Katrina

Ms. LANDRIEU. Mr. President, before the chairman leaves the floor—he has put in a long day today and has some more things probably to do this evening—I wish to thank him for his extraordinary leadership at this time and also the Senator from Montana who was here earlier. They have been working on this bill now for weeks because they are aware of the great need, the extraordinary need of the people from the State I represent, Louisiana, but also our neighbors now in Texas and in Mississippi and in Alabama.

As from Iowa knows, and the Senator from Montana, this is the largest natural disaster in the history of the United States. We had one hurricane and major levee failings in a region with over 2 million people. Then on the other hand we have had another hurricane, not quite as large but equally as damaging to some rural areas, Mr. President, that you are very familiar with, not big cities but small cities that are gone. They are just gone. There is no more city. There is no more community.

All along the gulf coast—you can ask the Senators from Mississippi—Waveland and Biloxi and Cameron Parish, 10,000 people lived there 5 days ago. No one lives there today.

I flew over the other day. There is one building, the courthouse building, that stood in the Audrey hurricane, it stood in the Rita hurricane. When we rebuilt the Cameron Parish, I told them: Go find the architect who built that building because we are going need to have everything built that way if we are going to live here.

This was not a coast of people sunbathing at resorts or second homes. These were people running our pipelines, our gas lines, our fishing industry. These were people running the refineries, the infrastructure that is on that coast. They didn’t just go there in the last decade to retire. Their families have been there for generations, all along this part of the coast. When they went there, there was more land and more protection. But because they are not super rich and because they did not have a lot of extra money and because over a lot of decades the Federal Gov-

ernment did not do what it should have done, they may well have moved; little bit bit here or there—the land is washed away. They find themselves more vulnerable.

But they are not sunbathing down there. They are working on the ports, on the oil and gas industry, and they desperately need our help. They need immediate medical attention and care. As a doctor, you can understand the anxiety of people who do not know where to go for health care. They are in strange places. They need to be qualified.

This has been well researched by the staffs. We have had input, of course, Senator Vitter and myself, but this comes straight from the Finance Committee, to say that what already in the law for people to help them get coverage for 5 months, just 5 months until people can catch their breath, get up on their feet, try to find their fami-

It also helps private employers. I have had private employers, little ones, medium ones, and big ones pouring into my office. And this is what they say: Senator, we are not leaving. We want to stay. We are going to exhaust the money in our bank accounts to keep our employees whole. But could you please ask the Federal Government to give us a little help here? We want to keep their coverage. We want to keep our employees from having to come back. We don’t want our compa-

ies to leave. But a lot of them had to leave. They had no choice. They are going to Oklahoma, they are going to Houston but at a lot of cost.

I talked to one company. They are having their employees come back this weekend right in Cameron Parish. But they need our help.

One of the things this bill does is it helps them—if they were giving insurance to their people—continue to give private insurance. If some companies had to leave temporarily, their em-

ployees can still get private coverage through a program that already exists. The chairman and the ranking member put their heads together and said, Let us do this for 5 months.

I know there is an objection, because some have expressed a few objections, that said let us not extend it to all States, let us keep it targeted to Lou-

isiana, Mississippi, Alabama, and Texas.

We thought about that. But the rea-

son there is one provision that allows the other States to keep their Med-

icaid, 100-percent reimbursement, is be-

cause they have taken a lot of our peo-

ple. Arkansas didn’t have a hurricane, but they took our people. They had 75,000 people.

So if we cut the State of Arkansas’ health care benefits which may go into effect soon, that is what we were ant-

pending. It puts so much strain on Arkansas for the 75,000 people. We think it is reasonable to ask for a 5-month waiver for all of the States just to help us through this difficult period.

We are not trying to expand a Gov-

ernment program. We are trying to use what is available now in the law and extend it to millions of people who need help immediately.

It is not everything the need in health care. The people with losses because companies are out of business. Doctors who want to stay have no place to work. Even if they showed up to the hospital to work, the city of New Orleans is still virtually empty. It is a large city. One-half our population has been impacted. Almost half, 4.5 million people, live in the southern part of our State.

Everyone has been impacted by these two disasters. A large population in Texas, a large population in Mis-

issippi, and a medium-sized popu-

lation in Alabama have been affected, but not to the level that, of course, Louisiana has taken. It has taken a hit to its major metropolitan area, as well as then being followed up by another major hit to the rural area to the western side of our State.

I say “rural”—there are good-sized cities, such as Lake Charles and other cities that are in that area.

We have large cities, medium-sized cities, and small villages and commun-

ities—such as Cameron and other cities that have been very hard hit.

It is very important that we try to work through whatever the difficulties might be. We don’t have that much time.

If we can move on this package in the next day or two, and work out whatever objections there are, I think it would be a great signal to send from this Congress.

I know we have to get it past the House. I know we have to get it signed by the President. But the President has been to our State many times. I have been with him on almost every trip. He assured me that he understands that people are in desperate need, and he wants to see the Federal Govern-

ment use the resources that we have to meet that need. I know we can’t do ev-

erything. But this is minimal. This is basic coverage for people who have nothing right now.

While churches are helping and while the private employers are doing a good job, private employers cannot take on more risk than is the fiduciary re-

sponsibility. They have a responsibility to their stakeholders, to their share-

holders, and to their board of directors. They cannot run charities.

That is what we have in the role of Gov-

ernment. That is why we have to step up and meet them halfway.

I am proud of our employers, but they need our help. The business com-

munity needs us to be a partner, and part of this bill would do that.

I see the Senator from Illinois.

Mr. DURBIN. Mr. President, will the Senator yield for a question through the Chair?

I came on the floor late. I heard Sen-

ator BAUCUS and Senator GRASSLEY talk about this bill. I want to try to bring it down to the most basic infor-

mation, so if someone misses the de-

bate, they will understand what we are talking about.

This is generally what we are trying to do. We are taking people who are displaced out of their homes, out of their jobs, out of their communities because the hurricanes—people who, frankly, are going through a lot of per-

sonal and family hardship at this mo-

ment—and saying that one thing we
are going to help you with immediately is to make sure that you have health care. If you qualify, you would have Medicaid—that is for people in the lower income categories—or if you had private health insurance where you used it and it became a business that had gone away, we are going to step in here for 5 months and say, We are going to give you this peace of mind. You will know that you have health insurance. Is that what this bill does? Ms. LANDRIEU. That is what this bill does.

Mr. DURBIN. I understand that this is a bipartisan bill that Senator Grassley, Republican of Iowa, Senator Baucus, a Democrat of Montana, have written to make sure that the millions of people who have been displaced will have basic health care. Is that what this bill does? Ms. LANDRIEU. I believe the Senator from Iowa and the Senator from Montana have run this committee, and their members have put a major American city for the first time since the Civil War and the aftermath where there is a bipartisan stance where there is a bipartisan agreement. Senator Vitter from Louisiana and Senator Baucus have signed off on this, asked— and I am almost certain that every Senator of the affected States—have signed off on this, asked for it and said “yes.” We desperately need it.

Mr. DURBIN. I would like to ask the Senator how many times she has brought this bill to the floor. How many times have we tried to provide this basic health care, basic protection to these victims of Hurricane Katrina and Hurricane Rita so far? Ms. LANDRIEU. I believe the Senator from Iowa and the Senator from Montana have run this committee for 2 weeks. We are into our fourth week of Katrina and the first week of Rita.

But again, it is the largest natural disaster that has hit the Continental United States. We are getting ready to rebuild, after we work out our differences, a major American city for the first time since the Civil War and the region that surrounds it. We are learning as we go. There is not a textbook to follow. So we have to use our common sense, and I have to trust each other on some of these things.
The Senator from Iowa and the Senator from Montana have run this committee, and their members have put a great bill together that is modest but so needed. I am hoping the Senator from Illinois can help us figure out how to move this legislation quickly.

Mr. DURBIN. If the Senator would further yield for a question through the Chair, I thought our biggest complaint about the Federal Government’s response to Katrina was that, even when we were warned, we weren’t ready. Many of us are calling for a non-partisan commission to come in and answer some basic questions. Why weren’t we ready? But when it comes to this issue about health care for the victims of Hurricane Katrina and Hurricane Rita, we know what the need is. And apparently, because of objections heard in the Senate, we are delaying, postponing, this basic health care for these victims of this hurricane.

Ms. LANDRIEU. That is what it seems to be. It is unfortunate. I am hoping, through the Chair to the Senator from Illinois—and I see that our minority leader from Nevada is here with us—that we could do our best work through the hours, either through action on this floor or through hearings, to answer questions that a few Senators may have. I have heard objections, such as too much corruption. We have problems with Mississippi spending money on corruption, and we have 40 percent unemployment. We didn’t build it all by ourselves. All they want is health care benefits. We can fix that issue. We can work on that issue. But let us not hold up health care to people until we get the system perfect. If that is the case, we should stop working tonight. The system is never going to be perfect. It can be better.

Let us not take it out on these people. They have already been victimized outside of any of their control.
The Senator should know that one of the objections was that we shouldn’t expand a Government program.

But again, I just want to reiterate to the Senator that this is not an expansion. It is in the law. It is 5 months of special help to people who need it and who won’t have insurance that have lost it and can’t have it, if we don’t meet their employers halfway.
The only expansion for the country is to say in the next 5 months the Federal Government will not cut any State’s Medicaid Program because so many of our States are helping our people. Again, in Arkansas, 75,000. It would not be fair to Arkansas, even though they didn’t get hit by the hurricane, to cut their State program when they are absorbing some many extra people from Louisiana, Texas, and Mississippi.

I think that makes common sense. I see the Senator from Nevada. Maybe he can shed some light on this. I will yield the floor. I have spent the time and thought asked for.

I thank the Senators who are here who are trying to get this important bill passed by the end of the week.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Nevada.

Mr. REID. Mr. President, I want the RECORD to be spread with my appreciation for the statements made today by Senator Baucus, Senator Landrieu, and Senator Durbin regarding this most important issue. We saw with Katrina, Mississippi, Louisiana, Arkansas, a safety net that has some holes in it. We saw in graphic description some of the people fell through that safety net.

That is what this is all about—helping medically. The poorest of the poor, the people medically. The poorest of the poor medically. And I am almost certain that every Senator of the affected States—have signed off on this, asked— and I am almost certain that every Senator of the affected States—have signed off on this, asked for it and said “yes.” We desperately need it.

For those people who are watching this, who are listening, this is an instance where there is a bipartisan measure that is now before the Senate that should pass. The Finance Committee has done its diligent job. The Finance Committee has done its diligent job. Senators Grassley and Baucus—Republican and Democrat—came up with this most important piece of legislation. They did it. They worked it out. No one can challenge the conservative credentials of either of these Senators. They are both fiscally sound. They do good work for their Finance Committee.

There are a few people on the Republican side of the Chamber who are holding this up. It is not right. No one wants to waste money for Katrina. No one wants to waste money with the billions of dollars that will be spent with Katrina. I would be happy if Congress selected someone who would make sure the money was spent properly.

But here we have people who are waiting. This is going for 5 months. They will be waiting for the most simple medical measures that would help the people that the States that are taking care of them.
The State of Arkansas alone has 60,000 evacuees, most of whom, in some way or another, their family member, would qualify for some part of this. It is the right thing to do to help States such as Arkansas.

PANDEMIC INFLUENZA

Mr. REID. Mr. President, in 1918, the Spanish flu pandemic swept the world for a number of reasons—not the least of which we had soldiers coming from all over the world going places and coming home. As a result, this pandemic that swept our world claimed the lives of about 50 million people, and 500,000 people in the United States alone before it completed its deadly run.

Today, many public health experts are warning us that another flu pandemic is not a matter of if, but when. They tell us that this next pandemic has the potential to be every bit as devastating as what the world witnessed nearly 100 years ago.

Flu pandemic occurs when a new strain of flu emerges in the human population and causes serious illness and death and can easily spread between humans.
The avian flu, referred to as H5-N1 flu strain by scientists, already meets the first step: Roughly half of the 115 people who have been diagnosed with this virus to date have died. At present, all that stands between avian flu and pandemic status is the fact that scientists do not believe the avian flu can easily be transmitted between humans.

Scientists fear it is only a matter of time before the avian flu virus mutates into a form that can spread easily from human to human.

According to the Centers for Disease Control Director Julie Gerberding:

... many influenza experts, including those at CDC, consider the threat of a serious influenza pandemic to the United States to be high. Although the timing and impact of an influenza pandemic is unpredictable, the occurrence is inevitable and potentially devastating.

That was her word, “inevitable.” You do not have to be an expert to understand the dramatic toll a flu pandemic could have on our Nation and on...
the world. Given our capacity for rapid travel around the globe compared to 1918 and the interdependence of our economic markets compared to 1918, both of which have increased dramatically since the last flu pandemic, the potential human and economic costs of the next pandemic will be immense.

A respected U.S. health expert has concluded that almost 2 million Americans would die in the first year alone of an outbreak. Pandemic flu outbreak in the United States could cost our economy far, far beyond trillions of dollars due to death, lost productivity and disruption in commerce, and to our society generally.

Maybe the only thing more troubling than contemplating the possible consequences of the avian flu pandemic is recognizing that neither this Nation nor the world are prepared to deal with it. Administration documents say it will take months to develop an effective vaccine against the avian flu—some say as much as 9 months—before we have been able to identify the particular flu strain in circulation. Administration officials say one of the best opportunities to limit the scope and consequence of any outbreak is to rapidly detect the emergence of a new strain that is capable of sustained human-to-human contact. Yet we are not devoting enough resources to effective surveillance abroad.

This administration has acknowledged a failure to plan a pandemic and is only now undertaking it. It has outlined our national strategy to address this pandemic. Among other matters, such a plan needs to address those who will spearhead our response to pandemic.

How will our response be coordinated across all levels of Government? And how will we rapidly distribute limited medical resources? Yet our national preparedness plan is still in draft form.

We all know State and local health departments depend on the federal Government for medical resources to effectively combat an outbreak. We need to make sure the resources are there to deal with it. Yet we are struggling to improve planning, coordination, and stockpiling of vaccines, antivirals, ventilators, and other medical supplies, and to help distribute the vaccines and antivirals.

As important as this Tamiflu is, we need to know that antiviral medication will be a crucial stopgap defense against a pandemic. The World Health Organization has recommended that countries stockpile enough antiviral medication to cover 25 percent of their populations. Other nations, including Great Britain, France, Germany, Portugal, Switzerland, Finland, and New Zealand, have ordered enough Tamiflu, an antiviral pill to cover between 20 and 40 percent of their populations.

We should have learned. It was only last year that we did not have enough vaccine to take care of the people in America. We did not have enough vaccine to take care of the flu strain last time, and everyone knew what that was.

As important as this Tamiflu is, we now have only 2.3 million courses of this pill. Given country, national, and international production capacity, even if we were to increase our order of Tamiflu today, we have been told the United States would not be able to secure enough Tamiflu to cover 25 percent of our population. The consequences of pandemic could be far reaching, impacting virtually every sector of our society and our economy.

We also know our medical community needs to be trained to distinguish between the annual flu and avian flu so that an outbreak could be recorded immediately. Doctors, hospitals, and ambulances need to be prepared to develop surge capacity plans so they can respond to a pandemic.

Businesses, also, need to be prepared. They should be encouraged to develop their own plans, establish or expand telecommunicating and network access plans, update medical needs policies, and provide suggestions on how to promote employee health to lessen the likelihood of exposure. The American public also needs to be educated about the importance of annual flu vaccines and steps they can take to protect themselves and respond to an avian flu outbreak.

Yet this administration has failed to take appropriate action to prepare the medical community, business community, and the American public. We can do better. We need to do better. Most importantly, we cannot afford to wait to do better. America can do better.

The Federal Government’s poor response to Katrina has only served to exacerbate the risk. Not only will such an outbreak have on our Nation and the world. Given the very real possibility of an outbreak, its potentially severe consequences, and our relative lack of preparedness, we need to take action on several fronts to prepare our Nation and the American people for a potential outbreak and reduce its impact, should it occur.

What are some of the steps necessary? We need to improve surveillance and international partnerships so we may detect new flu strains and do it early. We need to prepare for a pandemic by finalizing, implementing, and funding pandemic preparedness response plans. Remember, the director of the Centers for Disease Control has told us this is going to happen. It is inevitable. We need to protect Americans with the development, production, and distribution of an effective vaccine. We need to plan ahead for pandemic by making sure our emergency stocks of medicines, medical, and other supplies. We need to strengthen our public health infrastructure. We need to educate Americans by increasing awareness of and education about this flu.

I propose to start by committing the resources necessary to protect Americans. We need to start today. We know today that funding certain programs can make dramatic reductions for the consequences of a future avian flu outbreak. We also know many of these programs are either unfunded or massively underfunded.

Tomorrow, when we take up the Defense appropriations bill after we finish the Roberts vote, Senators HARKIN, KENNEDY, OBAMA, and many others, including myself and Senator DURBIN, three of the two Democrat leaders here who have been elected by our colleagues, will join in this.

This is important. We are going to offer an amendment that will ensure that we begin making the investments necessary to make sure this Nation and the world do everything possible to ensure that this history does not repeat itself and we do not have to relive the terror of 1918.

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to adjourn at this time.

Mr. REID. I ask unanimous consent that the Senator from Illinois have an opportunity to speak. I am happy to relieve the Chair if that is necessary. We have two Senators on the floor to finish their statements. I ask consent that the two Senators from Illinois be recognized to speak.

The PRESIDING OFFICER. Could I ask if there is a time limit?

Mr. REID. How long does the senior Senator from Illinois wish to speak?

Mr. DURBIN. No more than 10 minutes.

Mr. REID. The junior Senator from Illinois?

Mr. OBAMA. I was not aware my senior colleague from Illinois was going to speak so I don’t want to unnecessarily hold up the entire Chamber.

Mr. REID. The Senator should know I did use your name.

Mr. OBAMA. I am aware of that.

