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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, November 1, 2005,

I hereby appoint the Honorable Jon C. Porter to act as Speaker pro tempore on this day.

J. DENNIS HASTERT
Speaker of the House of Representatives.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

AVIAN FLU: PROTECT AMERICANS

Mr. STEARNS. Mr. Speaker, the prospect of an avian flu pandemic has mobilized government officials and health care professionals across the United States. Every year there is a new outbreak of flu strains, with potentially serious consequences for the elderly, children and people with compromised immune systems. In his address this morning, President Bush accurately differentiated between traditional flu viruses and the avian flu. This specific flu strain, H5N1, is particularly virulent, with a 50 percent mortality rate once contracted. To date, 110 people have been infected, and 60 deaths have been attributed to this flu. The virus has been tracked from Mongolia and Siberia, through the Ukraine and Croatia to Turkey. Avian flu has spread to 16 countries. There is not yet an avian pandemic in the United States, but as we live in an ever-shrinking world with all our travel, we must be prepared for its unwelcome arrival.

In this week’s edition of Newsweek, Dr. Margaret Chan, head of preparedness for the World Health Organization, states, “Key factors to combating a global pandemic are early detection, quarantines, availability of vaccines and antiviral drugs, and the state of hospital readiness to treat those infected.”

I would like to focus on one of these key factors in particular, the availability of this medication. On May 4 of this year in the Oversight and Investigation Subcommittee where I serve, hearings were held on the current state of preparedness for the upcoming flu season. In those hearings, health officials testified that manufacturing of flu vaccines is an annual process beginning in February with the World Health Organization and the Centers for Disease Control publishing their predictions of flu strains that are most likely to spread that winter. Manufacturing vaccines is a lengthy and complex process that leaves little margin for error. The possibility of contamination of these biologically grown vaccines is great, and, as we saw with the vaccine producer Chiron in 2003, could potentially render entire productions worthless. Fear of liability compounds the short supply of vaccines. In the 1960s, the U.S. had more than 26 vaccine producers in this country. Today only five companies remain. Currently, we rely upon one vaccine producer to make the annual flu cocktails as well as eight other common childhood vaccinations such as measles, mumps, diptheria and meningitis. Lawsuits make production unprofitable and risky, pushing producers away from vaccines and towards the more lucrative industry of antiviral medications. This raises concern among health experts about resurgence of formerly eradicated diseases if vaccine shortages continue. Congress should consider offering companies incentives to enter the vaccine industry and, of course, limiting the liability burden. These were included in President Bush’s avian flu strategy this morning. The President has asked Congress to remove the litigation burden on vaccine manufacturers and fund development of new cell culture techniques. These techniques reduce the time lag between identification of a new pandemic threat and development of a vaccine. Avian flu is the current threat to our Nation’s health, but we can be assured it will not be the last. Therefore, increasing our vaccine capacity is necessary to our national security.

There are two antiviral medications available that are believed to treat avian flu, Tamiflu and Relenex. Tamiflu is the more widely recommended medication, and our government is currently building stockpiles of this medication in anticipation of possible outbreaks in this country. However, there is a danger of many individuals building personal Tamiflu stockpiles. The Washington Post reported that 1.7 million prescriptions for Tamiflu were filled in the United States in just the first 8 months of 2005, which is three times more than last year. Personal stockpiles pose a twofold risk. The first is that private consumers reduce the already limited supply of the drug, causing the government to have to compete to fulfill its supply goals, and cause a shortage of supply for public health care providers. The second threat is from individuals.
incorrectly self-medicating that can lead to development of a resistant viral strain, limiting the medication’s effectiveness.

The 2006 agriculture appropriations conference report includes the appropriation of Department of Health and Human Services, and Education, and the National Institutes of Health, for the coordination and management of avian flu. We have the ability and obligation to do more. President Bush this morning announced his three-part avian flu strategy to the public, requesting congressional support. This plan incorporates the recommendation of the Department of Health and Human Services, and Education, for the coordination and management of avian flu.

The wonderful news about America is that hardworking men and women across this country are doing just that—they are working hard. To all of them, we owe an incredible debt of gratitude, because they really are the real heroes. Day in and day out, they are the real heroes.

With the challenges that this Nation has faced over the past couple of months, including the record destruction from the hurricanes across the Gulf coast and in Florida and the remarkable increases in gas and oil prices, the economy ought to be in the tank, or at least flat, right? It ought not be growing at all.

Hold on, Mr. Speaker. This news, you have not heard in the major media, you have not heard it read in the newspapers, and that is the good news of the wonderful success of our economy, the amazing American economy. This chart shows the gross domestic product, which really is kind of the benchmark of how our economy is performing. This chart demonstrates that in the quarter of 2005, the economy grew at a rate of 3.8 percent. That is an increase. This is in spite of Katrina and Rita and all the
permanent.
make certain that the tax cuts be per-
creasing taxes works for all Americans,
edence. This is the evidence that de-
more Americans. Just look at the evi-
economic growth, more money in people's
taxes will result in an increase in eco-
tried and true policy of decreasing
ment has grown at an average annual
ment was going to take effect retroactive to January 1, 2003.
That is all good news.
What is more, real business invest-
ment has grown at an average annual
rate of 9 percent over that period of
time, nearly twice the rate of the over-
economy. This investment in busi-
ness is exactly what the tax cuts were
meant to address. The evidence is very,
very clear. The tax cuts have had the
effect that they were desired to have.
How about the deficit, you ask? Well,
that has improved as well, decreasing
by nearly $100 billion over the past fis-
cal year alone. That is good news, Mr.
Speaker. How could that be, lowering
tax rates, increasing tax revenue and
decreasing the deficit? That is exactly
what lowering taxes does.
I have heard my colleagues on the
other side, nobody else is being lifted up. In fact, the unemploy-
ment rate reached 4.9 percent in Au-
gust 2005. Most economists will tell you
that an unemployment rate of 5 per-
cent is full employment, because peo-
ple are changing jobs and moving. That
is good news surrounding our Nation as
it relates to the economy.
Soon Congress must decide whether
to make these tax cuts permanent or
they expire. I think the evidence is
extremely clear. If we wish this good
news on the economy to continue, the
tried and true policy of decreasing
taxes will result in an increase in eco-
nomic growth, more money in people’s
pocket and the tax financial success for
more Americans. Just look at the evi-
dence. This is the evidence that de-
creasing taxes works for all Americans,
10 straight quarters of economic
growth.
I urge my colleagues to embrace this
good news and act expeditiously to
make certain that the tax cuts be per-
manently.

TAX COMMISSION MISSES
 OPPORTUNITY

The SPEAKER pro tempore. Pursu-
ant to the order of the House of Janu-
ary 4, 2006, the gentleman from Georgia
(Mr. LINDER) is recognized during
morning hour debates for 5 minutes.
Mr. LINDER. Mr. Speaker, the Presi-
dent’s tax commission has completed its
work and sent its report to the Treasury Department. When this start-
ed 8 or 9 months ago, I said as often as I
could that I wish you would not ap-
point a commission because the only
thing that I have seen commissions do in
my lifetime is raise taxes. Only on
the rich, of course.

Well, guess what: This commission
has decided to raise taxes only on the
rich. They chose not to do anything
bold. They took a tax system that you
and I have come to know and love and
kept it in place and did nothing to do
the exciting things they could have
done. The FairTax, which I have
introduced, would have changed much
of what we know about the tax system.
For example, the commissioners knew
that 22 percent of what we currently
pay goes to the IRS, the embedded
cost of the current IRS. You are
paying the tax cost and compliance
cost of every one of the thousands of
 corporations and businesses that it
took to make that house. The only way
a business can pay a bill is through
price and consumers are the only tax-
payers in the world. They chose to ig-
nore that and leave us disadvantaged
in the global economy with a 22 per-
cent tax component in our price sys-
tem. They chose to ignore that.

They knew, as we know, that cur-
cently 2 to $3 trillion is in the under-
ground economy, not paying taxes.
They chose to leave that in place and
not change that by keeping the IRS in
place. The FairTax, by getting rid of the
IRS, would have eliminated that.

They knew, as we know, that there
is today in offshore financial centers, in
lock box, tillable deposits, $10 tril-
lion. These are deposits that want to be
in dollars for safety and they want se-
crecy. If we were to get rid of the IRS,
those dollars would be in our markets
and our banks and our credit unions.

Unfortunately, the bank-
ruptcies of Delta and Northwest and
United and future bankruptcies to
come because their pension plans are
not up to par because the driving up of
the markets with those $10 trillion
would have been wonderful. They chose
to ignore that and did nothing bold.
The President has made a very clear
case that Social Security can drown us
all. What he did not say was that Medi-
care was four times as bad as Social
Security. They constitute for us today
and our grandchildren a $75 trillion
problem. Let me put that in perspec-
tive for you. If you started a business
on the day Jesus Christ was born and
lost $1 trillion a year, through yester-
day, it would take you another 719
years to lose $1 trillion. $75 trillion.
The FairTax changes the way we
gather money for Social Security. In-
stead of taxing 158 million workers to
pay for the retirees, we tax 300 million
Americans every time they buy some-
thing and 50 million visitors to our
shores to save those programs in 15
years by doubling the size of the econ-
omy in 15 years. The tax commission
chose to ignore that.
Mr. Speaker, it is sad to put all of
that effort into play for so many
months and come up with such a pre-
dictable result, which is to raise taxes
on the wealthy. This is not going to
change anything. They pointed out in
an article in today’s paper, two of the
commissioners, that the last major
simplification was in 1986 and they re-
duced two levels of taxation and elimi-
nated many deductions. They further
pointed out that it has been amended
15,000 times since then. Do they believe
that future Congresses are not going to
be the same if you have the income tax
in place? I think they are wrong. I
think they missed a wonderful oppor-
tunity to do something bold for our
economy and something bold for our
country and it saddens me.

RECESS

The SPEAKER pro tempore. Pursu-
ant to clause 12(a) of rule I, the Chair
declares the House in recess until 2
p.m. today.
Accordingly (at 12 o’clock and 55
minutes p.m.), the House stood in re-
cess until 2 p.m.

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend Daniel P.
Coughlin, offered the following prayer:

Lord God, the Founders of this Na-
tion were not merely reacting to the
problems of their day. They lived with
the conviction that something totally
ew was happening.
The great seal of this Nation pre-
semented to the world a new order of
the ages. And lest anyone forget where this
all came from, the Founders added to
the seal, “He, presumably You, Lord
God, has favored our beginnings.”
Eternal as You are, enlighten the
Members of Congress today to under-
stand that the challenges to be faced
today are as old as society: poverty,
education, health, stability, and peace. All must be looked at with the freshness of new ideas and contemporary resources. But any attempt to be free of the past is an unwilling illusion, and any attempt to be free of the future is a dangerous mistake. You tell us, “Sufficient for the day is the evil thereof,” both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mrs. BLACKBURN) come forward and lead the House in the Pledge of Allegiance.