Mr. REID. Have you the only comprehensive bill filed regarding the avian flu and I commend you in that regard.
Mr. DURBIN. I will be glad to take 5 minutes and yield to my colleague 5 minutes.

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

Mr. REID. I appreciate that. I know I have presided over a few of the late nights.

Mr. DURBIN. Mr. President, I preface my remarks by saying that the first person who brought the avian flu epidemic to my attention was my colleague Senator OBAMA, who identified this issue before most other Senators. I commend the Senator for his leadership on this issue. I am glad he is here this evening to speak to it.

I have had two public health briefings in my time as a Congressman and Senator which stopped me cold. The first one was about 20 years ago. It was on the global AIDS epidemic. I knew it was a problem, but I didn’t know what kind of a problem. I left that briefing in the Senate office building and went home to speak in very sincere terms to my family about what I considered to be a real threat to all of us. It was in the earliest stages.

Today, I had the second public health briefing which stopped me cold again. We went to the Secretary Leavitt from the Department of Health and Human Services, Dr. Gerberding from the Centers for Disease Control, and Dr. Fauci, well-known doctor at the National Institutes Of Health. They talked about all of the details we have been learning about the avian flu epidemic. Senator REID has gone into detail.

Mr. President, the images from Katrina are still with us. Children, senior citizens, people with disabilities and chronic medical problems, waiting for days for care and medicine. These are not images we hope to see again anytime soon, and yet, we are told that these scenes will be repeated, in larger numbers, in more cities, and for longer periods of time. The avian flu breaks out in this country.

Scientists and government officials alike, worldwide, agree that the outbreak of avian flu is virtually inevitable and that, like we were for Katrina, this country is woefully underprepared.

A few weeks ago at the U.N., the World Health Organization warned the Assembly of a pending global pandemic. President Bush acknowledged, “If this virus advances, this virus could become the first pandemic of the 21st century.” Department of Health and Human Services Secretary Leavitt and Senator FRIST are as worried as I am. There is a general sense that we are not prepared.

The only antiviral drug that appears to be effective in minimizing the flu’s effect is in short supply. The U.S. has enough doses in its stockpile to treat just 2.3 million people. The only vaccine we have in the pipeline is experimental. It may or may not be effective against the mutation that breaks out in humans in this country. And supplies of that vaccine are limited.

Right now, the avian flu primarily infects birds, but we are aware of 115 cases in which people have been infected by the flu. Fifty-nine of them have died. If that pattern were to hold, 55 percent of the people infected with this flu would die.

In many ways, we are better off than we were in 1918 when a flu pandemic struck this country and took 675,000 lives. We know how germs are spread and how to minimize that spread. In other ways we are far more susceptible to this threat. The World Health Organization believes the avian flu could spread from China to Japan to New York to San Francisco within the first week.

The Council on Foreign Relations dedicated its last volume of Foreign Affairs to the impact of a global pandemic—the prospect of battling an epidemic of flu in several countries at the same time. ABC News reports that officials in London are quietly looking for additional morgue space.

The Bush administration is preparing a plan for responding to an outbreak of avian flu. I think there is more that we can do and that we must do—now. If you listen to the leaders in infectious disease and public health around the world, we must not have the luxury of time on this one.

We need to step up surveillance of infectious disease here in the U.S. and internationally, so that we can track this thing and begin to contain it immediately. That is the first of research and development to pursue all possibilities for effective vaccines and antiviral drugs. If the avian flu hits with a 55 percent mortality rate within days of infection, as it appears to be doing, we could lose hundreds of thousands of Americans in the first few months.

We need to aggressively pursue vaccines now—not after the outbreak begins.

We need to help states develop their own preparedness plans so that our response is coordinated and organized and will save lives. Where is the medicine stored? How do we make decisions about who gets treatment when there are too little to go around? How will the distribution systems work? This is work we must help states and localities complete now—not during a time of crisis.

Last flu season, we lost about half of our expected supply of flu vaccine at the end of the season. This lack of forethought, the Centers for Disease Control and Prevention began encouraging everyone to go and get one. It was a mess. We had seniors citizens waiting for hours for a vaccine, often to learn that they were too late. We saw people waiting for a flu vaccine standing in lines that snaked through K-Mart parking lots.

I hope we don’t have to learn these lessons again the hard way. It is our responsibility to ensure that states and localities are prepared. We need to aggressively pursue effective treatments now—not when flu victims are overwhelming our hospitals before our eyes. And we have to invest now—not later—in the capability to track this flu so we can stop its spread as quickly and effectively as possible.

If we don’t—if simply wring our hands and hope for the best—when the avian flu hits this country, it will make the scenes of Katrina pale in comparison.

Before I turn it over to my colleague, I will not repeat the remarks of Senator REID, but I will say if you believe you can survive this flu epidemic because you are not an infant or sickly or elderly, that is not the situation. It turns out we have no resistance to this flu strain, and as a consequence we are all in the same situation in terms of vulnerability. That is why this is so serious.

We had a briefing today, and I am sure Senator OBAMA will go into detail on it, but it raises questions as Senator REID raised.

I will yield the rest of my time to my colleague and thank him for his leadership.

Close by saying, we left the Defense appropriations bill, brought it out of committee today. It contains $50 billion for our continuing efforts in Iraq. I will provide and vote for every penny of that money, but I also believe we have an obligation to Americans here. A stronger America starts at home. That means being prepared for the next challenge we face, and this avian flu pandemic could easily be the next challenge.

The PRESIDING OFFICER. (Mr. DEMINT). The Senator from Illinois.

Mr. OBAMA. Thank you very much, Mr. President. I will be brief. I know we have gone way over the time here today.

Mr. President, in the midst of so much difficulty that our Nation is facing—Katrina and Rita, the ongoing challenges in Iraq and Afghanistan—I recognize it is hard to get the public, the leadership in Congress, and senior administration officials to focus on yet one more challenge.

But as has already been stated by the Democratic leader, HARRY REID, and my senior colleague, the minority whip, Senator DURBIN, this is a crisis in which the entire country simply must awaken itself.

When I started talking about this 7 months ago, not too many folks paid attention. Perhaps because the short-term threat of Katrina was a crisis in the “bird flu,” people assume it is just going to get birds and animals sick.

In reality, however, what is at stake here is the potential of a pandemic that we have not seen in the United States since 1918, 1919. As has already been stated this morning, our top scientists and medical personnel, including the heads of the NIH, CDC, and the Department of Health and Human Services, all agree that it is almost inevitable that an avian flu pandemic will strike.

The key question is the extent of the damage, especially in terms of lives lost. The answer to this question will,
in large measure, depend on our level of preparedness and the amount of resources we are willing to immediately commit to deal with this looming crisis.

Over the last few months, we have seen alarming reports from countries all over Asia—Indonesia, China, Vietnam, Thailand, and Russia, just to name a few—about deaths that have resulted from the avian flu.

The situation has turned so ominous that Dr. Julie Gerberding, the Director of the CDC, said that an avian flu outbreak is "the most important threat that we are facing [today]."

International health experts say that two of the three conditions for an avian flu pandemic in Southeast Asia already exist.

First, a new strain of the virus, called H5N1, has emerged, and humans have little or no immunity to it. Second, this strain has demonstrated the ability to pass between species.

The only thing preventing a full-blown pandemic is a lack of efficient transmission of this strain from human to human. Once that happens, as a consequence of international travel and commerce, there is not going to be any way to effectively contain this pandemic.

Moreover, the news on this last point is not good. In recent months, the virus has been detected in mammals that have never previously been infected, including tigers, elephants, and domestic cats. This suggests that the virus is mutating and could eventually emerge in a form that is readily transmissible among humans.

Mr. President, Senator Reid and Senator Durbin both outlined some of the measures that have to be put in place here domestically to protect our population. We have to drastically ramp up our stockpiles of Tamiflu, which, if taken properly, could act as a treatment from the avian flu once a person is infected. Right now, we only have a couple of million doses. We need 80 million to 100 million doses in order to be adequately prepared. That is going to cost us significant amounts of money, as the cost of Tamiflu is approximately $20 per dose.

In addition, we are going to have to develop flu vaccines of a sort we have not seen in the past. In order to create sufficient quantities, we are going to have to push the boundaries of existing technologies and science—going beyond the agricultural mechanisms of developing vaccines that we have used in the past.

Third, we are going to have to make sure that local and State governments understand how urgent this is. We have to ensure there are clear plans, coordination mechanisms, and lines of authority—that will stand up in a time of crisis. Right now, we do not have sufficient plans in place to make sure local and State governments are able to handle the kinds of rapid responses that are going to be necessary in the case of a flu outbreak.

After Katrina, I hope that local and State governments understand they have to work with the Federal agencies more effectively to deal with these kinds of emergencies.

Another issue I would mention is that we are going to have to establish international protocols to ensure we can alert ourselves rapidly if we have confirmed cases of human-to-human transmission of the avian flu anywhere in the world. Why do I mention this? If we detect efficient human-to-human transmission, it is likely that we are going to have only weeks before we are going to see those first cases in the United States.

This means placing effective trigger mechanisms in all these countries to make sure everyone is cooperating and providing rapid information, which could mean the difference in terms of tens or hundreds of thousands of lives.

Now I don’t want to suggest that nothing is being done. For example, months ago, as a bipartisan basis including myself, Senator Lugar, Senator McConnell, and Senator Leahy—included $25 million as part of the Iraq supplemental to make a contribution to an urgent WHO appeal on this issue. Today, this money is making a difference in the field trying to set up some of the international measures I just described.

I, along with Senators Lugar, Durbin and others, introduced legislation, S. 969, to enhance our ability to deal with this potential crisis. But that was months ago, and we need to broaden the number of people involved in this effort.

Moreover, these are modest first steps. Going forward, we are going to need significantly more resources. I am eager to work with leaders on health issues, including Senator Harkin and Senator Reid, as well as others across the aisle.

I hope we can work not only to make sure we have an effective international regime to deal with this problem overseas but that we also invest the time, the energy, and the resources needed to put in place effective measures well before we have a full-blown crisis on our hands.

An outbreak of the avian flu could occur in a year, 5 years, 10 years, or if we were incredibly lucky not happen at all. But the one good thing about influenza and other diseases is that it evolves slowly. The H5N1 strain may not be the strain that leads to a full-blown pandemic. But, another strain could easily come along and cause a lot more damage in the future.

Presently, we simply do not have the public health infrastructure to deal adequately with this contingency.

My point is this: undertaking these measures is going to be a wise investment that will help protect the lives of millions of people here in the United States and across the globe.

Mr. President, I appreciate your patience very much and look forward to working with you on this issue.

The PRESIDING OFFICER. I thank the Senator.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow. Thereupon, the Senate, at 7:37 p.m., adjourned until Thursday, September 29, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 28, 2005:

AFRICAN DEVELOPMENT FOUNDATION

JENDAYE ELIZABETH FRAZER, ASSISTANT SECRETARY OF STATE (AFRICA, AFARS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2009. VICE CONSTANCE BERRY NEWMAN.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

HORACE A. THOMPSON, OF MISSISSIPPI, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2013. VICE-JAMES M. STEPHENS, TERM EXPIRED.

DEPARTMENT OF EDUCATION

KENT D. TALBERG, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE BRIAN JONES, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

CAROL R. DINKINS, OF TEXAS, TO BE CHIEF OF STAFF TO THE VICE PRESIDENT, VICE WILBUR L. ROSS, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be lieutenant junior grade

MELISSA M. FORD

To be ensign

MADELEINE M. ADLER

CAROL N. ARBESNAULT

JAMES L. BRINKLEY

JOHN E. CHRISTENSEN

PAUL M. SMIDANSKY

JAMIE S. WASSER

REBECCA J. WADDINGTON

DAVID A. STRAUSZ

LAUREL K. JENNINGS

JASON R. Saxe

MADELEINE M. ADLER

JOHN E. CHRISTENSEN

JAMIE S. WASSER

NATIONAL SECURITY COUNCIL

To be FEMA administrator

PHIL M. MANN, RESIGNED.

To be FEMA deputy administrator

WENDY DENTER SARFIELD

To be medical director

GREGORY A. ABOTT

To be assistant surgeon

LEAH HILL

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATE FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREOF AS PROVIDED BY LAW AND REGULATIONS:

To be assistant surgeon

SONJA S. HUTCHINS

To be medical director

WANDA DENISE BARFIELD

RUTHANN M. GIUSTI
To be surgeon

MARTA LOUISE ACKERS
PAUL MATTHEW ARGUIN
ULANA R. BODNAR
WILLIAM ALFRED BOWER
JOHN G. BRIDGES
DAVID BOWSHELL CALLAHAN
JOHN D. CASEBORN
JEFFREY W. McFARLAND
KATHERINE G. MULLIGAN
ROBERT DAVITAVID NEWBAN
KEVIN ANDREW PRAEBERAS
WILLIAM RUSCIO-RIVERA
THERESA LOUISE SMITH
JEREMY SORME
KAY M. TOMASHEK
MICHELLE S. WEBBER

To be senior assistant surgeon

MEILIN CAATOR
EILEEN F. DUNNE
SCOTT ALLAN DARREY
MATTHEW ROBERT MOORE
THOMAS M. WESER
SARA JANNNE WHITTEREAD
HUI-HSING WONG

To be senior dental surgeon

STEVEN D. FLOHER
JOHN W. KING
STEPHEN P. TORKA

To be dental surgeon

WILLIAM DENGELL CAVANAUGH
BENEDICT O. MOORE
BILAO F. PENG
DARLA DIANN WHITTEN

To be senior assistant dental surgeon

MATYA ARROYO-ORTIZ
RAYMOND A. DAILEY
KIM NANCY HORT
MARTY BETH JOHNSON
ROBERT C. LLOYD, JR.
WILLIAM F. PARRISH
TANYA M. ROBINSON
CURTIS D. SPANN
VANDERIA P. THOMAS
BAILLEA R. WILSON

To be senior nurse officer

KATHRINRIN A. CONNER
SHIELA F. MARONEY

To be nurse officer

HELGA C. BACA
NANCY F. BARTOLINI
KATHRINRIN MARIK BERKHOSEEN
SUSAN KATHRYN BROWN
JUANITA M. FOX
MARGARET K. GRAHAM
LISA M. HOGAN
EDUCALY ALPHADRIA RICHARDS
KONSTANTINE K. WELD
ADOLPO ROSELLA

To be senior assistant nurse officer

AMY FRANCES ANDERSON
LISA A. BAHNHART
ELIZABARZAN ANN HOOK
ALICIA ANNE BRADFORD
REGINA D. BROWN
NICHOLAS J. E. CHAMBERLAIN
ALAN RICHARD CONDON
DAVID ALLAN CROSS
JOHN W. DAVID, JR.
SUSIE PAPALIAN DILL
KIMBERLY JILL ELBERG
BRADLEY JOHN ESCHER
JOHN S. GARY, JR.
CHERYL LYNN GARZA
PATRICIA DA NOTTINGHAM GARZONE
GEORGE ROBERT GENTIL
WAYNE KEATING
NANCY M. HAILEN
LONI A. HUNTER
CYNTHIA HENRIE JAMES
NATALIE K. KRATZ
NIKOLE ANTOINETTE KNIGHT
ATKO A. KWAETAMA
YVONNE THEBERTE LAOUR
YVETTE MARIA LACOUR-DAVIS
CAROL R. LINCOLN
SHERRY LEE LUPF
JOHN THOMAS MALLOS
Rosalie A. MASHTALIER
CHRISTINE M. MATTSON
MAUREEN JANE MCGARTER
TAMI LEE MCMANUS
ALBERTO D. MOCA
BRIAN M. MUCOSOOGH
QUINTEN A. MORE
VICTORIA LYNN OROCEY
DIAN M. PANTING
ALBERT PERRINE, JR.
ALOSH P. PROBST
JOHN G. RICHTER
KELLY DUANE RICHARDS
ABEILEA P. SORBAN
TIARA ROSE RUFF

To be assistant nurse officer

ARTHUR S. TAICE
VINCENT M. THIECULLEY
BRYNNIN S. TRAVIS
AMY BETH WEBB
KEILER LYNN WESTERBURH
ANGEL L. WILSON
MARC R. WINSOR

To be senior assistant nurse officer

DAVID ANDREW CAMPBELL
DARRELL LYNN
CHRISTOPHER MAURICE MIREBAND
GLORIA M. RODRIGUES

To be engineer

DAVID WILLIAM AUDSOMORE
BRADY M. CLEEMERS
SUSAN KAYE NUEHR
KENNETH TOM SUN

To be senior assistant engineer

MARK T. BADER
LORETTA B. BARRANGER
STEVEN J. BURK
DINNIE I. BAJA
KATHRINE ELIZABETH JACOBSTE
STEPHEN B. MCAFARLANE
JOHN PAUL NICHOLS
ROBERT D. PULSIFER
MICHAEL B. REA
NICHOLAS R. VEZZONE
SHARI L. WIND

To be senior assistant scientist

RACHEL SONNIN AVCHEN
ARTENISE BENNE FLOWERS
PETER DAMIANGAN MECBAY
DIANA LOUISE SCHNEIDER
MARK JOSEPH SEATON

To be environmental health officer

JEAN ANN GAUNCH
DANIEL J. BROWET
JONATHAN J. SANDBERG
TIMOTHY M. WAGNER

To be senior veterinary officer

WALTER R. DAILY

To be veterinary officer

TRAICE A. TREADWELL

To be senior assistant veterinary officer

MARIANNE PRELAN ROSS
REGINA LAURA TAYLOR
VENITA B. THORNTON
ALLISON M. WILLIAMS

To be senior pharmacist

M. CARLENE MCINTYRE

To be pharmacist

THOMAS RAYMOND BERRY
BARBARA J. FINNEGAN
WILLIAM C. CRUMP
M. CARLENE MCINTYRE
NORMAN A. MAHNI

To be senior assistant pharmacist

KEVIN L. DESPINS

To be scientist

JOHN RUSSELL DAUGHERTY
JON RUSSELL DAUGHERTY

To be assistant pharmacist

MARK D. BLAIR

To be senior assistant therapist

NICELE JENNEE E HULL

To be therapist

WILLIAM R. HARRIS

To be senior assistant therapist

ROBERT D. HARRIS

To be assistant pharmacist

ALAN RICHARD CONDON

To be senior assistant health services officer

M. CARLENE MCINTYRE

To be pharmacist

THOMAS RAYMOND BERRY

To be senior health services officer

CHRISTOPHER JOHN BERESIAN
LINDA KAY BRANDT
KELLEI J. CLELAND
GREGGORY DALE CLIFT
PHILIP SIMMONS MURAB
JUDY B. FYANT
RAFAEL ANGEL SALAS
JANINE DORIS WATTS

To be assistant pharmacist

RANDY ALBERT BILES

To be senior assistant therapist

PETE MCCALLA

To be senior assistant therapist

MELANIE FAITH MYERS

To be assistant pharmacist

JUAN D. ZEPER

To be assistant pharmacist

NICHOLAS R. VIZZONE
pay tribute to two outstanding members of the Branford community and my good friends, John and Betty Ann Donegan. John and Betty Ann have dedicated a lifetime to public and community service—making all the difference throughout the Branford community.

As Harbor Health Services celebrates its 25th Anniversary, it is only fitting that they should honor Betty Ann who, as a charter board member, helped give life to this outstanding organization. Since its inception, Harbor Health Services has provided invaluable programs and services to those with behavioral health needs and has become a leader in quality care and service. Through her efforts and guidance on the Board, Betty Ann’s involvement with the organization has helped to make it the success it is today. However, it is not just for her good work with this agency that she is being honored.

Both John and Betty Ann have devoted countless hours to the Branford community. Every community should be so fortunate as to have a couple who so willingly give of themselves to make a difference in the lives of others. Betty Ann’s reputation as an active and dynamic volunteer is only further enhanced when you consider the innumerable contributions she has made. Whether chairing benefits for the Branford Volunteer Service Center, the dedication of the opening of the James Blackstone Memorial Library, or the Branford Festival, it seems that Betty Ann is always available to lend a helping hand to ensure that these community events are a success.

John has also demonstrated a unique commitment to public and community service. He has represented Branford residents as a member of the Representative Town Meeting, served on the Branford Board of Education, and has for many years served as the town’s Judge of Probate. In addition to his public service, John has also devoted much of his time to community organizations. For 25 years he served as Secretary of the Branford Community Foundation, he is the immediate past president of the Pine Orchard Yacht and Country Club and has served as volunteer counsel for the Branford Volunteer Service Center. Through all of these efforts, John has quietly enriched the community, improving the quality of life for all of its residents.

On a more personal note, I must also thank John and Betty Ann for their many years of special friendship. When I first ran for Congress in 1989, the Donegans were some of the very first to support my efforts. Even during a horrible blizzard, they opened up their home to introduce me to the Branford community. They are true friends and I am certainly fortunate to have their support and encouragement.

Their dedication and commitment to public and community service is unparalleled. John and Betty Ann reflect all that community leaders should be. I am certainly proud to call them my friends. I am pleased to stand today and join all of those gathered in extending my deepest thanks and appreciation to John and Betty Ann Donegan as they are so fittingly honored by Harbor Health Services with their Community Service Award. There are few who have demonstrated such generosity and compassion. They have left an indelible mark on the Branford community—a legacy that has touched the lives of thousands.

TRIBUTE TO JOHN AND BETTY ANN DONEGAN FOR THEIR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to join Harbor Health Services and the many family, friends, and community members who have gathered to recognize Kyle Mahowald, Andrew Malcolm, and Caitlin McAuliffe have each been recognized as National Presidential Scholars. The Presidential Scholars program was introduced by Executive Order in 1964 as a means of applauding the efforts of the Nation’s top high school graduates. This year, only 141 winners were chosen from a candidate pool of over 2,700. With three, Pine Crest has the most honorees of any school in the Nation. I am confident that this achievement foreshadows what their bright futures may hold.

The efforts of these students extend far beyond the classroom. Kyle, Andrew, and Caitlin have reached out to their fellow peers, taking leadership roles in various student organizations and serving as mentors for younger students. Additionally, they have reached out to their communities, giving countless hours from their busy schedules to raise money for various worthy causes. Kyle Mahowald even became the youngest person to compose the Sunday crossword puzzle for the New York Times.

The educators and parents of Pine Crest School play a critical role in the success of all of their students. I commend Raymond Sessman, Anthony Jaswinski, and Gordon Ivanoski for their dedication and guidance to these three students. Only with the support of truly caring teachers can future generations of American students hope to reach their potential.

On behalf of Florida’s 22nd District, I wish to recognize Kyle Mahowald, Andrew Malcolm, and Caitlin McAuliffe for their admirable efforts and wish them the best of luck in their studies and future careers. It is with great pride that I rise today to recognize and honor the dedication and ambition of three recent graduates of Pine Crest School in Fort Lauderdale, Florida.

Mr. SHAW. I rise today to recognize and honor the dedication and ambition of three recent graduates of Pine Crest School in Fort Lauderdale, Florida. Kyle Mahowald, Andrew Malcolm, and Caitlin McAuliffe have each been recognized as National Presidential Scholars. The Presidential Scholars program was introduced by Executive Order in 1964 as a means of applauding the efforts of the Nation’s top high school graduates. This year, only 141 winners were chosen from a candidate pool of over 2,700. With three, Pine Crest has the most honorees of any school in the Nation. I am confident that this achievement foreshadows what their bright futures may hold.

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TRIBUTE TO CHIEF ROBERT F. NOLAN ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DELAUNO OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. DELAUNO. Mr. Speaker, I am very proud to rise today to join family, friends, and community members in extending my sincere thanks and appreciation to my good friend, Chief Robert F. Nolan, who is celebrating his retirement after thirty-four years of dedicated service. His retirement marks the end of a distinguished career in law enforcement with the Hamden Police Department.

Recent times have brought a renewed public respect for our Nation’s law enforcement officials and the very real dangers they face. From the tragic events of Columbine to the devastating attacks of September 11th to the catastrophic destruction of Hurricane Katrina, the skill, dedication and commitment of our law enforcement officials has been tested. From these tragedies lessons have been learned and higher expectations have been mandated for the safety of our lives protect our communities. In these times, we have looked to our police officers for guidance and reassurance.

Chief Nolan began his career as a patrol officer with the Hamden Police Department in 1971. In his over three decades of service with the Department, he served in many positions with the commendation and integrity. Throughout his career, Chief Nolan has always dedicated himself to ensuring the protection and safety of the Hamden community.

Attending countless training exercises, workshops, forums, with both local and federal agencies, the Chief always availed himself of the most advanced law enforcement training available. His unparalleled leadership and dedication to law enforcement earned him the appointment of Chief, a rank which he has held for the last seven years.

I have perhaps never been so proud of our law enforcement community as the days immediately following September 11th. Chief Nolan along with twenty-two of his officers went to New York City to assist authorities at the police command center. It has been through outstanding efforts like these that the Chief has earned the respect and esteem of his Department, the citizens of Hamden, and all that have had the opportunity to work with him. Every community should be so fortunate.

With all of his work at the Department and in the community, Chief Nolan still made time to be of great assistance to myself and my staff. He has been an invaluable resource to us all and I want to extend my deepest thanks and sincere appreciation for all of his many years of support and friendship.

Chief Robert F. Nolan has demonstrated an unparalleled commitment and has left an indelible mark on the Town of Hamden—he will be missed. As he celebrates his retirement, it is with great pleasure that I rise today to join family, friends, and community members in extending my sincere thanks and appreciation to my good friend, Chief Robert F. Nolan.

The event marked the end of an era for the Front Royal and Warren County area which began over six decades ago. From 1940 to 1989, the Avtex plant was a hub for this community, employing more than 2,500 people manufacturing rayon, polyester and polypropylene fibers for the defense, aerospace and commercial industries. But its closure in 1989, not only eliminated a great number of jobs, it left the site unsuitable for reuse.

Following its closure, the facility was identified by the Environmental Protection Agency as a Superfund site. However, before the EPA could begin its work on the site, asbestos and lead-contaminated buildings had to be removed. Since 2000, the Army Corp of Engineers has been partnering with the Environmental Protection Agency, Virginia Department of Environmental Quality, the Economic Development Authority for the state of Virginia and the FMC Corporation, a former owner of the site, in the Avtex cleanup efforts. This partnership has done an amazing job of cleaning up this site and preparing for a new use.

Clean-up can be very costly. That’s why securing federal assistance for the effort has been a priority for Senator John Warner of Virginia and myself for many years. However, the initial funding of $12 million ended up being insufficient to cover the full cost of demolition, disposal and removing the asbestos. In 2003, Senator Warner and I were able to help provide an additional $11 million in federal funds to finish the effort. It would have been unacceptable to leave the project half-done.

Monday was a very emotional day for many who had dedicated years of service to our nation at the Avtex site. While the occasion was tinged with sadness for many former Avtex employees who were on hand for Monday’s ceremony, they are hopeful that their former workplace can once again be an economic center for the region.

Former Avtex employees were recognized for their contributions over the years with yellow ribbons. Louise Bowers, an 83-year-old town resident, worked at the rayon plant for 46 years, one third of her life. Her father, the late Noah Martin, had a part in the history of this site having hauled sand used in the construction of the plant.

Mrs. Bowers went to work there in 1940, one of 19 young women hired that day. During World War II, she wound motors for a spinning machine in the “double-deck” or the lower part of the plant, where the syrup-like viscose liquid was poured through platinate “jets” or thimbles, forming tiny filaments.

AVTEX BOILER HOUSE IMPLOSION

HON. FRANK R. WOLF OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. WOLF. Mr. Speaker, September 19, 2005, was an historic day for Warren County in Virginia’s 10th District. On that Monday, the largest and last major building in the American Viscose (Avtex) plant complex on Kendrick Lane in Front Royal, next to the South Fork of the Shenandoah River, was imploded. The site is now being prepared for redevelopment as a 165-acre technology-oriented business park, 240-acre nature conservancy park, and 35-acre community soccer complex.

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RECOGNIZING PRESIDENTIAL FREEDOM SCHOLARSHIP RECIPIENTS

HON. E. CLAY SHAW, JR. OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize and honor the outstanding dedication to community service displayed by ten high school students who were recently awarded the Presidential Freedom Scholarship.

This year’s recipients are Marjan Almada of Fort Lauderdale, Jenna Ali of Deerfield Beach, Charity Lamerson of Boynton Beach, Monique Shepherd and Edwin Morales of Boca Raton, Shaina McGhee of West Palm Beach, Aaron Grossman of Royal Palm Beach, Jarrod Matthei of Pompano Beach, Joshua Miller of Parkland, and Stacey Blase of Palm Beach Gardens.

These ten fine young individuals have taken a leadership role in local community service projects and devoted significant time and energy to improving our district. They have each contributed more than 100 hours of service in the last 12 months alone.

Mr. Speaker, today we recognize these ten Freedom Scholarship recipients for their tireless efforts and leadership in working to improve the lives of others in our community. I wish these fine young men and women the best of luck in their future endeavors, with full confidence that their dedication to service will continue to both improve lives and inspire others.

For 25 years and serving as a member of a committee to memorialize those who died serving our country, The Outstanding Older Worker award reflects the characteristics of “leadership, learning, mentoring and community service,” and was created by Experience Works to honor America’s senior workforce. The importance of this segment of the workforce should never be underestimated, and Rhode Island is proud to have people like Mr. Castagna still hard at work in our community. On behalf of myself and the State, I would like to thank Mr. Castagna and all older workers for their dedication to their jobs, and I would like to wish them all great success in the future.

Mr. CASTAGNA. Mr. Speaker, I am very proud to rise today to join family, friends, and community members in extending my sincere thanks and appreciation to my good friend, Chief Robert F. Nolan, who is celebrating his retirement after thirty-four years of dedicated service. His retirement marks the end of a distinguished career in law enforcement with the Hamden Police Department.

Recent times have brought a renewed public respect for our Nation’s law enforcement officials and the very real dangers they face. From the tragic events of Columbine to the devastating attacks of September 11th to the catastrophic destruction of Hurricane Katrina, the skill, dedication and commitment of our law enforcement officials has been tested. From these tragedies lessons have been learned and higher expectations have been mandated for the safety of our lives protect our communities. In these times, we have looked to our police officers for guidance and reassurance.

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Attending countless training exercises, workshops, forums, with both local and federal agencies, the Chief always availed himself of the most advanced law enforcement training available. His unparalleled leadership and dedication to law enforcement earned him the appointment of Chief, a rank which he has held for the last seven years.

I have perhaps never been so proud of our law enforcement community as the days immediately following September 11th. Chief Nolan along with twenty-two of his officers went to New York City to assist authorities at the police command center. It has been through outstanding efforts like these that the Chief has earned the respect and esteem of his Department, the citizens of Hamden, and all that have had the opportunity to work with him. Every community should be so fortunate.

With all of his work at the Department and in the community, Chief Nolan still made time to be of great assistance to myself and my staff. He has been an invaluable resource to us all and I want to extend my deepest thanks and sincere appreciation for all of his many years of support and friendship.

Chief Robert F. Nolan has demonstrated an unparalleled commitment and has left an indelible mark on the Town of Hamden—he will be missed. As he celebrates his retirement, it is with great pleasure that I rise today to join family, friends, and community members in extending my sincere thanks and appreciation to my good friend, Chief Robert F. Nolan.
of rayon yam. She said the men worked upstairs and the women worked downstairs.

It was through her job at Avtex that Louise learned about the rayon industry and its potential for growth. In 1930, she joined the company as a quality control inspector, a position that allowed her to apply her skills in a newly emerging field.

Louise Avtex's legacy was not limited to her work at Avtex. She was also an active member of the local community, serving on various boards and committees. She was a strong advocate for women in the workforce and helped to establish women's rights organizations in the area.

In conclusion, Louise Avtex was a trailblazer for women in the rayon industry and a dedicated community member. Her work at Avtex and her contributions to the community left a lasting legacy that continues to inspire others today.

RECOGNIZING THE 75TH ANNIVERSARY OF PUBLIX

HON. E. CLAY SHAW, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize and honor the 75th Anniversary of Publix supermarkets.

Publix was founded by George W. Jenkins in 1930 in Winter Haven, Florida. Since then, Publix has more than 125,000 associates in the country, the Economic Development Authority, and all the federal partners. As the U.S. representative for this area, I was pleased to be able to participate in this historic occasion—the end of the Avtex plant but the birth of a new economic generator for the people of Front Royal, Warren County, and the surrounding areas. The people of Warren County are to be commended for their resolve to see this project through to its completion.

George Jenkins' reputation grew along with the business and he was elected president of the Supermarket Institute in 1961. In 1970, Publix achieved another high mark, recording nearly $500 million in sales, a figure that would double in four short years. In 1979, Publix had a record-breaking year with 15 new stores opening in nearby towns.

Publix marked another milestone in 1991 when the company crossed the state line to open a store in Savannah, Georgia. It was named in the top ten Best Companies to Work for in America in 1993, and is consistently recognized in the grocery business for superior quality and customer service by an American Customer Index survey.

The company has received numerous awards during its 75 year history including Diversistar Award for Excelling in Promoting Diversity, one of the first Black supermarket chains; “Outstanding Business” award for recycling efforts from Recycle Today, Inc.; and the Governor’s Business Diversification Award for Business Expansion.

IN HONOR AND RECOGNITION OF FREDERICK DOUGLAS “FRITZ” POLLARD

HON. JULIA CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Ms. CARSON. Mr. Speaker, I rise to pay tribute to Frederick Douglas “Fritz” Pollard. This past August, Fritz, a native Hoosier, was inducted into the National Football League Hall of Fame alongside gridiron legends Dan Marino, Steve Young, and Benny Friedman. Fritz Pollard was a pioneer for African-American athletes in the NFL during the pre-civil rights era of the 20th century.

Fritz Pollard was born in Chicago in 1894; the son of a former soldier in the Union army. Upon his high school graduation, Pollard attended Northwestern, Dartmouth, and Harvard universities, prior to his enrollment at Brown University in 1915.

As a young freshman halfback, Pollard led the Brown football team to victory over Harvard and Yale with Pollard producing 531 yards of total offense and six touchdowns in just two games. As a tribute to his success on the field, Pollard was named the first African-American All American running back in 1916. Pollard also became the first African-American to play in the Rose Bowl that same season.

In 1926, Pollard was hired as the first head coach at Fisk University, a position that he held until 1936. During his tenure, Pollard led the Fisk team to a 26-game unbeaten streak and a national championship in 1928.

In 1934, the NFL banned African-American players until 1946. Pollard fought this segregation by forming independent African-American touring football teams: the Chicago Black Hawks and most notably the New York Brown Bombers, to showcase African-American talent to the fans and to the NFL.

Fritz Pollard’s talents extended far beyond the football field. He owned a coal company, ran a weekly newspaper, formed his own New York-based public relations firm, founded F. D. Pollard & Co., one of the nation’s first Black run securities firms, a talent agency, headed a movie studio in Harlem, and produced the first black motion picture.

Today, Hoosiers still pay tribute to Pollard for the trail that he blazed for equality. The Indiana Black Expo, Indianapolis Circle City Classic football game annually showcases the talents of collegiate football players, coaches, musicians, administrators, faculty, staff and boosters to ensure that the name Fritz Pollard and his legacy are not forgotten. Frederick Douglas “Fritz” Pollard didn’t live his life to make a living, but rather to make a difference. Pollard forged a trail followed by the 69 percent of today’s NFL players who are African-American and the just over 70 percent of the NFL’s players from other racial and ethnic minority groups.

Pollard charted the course followed by the six African-American Head Coaches currently in the NFL, the 11 coordinators and the upwards of 170 minority Assistant Coaches.

Fredrick Douglas “Fritz” Pollard’s inductation to the NFL Hall of Fame shed a light on the early history of the NFL and Pollard’s pioneering roles as the first African-American coach. To this day we in Indiana are proud to have called him our own.