Mrs. BLACKBURN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3010. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3010) “An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes,” requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SCHATZ, Mr. DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD, to be the conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

RESPONDING TO AVIAN FLU

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

Mr. BURGESS. Mr. Speaker, this morning the President at the National Institute of Health outlined his plan for dealing with pandemic flu should this illness jump from birds to people. The President outlined a plan that essentially covered three aspects: to be able to detect the outbreak of avian flu anywhere in the world; stockpiling vaccines and medicines; and the response from both the local, State, and Federal level.

To be able to detect the outbreak of avian flu anywhere in the world is going to require a partnership of several countries that will share information and samples, but it is important to remember a threat anywhere is a threat everywhere.

Stockpiling vaccines and increasing the rapidity with which this country can make vaccines ensure that there is reliability and regulatory protection for those countries that are making vaccines.

And, finally, response. Response needs to be at the local, Federal, and State levels. Local officials need to be ready to go, but there also needs to be strategic national stockpiling of supplies and equipment.

Mr. Speaker, the fact remains that the best way to deal with panic is through preparedness. The best way to deal with inflammatory rhetoric is with information. I think the President took some bold steps this morning to outline these plans, and I look forward to the release of the preparedness plan tomorrow.

THE REVEREND DR. SHELVIN JEROME HALL

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

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to congratulate the Reverend Dr. Shelvin Jerome Hall on his 50 years of service to the Friends­ship Baptist Church and its surrounding communities in the Chicagoland area. Reverend Hall and his family have been tremendous assets to our community. His wife, a retired Chicago public school teacher; one daughter, Priscilla, a supreme court justice in the State of New York; another daughter, Shelvin Louise, an appeals court judge in Cook County; and his son, an esteemed psychologist. They have been assets to our community, and I congratulate Reverend Hall and his family on 50 years of service.

JUDGE ALITO

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

Mr. PITTS. Mr. Speaker, our Founding Fathers devised a system of government which has served us well for more than 200 years. Ultimately, though, no constitutional system can survive unless it is respected by those who have sworn to protect it. We will find out in the coming weeks whether the liberals in the Senate value demagoguery more than the Constitution.

Judge Samuel Alito has every qualification and character trait you could want in a Supreme Court Justice. He has reverence for the Constitution, he has the humility to remember that his job is to judge, not to legislate. He has a brilliant mind, a compassionate character. He comes from humble origins, which will keep him rooted in the real values of this country. This is precisely the kind of person we need on our Court.

Unfortunately, there are a handful of Senators who are so obsessed with a few controversial issues that they seem bent on tearing down good people no matter what the cost to our democracy. I urge the other body to proceed fairly toward an up-or-down vote on Judge Alito’s nomination.

SERGEANT MICHAEL TREMAIN ROBERTSON

(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, I rise today to pay tribute to one of my fallen heroes, Sergeant Michael Tre­main Robertson, who died October 25, 2005, of injuries suffered in Samarra, Iraq while serving in the war. He was only 28 years old.

He died at Brooke Army Medical Center, but he suffered his injuries on October 17 when a bomb exploded near a Bradley Fighting Vehicle. We also know that he was known as a humble and quiet spirit, a wonderful medic. He was called Doc Bob.

His Aunt Alma Newsom; his wife, Tanya; his baby son, Xavier; his mother, Barbara Booker; his father, Michael Robinson; grandfather, Simmie Newsom; and his grandparents, Mr. and Mrs. William Robinson, all mourn the loss of this quiet giant, this young man who believed in his country and went back for his second tour of duty.

Mr. Speaker, it is appropriate to honor these fallen heroes, 2,000-plus and growing. In his name, as he is now buried and gone home to his maker, may he rest in peace. But I ask this Congress, this House and Senate in his name to begin to open up and to hold the hearings to determine why we went to Iraq, to treat him as the hero that he was and also so that his family may know the truth.

He took his duty seriously; he was an outstanding and passionate medic and a great American. I pay tribute and fin­ality to Sergeant Michael Tre­main Robertson, and my pledge to you is to find the truth.

WATAUNGA COUNTY RELAY FOR LIFE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)
Ms. FOXX. Mr. Speaker, I rise today to congratulate Watauga County, North Carolina, for having the number one Relay for Life program in the country, for a community with a population of 40,000 to 50,000 people.

Relay for Life is a fun-filled overnight event designed to celebrate cancer survivorship and raise money for research and programs of the American Cancer Society. The Watauga County program raised an impressive $333,518 during 2005. This marks the fifth year in a row that they were named the number one team in the United States.

This year’s Watauga Relay featured 100 individual teams and a total of more than 1,300 people. This surge of support is the most participation ever in county history. Of the 100 teams, 57 reached all-star status by raising a minimum of $150 per member.

Mr. Speaker, I commend Watauga Relay Chairs Sharon Trivette and Glenda Hodges, along with the hundreds of volunteers who have worked tirelessly to raise hundreds of thousands of dollars for cancer research. I hope to be back here next year to praise them for continuing their winning streak.

FALLEN TEXAS HEROES

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

Mr. POE. Mr. Speaker, the war, deaths, the southeast Texans, the honored, the names:

PFC John P. Johnson, Houston, United States Army;
Staff Sergeant Russell Slay, Humble, Texas, United States Marine Corps;
Corporal Brian Matthew Kennedy, Houston, Army;
Corporal Tomas Sotelo, Jr., Houston, United States Army;
PFC Wesley Riggs, Baytown, Army;
Sergeant Keelan L. Moss, Houston, United States Army;
PFC Analaure Esparza-Gutierrez, Houston, Army;
PFC Armando Soriano, Houston, United States Army;
PFC Leroy Sandoval, Jr., Houston, Marine Corps.

The volunteers, the brave, the young, the fallen, the freedom fighters, the heroes, the warriors, the band of brothers and sisters. The Americans. That’s just the way it is.

PRIVATE PROPERTY RIGHTS

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

Mr. CARTER. Mr. Speaker, the Supreme Court of the United States made one of the worst opinions it has ever made in its history in Kelo v. The City of New London when they announced that they would allow other private individuals to use eminent domain to seize private property to enhance tax dollars for a community.

Mr. Speaker, this is a taking of property totally outside of the Constitution of the United States. I have tried hundreds of these cases. No one is happy when their property is taken; but they realize they are taken for schools, it is taken for highways. Even a highway they want, they do not like to see their property taken. But now we have got a law that has been in here, because it makes more money for a community.

Mr. Speaker, this is an abomination that we will address this week in this House. It is overtime to address it. I urge my colleagues to think hard, to come across the aisle and stop this horrible taking of property that is the result of this Supreme Court activist opinion.

THE UNITED STATES STANDS WITH INDIA

(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, in the global war on terrorism, we continue to fight against an enemy that has no respect for the sanctity of human life. On Saturday, terrorists detonated three bombs in the busy streets of New Delhi, taking the lives of 62 innocent civilians and wounding over 200 people. By targeting shopping centers and a city bus, terrorists cowardly murdered innocent civilians. Over 60,000 Indians have been killed by terrorists. As these horrendous attacks continue throughout the globe, citizens of all free nations are at risk.

Indian Prime Minister Manmohan Singh condemned the serial blasts in Delhi and vowed that “the government is determined to defeat nefarious designs of terrorist elements. The perpetrators of these heinous acts will be punished vigorously.”

The United States stands with Prime Minister Singh, and we remain dedicated to defeating terrorists who attack our allies. Today our thoughts and prayers are with the Indian people, who are continuing to work with Pakistan for mutual benefit.

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

SUCCESSFUL AVIAN FLU PREPARATION

(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. Mr. Speaker, I rise today, I had the privilege of joining the President for his speech at the National Institutes of Health where he discussed the avian flu and a potential pandemic. He talked about our Nation’s strategy to protect outbreaks, expand domestic vaccine protection, stockpile treatments and prepare our response.

The take-home message of all of this is preparation, not panic. It is important that we bring calm to the sea of sensationalism about the bird flu. Is this a threat? Yes, potentially. Do we need to be prepared? Absolutely.

What the President outlined is a strategy for Federal, State and local governments and communities, neighborhoods and families. All must play a role. This cooperation is vital to the strategy and success.

As a doctor, I understand and appreciate the importance of prevention. It is the most efficient and cost-effective way to treat disease. That is the goal and the plan, to have a structure in place to rapidly detect outbreaks anywhere in the world, have the medicines and vaccines necessary to treat everyone and respond at every level.

Mr. Speaker, I applaud the President for outlining a proactive, successful course, preventive measures to ensure the safety of all Americans.

SUPPORT FOR SAMUEL ALITO

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

Mr. FRANKS. Mr. Speaker, there is a new dawn in America today as President Bush has nominated Samuel Alito to be an associate justice on the United States Supreme Court.

Justice Alito has been a prosecutor and is renowned for courageously taking a stand against organized crime in New Jersey. He was a U.S. Attorney in the District of New Jersey. He has been an assistant attorney general in the Reagan administration, as well as an assistant solicitor general.

Judge Alito is a first generation American. His father was an immigrant from Italy. He has served in the United States Army Reserve for 8 years, being honorably discharged at the rank of captain.

Judge Alito is an outstanding jurist with more experience as a judge than any Supreme Court nominee in the last 70 years. He has been seated on the Third Circuit Court for 15 years and has written opinions on over 300 cases.

Mr. Speaker, Judge Samuel Alito is one of the most prolific, experienced legal minds we have in this country today. We are blessed to have him in public service. I urge the other body to give him the consideration and respect that he has so laboriously earned all of his life.

HOUR OF MEETING ON TOMORROW

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

THE SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Minnesota?

There was no objection.
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 motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

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

HEINZ AHLMEYER, JR. POST OFFICE BUILDING

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3548) to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the “Heinz Ahlmeyer, Jr. Post Office Building”.

The Clerk reads as follows:

H.R. 3548

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

SECTION 1. HEINZ AHLMEYER, JR. POST OFFICE BUILDING

(a) DESCRIPTION. — The facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, shall be known and designated as the “Heinz Ahlmeyer, Jr. Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Heinz Ahlmeyer, Jr. Post Office Building”.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

General leave

Mr. GUTKNECHT. 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. 3548.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3548, authored by the distinguished gentleman from New York (Mr. ENGEL). This bill would designate the post office in Pearl River, New York, as the Heinz Ahlmeyer, Jr. Post Office Building. All members of the New York State delegation have cosponsored this legislation.

Heinz Ahlmeyer, Jr., was a native of Pearl River, New York. He disappeared on his first day of duty in Vietnam. Ahlmeyer was 23 years of age when the Marine Corps sent him on a reconnaissance patrol in Quang Tri province on May 10, 1967, from which he never returned.

Shortly after noon on the day of his death, the patrol came under heavy fire and many of the soldiers were wounded. After several failed attempts, a helicopter was able to land and save the wounded soldiers, although the effort could not retrieve those that had been killed. Because his presence in the area of the loss, no ground search was possible and Ahlmeyer’s remains were not able to be recovered. He was immediately listed as killed in action.

Thirty-eight years later to the day, on May 10, 2005, Heinz Ahlmeyer, Jr., was buried in Arlington National Cemetery with full military honors. In May of 1998, a Joint Field Activity search team was able to find small remnants of American uniforms at the site of the loss in Quang Tri province. Due to DNA and dental records, a military forensic laboratory in Hawaii was able to identify Ahlmeyer in January of 2005.

Finally, the vibrant young man who played football and baseball at Pearl River High School, a hero in every sense of the word, could have a proper burial. Many who knew Ahlmeyer from his high school days attended the funeral in Virginia. Over 100 family members and friends paid respect to the soldier on the 38th anniversary of his death.

I urge my colleagues to come together to honor this brave soldier for his commitment to preserving our freedoms and his bravery in the face of danger.

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

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

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 3548, legislation naming a postal facility in Pearl River, New York, as the “Heinz Ahlmeyer, Jr. Post Office Building”. This measure, which was introduced by the gentleman from New York (Mr. ENGEL), a Democrat, on July 28, 2005, and unanimously reported by our committee on October 20, 2005, enjoys the support and cosponsorship of the entire New York delegation.

Heinz Ahlmeyer, a native of New York, grew up in Pearl River, New York. He attended Rockland Community College and graduated from New Paltz College. Upon his graduation, he enlisted in the United States Marine Corps.

While serving on his first tour of duty in Vietnam, Marine Second Lieutenant Heinz Ahlmeyer was on a reconnaissance patrol in the Quang Tri province on May 10, 1967, when he and three other Marines came under fire. It was presumed he was killed in action, but because of heavy enemy fire, commanders felt it was too dangerous to retrieve the bodies.

In January of this year, the military notified his family that, through DNA, his remains were found, giving family and friends closure. And on May 10, 2005, Marine Second Lieutenant Heinz Ahlmeyer was interred with honors at Arlington National Cemetery.

Mr. Speaker, I commend my colleague for seeking to honor the spirit and legacy of this Marine. Naming a post office in his memory is a small token of the appreciation that we can show.

Mr. Speaker, I urge swift passage of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the sponsor of the bill.

Mr. ENGEL. Mr. Speaker, I thank my good friend from Illinois for yielding me time, and I thank my friend from Minnesota for being so helpful in passing this bill today.

Mr. Speaker, my colleagues have said it all, but I want to add it is with honor that I stand here today to pay tribute to this brave American, an exemplary New Yorker, Heinz Ahlmeyer, Jr.

Heinz Ahlmeyer, Jr., grew up in my district in Pearl River, New York, which is in Rockland County, a suburb of New York City. He was a popular high school athlete. He played football and baseball at Pearl River High School. His classmates remember him as a hard-working guy.

After attending Rockland Community College, Ahlmeyer went on to graduate from the State University of New York in New Paltz. Immediately after college, he enlisted in the U.S. Marine Corps at just 23 years old in 1967.

As a second lieutenant, he and three other Marines came under heavy fire from all sides, tragically, on just his first day in Vietnam. Because of the heavy fire surrounding the incident, the four Marines were presumed dead, but, sadly, Ahlmeyer’s remains were never recovered, leaving his family and friends without any real closure or sense of peace.

So for almost 38 years, friends and family wondered if they would ever know exactly what happened to Heinz. Then, finally, in January of this year, they were unexpectedly notified by military officials that DNA samples, his remains were found, giving his family and friends and the community much-needed closure. This past May, Ahlmeyer’s life was celebrated during his burial at Arlington National Cemetery.

It is important that America, Mr. Speaker, honors its heroes of war, not just for their grieving family and friends but for future generations who might enter into combat. My deepest sympathy goes out to the Ahlmeyer family who I hope may take small comfort in knowing that Heinz has a burial place closer to home. The Heinz Ahlmeyer Post Office in Pearl River
The Clerk read as follows:

H. R. 2413

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

SECTION 1. Lillian McKay Post Office Build-

ing.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, shall be known and designated as the “Lillian McKay Post Office Building”;

(b) REFERENCES.—Any reference in a law, rule, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lillian McKay Post Office Building”.

The SPEAKER pro tempore (Mr. GINGRICH). Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illi-

nois (Mr. DAVIS) each will control 20 minutes.

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

Mr. GUTKNECHT. 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 for consider-

ation.

The SPEAKER pro tempore. Is there objection to the request of the gentle-

man from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may con-

sume.

I rise in support of H.R. 2413, offered by the distinguished gentleman from Texas (Mr. POE). This bill would des-

ignate the post office in Humble, Texas, as the Lillian McKay Post Of-

fice Building.

As the First Lady of Humble, Texas, a small town located just northeast of Houston, Lillian McKay made an im-

pact on the community that will be re-

membered forever. Officially, she be-

came Humble’s First Lady in 1971 when her husband, Dr. Haden McKay, became the mayor of that small town. Dr. McKay served the city of Humble for more than 38 years, as mayor as well as a member of the city council. One thing was for sure: Lillian McKay was always there by his side.

Her philanthropic nature has earned her several prestigious community awards, such as the Humble Area Chamber of Commerce Citizen of the Year, the Yellow Rose of Texas award, Family Time Women of Achievement Community Leader award and, finally, the Northeast Medical Center Hospital Foundation Gala Honoree. Lillian McKay is also closely involved with the Humble Museum as acting curator. She has been an advocate for the museum since its inception in 1976.

This lifelong Texan has given back to her community than can ever be documented. Long after the death of her husband, Lillian McKay is still considered the First Lady of Hum-

ble, Texas, and will always be remem-

bered as such.

I urge all Members to join me in hon-

oring the lifetime community achieve-

ments of this very special and generous woman.

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

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

sume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join with my colleague from Minnesota in consideration of H.R. 2413, legislation naming the postal facility in Humble, Texas, after Lillian McKay. This measure, which was intro-

duced by Representative Ted Poe on May 17, 2005, and unanimously reported by our committee on September 13, 2005, enjoys the support and cosponsorship of the entire Texas delegation.

Lillian McKay, a native Texan, was born in Ammansville, Texas, and grew up in Fairchilds, Texas. She married and moved with her husband to Hum-

ble, Texas.

Known as the First Lady of Humble while her husband served as mayor of Humble, Mrs. McKay has been an active member of the community and has been honored for her contributions. She has received the Humble Area Chamber of Commerce Citizen of the Year award and the Yellow Rose of Texas award, to name a few. She is the curator of the Humble Museum and has remained involved in the museum since its inception.

Mr. Speaker, I commend my colleague for seeking to honor Mrs. McKay in this manner and urge swift passage of this bill.

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

Mr. GUTKNECHT. Mr. Speaker, I yield such time as he may con-

sume.

Mr. POE. Mr. Speaker, I thank the gentle-

man from Minnesota for yielding me this time, and I thank the gentle-

man from Illinois for his support of this bill.

Lillian McKay by trade was a nurse; and she met her husband, Dr. Haden McKay, a doctor in Humble, Texas, and there they have spent most of their life supporting people. She is the First Lady of Humble, Texas. She has been for a number of years, and she will al-

ways be.

The reason she is the First Lady is because she is always involved in the lives of people, young people, elderly people, all people. She does what she can every day to help someone else. She is the neighbor of the entire com-

munity.

Both she and her husband made Hum-

ble their home in 1941. In fact, she still lives in that same limestone house that he built for her in 1941. Humble, Texas, is a small, rural town north of Hous-

ton, about 27 miles. It started out as an oil field town. Oil was struck there; and one of the landmark roads of Hum-

ble, Texas, is Moonshine Hill Road. After oil was struck there, a little oil...
company started called Humble Oil and Refining Company. Later they changed their name to Exxon. Humble, Texas, never chose to change their name to Exxon, Texas, however.

But Lillian McKay is a great believer in people, and she was always seen going door to door, helping out neighbors, collecting for worthy causes.

Humble, Texas, the small town that it is, is like most small towns. It is very friendly. You would never know whether Miss Lillian was a Republican or a Democrat, because she always supported people that she thought would help the community and help the city of Humble, Texas. She is still involved to some extent in helping people who want to run for office and support them no matter what their party affiliation happens to be.

Miss Lillian is a great believer in history. She loves history. She loves Texas history. So she started a museum in Humble, Texas, to preserve the oil-rich heritage of the city. Back in the days when Humble was an oil boom town, she started the museum; and she has selected numerous items to preserve history, Texas history. She has been honored by every group in the State of Texas that promotes such honors for ladies like this.

So, Miss Lillian, we appreciate your service to the people of Texas, your lifelong commitment to helping others, your lifelong commitment to the community and to Humble, Texas, and to the people of Humble.

I thank both Members for their help in the preparations of this bill.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for bringing this bill to the House. Clearly, this is a woman who is richly deserving of this honor. I urge all of my colleagues to join me in support of the passage of this bill.

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

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

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

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

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

There was none.

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

I rise in support of H.R. 3989, as amended. I offer this bill together with my colleague from Minnesota (Mr. KLINE). This bill would designate the post office in Dennison, Minnesota, as the Albert H. Quie Post Office Building.

Let me tell you a little bit about Al Quie. I am privileged to know Al and have known him for a very long time. Al Quie was born on a farm in Wheeling Township in Rice County near Dennison, Minnesota, on September 8, 1923. He attended the grade schools in Nerstrand and extraneous material in Northfield. He graduated from St. Olaf College in 1950.

Mr. Quie served as a pilot in the United States Navy from 1943 to 1945. He later became the owner and operator of a dairy farm there in Rice County. He was the clerk of the District 43 School Board from 1949 to 1952 and a supervisor for the Rice County Soil Conservation District from 1950 until 1954.

Al Quie was elected to the Minnesota State Senate in 1955, and he was elected as a Republican to the 85th Congress by a special election to fill the vacancy caused by the death of United States Representative August Andresen. He was reelected to the succeeding Congresses for consecutive terms. In 1978, he left the Congress to run for Governor of Minnesota where he served from 1979 until 1983.

You cannot talk about Al Quie without talking about his wife, Gretchen, a very special woman, a loving and tender woman; and I remember her so well as the First Lady of the State of Minnesota.

But Al Quie is so many things. He was a true paragon of a committed Christian, a loving father and husband. He was a principled public servant; and in many respects, he embodied all of the qualities that we in this House should emulate. I think naming a post office after him in his hometown of Dennison, Minnesota, is a very, very small tribute.