TRIBUTE TO THE WORCESTER WOMEN’S HISTORY PROJECT

HON. JAMES P. McGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. McGOVERN. Mr. Speaker, I rise today to recognize the Worcester Women’s History Project. During their 10 years of exceptional service, the Worcester Women’s History Project has raised awareness about the important and vital role of women in the history of Worcester and our Nation.

The Worcester Women’s History Project, since its creation in 1994, has raised awareness of the importance of Worcester, site of the first National Woman’s Rights Convention held in 1850. In conjunction with that goal, the Worcester Women’s History Foundation has educated the local community on the rich history of women and their courage in organizing...
against oppression and slavery. The WWHP is devoted to ensuring the recognition and incorporation of women's contributions to the historical record. Dedication to the discovery of connections between past and present—for the benefit of the future—is displayed in the scholarships and workshops that the WWHP continuously supports and funds.

The Project is particularly committed to spreading awareness concerning Worcester's central role in the history of the women's rights movement, and remains devoted to the ideal of ensuring that the women of the 1850 Convention that there should be “equality under the law, without distinction of sex or color” or ethnicity. The Worcester Women's History Project works to reveal the past in order to ensure a brighter future for all. They believe that acknowledging women's contributions is fundamental to the growth and education of the Worcester community and the Nation at large. I am grateful to the WWHP for their contribution to my community and ask my colleagues to join me in honoring this exemplary organization.

TRIBUTE TO THE SOUTHEAST MISSOURIAN

HON. JO ANN EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mrs. EMERSON. Mr. Speaker, today I rise to recognize the Southeast Missourian, a newspaper in Cape Girardeau, MO, for 100 years of service to Southern Missouri. Next week, the year-long celebration marking the centennial of the newspaper will come to a close. I would like to offer my sincere congratulations to the staff of the Southeast Missourian, past and present, for their hard work and dedication as they advance the mission of the paper.

It is only fitting, given the newspaper's long history of political coverage, that this great anniversary be commemorated in the House of Representatives. The Southeast Missourian has not only brought small-town newspapers but it has never lost its small-town sensibilities, either. During the 100-year existence of the paper, its reporters and editors have covered 2 World Wars, catastrophic floods and journeys to the moon. The paper has also covered these events from a local perspective: the native sons who went to war in the Southeast Missouri and worked so hard to advance the mission of the newspaper in Cape Girardeau. Once again, I congratulate everyone who has advanced the mission of the newspaper in Southeast Missouri and worked so hard to bring the news of the day to our residents.

PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

SPEECH OF
HON. EARL POMEROY
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 22, 2005

Mr. POMEROY. Mr. Chairman, I rise to say that I will be voting against H.R. 2123. Since its creation in 1965, Head Start has served more than 18.5 million low-income children and has focused and refined its approach to assisting disadvantaged children in their social, physical and educational growth. While I wholeheartedly support Head Start programs, the legislation under consideration today contains several provisions that would negatively affect these programs.

The bill as amended contains two major flaws. First, the bill contains increased education requirements for Head Start teachers, but does not provide funds to assist teachers with the costs associated with these new requirements. Second, organizations receiving Federal dollars should not be able to discriminate on the basis of race, sex, national origin, or employment purposes. The underlying Head Start Act specifically stated that hiring and firing decisions could not be made on the basis of religion, but this provision has been eliminated in this bill.

The bill does include some positive aspects, such as maintaining the Federal to local fund-structure, expanding set-asides to migrant and American Indian populations, and increasing outreach to homeless families and foster children. I hope these provisions are retained and the bill is further improved during consideration in the Senate and by a subsequent conference committee before the legislation is enacted.

TRIBUTE TO PETER UCCELLI, JR.

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of Peter Uccelli, Jr., who died on Thursday, September 22, 2005, at the age of 84, in California.

Pete Uccelli was born and raised in South San Francisco and served our Nation with the Army Corps of Engineers in the Philippines during World War II. He moved to Redwood City in 1949, and in 1954, purchased property that became Pete's Harbor. He and his wife Paula opened the Harbor House Restaurant.

I had the privilege and pleasure of working with Pete Uccelli during my tenure on the San Mateo County Board of Supervisors and I've always been proud to call him my friend. He was a kind and generous man who was deeply devoted to his community and extraordinarily generous to individuals and organizations. The list of community groups that benefited from his largesse is long and broad, a reflection of his big heart.

Pete was the beloved husband of Paula, loving father of Richard, Sharon and Patricia, father-in-law of Debra and Ron, grandfather of Stephanie, Rhonda, Dot, Veronica and Michelle, and great-grandfather of Becky, Robyn and Ariana. He was the dear brother of Alice Marsili and Norma Falletti and also leaves behind many loving nieces and nephews.

Mr. Speaker, I ask my colleagues to join me in extending our sympathy to Paula Uccelli and the entire Uccelli family. Pete Uccelli was a national treasure, someone who loved his community and his country abashedly and gave all of himself to make them better. He will always be missed but never be forgotten.

IN RECOGNITION OF DAVID BRUBECK AND THE DUKE ELLINGTON JAZZ FESTIVAL

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Ms. NORTON. Mr. Speaker, I rise today, on the occasion of the First Annual Duke Ellington Jazz Festival, to pay tribute to one of our Nation's great jazz musicians, Dave Brubeck, for his contributions to American jazz music. On September 30, 2004, Congress passed H. Con. Res. 501 paying tribute to the festival's namesake, Duke Ellington, a DC native and a celebrated American musical genius. I am proud that from September 28 through October 3, 2005, the Nation's Capital will honor Ellington with the first annual Duke Ellington Jazz Festival in the District of Columbia. Special recognition for Dave Brubeck will be among the opening activities of the festival.

We inaugurate our jazz festival in the city of Washington as New Orleans, the great city that gave birth to jazz, has been overwhelmed by flood and hurricane. We know that New Orleans will overcome and will rise to reclaim its culture, and its precious jazz heritage and leadership.

Dave Brubeck stands as one of jazz music's living legends, and he is equally distinguished as a composer and pianist. Mr. Brubeck began his musical studies at the College of the Pacific, earning his degree in 1942. Shortly thereafter he enfranchised the United States Army, where he served honorably in General George Patton's 3rd Army during World War II. Near the end of the war Mr. Brubeck played
in an Army band that he himself integrated, one of the first integrated units of any type in the entire military.

After his military service, Dave Brubeck returned to school to study music, enrolling at Mills College in Oakland, CA. There he studied under famed composer Darius Milhaud, and upon graduation, Mr. Brubeck formed the Dave Brubeck Octet. He later gained great notoriety after forming the Dave Brubeck Quartet.

By 1954 Mr. Brubeck’s popularity was such that his picture appeared on the cover of Time Magazine, and his recordings were being played throughout the world. His album “Time Out” and the hits “Take Five” and “Blue Rondo a la Turk” went gold, a rare feat for an instrumental jazz recording.

Subsequent world tours by the Quartet, including several for the U.S. State Department, made Brubeck one of America’s foremost goodwill ambassadors. He entertained world leaders at the Reagan-Gorbachev Summit in Moscow in 1988; he has performed before eight U.S. presidents, princes, kings, heads of state, and government leaders of all styles. Always an innovating jazz artist, the Dave Brubeck Quartet performed, and in 1959 recorded, with Leonard Bernstein and the New York Philharmonic Orchestra. An early experimenter in combining jazz with symphony orchestras, Brubeck continues to perform in concerts of his choral and symphonic orchestral compositions. He celebrated his 80th birthday during the London Symphony Orchestra, performing an all-Brubeck program.

Mr. Brubeck has received many honors, including a star on the Hollywood Walk of Fame, the Down Beat Hall of Fame, the Jazz Institute Hall of Fame at Rutgers University, the American Eagle Award from the National Music Council, the Gerard Manley Hopkins Award from Fairfield University, the Connecticut Arts Award, Helwig Distinguished Artist Award, and honorary doctorates from six American universities, one from the University of Duisburg in Germany and NTU in England. Early this year he received the Benny Carter Award from the Association of Jazz Schools. The French Government has cited him for his contribution to the arts. In 1999, the National Endowment of the Arts honored Mr. Brubeck as an NEA Jazz Master.

He has recently received the Smithsonian Medal and awards from the Music Educators National Conference, the National Music Teachers Association and Columbia University Teachers College. The State of California presented him with its first Golden State award. The University of the Pacific has honored him with the establishment of the Brubeck Institute that is dedicated to the promulgation of contemporary music of all styles, with an emphasis on jazz and improvisation.

Duke Ellington himself was a great influence on Dave Brubeck, and Mr. Brubeck even performed on stage with the maestro at one point during his career. Among his many accomplishments, Dave Brubeck is credited with bringing an enthusiasm for jazz music to college campuses and an entire generation of young Americans. As a sign of his talents, Mr. Brubeck has been a performer at the White House two times, in 1964 and 1981. His passion for music extends to this day, as he is still touring and releasing songs.

For his many accomplishments, I join jazz supporters in the Nation’s Capital and the Congress in paying tribute to David Brubeck on the occasion of the First Annual Duke Ellington Jazz Festival in the District of Columbia.

COMMENDATION FOR THE GUAM LITTLE LEAGUE BASEBALL TEAM

HON. MADELEINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to commend Guam’s Little League Baseball Team for their victories in the Pacific Regional Tournament in Fukukuda, Japan and their subsequent advancement to the Little League World Series in Williamsport, PA.

I would like to recognize all of the coaches and players for their extraordinary effort: Coaches Shon Muna, Eddie Muna, and Tom Duenas; Eric Alcantara, 12, of Mangilao, attending Untalan Middle School, son of Gerard and Joan Alcantara; Calvert Alokoo, 12, of Mangilao, attending Untalan Middle School, son of Arou and Cilo Alokoo; Gerald Borja, 12, of Barragada, attending Untalan Middle School, son of Gerard and Darlene Borja; Valiant Bojan, 11, of Barragada, attending Untalan Middle School, son of the late Harold and Audre Borja; Joseph Duenas, 11, of Dededo, attending Untalan Middle School, son of Tommy and Joann Duenas; Chad Fernandez, 11, of Barragada, attending Untalan Middle School, son of Wayne and Dorene Fernandez; Sean Manley, 12, of Mangilao, attending Untalan Middle School, son of Albert Manley and Sinrosa Longa; Ryan McIntosh, 11, of Mangilao, attending San Vicente School, son of Bob McIntosh and Lucille Ryder; Scott Perez, 12, of Sinajana, attending Agueda Johnston Middle School, son of Frank Camacho and Margaret Perez; Byron Quenga, 12, of Yona, attending Inarajan Middle School, son of Bill Quenga and Jacayln Taisacan; Aimor Ridial, 12, of Mangilao, attending Untalan Middle School, son of Albert and Madeleine Ridial; Trae Santos, 12, of Barragada, attending Untalan Middle School, son of Tim and Carmen Santon; Jeremy Taijeron, 12, of Yona, attending Inarajan Middle School, son of Bill and Marie Quenga. These young men displayed outstanding teamwork, skill, spirit, and sportsmanship and showcased the talent of our island.

Our team is a source of pride year after year, with our entire island rallying around them whenever they compete. In 2001, the Guam Little League team had a spectacular run in regional play and continued their streak in the World Series against Mexico, Canada, and Europe; and advancing to the international semifinal. In 2002, they again advanced to the international semifinals after another outstanding performance. They once again reached the World Series in 2003, after going undefeated in the regional tournament.

The 2005 Guam team went undefeated against teams from Indonesia, the Philippines, the CNMI, and New Zealand in regional play. They advanced to the Little League World Series and represented Guam against teams from Russia, Canada, and Mexico. During the Little League World Series Guam swept their pool, defeating Russia 6–2; Canada 5–0; and Mexico 5–3. After winning their pool, Guam went on to play Curacao in the international semi-finals. Although Guam did not advance to the finals, effort inspires us and their record in tournament play is outstanding.

Our entire island community congratulates the Guam Little League and East All stars who represented the Pacific. They are an inspiration for us all and we are very proud of their effort and accomplishments.

HONORING NORTH INTERMEDIATE CENTER OF EDUCATION AT WA-BASH COMMUNITY SCHOOL DISTRICT #348

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the North Intermediate Center of Education at Wa-bash Community School District #348 in Mt. Carmel, Illinois for their participation in International Walk to School Day on October 5, 2005.

Through their participation in International Walk to School Day, approximately 100 students from the North Intermediate Center of Education will learn about health, pedestrian safety, and physical activity, and will gain a sense of neighborhood and concern for the environment. These students will be joining students from all 50 States and 36 countries around the world in this exercise.

I am pleased to recognize all of the students and teachers at the North Intermediate Center of Education for their participation in International Walk to School Day. I wish them much success in this endeavor.

HONORING JUDGE HORACE WHEATLEY

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Alamdeia County Superior Court Judge Horace Wheatley of Oakland, California. Serving Alamdeia County on the bench for almost 25 years, Judge Wheatley has been known throughout his career for his unfaltering sense of social justice, and for his unwavering commitment to our young people. Today our community comes together to celebrate his career and achievements on the occasion of his retirement in Oakland, California.

Judge Wheatley was born in Lake Charles, Louisiana, and raised in San Francisco’s historic Fillmore district. After graduating from the “old” Lowell High School in 1957, he went to College of the Pacific, now known as University of the Pacific, later transferring to Howard University in Washington, DC, where he continued his record as a champion debater. The Civil Rights Act of 1964 had not yet been enacted during his time in college, making some of the challenges he faced in school extend far beyond the realm of academics. When he competed in the National Collegiate Debate Tournament at the University of Oklahoma in
Congressional Record — Extensions of Remarks September 28, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize Hiscock & Barclay, a legal institution in the State of New York.

In 1855 founding partners and brothers L. Harris and Frank Hiscock opened a two-man law office in Syracuse, New York. H. Douglas Barclay later became a partner in the firm, now known as Hiscock & Barclay. Mr. Barclay dedicated 40 years to the practice and has also served his fellow citizens as a 20-year member of the New York State Senate, his country as a President George H.W. Bush appointee as director of the Overseas Private Investment Corporation and was named United States Ambassador to the Republic of El Salvador by current President Bush.

Throughout the years Hiscock & Barclay’s team has grown to 160 attorneys working in offices in Syracuse, Buffalo, Rochester, Albany and New York City. The firm’s attorneys have held various auxiliary roles including: former general counsel of New York State’s Department of Environmental Conservation, Department of Social Services and Health Planning Commission; a nationally syndicated media commentator; district attorneys and Court of Appeals judges; New York State and Federal Representatives; a former NFL football player; the former general counsel of a North American trade association; and a World War II prisoner of war.

In the last century and a half, Hiscock & Barclay has evolved from a practice dedicated to railroad, banking and manufacturing law, to one that now covers 26 practice areas ranging from construction and environmental law, to labor, real estate and international business services.

Mr. Speaker, I am pleased to have this opportunity to recognize Hiscock & Barclay, a firm with a long tradition of commitment to developing the young people in our community who are most in need of guidance. Judge Wheatley’s outstanding dedication and accomplishments have not only impacted countless young lives, but have also been recognized by a number of the professional organizations of which he is a member. He has not only been inducted into the Charles Houston Bar Association’s Hall of Fame, but has also received its “Judicial Excellence Award.” In addition, he was also given the Bernard S. Jefferson Gold Debate Key for his outstanding performance in the American Bar Association’s 300,000 members in several noteworthy cases which resulted in precedent-setting rulings in favor of public school teachers’ rights and benefits.

Judge Wheatley was appointed as a Judge of the Alameda County Municipal Court on July 1, 1981 by California Governor Edmond G. ‘Jerry’ Brown, Jr., and was elevated to the Alameda County Superior Court when all of the courts in Alameda County were unified in 1998. Known for his tendency to give many young defendants the choice to “Go to school or go to jail,” Judge Wheatley’s career on the bench was celebrated by his steadfast commitment to serving the young people in our community who are most in need of guidance.

Judge Wheatley’s family, friends and colleagues come together to celebrate the impact of his life and work not only on the innumerable young lives he touched here in Alameda County, but the lasting effects his rulings and his commitment to true justice have had and will continue to have on our legal system. On behalf of the 9th Congressional District of California, I salute and thank Judge Wheatley for his remarkable impact on the lives of the people of Alameda County, the 9th Congressional District, the State of California and our entire country.
Mr. Speaker and Colleagues, please join me in honor and celebration of the Cleveland Indians Organization, as they partnership with the Hispanic Community Services Coalition to celebrate Hispanic Heritage Month and Viva Cleveland! Their collective and individual efforts serves to celebrate our diversity and provides humanitarian assistance where needed, thereby enhancing the lives of countless people, and bolstering the spirit of the City of Cleveland, and far beyond.

**FRIENDS OF THE FAMILY**

**HON. MICHAEL C. BURGESS**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, September 28, 2005**

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Denton County organization Friends of the Family for celebrating its 25th anniversary. This is a great accomplishment, and I am proud to have an establishment such as this in the 26th Congressional District of Texas.

Friends of the Family is an organization that works to provide crisis intervention, safe shelter, counseling, support services, and advocacy for all those impacted by domestic violence or sexual assault. The organization also facilitates community awareness and involvement through education, information, and violence prevention programs.

From a starting budget of $10,000 in 1980 to this year's $1.5 million budget, the organization has grown a great deal in 25 years. With the program employing licensed professional counselors, social workers and psychologists, instead of relying solely on volunteers, they now serve about 7,000 people annually.

Congratulations to Denton County’s Friends of the Family on their anniversary. Twenty-five years of service is a milestone to be celebrated.

**IN HONOR OF THE CLEVELAND INDIANS**

**HON. DENNIS J. KUCINICH**

**OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, September 28, 2005**

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Major League Baseball’s Cleveland Indians Organization, in partnership with the Hispanic Community Services Coalition as they unite in celebration of Hispanic Heritage Month and Viva Cleveland!