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

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

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 3989, the measure which was introduced by Representative JOHN KLINE on October 6, 2005, and unanimously reported by our committee on October 20, 2005, enjoys the support and cosponsorship of the entire Minnesota delegation.

Harold Quie, a native of Minnesota, was born on a farm, educated in the State, and served in the U.S. Navy for 2 years. He served in the Minnesota State Senate from 1955 to 1958, before serving in the U.S. House of Representatives in 1958. Representative Quie was reelected and served until 1979 when he was elected Governor of Minnesota. He served as Governor until 1983.

After 25 years in government as a public servant, Representative Quie continued to be a man of the people. He became a lecturer, teacher, and director, and vice president of Prison Fellowship, both in Minnesota and North Dakota. Representative Quie is currently retired, living in Minnesota.

Mr. Speaker, I commend my colleague for seeking to honor the contributions of former Representative and Governor Quie, and I urge swift passage of this bill.

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

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There was none.

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Mr. Quie served as a pilot in the United States Navy from 1943 to 1945. He later became the owner and operator of a dairy farm there in Rice County. He was the clerk of the District 43 School Board from 1949 to 1952 and a supervisor for the Rice County Soil Conservation District from 1950 until 1954.

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Mr. Speaker, I commend my colleague for seeking to honor the contributions of former Representative and Governor Quie, and I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.
Throughout his life, Al demonstrated his Minnesota values and earned the respect of his fellow citizens. As a pilot in the U.S. Navy, he served his Nation bravely in the final days of the Second World War. Returning to Minnesota, he continued to serve as a member of the District 43 School Board, the Minnesota State Senate, the U.S. House of Representatives, and as Governor of our great State, all accomplishments which have already been mentioned and which need be mentioned enough for this great American.

In his life, faith has always been a clear and guiding principle. As one of the founders of the bipartisan National Prayer Breakfast, Al is responsible for a meaningful tradition which continues today. Attended by every President for the past 50 years, the National Prayer Breakfast unites men and women from across the political spectrum in every area of the country in a common purpose. And, Mr. Speaker, I might add, from countries around the world as this prayer breakfast has grown in participation.

The National Prayer Breakfast was an outgrowth of Al’s work in the bipartisan Congressional Prayer Breakfast. Considered “the best hour of the week” by many of us, there are many of my colleagues here in this room today who regularly attend this Members-only gathering, it is still held weekly, providing a welcome opportunity for prayer and fellowship.

Closely intertwined with Al’s faith is his love of nature and adventure. Over the course of nine summers, accompanied by friends, colleagues, and his sons, Al traveled the length of the Continental Divide on horseback, journaling along the way.

Considering it his greatest triumph, he detailed the experience in a book, Riding the Divide, which I highly commend to all of my colleagues. It is a personal account of his adventure and a testament of his faith journey.

Though the ride to Canada to Mexico may have been his biggest personal triumph, Al’s greatest impact on the lives of others may be his work with Prison Fellowship Ministries, a volunteer organization which ministers to prisoners, ex-prisoners, victims and their families, and promotes biblical standards of justice in the criminal justice system.

Through this group, Al’s faith has impacted individuals and changed lives. Al Quie’s life reflects faith, dedication to service and an enduring commitment to the people of Minnesota. It is an honor as a Minnesotan to pay tribute to him today.

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my colleagues for bringing forth this resolution.

It would be great to have the opportunity to visit all of those for whom we name post offices, but I think if you really knew Al Quie, you would know that he would be a standard against which we would judge the others.

A lot has been talked about the great things he has done in public service as an embodiment of his church and in a prison. You might think that is a little bit unusual combination, but he really has brought his faith to those that are in prison and really dedicated himself to that.

This is a person that not only served in many capacities in the State legislature, as a U.S. Congressman and as Governor, but through his work with Prison Fellowship and the Minnesota School Readiness Business Advisory Council, helping people be prepared for school, has committed himself to the community.

It has already been mentioned about the fact that he has just a gem of a spouse, Those that meet Gretchen know his love for her to his strength. If you are known by your fruits, their five children, Fredric, Jennifer, Daniel, Joel and Ben, speak highly of them.

A true leader, a man dedicated to his faith, family State and country. Mr. Speaker, I am pleased to support this bill, pleased to support a bill to name a post office after someone who makes Minnesota nice personified.

Denison, Minnesota, has the honor of having their post office named after Governor Quie. I applaud my colleagues for bringing this forward.

Mr. GUTKNECHT. Mr. Speaker, I thank my colleagues. I would just add one thing to the comments of my colleague (Mr. KLINE) and that is that when he rode the Continental Divide, he was in his 70s. An amazing tribute. He is now in his 80s. He and Gretchen still are living happily in Minnesota. I believe his post office is just a small way for us to say thank you for his many, many years of selfless public service.

Mr. Speaker, I hope the Members will join us in supporting this important resolution.

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a great public servant, a man of great faith and good works, a great American—and a friend to all Minnesotans and many who have met him. Al Quie is a truly honorable man, a "servant leader" of the highest order. I urge my colleagues to support the legislation before us to honor this dedicated public servant. This legislation would designate the post office in Dennison, Minnesota, as the “Albert Harold Quie Post Office.”

Mr. Speaker, this is a truly fitting and well-deserved honor for an outstanding former Member of Congress and great Governor of the State of Minnesota. As my friend since I was first elected to the Minnesota Senate in 1980 when Al was Governor, I consider him one of the most honorable people I’ve known in my 25 years of public service.

Mr. Speaker, Al Quie is truly one of the all-time “greats” of Minnesota government and politics. His record of unquestioned integrity, leadership, legislative accomplishments and public service will forever rank Al Quie as a “giant” in Minnesota history.

He was born on a farm in Wheeling Township, Rice County, near Dennison, Minnesota, on September 18, 1923. Al Quie’s many accomplishments as a Navy pilot, dairy farmer, legislator, Member of Congress, Governor, religious leader and all-star citizen make this honor, the naming of his hometown post office, a truly fitting recognition of his public service.

Al Quie completed all of his formal education within a few miles of the Dennison Post Office; he attended grade school in Nerstrand, high school in Northfield and graduated from St. Olaf College in Northfield in 1950.

Governor Quie served as a pilot in the United States Navy from 1943–1945 and later became the owner and operator of a dairy farm. He was the clerk of District 43 School Board from 1949–1952 and a supervisor for the Rice County Soil Conservation District from 1950–1954. Al Quie was a member of the Minnesota State Senate from 1955–1958 and was elected to the 85th U.S. Congress and served 20 years here in this chamber. He served as the 35th Governor of Minnesota from January 1, 1979, until January 3, 1983.

Mr. Speaker, Al Quie’s tireless work to help others since he left the Governor’s office with such wonderful organizations as Prison Fellowship has been truly inspirational. His strong faith also serves as a powerful force and provides an example for me and others.

Al Quie has continued his public service in too many ways to fully enumerate here. Al has served on many boards—not only Prison Fellowship Ministries, but Lutheran Brotherhood Mutual Funds, Lutheran Health Systems, Tentmakers, Vesper Society, Nobel Peace Prize Forum, Search Institute, Council on Crime and Justice, Urban Ventures and AGORA.

Al Quie was a member of the Commission on Excellence in Education that wrote “A Nation at Risk.” Today, Al is a sought after speaker and mentor as well as a voting member of the Evangelical Lutheran Church in America Church-Wide Assemblies.

Al has also been busy seeing this great nation he served so ably. After completing his service as Governor of Minnesota, he was able to take time to fulfill his life-long dream of riding horseback along the Continental Divide from Canada to Mexico—and write a best-selling book about it, “Riding the Divide.” Al Quie has had quite a ride, serving others and leading our state and nation. I am proud to say that today he resides in Minnetonka, Minnesota, on a beautiful farm home lovingly built on the 3rd Congressional District, which I am privileged to represent.

Al personifies both the greatness and goodness of Minnesota. Above all, Al has been a good friend over the years, and I, love, admire and respect him and his wonderful family.

Mr. Speaker, I urge a “yes” vote on this fitting tribute to a great leader and a truly good man, Al Quie.

Mr. SABO. Mr. Speaker, I rise in support of H.R. 5959 and join my Democratic and Republican colleagues from Minnesota in their unanimous support for designating the post office in Dennison, Minnesota as the “Albert Harold Quie Post Office.”
CONGRESSIONAL RECORD — HOUSE

November 1, 2005

Albert Quie is a well-respected former Minnesota Governor, U.S. Representative, and state senator. He grew up on a farm near his hometown of Dennison.

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

The question was on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3989, as amended.

The Yeas and Nays were ordered taken.

The Yeas were: Yeas 390, nays 0.

The House has resolved itself into the Committee of the Whole House on the State of the Union.

The Gentleman from Minnesota (Mr. GUTKNECHT) said: Mr. Speaker, I demand the yeas and nays.

The Clerk: The yeas and nays have been ordered taken, the House is divided on the question, and the ayes have it.

The yeas and nays are ordered taken on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3989, on which the yeas and nays are ordered. The motion was agreed to by the Yeas 390, nays 0, not voting 43, as follows:

[Roll Call No. 557]

RETURNING TO THE HOUSE OF REPRESENTATIVES THE ENROLLMENT OF H.R. 3765—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

Consistent with House Concurrent Resolution 276, I am hereby returning the enrolled bill H.R. 3765, "An Act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits," to the House of Representatives for the purposes of making necessary corrections.

George W. Bush

The Speaker, pro tempore.

ADDITIONAL BUSINESS

The House has resolved itself into the Committee of the Whole House on the State of the Union.

The Speaker, pro tempore, having taken personal charge of the House, notified the House that the Committee of the Whole House on the State of the Union had postponed until 6:30 p.m. on November 2, 2005, the pending business.

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November 1, 2005

CONGRESSIONAL RECORD—HOUSE

H9447

Our hearts and prayers go out to his wife Dorothy and his wonderful family.

Mr. BIGGERT asked and was given permission to address the House for 1 minute.

ANNOUNCING THE PASSING OF FORMER CONGRESSMAN JOHN N. ERLENBORN OF ILLINOIS

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

Mr. B ORNER, Speaker, it is with sadness that I rise to inform the House of the passing on Sunday of one of our beloved former colleagues, John Erlenborn of Illinois.

John Erlenborn served the people of the southwest suburbs of Chicago from 1956 to 1985. After his service in Congress, he served on the board and as president of the Legal Services Corporation from 1989 until 2001. A former member of the U.S. Association of Former Members of Congress, he was well-known and well-loved by all of us.

ALBERT HAROLD QUIE POST OFFICE

THE SPEAKER pro tempore (Mr. COLL of Oklahoma). The pending business is the question of suspending the rules and passing the bill, H.R. 3989, as amended.

The Clerk read the title of the bill.

THE SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTNECKT) that the House suspend the rules and pass the bill, H.R. 3989, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 43. [Roll No. 558]

ALBERT HAROLD QUIE

[NOTE.—Mr. RADANOVIČ changed his vote from “nay” to “yea.”]

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

The result of the vote was announced by Ms. Curtis, one of its clerks, announced that the Senate has passed an amendment to an act to designate the Federal building located at 335 Mt. Elliott Street in Detroit, Michigan, as the “Rosa Parks Federal Building”.
So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the Albert H. Quie Post Office”."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION
Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on November 1st, 2005. Had I been present I would have voted “yea” on both H.R. 3548 (the Heinz Ahlmeyer Jr. Post Office Building Designation Act) and H.R. 3989 (the Albert Harald Quie Post Office Designation Act).

PERSONAL EXPLANATION
Mr. POMBO. Mr. Speaker, on November 1, 2005 I missed recorded votes and would like my intentions included in the CONGRESSIONAL RECORD. Had I been present, I would have voted “yea” on both H.R. 3548 and H.R. 3989.

PERSONAL EXPLANATION
Mr. OSBORNE. Mr. Speaker, yester-

Mr. Speaker, I ask unanimous consent that I may ask permission to address the House for 1 minute.

Mr. DEFAZIO, Mr. Speaker, the President has finally discovered that there is a threat of an avian bird flu pandemic despite the fact that it was discovered about 8 years ago. Experts have been talking about the threat of the pandemic for a number of years. Last year the President in his budget spent $122 million on chastity education and $100 million on preparation for a pandemic. That is a fraction of all investment in flu, vaccines, and antivirals and research.

I am glad that he has had a change of heart now. Now he is going to begin to adequately fund the threat, but it is going to be pretty late. The U.S. does not make the vaccines. In fact, there is not a very good vaccine available. And we do not make the antivirals. And we are going to have to get in line behind every other country in the world that had better foresight than this administration.

ACROSS-THE-BORDERSpendingcuts

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

EXCHANGE OF SPECIAL ORDER TIME
Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

TRADE

Mr. Speaker, yesterday a subcommittee of the Japanese Food Safety Commission, on Prions, which deals primarily with BSE, or mad cow disease, voted to pursue a designation Act).

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that I may ask permission to address the House for 1 minute.

Mr. Speaker, I was attending events in my congressional district during today’s rollcall votes on H.R. 3548, the Heinz Ahlmeyer Jr., Post Office Building Designation Act, and H.R. 3989, the Albert Harald Quie Post Office Designation Act.

Had I been present, I would have voted in favor of both bills.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 2216

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 2216, a bill originally introduced by Representative Cox of California, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. COLE of Oklahoma). Is there objection to the request of the gentlewoman from Florida?

There was no objection.
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has had numerous cases of BSE in recent years. Our current testing system would detect one BSE-positive cow out of 10 million healthy cows with a 99 percent probability. So the odds of a BSE cow getting through our present system is practically nil. So it is a very reliable system.

Contrast this with the scenario currently going on with the European Union. In 2004, last year, there were 756 cases of BSE in the European Union, 756, whereas in all of North America there have been more than four or five cases in the last 3 years. There have been 189,102 cases of BSE in Europe since BSE was first found several years ago. So it has been a huge amount of trouble that they have had. Yet the United States has experienced practically no exports of our beef to Europe. One would think with that scenario that we would have had a tremendous export opportunity.

The European Union has blocked U.S. beef by means of WTO rules, also has blocked our pork, our poultry, and genetically modified crops. So the European Union, certainly, has not been a good trading partner; and they have, as I mentioned, violated WTO rules in doing so.

The net agriculture trade deficit between the United States and the European Union was a minus $5 billion last year; so we have taken a big hit in this area.

Current trade talks with the European Union are very important, and we have an excellent trade ambassador, Rob Portman, who is doing a great job. And we should be doing our level best to make sure that they understand that they are going to lose a tremendous export opportunity. The European Union has blocked U.S. beef by means of WTO rules, also has blocked our pork, our poultry, and genetically modified crops. So the European Union, certainly, has not been a good trading partner; and they have, as I mentioned, violated WTO rules in doing so.

We have asked the European Union to reduce their trade subsidies by 33 percent. The total U.S. subsidy is roughly $12.5 billion. The EU has countered with an offer to reduce their export subsidies and also their farm subsidies to 39 percent, which is certainly not a very satisfactory counteroffer. As a result, we are somewhat concerned about their response to this whole situation.

It seems that tariffs certainly need to be equalized between the U.S. and the European Union. Currently, our tariffs on goods going into the European Union are roughly 30 percent. Theirs would be going into the United States are roughly 12 percent. So here we have two large trading partners, with economies of somewhere in the $9 trillion to $11 trillion range, still have a great dichotomy in terms of the actual tariffs that are being charged against the U.S. versus the EU.

The important thing to realize is if these trade agreements are formalized and if they do come into being, this will certainly change the nature and structure of our current farm bill.

A note of caution here, Mr. Speaker. Brazil is waiting there and seeing what is going to happen. Their land is roughly 10 percent of our land value. Their labor costs are about 5 percent of our value. So if we reduce our farm programs, they are going to be a formidable competitor. We certainly think our farmers can compete with anyone in the world; but when the playing field is not even, that is a problem. So it is really important that we realize that trade agreements are enormous if they are honored and if the playing field is equal, but they can be huge liabilities if one side honors the agreements and the other does not.

So far with the European Union that has been pretty much the situation. So in Congress we need to look at the next WTO round very carefully.

THE CONTINUING WAR IN IRAQ

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

Mr. BROWN of Ohio. Mr. Speaker, every time you look, the rationale for the Iraq war has shifted. It went from being about weapons of mass destruction to removing Saddam Hussein to trying to create a democracy in Iraq. We were told this war would be over in a matter of weeks, and that the Iraqis would be able to finance it with oil sales. We were promised it was not a mission of nation building. But the reality is we’re two years in and we’ve spent more than $200 billion dollars on this venture. And who is paying for all of this? The American taxpayer.

The outstanding public debt as of October 3 is almost $8,000,000,000,000 (eight trillion). With a population approaching 300 million, each U.S. citizen’s share of this debt is about $27,000.

Big government conservatives are spending trillions and wasting billions. Republicans are no longer the party of fiscal conservancy, but the party of runaway spending and corruption.

The majority’s oversight of the spending in Iraq has been simply disgraceful. The time for accountability is long overdue. It is time to stop handing the president blank checks.

Each week we see attacks continue, and more of our troops are lost. Our death toll now is past 2,000 Americans.

These attacks remind us again of the urgent need to develop a more effective strategy in Iraq—one I and my colleagues on this side of the aisle suggested before we went to war, and one that was disregarded.

The reality in Iraq is that we are creating new terrorists and severely damaging the public impression of the United States in the Muslim world.

We should not be advocating an immediate withdrawal. But we need an exit strategy addressing our goals in Iraq and proposing the announcement of a timetable to draw down the majority of U.S. forces during 2006.

Yet the president still refuses to level with Congress and the American people about when such withdrawals may actually come to pass.

Our military leaders have repeatedly told us that there is no purely military solution in Iraq, and that a political settlement is a necessary element for success.

Meanwhile, the Administration continues urging the American people to stay the course. That’s a bumper sticker slogan, not a strategy.

The dishonesty needs to stop. The American people deserve better.

Our troops have done everything we’ve asked of them in Iraq. They have acted heroically. They are not there anymore.

We must have a timetable for withdrawal of U.S. forces—or at the very least a plan for something the administration has inexcusably failed to do for over two years.

This means conveying to our troops that we will not be there forever, it must come together. Only Iraqi unity can stop the insurgency, not a permanent U.S. military presence.

The administration has been sending the wrong message with repeated statements that we will stay in Iraq as long as we are needed. We should not mislead the Iraqis into thinking they have unlimited time to reach a settlement. The longer they think that, the less likely they will be to act.

The administration needs to speak honestly with the American people. Exaggerating our progress in defeating the insurgency or in creating an Iraqi army paints a dangerous picture. Repeated tours in Iraq and Afghanistan have strained our forces and have hurt recruitment.

The American people are losing patience with the mounting casualties and costs.

Democrats are asking the administration to do its job and to develop a strategy for successful completion of the mission.

It’s past time for a plan to ensure that our mission in Iraq is a success and that our brave men and women in uniform can begin to come home soon.

We must support initiatives that provide clear, concrete measures and milestones that our troops need for defeating the insurgency, building up Iraqi security forces, and handing over Iraq to the Iraqi people.

From increased gas prices to corruption in Ohio and Washington; from record spending and record debt to jobs shipped overseas; and from failing to supply body armor to our troops in Iraq to skyrocketing healthcare costs, the Republican agenda has proved a failure.

And we’ve done that.

The Republicans are running wild with our tax dollars and it’s been a mistake to let this administration continue a policy of incompetence when it comes to Iraq.

It is past time for Republican leadership to answer for record deficits and reckless spending, both in Iraq and in the U.S. It’s time for a plan to bring our troops home.

It’s a message the American people understand, but Republicans aren’t willing to accept.

IRAQ AND AMERICA’S LEADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last year when it became clear that the United States was unprepared to fight an increasingly hostile and aggressive Iraqi insurgency, Secretary Rumsfeld told our troops: ‘You have to go to war with the Army you have, not the Army you wish you had.’

Well, I am here tonight to tell Secretary Rumsfeld and the other members of the Bush administration that
the war in Iraq was started by the government leaders we have, but not the government leaders we want.

Let us take a look at the folks who are running things at the White House. Who is weighing in on this war every single day? Who have got to approve that Libby, the Vice President’s chief of staff. Scooter Libby was in charge of coordinating the intelligence and communications strategy for the war in Iraq until last week. Last week, Libby was indicted by a Federal prosecutor for lying to a grand jury investigating the release of Valerie Plame’s name, a political dirty trick, is minor compared to the disinformation about weapons of mass destruction and other events that propelled us into an unnecessary war. It costs, in life, suffering and money, have proven to be inhibition.

The indictment of those involved in the prewar intelligence would be a start. After more than 2 years of war, over $200 billion spent, continued death and continued suffering, it is time to end this awful game of lies. It is time to end this corruption. Let us support our troops. Let us bring them home to their families where they belong.

BIG LIES AND LITTLE LIES

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, Scooter Libby has been indicted for lying. Many suspect Libby, and perhaps others, deliberately outed Joe Wilson’s wife as a covert agent. This was done to punish and discredit Wilson for bringing attention to the false information regarding Iraq’s supposed efforts to build a nuclear weapon, information made public in President Bush’s State of the Union message in January, 2003. Special prosecutor Patrick Fitzgerald was chosen to determine if this revelation regarding Valerie Plame, Wilson’s wife, violated the Intelligence Identification Protection Act. The actual indictment of Libby did not claim such a violation occurred. Instead, he has been charged with lying and participating in a cover-up during the 2-year investigation. I believe this is a serious matter that should not be ignored.