Viva Cleveland!, a joyous event, will be held at Jacobs Field on September 16th and will showcase the Parade of Flags representing 21 Latino nations, and carried aloft by youth of Hispanic heritage. The Parade of Flags promises to reflect the diverse, rich and colorful fabric that comprises the brilliant mosaic of our Cleveland community.

The players, administrators and fans of the Cleveland Indians’ organization carry on a century-old legacy of community outreach focused on cultural and charitable causes throughout northeast Ohio. Their individual and collective service continues to provide an array of life-enriching programs for baseball fans of all ages. The vital programs implemented by the Cleveland Indians and in partnership with other community agencies, serves to elevate the quality of life for countless families and individuals throughout our community. The

Cleveland Indians’ support of the young people of our region is offered through three programs: Educational, Recreational and Humanitarian. These programs provide the necessary support and guidance to assist our youth in attaining their educational and professional goals, and also promotes strength in character by fostering self-confidence.

Mr. Speaker and Colleagues, please join me in honor and celebration of the Cleveland Indians Organization, as they partnership with the Hispanic Community Services Coalition to celebrate Hispanic Heritage Month and Viva Cleveland! Their collective and individual efforts serves to celebrate our diversity and provides humanitarian assistance where needed, thereby enhancing the lives of countless people, and bolstering the spirit of the City of Cleveland, and far beyond.

**SUPPORTING THE GOALS AND IDEALS OF ‘LIGHTS ON AFTER-SCHOOL!’**

**SPEECH OF**

**HON. SILVESTRE REYES**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, September 27, 2005**

Mr. REYES. Mr. Speaker, I rise today in strong support of H.J. Res. 66, a bill supporting the goals and ideal of “Lights On After-sch**

**FORUM**

In honor and recognition of Major League Baseball’s Cleveland Indians Organization, in partnership with the Hispanic Community Services Coalition as they unite in celebration of Hispanic Heritage Month and Viva Cleveland! Their collective and individual efforts serves to celebrate our diversity and provides humanitarian assistance where needed, thereby enhancing the lives of countless people, and bolstering the spirit of the City of Cleveland, and far beyond.

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**NORTH TEXANS EMBRACE A VICTIM AND NURTURE A SURVIVOR**

**HON. KAY GRANGER**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, September 28, 2005**

Ms. GRANGER. Mr. Speaker, I want to tell America about a very special girl named Aurica and the very special people who are helping her.

In April, 2005, Congresswoman DEBORAH PRYCE led a Congressional delegation on a fact-finding mission to Albania, Moldova, Italy and Greece. Congresswoman THELMIA DRAKE and I accompanied Ms. Pryce to see the effects of the growing Epidemic of sex trafficking in women and children. Our finding? That sex trafficking is a real and growing threat to women and children everywhere. Our solution? To fight for the rights of these precious victims one person at a time.

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a flight on a commercial airline. She would need to fly on a plane equipped for patients. Once more, Americans were there to donate their services. Rod Crane, the CEO of MedFlight of Ohio offered to transport Aurica on an air ambulance. Normally, this would cost $80,000. But Rod agreed to pay for the flight and for a doctor to travel with Aurica.

The next step was the actual surgery and recovery. Once Aurica got to Dallas, she got the treatment she needed. But the road wasn’t easy. She underwent surgery at TBI. Dr. Barron Sachs led a team of physicians during the initial delicate spinal surgery and afterward. This team included William Struthers, M.D., Anesthesiologist, Ted Wen, M.D., Radiologist, Nayan Patel, M.D., Physiatrist, John Josephs, M.D., General Surgeon, Stephen Rubin, D.O., Anesthesiologist, Son Do, M.D., Gastroenterologist, Mike Gross, M.D., Urologist, James Montgomery, M.D., Anesthesiologist, Andrew R. Block, Ph.D., Psychologist, Michael Blackmon, M.D., Intensive Care Specialist, and Mark McQuaid, M.D., General Vascular Surgeon. This was followed by a second surgery under the care of Dr. Alan Jones at Parkland Hospital in Dallas. After that, she spent three weeks recovering at the highly-acclaimed Zale Lipshy Center located on the UT Southwestern campus. All donated.

Finally, Aurica’s journey took her to four months of recovery in outpatient physical therapy. Since she needed a place to stay, we contacted David Tesmer, Vice President for Government and Community Affairs at Texas Health Resources. He offered the services of Presbyterian Village North in Dallas, one of the best assisted-living facilities in the state. At Presbyterian Village, both the President, Ron Bergstrom, and the lead nurse, Becky Williams, made every effort to give Aurica every comfort. When Aurica arrived, she was given a fully furnished room. And today, thanks to the love of so many, Aurica is on the way to a full recovery.

What a journey this has been. This is the story of a very special woman and the very special people who have helped with her recovery. From time to time we hear critics complain about what is wrong with America. This story shows us what is right with America. We are still a nation that is great because our people are good. And not just the ones I named. There are still others.

Like The Kula Group for donating more than $30,000 in time and expenses; the Texas Back Institute’s Physical Therapy division, which donated all of the outpatient physical therapy; Doug Hawthorne, CEO of Texas Health Resources; Jim Boswell and Leslie Baker from Presbyterian Hospital of Dallas; the nursing and physical therapy staff at the Zale Lipshy Center; Linda Caram of SBC Communications; The Daniel Dawn Smalley Foundation; AmeriSuites in Plano; Father Dimitru and Gladiola Paun; and everyone else at Presbyterian Hospital of Plano, Parkland Hospital, and Presbyterian Village North.

Thanks for making an effort to make a difference. You have shown the nation and the world that America’s generosity knows no boundaries, no barriers, no limits. We will always speak for the voiceless, stand with the helpless, and fight for the powerless.
of Law in 1973 and graduated three years later with a Juris Doctor degree.

Throughout her noteworthy career as an attorney, Judge Jasper worked in private practice and served as general counsel for a local financial institution. She became the assistant attorney general for the Bureau of Worker’s Compensation. Judge Jasper served for four years as a magistrate with the Cuyahoga County Domestic Relations Court before being elected as Judge with the Cleveland Municipal Court in 1987. She was re-elected to the bench for two more consecutive terms, in 1993 and 1999. Beyond her dedication to her family and profession, Judge Jasper continues to offer her time and talents as an active leader within her neighborhood, her church and within several civic organizations.

Mr. Speaker and Colleagues, please join me in tribute and recognition of Judge Mabel M. Jasper, as she is being honored on September 16, 2005, by colleagues and friends to celebrate her significant contributions to the Cleveland community, framed by tenacity, integrity and excellence. As a distinguished judge and attorney, Judge Jasper’s brilliant legacy will continue to inspire us all, and will serve as a beacon of possibility for people of all races, lighting a clear path along which others will follow. I wish Judge Mabel M. Jasper continued health, happiness and peace as she journeys onward from this day.

HONORING THE 216TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to honor the 216th Anniversary of the United States Marshals Service (USMS), our nation’s oldest federal law enforcement agency.

The Judiciary Act of 1789 created the United States Marshals Service. That same year, President George Washington appointed the first thirteen U.S. Marshals. At that time the Service’s primary mission was to support the federal courts; however, U.S. Marshals and Deputy U.S. Marshals also performed a myriad of duties such as executing warrants, distributing presidential proclamations, registering enemy aliens in time of war, controlling riots, conducting the national census, collecting commerce statistics, and protecting the President. Many of these responsibilities have changed over the past 216 years, yet the Service’s dedication to integrity and justice has remained constant.

Today, the USMS provides for the custody and transportation of federal prisoners, ensures protection for witnesses, and manages the maintenance and disposal of seized and forfeited properties. Also of great importance is the Service’s fugitive apprehension mission. The USMS apprehends more federal fugitives than all other federal law enforcement agencies combined. State and local law enforcement agencies nationwide have found the Service to be an invaluable fugitive apprehension resource. U.S. Marshals and Deputy U.S. Marshals carry out complex and life-threatening missions daily, striving to maintain the integrity of the American judicial process.

Over the years, the USMS has earned its reputation as one of the most versatile and effective law enforcement agencies in the world. The 4,500 men and women of the U.S. Marshals Service are justly proud of their history. I too am proud, and wish to commend the United States Marshals Service and thank them for their dedication to law enforcement community and to our nation.

THE GOLDEN POPPY AWARD

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. FARR. Mr. Speaker, I rise today to mark the annual selection of The Golden Poppy Award in California. The Golden Poppy Award is given annually by the California State Parks Foundation to individuals or organizations that have made a significant contribution to protecting, enhancing, and advocating for California’s state parks. This year’s recipient of the Golden Poppy Award is Toyota Motor Sales, U.S.A.

Support of our state parks means support of our environment. This company has developed its own “Toyota Earth Charter.” In it, Toyota outlines its goal of growing as a company in a way that is in harmony with the environment, including achieving zero emissions throughout all areas of business activities. To that end the company pledges to build close and cooperative relationships with a wide spectrum of organizations involved in environmental preservation, including governments, local municipalities, and related companies and industries.

One such example of the company’s interest in a clean environment is its development of a high-mileage, low-emissions gas-electric hybrid vehicle, the Prius. The technology behind the Prius has made Toyota a leader in environment friendly hybrid technology today.

In keeping with the spirit of their Earth Charter, Toyota supports a wide range of projects and awarded a major grant to the California State Parks Foundation for its “Coast Alive!” program. “Coast Alive!” underwrites workshops to middle school teachers that enable them to lead their classes on field studies at nearby State Parks. Armed with this knowledge, their students study the fragile marine ecology of our coastline, experience its beauty, and come to understand the importance of restoring and preserving it as a valuable resource.

With the generous donation from Toyota, the Foundation will be able to create interactive, multi-media materials for this program. Mr. Speaker, I join with the California State Parks family in congratulating Toyota Motor Sales, U.S.A. on earning the Golden Poppy Award, the symbol of the Golden State.

IN HONOR OF HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Hispanic Heritage Month—a celebration of Americans of Hispanic heritage and their significant, collective and individual contributions to our community and to our nation.

Hosting one of the events this year is the Cleveland Public Library. The Cleveland Public Library and regional branches continue the commitment to promoting our diverse community, richly infused with Hispanic culture and language. As part of the Library’s 2005 Strategic Plan, new and permanent resources of Spanish Language collections is now underway, along with the implementation of a Spanish language website.

Hispanic Heritage Month is reflective of the five hundred-year history of Hispanic culture and contribution to America. Hispanic Americans have contributed immeasurably to all areas of our culture—from medicine, law and business, to education, music and the fine arts. Hispanic Americans in our community and in communities across the country are life-saving doctors and nurses, veterans, inspiring professors, dedicated teachers, committed elected officials, fair-minded judges, and hardworking factory employees. Americans of Hispanic heritage continue to bring energy, innovation, and a real sense of social justice to America, while retaining the cultural traditions of their homeland for all citizens to enjoy.

Mr. Speaker and Colleagues, please join me in honor and celebration of Hispanic Heritage Month, and join me in expressing my gratitude for the outstanding contributions made by Hispanic Americans. Their journey to America, fraught with significant obstacles and strife, paved the way for a better life for their children and future generations, and signifies what it means to be an American. In our diversity we find strength. Within our traditions we find unity. Because of their journey, and the journey of people from all points of the world, we are stronger as a community, more unified as a nation, and better as people.

STERLING HEIGHTS’ FIRE FIGHTERS UNION ANNUAL DINNER-DANCE

HON. SANDER M. LEVIN
OF MICHigan
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. LEVIN. Mr. Speaker, on Friday, September 30, 2005 the Sterling Heights’ Fire Fighters Union will host their Annual Dinner-Dance, honoring their 2005 retirees. This year’s event honors Sterling Heights firefighters for their dedication to their community and recognizes their commendable contributions to the city. I am pleased to be associated with this fine organization and to call many of them my friends.

I rise today to pay tribute to the careers of three retiring firefighters. Tom Kropf was appointed as a Sterling Heights lieutenant on May 21, 1979. He was licensed as an Emergency Medical Technician in December 1980. Upon his completion of the maiden medic program in December 1991, he was promoted to firefighter ALS (Advanced Life Support) on June 19, 1992. He has been promoted three times through to the rank of Captain. Tom Kropf has served the City of Sterling Heights for 26 years and has received many awards and recognitions.
Mr. Krop was Employee of the Month in Feb-
uary 1987 and Firefighter of the Year in 1990.
He received a citation for performing lifesaving
efforts on June 2, 1998 and the Fire Chief's
Award in March 2002.

Bill Kreston earned his Bachelor's degree in
math from Eastern Michigan University in 1972.
First promoted by the Hamtramck Fire
Department, Mr. Kreston was hired by the
Sterling Heights Fire Department in 1986. He
received a Meritorious Unit Citation for freeing
a pinned victim from a serious auto accident
in 1990. He has also received numerous safe
driver awards. On July 27, 1992, Mr. Kreston
was promoted to Fire Equipment Operator; on
July 2, 1997, he was promoted to the rank of
Lieutenant; and to the rank of Fire Inspector

Fred Campau was appointed as a Sterling
Heights Firefighter on January 21, 1980. He
was a member of the maiden medic course and
pioneered the way for future Advanced Life
Support students. He has received many
distinctions, including 5-year Safe Driver
Awards, Perfect Attendance Award and the
Mr. Campau was appointed as a Sterling
Heights Firefighter on October 17, 1995 and Fire

Mr. Speaker, I ask my colleagues to join me
in recognizing these three heroes, who have
dedicated themselves to the community with
valor, commitment and honor.

A TRIBUTE TO POLYTECHNIC UNIVERSITY

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. TOWNS. Mr. Speaker, I rise today to
honor Polytechnic University upon the ex-
tremely momentous occasion of its Sesqui-
centennial celebration. It is a privilege to rep-
resent Polytechnic University in the United
States House of Representatives and I hope
my colleagues join me in recognizing its il-
lustrious history and impressive accomplish-
ments.

Founded in 1854 for "the higher education
of lads and young men," Brooklyn Collegiate
and Polytechnic Institute welcomed its first
class of 265 students at 99 Livingston Street
on September 10, 1855. The Institute thrived,
and by the close of the 19th century, it was a
full-fledged school of engineering with a new
name—Polytechnic Institute of Brooklyn.

By its 100th birthday in 1954, Polytechnic
had outgrown its campus in varied downtown
Brooklyn locations. In 1957, it moved to a cen-
tralized location at 333 Jay Street, former
home to the American Safety Razor Factory. In
1973, Polytechnic merged with the New
York University School of Engineering and
Science and was renamed Polytechnic Insti-
tute of New York. In 1985, the Institute was
granted university status by the New York
State Board of Regents and officially renamed
Polytechnic University.

Over the next 17 years, the University ex-
erenced the greatest transformation in its his-
tory. Polytechnic spearheaded the creation of
MetroTech Center, a 16-acre, $1-billion univer-
sity-corporate park in Brooklyn, NY, which was
built around its existing campus. The Univer-
sity updated its facilities and built a new home
in 1992, for its Bern Dibner Library of Science
and Technology and its Center for Advanced
Technology in Telecommunications.

Mr. Speaker, Polytechnic University is an
extremely prestigious institution, which has
dedicated itself to producing students who are
prepared to change and embrace the ever-in-
creasing technological world. Under the lead-
ership of its new President, Jerry MacArthur
Hullin, I am confident that Polytechnic Univer-
sity will continue to teach and challenge its
students to be among our nation's brightest.

Mr. Speaker, I want you to know that it is incum-
ent upon this body to recognize the prestigious
accomplishments of Polytechnic University
and join the university in celebrating 150 years
of dedicated service to the people of the
United States.

RECOGNIZING THE HURON RIVER VFW POST 4434 ON ITS 60TH AN-
NIVERSARY

HON. THADDEUS G. MCCOTTER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. MCCOTTER. Mr. Speaker, I rise today to
honor and commemorate the 60th anniver-
sary of the Huron River Veterans of Foreign Wars
Post 4434, whose members have val-
antly defended our Nation against all enemies
and, often, all odds.

As they transitioned back to their loved ones
and civilian life, the Huron River Veterans of
Foreign Wars have provided a stellar example of
service above self, and have championed the
cause of liberty and equality within our Nation
and our world. May their her-
orism and altruism ever be remembered as an
inspiration to every generation of Americans.

In conclusion, then, Mr. Speaker, let us all
extend our enduring gratitude to the Huron
River Veterans of Foreign War Post 4434. It is
the least we can do for those who have done
so much for us.

IN HONOR OF ELLIE MAPSON, JR.

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in
honor and recognition of Ellie Mapson, Jr.,
whose integrity, warmth, faith and concern for
others continues to pave the way for strength
and renewal throughout our Westside commu-

ity. Mr. Mapson's professional talents and
spirit of volunteerism have fortified all aspects
of the West Park Community Coalition, Inc.
and the Second Calvary Baptist Church.

Mr. Speaker and colleagues, please join me
in honoring and recognizing of Ellie Mapson, Jr.,
whose integrity, warmth, faith and concern for
others continues to pave the way for strength
and renewal throughout our Westside commu-

ity. Mr. Mapson's professional talents and
spirit of volunteerism have fortified all aspects
of the West Park Community Coalition, Inc.
and the Second Calvary Baptist Church. His
activism on behalf of all of our entire community of
fers light, hope and the promise of a better
day for people of the Westside, and for our
element Cleveland community.

PERSONAL EXPLANATION

HON. JERRY WELLER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. WELLER. Mr. Speaker, I rise today to
enter into the RECORD votes I would have cast
had I been present on the legislative days of
September 21, September 22 and September 26 of 2005 for Roll Call votes 478 through 493.

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September 21, September 22 and September 26 of 2005 for Roll Call votes 478 through 493.
Project Backpack was begun by Jacqueline, Melissa, and Jenna Kantor, three young sisters from Bethesda, Maryland. These sisters came up with an idea to collect donations of backpacks, toys and school supplies to be sent out to the thousands of children who were not able to return to school in the wake of Hurricane Katrina. Inspired by the concept of “kids helping kids,” Project Backpack has been tremendously successful.