But it is not an Earth-shattering event. This case, like almost everything in Washington, has been driven by politics, not truth, justice or the Constitution. It is about seeking political power, pure and simple, not unlike the impeachment process during the last administration.

There are much more serious charges of lying and cover-ups that deserve congressional attention. The country now knows the decision to go to war was based on information that was not factually correct and the country was misled. Because of this, more than 2,000 U.S. troops and many innocent people have died. Tens of thousands have been severely wounded, their lives forever changed, if not totally ruined.

The lies Scooter Libby may or may not have told deserve a thorough investigation, but in the scheme of things, the indictment about questions regarding the release of Valerie Plame’s name, a political dirty trick, is minor compared to the disinformation about weapons of mass destruction and other events that propelled us into an unnecessary war. It costs, in life, suffering and money, have proven to be inhibition.

THE MYRIAD OBSTACLES OF DEALING WITH FEMA

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, at the end of this month, most Americans will celebrate Thanksgiving, and we always look forward to being with our families, our friends, our minds hallowed. However, there are the thousands and thousands of Americans who have been uprooted as a result of the hurricanes in the Gulf region who really need a Thanksgiving; and, as we celebrate, we ought to remember them. We ought to ask ourselves how we can really have a Plymouth Rock weekend and find a way to extend a helping hand to our fellow citizens in the South.

Today, the newspaper USA Today had a lead story talking about the lack of help that these Americans are receiving from the Federal Emergency Management Agency and thousands and thousands scattered across over 18,700 zip codes in all 50 States, people who have lost their home, their loved ones, their friends. It is a very sad time, one that we ought to appal that our civilian superiors are so concerned about the safety of our troops. Let us bring them home to their families where they belong.
provide basic information about the evacuees. I would like to place on the record this evening efforts our office has been making to try to connect housing from the North in communities that we represent that housing is inspected mobile homes, manufactured homes and trailers, to move those units south, to move that excess supply south to the Gulf to people who need the help.

Do you know FEMA does not even have a central Web site yet where we can offer these available units? I represent the longest coastal district in Ohio. We have mobile home courts, manufactured housing, fishing trailers, we have all kinds of units that are sitting empty now that are on the list for sale. They could be easily inspected by Ohio inspectors or taken down to Louisiana, Mississippi, Texas, Alabama, places where people have been displaced. FEMA cannot even create a central records system.

The article this morning talks about the National Low Income Housing Coalition and all the trouble they are having getting basic information about who needs help, who needs shelter as we approach Thanksgiving, how many people have been displaced, where are they living. How is it possible this many months after these tragedies we do not have this information?

FEMA spokeswoman Nicol Andrews said she could not explain why at least three relief groups did not get the data. And, by the way, even our government’s Center for Disease Control and Prevention and the Federal Deposit Insurance Corporation are waiting to receive this basic information.

Douglas Culkin of the National Apartment Association, one of the most recognized organizations in our country, says that his association, anxious to be helpful, cannot get information on who evacuated and where they are going to stay; and at an October 17 meeting here in Washington, Mr. Culkin said he was told someone would get him the information. Guess what? He still does not have it. He says it is unconscionable, and I agree.

What could be so hard about linking supply from the North, for example, with people who need help in the South? Why do I have to come down here to the floor of the Congress and let them know that, again, FEMA just cannot seem to get its act together?

I had to call the office of the new director of FEMA, R. David Paulison, who did return my phone call, and I appreciate it very much, simply to let him know that I wanted somebody in that agency who knew something about housing, or I said, lacking that, get us somebody from the Department of Defense who is used to putting up field housing. Let’s get an interagency trauma team of people who can work with us to move supply, excess supply from the North to those who need supply in the South. Even if it is temporary, it is better than nothing as we approach Thanksgiving season. Why should this be so hard?

All you have to do is talk to the people who run the manufactured housing parks, the mobile home parks, the trailer parks. Let us get those units inspected. We can even put them on trains.

I represent a major rail center. We can get them down into Memphis and take them right into Gulfport, Mississippi. What is the problem? Why cannot FEMA?

Plenty of stories have been written about Mississippi. The Manufactured Home Association down there says they have sent notices to FEMA offering housing, never receiving a reply. That is from people inside of Mississippi. Then they found out that Mississippi’s government, the government of Mississippi, made purchases from outside Mississippi rather than inside Mississippi.

So, Mr. Speaker, I will place this article in the RECORD this evening: and, please, we are begging FEMA, let all Americans have a blessed Thanksgiving this year.

[From USA Today, Nov. 1, 2005]

LACK OF FEMA DATA SLOWS RELIEF

(By Mimi Hall)

Relief groups trying to help Hurricane Katrina evacuees find new homes and reunite with families say they have been stymied by the Federal Emergency Management Agency’s failure to provide information about evacuees.

“It’s scandalous,” said Sheila Crowley of the National Low Income Housing Coalition.

“Congress should have hearings about the lack of information that’s available.”

Crowley said her organization has been trying for weeks to get information that FEMA collected on how many people were displaced from low-income housing and where they are living. She said the group needs the information to “understand the various situations that evacuees find themselves in.”

FEMA spokeswoman Nicol Andrews said she couldn’t explain why at least three relief groups didn’t get the data. She said FEMA is “happy to share” the information except with groups trying to profit from the evacuees.

Most groups that have complained are nonprofits. Others that requested but didn’t immediately receive the data were the government’s Centers for Disease Control and Prevention and the Federal Deposit Insurance Corporation.

The complaints have sparked the latest wave of discontent against the beleaguered disaster-relief agency. Since Katrina hit the Gulf Coast on Aug. 29, FEMA has been widely assailed for its response.

PICO National Network, a coalition of 1,000 churches, including 100 in New Orleans, also has been trying to collect information about evacuees’ whereabouts to help pastors find parishioners and help them contact relatives and friends.

“It’s critical that we rebuild all these social networks,” PICO’s Gordon Whitman said.

Many of the groups are seeking updates to data that FEMA had given to USA TODAY. On Sept. 29, the newspaper published a map showing that tens of thousands of evacuees were scattered across 18,700 ZIP codes in all 50 states.

Douglas Culkin of the National Apartment Association said he wants the information so his association can determine how much apartment stock is available in towns and cities where evacuees went. At an Oct. 17 meeting with FEMA officials in Washington, D.C., Culkin said he was told someone would get him the information. He still doesn’t have it. “It’s unconscionable,” Culkin said.

AVIAN FLU AND THIMEROSAL

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

Mr. BURTON of Indiana. Mr. Speaker, the President of the United States today made a speech before our health agencies that I think was very timely and very important. It dealt with the possible outbreak of the bird flu, better known as the avian flu, better known as the Asian flu.

I have talked about steps that needed to be taken to speed up the process to create more vaccines to protect the American public against a pandemic that could kill tens of thousands, if not millions, of Americans. I think it is very laudable that he did that.

One of the things he talked about was tort reform to protect the pharmaceutical industry against liability suits because he said there is only one vaccine manufacturer in the United States, and that is because the vaccine manufacturers have been afraid to produce vaccines because they might be sued on a class action basis. There must be thousands of people suing them because of damage that has been done to them.

So if I were talking to the President tonight, I would say, first of all, Mr. President, I think what you said was very good and what you proposed is very good. There are a couple of things that ought to be added to the mix. Mr. President, that I think are very important.

First of all, we had hearings for about 4 years on mercury in vaccines. It used to be one in 10,000 children were autistic. Now it is one in 166. We have scientists from all over the world and doctors from all over the United States come in and testify that one of the leading causes of neurological problems in children and adults who are suffering from things like Alzheimer’s is they have been damaged by the mercury that is used as a preservative in vaccines. It is called Thimerosal.

We need to get mercury out of all vaccines. Until that happens, I think it is going to be very difficult for this body and the other body to pass legislation to protect the pharmaceutical industries and the vaccine industries against class action lawsuits.

So the first thing I would say to the President was, get mercury out of all vaccines. That is very important.

Second, make the Vaccine Injury Compensation Program user friendly. Right now, there is no one who can help children who have been damaged are losing their homes. They are having to mortgage everything they own to pay for...
the damage done to their children and loved ones. So we need to make it more user friendly.

There is about $3 billion in that fund. It was created to protect the pharmaceutical industry from class action lawsuits in response to thefenal worms situation. It is a way to avoid a litigation nightmare, allowing a mechanism for people who have been damaged by vaccines to get compensation. It needs to be changed. It needs to be improved. This will be on the agenda if we need to put more money into the fund, the pharmaceutical industry can add a nickel or a dime to the cost of each vaccination. That should cover ever any shortfall. That is very important.

The final thing is to make sure that we do not leave anybody behind. There are thousands and thousands of children and thousands of families that have been damaged by the mercury that was in vaccines. We must not forget them. We must make sure that they get compensated for the liability they have incurred, how they have been damaged. It is extremely important.

Right now, we have demonstrations all the time when people come out and say, “My child has been damaged and we have no money to do anything about it.” The only thing we can do as a government, in my opinion, is to make sure they get compensation from the Vaccine Injury Compensation Fund and get mercury out of all vaccines. If we do that, I will sponsor the legislation to protect them against all class action lawsuits.

I have talked to leaders of the major pharmaceutical companies about this. I said, in exchange for giving you protection against class action lawsuits, make sure people who are damaged by vaccines can get compensation from the Vaccine Injury Compensation Fund and take away one of the leading causes of neurological damage and damage that has been caused by vaccines, problems like autism and Alzheimer's. Get mercury out of all vaccines.

So, Mr. President, if I were talking to you tonight, I would say it is extremely important that we do what you suggested today to protect the American public against a flu outbreak that could kill millions of people, but, at the same time, let us not forget those who have already been damaged by vaccines that were tainted with things like mercury.

ERRONEOUS PREDICTIONS ON THE WAR IN IRAQ

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

Mr. EMANUEL. Mr. Speaker, last week, America reached a tragic milestone in Iraq, the 2,000th American died of today, nearly 2,000 Americans have been killed in Iraq and a little over 200 in Afghanistan. In fact, October was the deadliest month in Iraq since January. I say this not to exploit the grief felt by those families who have lost loved ones. Rather, I raise this grim milestone because it should give us, all of us, pause.

Two-and-one-half years after President Bush stood on the deck of the USS Iowa and declared “mission accomplished,” the brave men and women of our Armed Forces are still fighting and dying in Iraq, worse today than during the actual hostilities, and there is no end in sight. That was not a time to debate how we got into Iraq. There is a place for that. What is more important now is resolving the issues and the sense of how we have gotten into this quagmire and bring our men and women home to their families.

It is time the administration finally leveled with the American people and presented us with a viable strategy towards success and victory. It is time that the President finally surrounded himself with honest leaders who can get the job done, rather than crooks and political operatives interested in advancing a political agenda.

Before the war, General Shinseki said it would take several hundred thousand troops to do our job in Iraq. Deputy Secretary of Defense Paul Wolfowitz said his estimate was widely off the mark and General Shinseki was let go.

Lawrence Lindsey predicted the war would cost hundreds of billions of dollars. In fact, many ridiculed his estimate and it was widely off the mark, that oil revenues would pay for the reconstruction.

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His predictions were ignored; and $400 billion later, the tab keeps rising. Some say it will finally cost nearly $1 trillion, this war.

Dick Cheney famously predicted that we would liberators. Let me say, if Iraq treats liberators like this, they have a funny way of greeting liberators.

Weeks after the invasion of Iraq, Secretary of Defense Rumsfeld fought against increasing the troop levels in Iraq. In fact, months before the war, he was still debating whether we needed less than 100,000 troops, when those in the Armed Forces were saying we needed 200,000 plus to win that war.

When the looting broke out in Iraq right after the invasion, Secretary of Defense Don Rumsfeld replied “stuff happens.” Later he said during the looting, “freedom is untidy, and free people are free to make mistakes and commit crimes and do bad things.” That was the Secretary of Defense. That sense of freedom has led to the situation we have today because we did not create order in that society in Iraq and a sense of who was in control.

In fact, the Defense Secretary has been flat wrong on countless occasions, both before and after the hostilities. I have lost track of the number of times he has told us that the insurgency was in its “last throes.” On March 30, 2003, regarding the fabled weapons of mass destruction, Secretary of Defense Rumsfeld again: “We know where they are. They are in the area around Tikrit and Baghdad.”

He has misled us on the number of Iraqis trained to take on the Iraqi police and military operations. In September of 2003 he said 55,000 Iraqis have been trained. Earlier this year, he told us three battalions were operational. About a month ago, in front of the Senate, we were told that there was only one operational Iraqi battalion. Imagine that: Mr. Speaker, $450 billion, a little over 2,000 American lives, over 10,000 Americans wounded, and one operational Iraqi battalion to show for that, and two elections.

The truth is that the administration’s plan for their invasion was brilliantly planned, but they have failed to plan for the occupation, costing American lives, our treasury, and our reputation, and all because of the incompetence of this administration.

Today we are left with a quagmire that has created terrorists and threats to destabilize the region.

Let me read you what some of the experts in the Republican national security apparatus have said. Lieutenant General Odom, former head of the National Security Agency, said the invasion of Iraq “will turn out to be the greatest strategic disaster in U.S. history.”

Brent Scowcroft, National Security Adviser to the first President Bush said: “You have to know when to stop using force. You encourage democracy over time, with assistance, and aid, the traditional way. Not how the neocons in this administration do it.”

Lieutenant Colonel Lawrence Wilkerson, Colin Powell’s former chief of staff in the State Department, called President Bush’s foreign policy “ruinous” and said that “we have courted disaster in Iraq, in North Korea, in Iran.”

The people I just quoted are not exactly the board of moveon.org or the Democratic Party. These are the pillars and the heads of the national security apparatus of the Republican Party. These experts are saying that it is time for a new direction with new priorities when it comes to Iraq.

We have to get it right in Iraq, but the current path the President has us on is not the path to success; and it is not simply, as he says, the choice between doing more of the same and getting the same results or merely pulling out. Mr. Speaker, $400 billion and one Iraqi battalion. Some are estimating, if I am reading the charts of this war will get closer to $1 trillion.

It is time for the President to level with the American people and show us a path to success. We need a performance-based strategy. How many police will we be reduced to next quarter? How many Army members will be reduced this quarter, the next quarter, and for the next 2 years,
It is time the President stopped cam-
different strategy, a strategy for vic-
league from Ohio, Congresswoman KAP-
The Extensions of Remarks.)
His remarks will appear hereafter in
previous order of the House, the gen-
ment of Defense leaving behind people
region in Texas and having been in part
TUR, and ask the same questions of
Ms. JACKSON-LEE of Texas. Mr.
The SPEAKER pro tempore. Under a
The SPEAKER pro tempore (Mr.
ceeds in my congressional district, Ser-
We understand that the American
are serious people. They under-
strategy for our men and women to be
ultimate decisions were made does not
investigate the cooked intelligence to
lish a bipartisan select committee to
We need to internationalize our oper-
We need to refocus
people have been designated for closing.
So I join my colleague, and we will
hopedly join in a sense of Congress that
move expeditiously to house the
Our citizens have fallen on hard times,
might I lift again our praises and re-
respect for the men and women on the
front lines in Iraq and, of course, Af-
FEMA staff persons have done to rec-
works that many of the individual
sequently evicted because of the time
that some 44,000 to 50,000 individuals
were housed. But having given them
for nearly 2 years and more than 2,000
American lives, it is time we adopted a
different, a strategy for vict-
that will join American fami-
and provide Iraq a stable society.
It is time the President stopped camp-
paigning and began to lead on the issue of
Iraq.
The SPEAKER pro tempore (Mr.
the. Under a previous order of the House, the gen-
tyman from Washington (Mr.
represented to the United States Congress
the answers. I think the action of the
Senate today, led by the minority lead-
Senator REID, was, in fact, a very
positive step. It was a step toward tell-
ing the truth; what and how was the in-
telligence used, and how was it rep-
resented to the United States Congress for a
decision to be made statutorily, by
a vote on this floor, not a constitu-
tional vote, to move toward Iraq.
Now, it is obviously true that the
American public wants to find solu-
tions; but as we find solutions, we must be
keenly aware of finding out the
truth. It is important as well to be able
to go back and understand how this
Congress was able to do its job effec-
tively or not effectively because of the
representations and misrepresentations
that were made by the administration
and others.

My deepest sympathy to the families
had a session over there where they
closed the doors to try and get at the
truth tells you how bad this situation
is.

This morning’s New York Times has
an article, an editorial by Nicholas
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“Did you ask Scooter Libby to under-
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This goes on to suggest that if he did
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Now, this is a question that the
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Several years ago we sat in this body
and listened to a State of the Union
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It is important now, as the American
public begins to look for some answers,
both to the President and the United
States Congress to fulfill our
our duty and our obligation to give them
the answers. I think the action of the
Senate today, led by the minority lead-
er, Senator REID, was, in fact, a very
positive step. It was a step toward tell-
ing the truth; what and how was the in-
telligence used, and how was it rep-
resented to the United States Congress for a
decision to be made statutorily, by
a vote on this floor, not a constitu-
tional vote, to move toward Iraq.
Now, it is obviously true that the
American public wants to find solu-
tions; but as we find solutions, we must be
keenly aware of finding out the
truth. It is important as well to be able
to go back and understand how this
Congress was able to do its job effec-
tively or not effectively because of the
representations and misrepresentations
that were made by the administration
and others.

So I am calling upon this Congress to
do the right thing. Whether we estab-
lish a bipartisan select committee to
investigate the cooked intelligence to
be able to find out the truth or whether
or not we instruct a number of our ju-
isdictional committees to hold hear-
ings, we should begin our work. Doing
this work on the past, on how the rep-
resentations were made and how the
ultimate decisions were made does not
in any way take away the responsi-
bility that we have for a successful exit
strategy for our men and women to be
able to come home.

We understand that the American
people are serious people. They under-
stand as well that we have responsibil-
ities, and I know that many are con-
cerned about any precipitous action;
but we do need a deliberative approach
to be able to find a way to bring our
young men and women home.

My deepest sympathy to the families
who have lost loved ones on the front
lines in Iraq and Afghanistan. This
Country will be forever indebted to
you. And that is why in these names we
promise you that we will find out the
truth so that America, as she moves
forward to defend herself in years to
come, will be able to find out the truth
that is deserving of the military and the
people of the United States of America.

### QUESTIONS NEEDING ANSWERS

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
man from Washington (Mr.
recognizes for 5 min-
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address, and the Vice President of the
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dais, behind the President of the United States, knowing that what the President was saying was not factual. He knew that. How can the President of the United States explain to the American people how he sent people out to find out all this information, found it out, and still was able to come before the American people and the Congress and the diplomatic corps and the Supreme Court and the whole administration and tell them something that was not true.

Now, what that event does, and they may try and brush this off as a minor technicality, or it is just perjury; well, we impeached or tried to impeach President Clinton over just perjury, and that was about a sex act. No one died. Two thousand people have died, and 10,000 of our people have come home badly, badly wounded. It has cost us $240 billion, money that we did not use to fix the levees in New Orleans or other places in this country where there are problems today.

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The question that comes up again and again: Is there no limit in the administration to what will be said or done to promote this war and to protect it? Will they say anything? Is there any limit on what they will bring here as evidence?

The fact is that we hear there is a terror alert. If you look at those terror alerts, they always follow some disaster someplace to get people’s mind off it. What has happened this week since the President was made aware of the fact that we had an indictment of the Chief of Staff to the Vice President of the United States? That man works in the White House or in the Executive Office Building right next to it.

What do we have? Well, we certainly have a lot of things here. We today had a big flu epidemic. Now, did that just happen yesterday? That has been going on for a long time. The President said he had a flu shot. That flu shot had nothing to do with the avian bird flu from Asia. That is this year’s strain of virus. We get them every year. Everybody gets a flu shot every year. They have nothing to do with this pandemic we are talking about. Yet the President makes a big expose in the White House. And the fact is that this kind of thing to divert people’s attention will continually be done to keep them from focusing on the disaster of this morally bankrupt war we are in in the Middle East.

It is time for us to call an end to this. The President has no plan to get out of it. We have no plans. There are no benchmarks for anything. They are going to stay there, and they intend to stay there. As long as there is chaos, they will be able to justify staying there, and that is what they want. They want to stay.

Why did they disband the army? Why did they disband civil service? Why did they not prepare? Because they were intending to have things be in turmoil. Because in turmoil they can keep justifying their existence in Iraq. They should come home. The Vice President, as Mr. Christoff should, either tell us what was going on or resign.

PRIVATE PROPERTY RIGHTS

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker’s announced policy of January 4, 2005, from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, my fellow colleagues on both sides of the aisle, and our constituents who may be listening to this hour this evening, we are going to talk about something that is well known to the general public, and that is the subject of eminent domain. It is well known, maybe not particularly liked by the general public, but certainly it is well known that, under the power, the government has the power under the Constitution and the fifth amendment to take private property for public use. This is something that has been recognized for 200 years.

An example, the obvious example, of course, of public use would be for a school in a community that is growing rapidly, and youngsters need a place to get that public education. That is a public use of the power of eminent domain, that ability for a government entity, the Federal Government, the State government, a county government or municipal city government to literally take a person’s private property for public use purposes and, of course, with just, fair market value compensation. That is something that we all recognize.