Joined by Sodexo USA and other charitable organizations, Project Backpack has set a local goal of 10,000 backpacks and a national goal of 100,000. I encourage people throughout the United States to participate in this worthy project.

I applaud Jacqueline, Melissa, and Jenna in their continued efforts to help the children affected by Hurricane Katrina.

PERSONAL EXPLANATION

HON. JIM MCDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. MCDERMOTT. Mr. Speaker, I missed votes on September 27, 2005. Had I been able, I would have voted “yea” on H. Res. 66 (Rollcall vote 472), “yea” on H. Res. 67 (Rollcall vote 484), “yea” on H.R. 438 (Rollcall vote 495) and “yea” on H. Con. Res. 209 (Rollcall vote 496).

COMMEMORATING THE 25TH ANNIVERSARY OF THE LAKE HIGHLANDS REPUBLICAN WOMEN

HON. JEB HENSAELING
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. HENSAELING. Mr. Speaker, today, I would like to commemorate the 25th anniversary of the Lake Highlands Republican Women. In December of 1980, the Lake Highlands Republican Women were formed, based on the guiding principle of the National Federation of Republican Women, “to foster and encourage loyalty to the Republican Party and the ideals for which it stands.”

For the past 30 years, the Lake Highlands Republican Women have worked hard to promote the principles of the Grand Old Party and to elect Republican leaders from the Courthouse to the White House.

The Lake Highlands Republican Women are truly helping make our community and our country a better place to live. The Lake Highlands Republican Women continue to strengthen the Republican Party through candidate recruitment, training and election activities as well as advocating the GOP common sense conservative philosophy of family, faith, free enterprise, and freedom.


INTRODUCTION OF THE WOOD STOVE REPLACEMENT ACT OF 2005

HON. TIM MURPHY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. MURPHY. Mr. Speaker, I am pleased to introduce the Wood Stove Replacement Act of 2005. I am joined in the introduction by Representative MELISSA HART.

Quite simply, our bill would provide a tax credit of $500 for individuals and families who replace their old, dirty, uncertified wood stoves with new, EPA-compliant, clean-burning wood stoves or fireplace inserts. As America’s cities and counties struggle to come into compliance with the National Ambient Air Quality Standards set by the U.S. Environmental Protection Agency, smaller and more diverse sources of pollution are regulated. The primary air pollution problem in many areas of the country, including Pittsburgh, is particulate matter. Particulate matter, or soot, is emitted from burning fuels such as coal, as well as wood.

On December 17, 2004, the EPA designated nearly two hundred and fifty counties in the U.S. as out of compliance with federal air quality standards for “fine particulates” (particles under 2.5 microns in diameter). EPA has concluded that wood smoke from residential wood combustion appliances, fireplaces and wood stoves, is a significant contributor to fine particulate pollution in many of the designated counties.

In 1986, EPA established a New Source Performance Standard, or NSPS, that imposed strict limits on the wood smoke that can be emitted from wood burning stoves, and it implemented a program for certifying the performance of wood stoves that comply with the standard. EPA-certified wood stoves reduce wood smoke emissions by as much as 90 percent. According to the EPA, “certified wood stoves burn more cleanly and efficiently, save [. . .] money, reduce the risk of fire, and improve air quality inside and outside [the] home.”

It is estimated that there are as many as 10 million old, uncertified, pre-NSPS wood stoves still in use in American homes. Fourteen thousand of them are in my area in Pittsburgh. Many of the uncertified wood stoves still in use today were purchased at the height of the fossil fuel crisis in the 1970s. Many of them were installed in lower income, rural residences with ample access to free or low-cost wood fuel. The installed cost of new, certified stoves can be as high as $2,000 to $3,000, which is out of reach for many users of the old, uncertified units. To encourage users of old, dirty-burning units to trade up to new certified stoves, strong incentives must be provided. Local regulations prohibiting the use of uncertified woodstoves are politically unpalatable unless financial assistance is provided to enable homeowners to abide by such prohibitions and to keep their families and neighbors safe in the winter with low-cost, renewable wood fuel.

According to the EPA, “Helping areas of the country reduce pollution and meet national air quality standards for fine particles is our top priority . . . . By combining local programs like clean wood stove installation with tough new federal regulations on power plants, cars, trucks and diesel equipment, we can dramatically reduce fine particle pollution and improve public health across the country.”

Our legislation to provide a federal tax credit for the replacement of uncertified wood stoves is an important way to reach consumers who otherwise may never replace their old stoves. This credit would only be available to consumers who live in areas designated as out of compliance with the fine particle and total particulate standards. A $500 tax credit would give consumers living in poor air quality areas an immediate incentive and necessary financial assistance to remove their old stove now. By using the cleaner stoves, consumers will save on fuel costs by burning one-third less wood and reduce fine particle pollution in their area thereby improving their health and the health of their families and neighbors.

The need to encourage consumers to burn cleaner, more efficient wood stoves has been an urgent matter. The record-high costs predicted for home heating this winter will likely push many consumers to choose more affordable wood heating. With nearly 10 million old, conventional, dirty wood stoves still in use today, it is imperative that consumers have an incentive to change out their old appliances for clean, more efficient, and EPA-certified wood stoves.

Representative HART and I are introducing this bill to coincide with an EPA event in Pittsburgh on September 29. That will be National Wood Stove Change-Out Day, where EPA encourages owners of old stoves to trade them in for new, certified units. The incentives in this bill should help accomplish this goal.

SUPPORTING THE GOALS AND IDEALS OF DOMESTIC VIOLENCE AWARENESS MONTH

SPEECH OF
HON. BETTY MCCOLLMAN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 27, 2005

Ms. MCCOLLMAN of Minnesota. Mr. Speaker, I rise today in support of this resolution to recognize the goals and ideals of Domestic Violence Awareness Month. This week we will also be considering legislation that will reauthorize the Violence Against Women Act. It is my hope that we will strengthen and improve measures to ensure safe homes and communities for children and families.

Congress must continue to raise awareness of domestic violence in the United States and the devastating effects violence has on too many of our American families. We must also ensure that the organizations working to end domestic violence in our communities have the resources they need to provide services to the survivors of family violence, sexual assault, and stalking. These families and organizations deserve our commitment.

In my own State of Minnesota, VAWA funding went to programs and services for battered women and their children. The absence of those projects in my own District include: The St. Paul based Southern Minnesota Regional Legal Services, which provides legal
advocacy services to young Native American women in collaboration with the Ain Dah Yung Center.

Breaking Free in St. Paul: A transitional housing program for women of color escaping prostitution.

St. Paul-based Minnesota Coalition of Battered Women, which links battered women’s programs across the state to help fulfill the goals of VAWA, including legal assistance; training for police, prosecutors, and court officers; and protection for battered women and their children.

Other projects in Minnesota include:

The Domestic Abuse Intervention Project in Duluth—a comprehensive review of the criminal justice and civil court response to battered women.

The Women’s Rural Advocacy Program in Southwest Minnesota, which purchases and implementation of digital cameras and printers for improved prosecution of domestic violence cases.

Migrant Health Services in Crookston, which provides domestic violence and sexual assault services to Hispanic migrant farm workers in the Red River Valley.

In addition to the lives saved by improved responses to violence against women, VAWA has saved our country nearly $15 billion in social costs, such as savings in the judicial and health care systems.

The month of October also marks the anniversary of a great loss to the domestic violence community—the untimely deaths of Paul and Sheila Wellstone. Not only were Paul and Sheila tireless advocates for abused women and children, they were also instrumental framers of VAWA. The Wellstones are greatly missed by Minnesotans and people throughout our Nation.

It is in recognition of those who continue the legacy of a commitment to ending domestic violence in homes and communities across our Nation, and in honor of survivors of domestic violence, that I stand today in support of Domestic Violence Awareness Month.

PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

SPEECH OF HON. BETTY McCOLLUM OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, today I rise to oppose the Boustany amendment and all the explicit discrimination it represents.

Mr. BOUSTANY’s proposal fundamentally changes Head Start hiring and firing protections provided for Head Start teachers and staff by Federal Equal Employment Opportunity laws. If this amendment passes, this would be the first time Congress has acted on the House Floor to specifically repeal civil rights protections established to combat discrimination.

The amendment is a blatant attack on civil rights. And, it is offensive to Americans who value equal rights, and justice, and to the many of us who are strong people of faith.

This amendment would allow faith-based organizations that receive Federal Head Start dollars to discriminate in the hiring and firing of Head Start employees simply based on religion. These changes could also affect Head Start parents who might serve as volunteers or advisory board members for their children’s Head Start program.

And these acts of discrimination would be paid for with U.S. taxpayer dollars!

In addition, this amendment changes Federal Equal Employment Opportunity laws in the Head Start Act. The effects of these changes on the rights of women and people with disabilities are unclear. Certainly the questions surrounding this possible reductio in rights should be answered before we undo hard-fought civil rights protections.

Let us be clear. Faith-based organizations currently are providing Head Start services. I support faith-based organizations. Their missions and their work are valued by all of us. This amendment provides no additional opportunities to faith-based Head Start providers. It simply provides them the explicit right to discriminate based on religion using taxpayer dollars.

Mr. Speaker, Head Start is a program intended to reduce barriers and to provide increased opportunities and equality for low-income children and their families. It is shameful that some of my colleagues are acting today to reduce opportunities and increase barriers for Head Start.

I urge my colleagues—don’t give discrimination a Head Start. Oppose this dangerous amendment.

MAUDELLE SHIREK POST OFFICE BUILDING

SPEECH OF HON. TIM HOLDEN OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2005

Mr. HOLDEN. Mr. Speaker, I rise today to recognize that on September 27, 2005, I voted “yea” on H.R. 438 (rollcall No. 495), which designates the United States Postal Service facility located at 2000 Allston Way in Berkeley, California, as the “Maudelle Shirek Post Office Building.”

Ms. Maudelle Shirek was the former vice-mayor of the City of Berkeley and Member of Berkeley City Council from 1984 to 2004, between the ages of 73 and 93. She was one of California’s longest serving elected officials.

For 60 years, Ms. Shirek has been campaigning for fair housing and civil rights for all Americans, especially the poor. Ms. Shirek helped found two Berkeley senior centers. Until her health started slowing her down, Ms. Shirek helped deliver meals to shut-in seniors and did all the grocery shopping for lunches at the New Light Senior Center. In addition, Ms. Shirek received a Special Recognition Award in 1997 from the Cooperative Credit Union for 55 years of tireless work in the credit union movement.

Before voting on H.R. 438, I was fully aware of the aforementioned efforts and achievements during Ms. Shirek’s life. I found them reason to now name Post Office after her. However, after I voted “yea” on H.R. 438, I was informed of Ms. Shirek’s active support for the release of Mumia Abu-Jamal, a man convicted of killing a Philadelphia police officer. Upon learning this, I could not, in good faith, support H.R. 438. Had I known this prior to voting on H.R. 438, I would have voted “nay.”

CINDY SHEEHEAN: PEACE MOM AND PATRIOT

HON. CHARLES B. RANGEL OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor Cindy Sheehan, the “Peace Mom” from Vacaville, California, whose 24-year-old son Casey was killed in Sadr City, Iraq on April 4, 2004. Referring to by some as, the “Rosa Parks” of the peace and justice movement, she was arrested today in front of the White House while calling on President Bush to end the War in Iraq.

Cindy had traveled to Washington from Crawford, Texas where, intent on a face-to-face meeting with President Bush, she gained national attention by camping outside the Texas White House during the President’s summer vacation. The site was called Camp Casey in honor of her son.

Cindy Sheehan wanted to ask President Bush: What is the "noble cause" that my son Casey died for?

Like millions of people in this country, Cindy Sheehan knew there were no weapons of mass destruction in Iraq, the citizens in the United States had never been in “imminent danger” from Saddam Hussein and Iraq had no connection to 9/11 as the President had claimed. As a mother she felt she had the right to ask the President to meet with her to explain why her son had been sent on a fraudulent mission. After all, he had the time for a bicycle ride with Lance Armstrong. She felt he should make the time to meet with her.

The President refused to meet with Cindy, but sent two high level White House officials in his place. Explaining this substitution, President Bush stated that he had to go on with his “normal life” and that the American people wanted him to do that. Cindy announced she would not leave Crawford until Mr. Bush met with her or left for Washington DC.

As Cindy Sheehan waited in the broiling Texas sun, people began to come to Crawford to be with her. They wanted to support her and to send a message to the President that they, too, wanted an explanation for the war. Thousands came from across the country; some stayed a few hours, others, a few days.

When authorities ordered her to move Camp Casey, a local landowner gave her space on his ranch for an even larger encampment. White crosses with the names of the soldiers killed were planted in the ground. The boots Casey was wearing when he died were placed with his cross as were the boots of other soldiers whose crosses were at Camp Casey.

After President Bush finally left his ranch a few days short of his planned five week vacation, four groups of Cindy’s supporters—Gold Star Families for Peace, Military Families Speak Out, Iraq Vets Against the War and Veterans for Peace—left Camp Casey on a “Bring Them Home Tour” from Crawford, TX to Washington, DC.

The Veterans for Peace sent a bus to Covington, KY, to deliver supplies to victims of
Hurricane Katrina. Three other buses filled with representatives of each group toured the central, southern and northern States and met in Washington on September 22nd to prepare for the peace march on September 24, 2005.

An estimated 300,000 people participated in the demonstration. Cindy spoke to the crowd who welcomed her as a hero. I called Cindy the “Rosa Parks” of this peace movement. Like the woman who sparked the civil rights movement, Cindy is the one person who has come forth to inspire others to do more than they believed themselves capable of doing. On that day when our grandchildren attend war in Iraq, we will be able to say: We spoke out and stood up in support of Cindy Sheehan.

HIGHER EDUCATION EXTENSION ACT OF 2005

SPEECH OF
HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 20, 2005

Ms. MCCOLLUM of Minnesota. Madame Speaker, I rise today in support of the temporary 3-month extension of the Higher Education Act. I would prefer to rise today to express my support for a bill that expands access for students to college and fulfills the Federal government’s promises to make college more affordable for students attending our nation’s colleges and universities. Unfortunately, that is not the bill before us today. It is my hope, however, that the Republican leadership will use this time provided by the extension to improve their plan to reauthorize the Higher Education Act—H.R. 609.

The Republican bill that passed out of the House Education and the Workforce Committee on a strictly partisan vote balances the massive deficit created by enormous tax breaks to America’s most fortunate and the war in Iraq on the backs of students—who continue to face increased tuition costs across the nation. H.R. 609 cuts nearly $9 billion from the Federal student loan program, with Republican plans to cut an additional $2 billion in order to balance their misguided budget. This cut is the largest cut to student financial aid in the history of Federal student financial aid.

The Reauthorization of the Higher Education Act should be an opportunity to enhance access for our nation’s low and moderate income students and first generation students to a higher education. Instead of finding ways to increase college affordability and fund student financial aid during this reauthorization, Republicans have been focused on finding ways to open up more Federal dollars for for-profit education institutions, while finding ways to usurp college campus autonomy. Instead of increasing the resources of students, we will see the cost of a college education increase significantly because of provisions found in H.R. 609.

In committee, I voted to support the Democratic amendment to reauthorize the Higher Education Act, which would have increased access and affordability for all students—all without raising taxes. The Democratic plan would have increased Pell Grants and would have maintained the promise Congress made in 2002 to cap the interest rate on student loans at 6.8 percent.

The tax cuts proposed by President George W. Bush and the House Republican budget, forces college students to bear the weight of irresponsible fiscal policies.

Today, this temporary extension is necessary, but I will continue to work to ensure that students will not be forced to pay for this enormous deficit now through financial aid cuts and in the future as taxpayers.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today to recognize that on September 27, 2005, I voted “yea” on H.R. 438 (rolcall 495), which designates the United States Postal Service facility located at 2000 Alston Way in Berkeley, California, as the “Maudelle Shirek Post Office Building.” Prior to voting on H.R. 438, many of my colleagues discussed Ms. Shirek’s efforts on behalf of her community. At the time, I found these remarks to be valid reasons for supporting the bill. However, after I voted “yea” on H.R. 438, I was informed of Ms. Shirek’s active support for the release of Mumia Abu-Jamal—the same man who killed Daniel Faulkner, a Philadelphia police officer.

Had I known of Ms. Shirek’s statements regarding Mumia Abu-Jamal prior to voting on H.R. 438, please let the RECORD reflect that I would not only have voted “nay” on passage of this bill, but I also would have urged my colleagues to join me in opposition.

SUPPORTING THE GOALS AND IDEALS OF ‘LIGHTS ON AFTER-SCHOOL’!

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 27, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of Resolution 66, supporting the goals and ideals of ‘Lights On After-School’, a national celebration of after-school programs. Passage of this bill will not only recognize this celebration, but also reaffirm the United States Congress’ continuing commitment to providing our children after-school programs.

The “Lights On Afterschool!” celebration was started in October of 2000 and was hosted in over 1,000 communities across the nation. The goal of the program at its inception was to call attention to the importance of after-school programs for America’s communities. Last year, 7,500 communities celebrated Lights On Afterschool! events. This October, the Afterschool Alliance, the founding organization, expects 1 million Americans to participate in “Lights On Afterschool” events.

In this time of political pressure for budget cuts, “Lights On Afterschool!” seeks to celebrate the importance of after-school programs to American Society, and assert the need for even more programs. The worth of after-school programming is not lost on the American public. Nine in ten Americans think children need organized activities or a program to go to after school where they have learning opportunities. Nine in ten also support funding for after-school programs in low-income neighborhoods.

The “Lights On Afterschool!” program calls for expanding after-school opportunities so that every child who needs a program has access to one. This is not only a good idea on paper, but a good idea in practice. Teens who participate in after-school programs are three times less likely to try drugs, and less likely to smoke or drink. Teens who do not attend after-school programs are three times more likely to skip class. Students who participate in after-school programs have better grades, are more likely to attend college, and reach higher levels of achievement. The benefit of these programs also extends to the tens of millions of parents of school aged children, who, with the help of these programs, were better able to balance family and work life.

It seems like a simple decision to support the “Lights On” program, but budget-tightening is forcing many programs to cut back or even close. There is a tremendous unmet demand for after-school programs. Today, millions of children have no adult supervision after school. Mayors surveyed in 86 cities reported that only one-third of the children needing after school care were receiving it. Over two-thirds of principals whose children lack after-school programs claim a lack of funding as the reason for not having sufficient programming.

The “Lights On Afterschool!” program is scheduled next month on the 20th of October. Supporting this program—and after-school programs in general—should be a high priority for this country and this congress.

I support H.J. Res. 66 for the foregoing reasons, and I urge my colleagues to follow suit.

PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

SPEECH OF
HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 22, 2005

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise today to express my sincere disappointment in the Committee on Rules decision to report a restrictive rule for consideration of the bill before us today, the reauthorization of Head Start, the future of our children.

Several common-sense amendments that were offered to strengthen this bill were not ruled in order. Not surprising, most of them were Democratic amendments. Instead, several amendments that were ruled in order will weaken Head Start and the opportunity for our children to succeed.

In committee, there was bipartisan support for adding “faith-based” language into the Head Start Act, even though faith-based institutions currently provide Head Start programs. We were happy to do this in committee; I was happy to do so, along with my colleagues, because the Federal Equal
Opportunity Employment laws are spelled out clearly in the bill, which do not allow for discrimination in hiring.

But there was another amendment that was not ruled in order—my amendment. My amendment would have protected the privacy of our faith-based organizations and the integrity of our tax dollars. The amendment that I offered in the Committee on Rules would have simply required faith-based organizations to create a separate bank account, a separate bank account in which to receive Federal dollars for the Head Start program—distinct and from the private dollars that a religious organization collects to advance their religious mission.

Why do we need to do that? Well, first, we need to protect Federal tax dollars from being used improperly; and, secondly, we need to protect the privacy of faith-based organizations’ accounting books for their religious mission. With the commingling of funds, if fraud is suspected, a faith-based organization would have to open up all of their books for inspection. My amendment would have required separate accounts, therefore, protecting the church’s mission and the Federal education mission of Head Start.

Mr. Chairman, let me quote from the Covenant Companion, a Christian publication, which I submit for the RECORD, as well as one other publication that speaks to this issue.

From the Covenant: “Churches are particularly vulnerable to embezzlement because of the high-level of trust given to employees and volunteers that lack the sophistication, fiscal controls, and oversight.”

My amendment simply would have been a preemptive strike against financial abuse that we know will happen because it has already occurred. For example, this past summer, $800,000 was stolen from a Federal Head Start program run by a church.

Mr. Chairman, I urge my colleagues to reject this rule. We need a new rule, one that will protect the taxpayers, one that will protect faith-based organizations, and one that will prevent discrimination.

ADDICTION, TREATMENT AND RECOVERY

HON. DAN BOREN
OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 28, 2005

Mr. BOREN. Mr. Speaker, I rise today to express my support of the 16th annual celebration of recovery month. All people are affected by addiction in some way, and it is important to celebrate those who beat addictive diseases and are now in recovery. Most people who know very little about the dangers of addiction suppose they could identify an addict if they saw one. Surprisingly, addiction can confront any person in any family, and this makes the joys of recovery all the more important. One mother whose daughter received treatment at Narconon Arrowhead in my district said:

“I am the mother of five beautiful, intelligent and talented children. I gave up a lucrative and rewarding profession so that I could spend my life raising my children. I wanted to be part of every moment of their lives. As every mother does, I made plans. Those plans were for my spouse and myself and of course, our children. We want them to be healthy, educated and successful. Six months ago, my days, hours, weeks were consumed with finding a solution to my daughter’s drug addiction, which seemed an impossible task. My daughter fought her addiction and lost since she was 13 years old. It all began by harmless experimentation with marijuana and alcohol but she then fell into the drug trap battling an addiction to every drug available today.

As her addiction grew worse and worse my husband and I feared the day when we would get the call that she had landed in jail, or worse—she had died. Thankfully that call never came. In July of 2001 we gave her an ultimatum—either she seek treatment or we could no longer have anything to do with her. For 2 months after she was “out there” doing whatever she could to get high, I have never been that scared in my life. In August she finally agreed to go into treatment.

Thanks to the Narconon Program my daughter has been clean for over six months. She is happy and functioning and for the first time in a long time, she is stable. I never want any parent to go through the nightmare that I went through with my child and there are millions of us going through it right now. I am writing this to tell you that there is hope. Today I can honestly say that I have my daughter back.”

Stories like the one from this mother give me hope. I have hope for the treatment and recovery of the growing number of citizens in Oklahoma addicted to methamphetamines. Although the problem is daunting, with enough support and understanding addiction can be beaten! I appreciate what this month celebrates, and I am proud to share a success story from my home state.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 29, 2005 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

SEPTEMBER 30

9:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of John Hillen, of Virginia, to be Assistant Secretary for Political-Military Affairs, Barry F. Lowenkron, of Virginia, to be Assistant Secretary for Democracy, Human Rights, and Labor, both of the Department of State, and Kent R. Hill, of Virginia, and Jacqueline Ellen Schafer, of the District of Columbia, both to be Assistant Administrator, United States Agency for International Development. SD–419

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the implementation of the Exon-Florio provision by the Committee on Foreign Investment in the United States (CFIUS), Department of the Treasury, which seeks to serve U.S. investment policy through reviews that protect national security while maintaining the credibility of open investment policy. SD–106

OCTOBER 5

9:30 a.m.
Indian Affairs
Business meeting to consider S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act. SR–485

10:30 a.m.
Aging
To hold hearings to examine preparing for and meeting the needs of older Americans during a disaster. SH–216

2:30 p.m.
Environment and Public Works
To hold hearings to examine the status of efforts to reduce greenhouse gases relating to the Kyoto Protocol. SD–406

Intelligence
To receive a closed briefing regarding certain intelligence matters. SH–219

OCTOBER 6

9:30 a.m.
Armed Services
To hold hearings to examine U.S. military strategy and operations in Iraq. SD–100

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the implementation of the Exon-Florio provision by the Committee on Foreign Investment in the United States (CFIUS), Department of the Treasury, which seeks to serve U.S. investment policy through reviews that protect national security while maintaining the credibility of open investment policy. SD–538

Energy and Natural Resources
To hold hearings to examine Hurricanes Katrina and Rita’s effects on energy infrastructure and that status of recovery efforts in the Gulf Coast region. SD–366

2:30 p.m.
Judiciary
To hold hearings to examine pending judicial nominations. SD–226

Intelligence
To receive a closed briefing regarding certain intelligence matters. SH–219

3 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1025, to amend the Act entitled “An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas” to authorize the Equus Beds Division of the Wichita Project, S. 1498, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, S. 1578, to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, and S. 1760, to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District. SD–366

OCTOBER 20

10 a.m.
Indian Affairs
To hold hearings to examine Indian water rights settlement policy effects on the Duck Valley Reservation proposed settlement agreement. SR–485
HIGHLIGHTS


Senate

Chamber Action

Routine Proceedings, pages S10529–S10630

Measures Introduced: Ten bills and eight resolutions were introduced, as follows: S. 1779–1788, S.J. Res. 27, S. Res. 254–259, and S. Con. Res. 54.

Measures Reported:

H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

Measures Passed:

NASA Authorization: Senate passed S. 1281, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, for fiscal years 2006, 2007, 2008, 2009, and 2010, after agreeing to the committee amendments, and the following amendment proposed thereto:

Graham (for Hutchison/Nelson (FL)) Amendment No. 1875, of a perfecting nature.

Veterans’ Benefits Improvement Act: Senate passed S. 1235, to amend title 38, United States Code, to extend the availability of $400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers’ Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs, after agreeing to the committee amendment in the nature of a substitute and an amendment to the title.

Assistance for Individuals with Disabilities Affected by Hurricanes Katrina and Rita Act: Senate passed H.R. 3864, to assist individuals with disabilities affected by Hurricanes Katrina or Rita through vocational rehabilitation services, clearing the measure for the President.

Honoring Sandra Feldman: Senate agreed to S. Res. 256, honoring the life of Sandra Feldman.

Recognizing Jacob Mock Doub: Senate agreed to S. Res. 257, recognizing the spirit of Jacob Mock Doub and many young people who have contributed to encouraging youth to be physically active and fit, and expressing support for “National Take a Kid Mountain Biking Day”.

Commending Timothy S. Wineman: Senate agreed to S. Res. 258, to commend Timothy Scott Wineman.

Airport Improvement Project Grants: Senate passed S. 1786, to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

Montana Indian Water Rights—Referral Agreement: A unanimous-consent agreement was reached providing that the Committee on Energy and Natural Resources be discharged from further consideration of S. 1219, to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc., and the bill was then referred to the Committee on Indian Affairs.

Roberts Nomination: Senate continued consideration of the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

A unanimous-consent-time agreement was reached providing for further consideration of the nomination
at 9:30 a.m., on Thursday, September 28, 2005, provided further, that the time until 10:30 a.m., be equally divided between the two leaders or their designees, and at 11:30 a.m., vote on confirmation of the nomination.

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaty:


The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

**Nominations Received:** Senate received the following nominations:

- Jendayi Elizabeth Frazer, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2009.
- Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.
- Kent D. Talbert, of Virginia, to be General Counsel, Department of Education.
- Carol E. Dinkins, of Texas, to be Chairman of the Privacy and Civil Liberties Oversight Board.
- Alan Charles Raul, of the District of Columbia, to be Vice Chairman of the Privacy and Civil Liberties Oversight Board.
- Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia.
- Kristi Dubose, of Alabama, to be United States District Judge for the Southern District of Alabama.
- Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia.
- Virginia Mary Kendall, of Illinois, to be United States District Judge for the Northern District of Illinois.
- W. Keith Watkins, of Alabama, to be United States District Judge for the Middle District of Alabama.

Routine lists in the National Oceanic and Atmospheric Administration, and Public Health Service.

**Committee Meetings**

(Committees not listed did not meet)

**APPROPRIATIONS: DEFENSE**

Committee on Appropriations: Committee ordered favorably reported H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

**PROFESSIONAL SPORTS INTEGRITY**

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine S. 1114, to establish minimum drug testing standards for major professional sports leagues, and S. 1334, to provide for integrity and accountability in professional sports, after receiving testimony from Senator Bunning; Allan H. Selig, Major League Baseball, Milwaukee, Wisconsin; Donald M. Fehr, Major League Baseball Players Association, Paul Tagliabue, National Football League, David J. Stern, National Basketball Association, Antonio Davis, National Basketball Players Association, and Gary Bettman, National Hockey League, all of New York, New York; Eugene Upshaw, National Football League Players Association, and Ted Saskin, National Hockey League Players’ Association, both of Washington, D.C.; Ryne Sandberg, Phoenix, Arizona; Robin Roberts, Tampa, Florida; Lou Brock, St. Louis, Missouri; and Paul Niekro, and Hank Aaron, both of Atlanta, Georgia.

**BUSINESS MEETING**

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

- S. 166, to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy;
S. 206, to designate the Ice Age Floods National Geologic Trail, with an amendment in the nature of a substitute;
S. 213, to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico, with an amendment in the nature of a substitute;
S. 242, to establish 4 memorials to the Space Shuttle Columbia in the State of Texas, with an amendment in the nature of a substitute;
S. 251, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon, with amendments;
S. 592, to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming, with an amendment;
S. 652, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin;
S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area;
S. 777, to designate Catoctin Mountain Park in the State of Maryland as the “Catoctin Mountain National Recreation Area”, with amendments;
S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes;
S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska;
S. 895, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, with an amendment in the nature of a substitute;
S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin, with an amendment;
S. 958, to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, with an amendment;
S. 1154, to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, with amendments;
S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation Area, with an amendment in the nature of a substitute;
S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, with amendments;
S. 1338, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, with an amendment;
S. 1627, to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware;
H.R. 126, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore;
H.R. 584, to authorize the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park, with an amendment in the nature of a substitute;
H.R. 539, to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System;
H.R. 584, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior;
H.R. 606, to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California;
H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Gibbon National Wildlife Refuge, California; and

GRAZING PROGRAMS
Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded an oversight hearing to examine the grazing programs of the Bureau of Land Management and the Forest Service, including proposed changes to grazing regulations, and the status of grazing permit renewals, monitoring programs and allotment restocking plans, after receiving testimony from Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior; Fred Norbury, Associate
Deputy Chief, National Forest System, Forest Service, Department of Agriculture; Michael Byrne, Public Lands Council, Tule Lake, California, on behalf of the National Cattlemen’s Beef Association; William S. Whelan, The Nature Conservancy, Arlington, Virginia; and Richard L. Knight, Colorado State University, College of Natural Resources, Fort Collins.

ENVIRONMENTAL POLICY MAKING

Committee on Environment and Public Works: Committee concluded a hearing to examine the role of science in environmental policy making, focusing on independent verification to science, after receiving testimony from Donald R. Roberts, Division of Tropical Public Health, Department of Preventive Medicine and Biometrics, Uniformed Services University of the Health Sciences, Department of Defense; Richard E. Benedick, National Council for Science and the Environment, and David B. Sandalow, The Brookings Institution, both of Washington, D.C.; William M. Gray, Colorado State University Department of Atmospheric Science, Fort Collins; and Michael Crichton, Los Angeles, California.

HURRICANE KATRINA: COMMUNITY ASSISTANCE

Committee on Finance: Committee held hearings to examine the economic recovery of certain Gulf Coast States, focusing on community rebuilding needs, including housing, transportation and educational assistance; and to examine the effectiveness of prior tax legislative proposals to address recent disasters affecting the United States, receiving testimony from George K. Yin, Chief of Staff, Joint Committee on Taxation; Louisiana Governor Kathleen Babineaux Blanco, Baton Rouge; Mississippi Governor Haley Barbour, Jackson; Alabama Governor Bob Riley, Montgomery; Diana Aviv, Independent Sector, and Jean-Mari Peltier, National Council of Farmer Cooperatives, both of Washington, D.C.; Deputy Mayor Daniel L. Doctoroff, New York, New York; and Gary P. LaGrange, New Orleans, Louisiana, on behalf of the Port of New Orleans and the American Association of Port Authorities.

Hearing recessed subject to the call.

COPYRIGHT PROTECTION AND INNOVATION

Committee on the Judiciary: Committee concluded a hearing to examine copyright and innovation issues relative to the Supreme Court’s recent ruling in Metro-Goldwyn-Mayer Studios v. Grokster, focusing on protection of intellectual property and the prosecution of those who steal or illegally distribute intellectual resources, after receiving testimony from Mary Beth Peters, Register of Copyrights, Copyright Office, Library of Congress; Debra Wong Yang, U.S. Attorney, Central District of California, Department of Justice; Cary Sherman, Recording Industry Association of America, Washington, D.C.; Gary J. Shapiro, Consumer Electronics Association, Arlington, Virginia, on behalf of the Home Recording Rights Coalition; Mark A. Lemley, Stanford University Law School, Stanford, California; Ali Aydar, SNOCAP, Inc., San Francisco, California; Sam Yagan, MetaMachine, Inc., New York, New York; and Marty Roe, Nashville, Tennessee.

SUDAN

Committee on Foreign Relations: Committee concluded a hearing to examine the international response to the Darfur region of Sudan, focusing on the goals of the United States toward the region, the Naivasha (North-South) Comprehensive Peace Agreement (CPA), and North Atlantic Treaty Organization (NATO) assistance to the African Union Mission for Sudan, after receiving testimony from Robert B. Zoellick, Deputy Secretary of State; and General James L. Jones, Jr., USMC, Commander, United States European Command, Department of Defense.

HURRICANE KATRINA RECOVERY

Committee on Homeland Security and Governmental Affairs: Committee continued a hearing to examine the emergency response and local efforts to meet the immediate needs of victims recovering from Hurricane Katrina, receiving testimony from County Judge Robert A. Eckels, Harris County, Texas; Mayor-President Melvin L. Holden, Baton Rouge, Louisiana; Mayor Robert V. Massengill, Brookhaven, Mississippi; and Mayor Dan Coody, Fayetteville, Arkansas.

Hearing recessed subject to the call.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 3928–3937; and 2 resolutions, H. Con. Res. 255; and H. Res. 471 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows: H. Res. 468, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–238); H. Res. 469, providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes; for consideration of motions to suspend the rules; and addressing a motion to proceed under section 2908 of the Defense Base Closure and Realignment Act of 1990 (Rept. 109–239); and H. Res. 470, providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes (Rept. 109–240).

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

Chaplain: The prayer was offered today by Rev. Thomas Johns, Pastor, St. John Vianney Parish, Mentor, Ohio.


Rejected the Sabo motion to instruct conferees by a yea-and-nay vote of 196 yeas to 227 nays, Roll No. 497.


SUSPENSIONS: The House agreed to suspend the rules and pass the following measures:

Assistance for Individuals with Disabilities Affected by Hurricanes Katrina and Rita Act of 2005: H.R. 3864, amended, to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita; agreed to amend the title so as to read: "A bill to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services."

Servicemembers’ Group Life Insurance Enhancement Act of 2005: Agree to the Senate amendment to H.R. 3200, to amend title 38, United States Code, to enhance the Servicemembers’ Group Life Insurance program;

A bill to amend the United States Grain Standards Act to reauthorize that Act: S. 1752, to amend the United States Grain Standards Act to reauthorize that Act;—clearing the measure for the President;

Recess: The House recessed at 3:10 p.m. and reconvened at 4:01 p.m.


Rejected the Stupak motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 195 yeas to 226 nays, Roll No. 500.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

Agreed to:

Sensenbrenner Manager’s amendment (No. 1 printed in H. Rept. 109–236) which makes various technical changes to the bill requested by various members and the Department of Justice, (by a recorded vote of 225 ayes to 199 noes, Roll No. 499);

Cuellar amendment (No. 2 printed in H. Rept. 109–236) that authorizes appropriations for the newly-structured Border Violence Task Force in Laredo, Texas. The amendment allows the Attorney General to designate the lead on the Border Violence Task Force that is currently being led by the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
Cuellar amendment (No. 3 printed in H. Rept. 109–236) that authorizes the FBI National Gang Intelligence Center. It adds funding in authorization for the Center for each fiscal year of the bill; Pages H8470–71

Capuano amendment (No. 5 printed in H. Rept. 109–236) that authorizes the Attorney General, acting through the Bureau of Justice Assistance, to make grants to State and local prosecutors and law enforcement agencies in support of juvenile (17 years of age or younger) and young adult (between 18 and 21 years of age) witness assistance programs. The amendment authorizes funding for each of fiscal years 2006 through 2009; Page H8472

Kennedy of Minnesota amendment (No. 6 printed in H. Rept. 109–236) which provides a requirement that treatment under the Residential Substance Abuse Treatment (RSAT) program be available to those individuals who have passed a regularly administered drug-screening test for three months and that aftercare be provided to prisoners enrolled in the RSAT program as a component of comprehensive substance abuse treatment; Pages H8472–73

Brown-Waite of Florida amendment (No. 7 printed in H. Rept. 109–236) that requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrators drug and alcohol abuse and the reported incidence of violence at domestic violence shelters; Pages H8473–74

Kolbe amendment (No. 9 printed in H. Rept. 109–236) which reauthorizes the State Criminal Alien Assistance Program (SCAAP) through FY2011 and would increase authorized funding also specifies that funds “may be used only for correctional purposes.” The amendment also requires the Department of Justice Inspector General submit a report on the correlation between domestic violence and criminal aliens; Pages H8474–76

King of Iowa amendment (No. 10 printed in H. Rept. 109–236) that prohibits a person convicted of domestic violence from sponsoring a visa applicant in the future; Pages H8476–77

Ryan of Ohio amendment (No. 11 printed in H. Rept. 109–236) which provides additional Federal funding for programs that have received grants by the Department of Justice (Office of Violence Against Women) for providing counseling and shelter for women and children in crisis pregnancies; and Pages H8477

Slaughter amendment (No. 12 printed in H. Rept. 109–236) which expands the current Federal criminal ban on fake police badges and the misuse of authentic badges to include the uniforms, identification, and all other insignia of all public officials. The use of such badges, uniforms, and insignia would be permitted for dramatic, decorative, display, and recreational purposes. Pages H8477–78

Withdrawn:
Poe amendment (No. 4 printed in H. Rept 109–236) that was offered and subsequently withdrawn that sought to establish a fixed annual allocation for State victim assistance grants and OVC discretionary grants equal to the average amount allocated over the previous three years plus 5 percent; and Pages H8471–72

Slaughter amendment (No. 8 printed in H. Rept 109–236) that was offered and subsequently withdrawn that sought to require the Office of Victims of Crime working with national, State, and local authorities and in collaboration with other Federal agencies to develop and implement a plan that allows law enforcement officials to gather evidence of a crime during times of emergency even if the crime occurred outside of their jurisdiction. Furthermore, it requires OVC to coordinate, inform, and educate victims, service providers, and law enforcement officials of the process and mechanisms available for reporting violent crimes and gathering evidence during emergencies.

The amendment in the nature of a substitute, as amended, was adopted. Page H8474

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill to reflect the actions of the House. Pages H8481

H. Res. 462, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 330 yeas to 89 nays, Roll No. 498, after agreeing to order the previous question by voice vote. Page H8406

SUSPENSIONS—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration will continue at a later date:

Expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government: H. Res. 388, to express the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government against members of Cuba’s pro-democracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations; Pages H8408–13
Expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States: H. Con. Res. 245, to express the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States; and

Pages H8418–22

Recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week: H. Con. Res. 178, as amended, to recognize the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week.

Pages H8481–85

Congressional-Executive Commission on the People’s Republic of China: The Chair announced the Speaker’s appointment of the following members to the Congressional-Executive Commission on the People’s Republic of China: Representatives Levin, Kaptur, Brown of Ohio, and Honda.

Page H8485

Selection of Majority Leader: The Chairman of the Republican Conference, Representative Pryce of Ohio, announced the selection of Representative Blunt as the Majority Leader.

Pages H8481

Senate Message: Message received from the Senate today appears on pages H8401 and H8485.

Senate Referrals: S. 37 was referred to the Committees on Government Reform, Energy and Commerce and Armed Services and S. 1281 was held at the desk.

Page H8510

Quorum Calls—Votes: 4 yea-and-nay votes and 1 recorded votes developed during the proceedings of today and appear on pages H8405, H8406, H8479–80, and H8480–81. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:53 p.m.

Committee Meetings

REVIEW NATIONAL ANIMAL IDENTIFICATION SYSTEM

Committee on Agriculture: Subcommittee on Livestock and Horticulture held a hearing to review the development of a private sector-based National Animal Identification System (NAIS). Testimony was heard from public witnesses.

HURRICANE KATRINA

Committee on Appropriations: Subcommittee on Defense held a hearing on Department of Defense (Hurricane Katrina). Testimony was heard from the following officials of the Department of Defense: LTG H. Steven Blum, USAF, Chief, National Guard Bureau; and Paul McHale, Assistant Secretary, Homeland Defense.

CORPS OF ENGINEERS—HURRICANE KATRINA

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Corps of Engineers (Hurricane Katrina). Testimony was heard from the following officials of the Department of the Army: LTG Carl Strock, USA, Chief Engineers, U.S. Corps of Engineers; and John Paul Woodley, Jr., Office of the Assistant Secretary, Civil Works; and Anu Mittal, Director, Natural Resources and Environment, GAO.

THREATS IN MIDDLE EAST AND AFRICA

Committee on Armed Services: Committee Defense Review Threat Panel held a hearing on threats in Middle East and Africa. Testimony was heard from public witnesses.

GASOLINE FOR AMERICA’S SECURITY ACT


POST-KATRINA RELIEF AND RECOVERY—GUARD AGAINST WASTE, FRAUD, AND ABUSE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Guarding Against Waste, Fraud, and Abuse in Post-Katrina Relief and Recovery: The Plans of Inspectors General.” Testimony was heard from Norman J. Rabkin, Managing Director, Homeland Security and Justice Issues, GAO; Gregory H. Friedman, Inspector General, Department of Energy; Richard L. Skinner, Inspector General, Department of Homeland Security; Thomas F. Gimble, Acting Inspector General, Department of Defense; the following officials of the Department of Health and Human Services: Joseph Vengren, Deputy Inspector General, Audits; and Michael Little, Deputy Inspector General, Investigations; Nikki L. Tinsley, Inspector General, EPA; Johnnie E. Frazier, Inspector General, Department of Commerce; and H. Walker Feaster, III, Inspector General, FCC.

PRIVATE SECTOR/BASEL

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a
hearing entitled “Private Sector Priorities for Basel Reform.” Testimony was heard from public witnesses.

IMPACT OF REGULATION ON U.S. MANUFACTURING SPOTLIGHT ON EPA

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled “The Impact of Regulation on U.S. Manufacturing: Spotlight on the Environmental Protection Agency.” Testimony was heard from Brian Mannix, Associate Administrator, Policy, Economics, and Innovation, EPA; Tom Sullivan, Chief Counsel, Office of Advocacy, SBA; and public witnesses.

SOLVING THE OTM UNDOCUMENTED ALIEN PROBLEM

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled “Solving the OTM Undocumented Alien Problem: Expedited Removal for Apprehensions along the U.S. Border.” Testimony was heard from the following officials of the Department of Homeland Security: Chief David V. Aguilar, Border Patrol, U.S. Customs and Border Protection; and John Torres, Acting Director, Office of Detention and Removal Operations, Immigration and Customs Enforcement; and Daniel W. Fisk, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State.

HOMELAND SECURITY—USE OF DOGS

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight held a hearing entitled “Sniffing Out Terrorism: The Use of Dogs in Homeland Security.” Testimony was heard from the following officials of the Department of Homeland Security: Lee Titus, Director, Canine Programs, U.S. Customs and Border Protection; and David Kontny, Director, National Explosives Detection Canine Team Program, Transportation Security Administration; Special Agent Terry Bohan, Chief, National Canine Training and Operations Support Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice; and public witnesses.

U.N. RHETORIC OR REFORM

Committee on International Relations: Held a hearing on United Nations Rhetoric or Reform: Outcome of the High-Level Event. Testimony was heard from John R. Bolton, U.S. Permanent Representative to the United Nations, Department of State.

The Committee also held a briefing on this subject. The Committee was briefed by Mark Malloch Brown, Chief of Staff to the Secretary-General, United Nations.

RESOLUTION—SUPPORTING DEMOCRATIC POLITICAL AND SOCIAL FORCES IN NICARAGUA; HOT SPOTS IN LATIN AMERICA

Committee on International Relations: Subcommittee on Western Hemisphere approved for full Committee action H. Con. Res. 252, Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country.

The Subcommittee also held a hearing on Keeping Democracy on Track: Hotspots in Latin America. Testimony was heard from Senator Coleman; the following officials of the Department of State: Charles A. Shapiro, Principal Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs; and Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, U.S. Agency for International Development; and public witnesses.

NATIONAL ENERGY SUPPLY DIVERSIFICATION AND DISRUPTION PREVENTION ACT

Committee on Resources: Ordered reported, as amended, the National Energy Supply Diversification and Disruption Prevention Act.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2006, AND FOR OTHER PURPOSES

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate in the House on H.J. Res. 68, joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit the joint resolution. The rule provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005. The rule provides that the Speaker or his designee shall consult with the Minority leader or her designee on any suspension considered under the rule. The rule provides that a motion to proceed pursuant to section 2908 of the Defense Base Closure and Realignment Act of 1990 shall be in order only if offered by the Majority Leader or his designee. Testimony was heard from Chairman Lewis of California.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

Committee on Rules: Granted, by voice vote, a structured rule providing 90 minutes of general debate
on H.R. 3824, to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendment recommended by the Committee on Resources now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Resources Committee Print dated September 26, 2005 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 that 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. Testimony was heard from Chairman Pombo and Representatives Saxton, Gilchrest, Calvert, Flake, Boehlert, Kirk and George Miller of California.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on the legislative day of September 29, 2005, providing for consideration or disposition of a conference report to accompany the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

OVERSIGHT—COMMERCIAL AIRLINE INDUSTRY

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Current Situation and Future Outlook of the U.S. Commercial Airline Industry. Testimony was heard from public witnesses.

OVERSIGHT—STATUS OF TRANSITION BETWEEN DEFENSE AND VETERANS AFFAIRS DEPARTMENTS

Committee on Veterans' Affairs: Held an oversight hearing regarding the status of seamless transition between the Department of Defense and the Department of Veterans Affairs. Testimony was heard from the following officials of the GAO: Cynthia Bascetta, Director, Veterans Health and Benefits Issues; and Linda Koontz, Director, Information Management Issues; Gordon H. Mansfield, Deputy Secretary, Department of Veterans Affairs; the following officials of the Department of Defense: Stephen L. Jones, Principal Deputy Assistant, Office of Health Affairs, Office of Personnel and Readiness; MG Ronald G. Young, Director, National Guard Bureau Joint Staff, National Guard Bureau; and COL Sheila Hobbs, USA, Senior Patient Administrator, Office of the Surgeon General, U.S. Army; Susan McAndrew, Senior Health Information Privacy Policy Specialist, Office of Civil Rights, Department of Health and Human Services; and public witnesses.

U.S.-JAPAN ECONOMIC AND TRADE RELATIONS

Committee on Ways and Means: Held a hearing on United States-Japan Economic and Trade Relations. Testimony was heard from Representative Moran of Kansas; Wendy Cutler, Assistant U.S. Trade Representative, Japan, Korea and Asia-Pacific Economic Cooperation Affairs; David Loevinger, Deputy Assistant Secretary, Africa, Middle East, and Asia, Department of the Treasury; A. Ellen Terpstra, Administrator, Foreign Agricultural Service, USDA; A. G. Kawamura, Secretary of Agriculture, Department of Food and Agriculture, State of California; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 29, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine U.S. military strategy and operations in Iraq, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Emil W. Henry, Jr., of New York, to be Assistant Secretary for Financial Institutions, and Patrick M. O’Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, both of the Department of the Treasury, Keith E.
Gottfried, of California, to be General Counsel, and Kim Kendrick, of the District of Columbia, to be Assistant Secretary, Keith A. Nelson, of Texas, to be Assistant Secretary, and Darlene F. Williams, of Texas, to be Assistant Secretary, all of the Department of Housing and Urban Development, and Israel Hernandez, of Texas, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, Darryl W. Jackson, of the District of Columbia, to be Assistant Secretary, Franklin L. Lavin, of Ohio, to be Under Secretary for Export Administration, all of the Department of Commerce, Time to be announced, S–216, Capitol.

Committee on Commerce, Science, and Transportation: to hold hearings to examine communications for first responders in disaster, 10 a.m., SD–562.

Full Committee, to hold hearings to examine communications for first responders in disaster, 2:30 p.m., SD–562.


Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine U.S.-Japan relations, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine the effectiveness and cost of the Defense Travel System (DTS) of the Department of Defense, focusing on whether DTS can deliver on the increased efficiency and cost savings that were anticipated when the program was established, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine certain activities of the General Services Administration, 3 p.m., SD–342.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Margaret Mary Sweeney, of Virginia, and Thomas Craig Wheeler, of Maryland, each to be a Judge of the United States Court of Federal Claims, John Richard Smaok, to be United States District Judge for the Northern District of Florida, Brian Edward Sandoval, to be United States District Judge for the District of Nevada, and Harry Sandlin Mattice, Jr., to be United States District Judge for the Eastern District of Tennessee, 1:30 p.m., SD–226.

Committee on Veterans’ Affairs: to hold hearings to examine the nominations of William F. Tuerk, of Virginia, to be Under Secretary for Memorial Affairs, Robert Joseph Henke, of Virginia, to be Assistant Secretary for Management, John M. Molino, of Virginia, to be Assistant Secretary for Policy and Planning, Lisette M. Mondello, of Texas, to be Assistant Secretary for Public and Intergovernmental Affairs, and George J. Opfer, of Virginia, to be Inspector General, all of Department of Veterans Affairs, 10 a.m., SR–418.

Select Committee on Intelligence: to receive a closed briefing regarding certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine the impact of direct-to-consumer drug advertising on seniors’ health and health care costs, 10 a.m., SH–216.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review the current state of the farm economy and the economic impact of Federal policy on agriculture, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on operations in Iraq, 2 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on understanding the Iran threat, 9 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing entitled “Closing the Achievement Gap in America’s Schools: The No Child Left Behind Act,” 10 a.m., 2175 Rayburn.


Subcommittee on Telecommunications and the Internet, hearing entitled “Public Safety Communications from 9/11 to Katrina: Critical Public Policy Lessons,” 10 a.m., 2125 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing entitled “Licensing and Registration in the Mortgage Industry,” 10 a.m., 2128 Rayburn.

Committee on Foreign Relations, hearing entitled “The Last Frontier: Bringing the IT Revolution in Healthcare,” 10 a.m., and to consider the following measures: H.R. 1317, Federal Employee Protection of Disclosures Act; H.R. 3134, Federal Real Property Disposal Pilot Program and Management Improvement Act of 2005; H.R. 3699, Federal and District of Columbia Government Real Property Act of 2005; H. Res. 15, Supporting the goals and ideals of National Campus Safety Awareness Month; H. Res. 276, Supporting the goals and ideals of Pancreatic Cancer Awareness Month; H.R. 3549, To designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the “William F. Clinger, Jr. Post Office Building;” H.R. 3830, To designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the “William F. Clinger, Jr. Post Office Building,” H.R. 3853, To designate the facility of the United States Postal Service located at 130 Marion Avenue in Punta Gorda, Florida, as the “U.S. Cleveland Post Office Building;” H.R. 3893, To designate the facility of the United States Postal Service located at 120 South Main Street in Parkdale, Arkansas, as the “Willie Vaughn Post Office;” H.R. 923, Mailing Support to Troops Act of 2005; and H. Res. 389, Supporting the goals of The Year of the Museum, 1 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Terrorism and Nonproliferation, hearing on Evolving Counterterrorism Strategy, 1 p.m., 2200 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 3648, To impose additional fees with respect to immigration services for intracompany transferees; H.R. 1751, Secure Access to Justice and Court Protection Act of 2005; H.R. 1065, United States Boxing Commission Act; H.R. 3647, To render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors; and H.R. 1400, Securing Aircraft Cockpits Against Lasers Act of 2005, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, to mark up H. Res. 97, Expressing the sense of the House of Representatives that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws or pronouncements inform an understanding of the original meaning of the Constitution of the United States, following full Committee mark up, 2141 Rayburn.


Committee on Resources, Subcommittee on Fisheries and Oceans and the Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure, joint hearing on S. 362, Marine Debris Research, Prevention, and Reduction Act, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, hearing on the following bills: H.R. 326, To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act; H.R. 1436, To remove certain use restrictions on property located in Navajo County, Arizona; and H.R. 1972, Franklin National Battlefield Study Act, 10 a.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing to discuss the Entrepreneur Soldiers Empowerment Act (ESEA), 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on H.R. 1749, Pest Management and Fire Suppression Flexibility Act, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, hearing on the Implementation of the United States-Bahrain Free Trade Agreement, 10:30 a.m., 1100 Longworth.

Subcommittee on Health, hearing on H.R. 3617, Medicare Value-Based Purchasing for Physicians’ Services Act of 2005, 3 p.m., 1100 Longworth.

Joint Meetings

Next Meeting of the SENATE
9:30 a.m., Thursday, September 29

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, with a vote on confirmation of the nomination to occur at 11:30 a.m.; following which, Senate expects to begin consideration of H.R. 2863, Defense Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, September 29

House Chamber

Program for Thursday: To be announced.

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