As I said, when it is the individual who may have that little tract of land that has been in the family generationally, and it was willed to them by their parents and willed to their parents by their grandparents, and maybe it is 50 acres, maybe it started out as farmland and ended up as just a homestead and a paid-for residence and a front porch with rocking chairs and a great view and clean air and clean environment and a place for the children and the grandchildren to come and play on the weekends. It is pretty painful indeed to think of the general public knocking on the door. It may be the local school board, good, dedicated men and women who are trying to provide education for the children in the community; and that 30 acres is the last remaining plot of land in the whole county where a new high school is desperately needed because of development, economic development, new subdivisions, new roads.

And people, of course, are powerless in the face of that authority of eminent domain. The only recourse they have, of course, is a plea and an appeal for fair market value of the land that they do not want to sell, they are forced to sell under this constitutional right of eminent domain. Maybe there is some negotiation. Maybe they are not happy with what is the public entity that is doing the taking, has set the price; and the homeowner, the property owner, small business owner, feels that that is not fair. Then certainly they have the right to appeal in our court system and our judicial system to the superior court of the judicial area in which they happen to live.

My colleagues, I think you all know that the Supreme Court on June 23 of this year, 2005, made a decision, a narrowly split decision, as this court has done in so many other cases, particularly regarding our traditional values. That is not the purpose of this debate and this discussion. Mr. Speaker, tonight on the floor of this House.

But this 5 to 4 decision all of a sudden expanded this power of eminent domain to include the taking of a person’s home, small business for economic development, that is now being interpreted by this split decision of the Supreme Court to qualify under the fifth amendment, under the Constitution, the right to take someone’s property for public use purposes, redefining, completely and totally redefining this definition of public use that probably a sixth grade student would answer correctly if you asked them: Well, give us an example of public use. They would say a road or a bridge or possibly a public library, certainly a school, maybe even a sewer line easement, a natural gas line easement.

But to suggest to them that, oh no, now we are talking about taking somebody’s property for the purpose of increasing the tax revenue. Let me just kind of set the scenario for my colleagues just as a perfect example.

Under this ruling, June 23, 2005, this afternoon, we think the case on the floor of this body of this House with overwhelming bipartisan support, not unanimous but overwhelming bipartisan support, we expressed our outrage over this, the sense of the House, a concurrent resolution expressing our absolute outrage over this decision.

What it basically says and what prompted and precipitated this Supreme Court decision was a case in the State of Connecticut, the City of New London. New London, being the defendant, the plaintiff was the property owner, Kelo. Their property was being taken for the purpose of nothing other than increasing the tax base, the tax revenue of that particular section of town where their property happens to be.

The justification for it from the standpoint of the City of New London, that local jurisdiction, was, well, if we are able to take this property, which in our opinion, Mr. Speaker, I think everyone knows I am not a lawyer nor am I a real estate expert, I am just a little old meat and potatoes OB/GYN physician. But what they were going to
do was take this property so they could redevelop it. And, again, maybe it could have been a bakery, a small business that some immigrant family two generations came to this country, could not even speak English, but started on a street corner selling bagels and finally developed that little business and had that loyalty and that customer base and that value which we call blue sky on that business; and yet the tax revenue from that little business could be a house, could be your home, could be what made that community a better place to live.

But can they help it that their business base was such that they only had a certain amount of revenue in any one year? There were just so many doughnuts and bagels to be sold. So they did not have an opportunity to have a high value on their business so that the local community could tax them, and so now they are going to come along and take that property, to take that business so somebody else could come in.

Mr. Speaker, in no way am I disparaging any good companies, but I mean, a Ritz-Carlton, even a Starbucks in this area that needs redeveloping pays a lot more taxes; and, yes, may be some of that money could be put to the public use. But it is not at all what we understand and know and have known for 200 years the definition of a public use. So I am talking to the community, to the families, the folks back in the area, to take that property, that business, indeed make that community a better place to live.

And I could not help but think we have just witnessed a big vote in Iraq, very successful. Over 65 percent of the people in that great nation came out and voted on a Constitution. We are watching a nation walk very consistently in that direction, as they came together as a body, as they met, as they came about developing that Constitution, as they worked to establish that Constitution and then put it into practice. And I think it is so important. It did not happen overnight. It did not happen within a year, and it did not happen within 2 years.

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violated in the seizure of their property.

All of us want economic development for our community. We also want our citizens to be secure in the knowledge that their property is just that, that it is not subject to taking unless the law says so. I have a fear that that fundamental right has been infringed upon and their property taken for development.

I hope all of my colleagues on both sides of the aisle will join with us in supporting this much-needed legislation.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN). It gives me a little bit of a segue as she used the term ‘activist judges’ and I think that that absolutely, Mr. Speaker, is what is going on here. We are in the process of, of course, we have just confirmed our new Supreme Court Chief Justice, and now there will be hearing soon in the Senate on the Judges. I look forward to the confirmation, hopefully, of a judge to replace retiring Justice Sandra Day O’Connor. And all the talk, of course, is about the litmus test of abortion. Has the judge, the candidate judge in this instance, a judge, a circuit court judge, 30 years of experience, what is his record on abortion? Is he pro-life? Is he pro-choice?

Although our colleagues on the other side of the aisle, the members especially of that Committee on the Judiciary, say three is in the Judiciary test it is not, and that is a huge concern. I think, that issue for the American public. And they are watching very, very closely these proceedings that are going to occur, the hearings in the Senate Judiciary Committee. But this is an example of other things of judicial activism, of legislating literally from the bench. They may not rise quite to the example of other things of judicial activism, of legislating literally from the bench. They may not rise quite to the example of other things of judicial activism, of legislating literally from the bench. They may not rise quite to the example of other things of judicial activism, of legislating literally from the bench. They may not rise quite to the example of other things of judicial activism, of legislating literally from the bench. 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around him. He has the right of property ownership to have that shrine of his, that little shrine right in the middle, and if they want another shot at it after he is gone and they want to deal with his heirs and his children, his grandchildren, then let him offer a priced but public property.

Mr. Speaker, I want to point your attention to this first poster I have. I do not have many, but this is exactly what the gentlewoman was talking about. It shows in the baby carriage homeowners and small businesses in the baby carriage. It shows the wheeler dealer with the lollipop. You cannot see it, but on that lollipop, the attraction of the lollipop, is the enticement or the power of eminent domain. And this little youngster on the other side is that shopping center mogul that the gentlewoman was talking about or maybe it is the pharmaceutical company that wanted to build this new research center in the heart of New London, Connecticut. But not only did they want to develop the property for this research center, God knows we need research and I pay tribute to some of our pharmaceutical companies, protecting us these wonder drugs, but they did not, in my opinion, the opinion of Suzette Kelo and the other homeowners that had 15 homes in and around that area, they did not have to take that as well. It was absolutely unnecessary.

And that is the whole issue here, this ability to take, the powerful, in conjunction with a local government jurisdiction, for this expanded purpose of public use or economic development and a higher tax base, somebody’s God-given right, constitutional-given right to their own property.

We talked a little bit about the courts. I think at this time it is entirely fitting and appropriate to call on my good friend and colleague from the great State of Texas who knows a little about the courts. We are talking about municipal, State, superior, Federal, district, circuit and Supreme Court; and I yield to my colleague, the gentleman from Texas (Mr. Poe).

Mr. Poe. Mr. Speaker, I want to thank my friend from Georgia for yielding to me.

It is true, I spent a lot of time as a trial judge down in Texas, about 22 years and a lot of cases. I have had the fortune, once I came here to Congress, to meet individually with some of our members of the United States Supreme Court to discuss philosophies, certainly not to try to influence them on specific cases but to talk about philosophy, about the United States Constitution. I respect the position that they hold, but to me, this ruling is wrong. It is a misinterpretation of a simple provision in the United States Constitution.

The right of property in this country, sometimes we as Americans take the right of property for granted, but I think a little history is in order.

When people started coming to the United States from Europe and from England, back in those days, in the middle ages, the king or the queen owned all the land, and the king or queen would bequeath certain portions of the adjoining to the noble king or the noble queen. The nobles would have extensive land grants, and then they would have serfs, regular folk, work that land. But the real people, the working folks, never owned the land they worked on. It belonged to the nobles and then off to the king.

So when people started coming to America, they started owning their own land. It was an individual right to own property. Today, it is still. I think, the greatest American desire to own a piece of America, own the land. Usually, we get that with a house, but it is the greatest desire that most Americans have, and more Americans now than ever before, the right to property.

When our forefathers got together and started talking about this new government, this new country, they were influenced a lot by John Locke. John Locke wrote, all of us are born with certain rights because we are individuals. He said hundreds of years ago that man has the natural right to life and to liberty and to property, three rights that really all other rights come from, the right to life, liberty, or freedom as we call it now, and the right to property.

He influenced Thomas Jefferson so much that in the Declaration of Independence, he stated that we are given by our Creator certain rights, and he said they were life, liberty and the pursuit of happiness, which includes the right to property.

Then, of course, in the fifth amendment of the United States, in our Constitution, our forefathers reaffirmed the basic rights that John Locke talked about hundreds of years ago and said that no person shall be deprived of life, liberty or property without due process of law. To say in the fifth amendment, nor shall private property be taken for public use without just compensation, a very simple statement, and it is not difficult to understand.

You may recall in the movie “The Patriot” with Mel Gibson, that somewhat fictional approach to the American Revolution, how in one scene there General Cornwallis of the British empire was talking to Colonel Tarleton and Lord Cornwallis. In America, if you will have all of these lands bequeathed to you by the king, the concept being, in the eyes of the British, the land in America still belonged to the British empire. That is why the American Revolution was so important. It not only gave us life and liberty, it gave us the right to own property.

So property in this country is not just available to kings and to nobles, but it is available to the rest of us. This is why this fifth amendment was put in our Constitution, to give us the right of property.

The argument in the fifth amendment was the whole concept of compensation, the idea that government could take property only if it paid for it and paid the owner of the property. It would not have been missed if this summer to have the right of government, we are talking about city councils generally, to take your private property for private use. We are not talking about public use. We are talking about private use, take your property and make a parking mall, a parking lot out of it. No offense to Walmart, but Walmart pays a lot of taxes. They could take my house and much of my neighbors’ houses, make a Walmart out of it, and they get a whole lot more tax incentives or taxes from that business than they would from the property owners. So that is the motivation to seize private property, to hand it to other uses for money. Mr. Speaker, it boils down to money. Too often, it often always boils down to the money trail.

So the Bill of Rights certainly does not give, I think, government the authority to take private property for private use. The Constitution protects the rights of people. It does not give rights to government. Sometimes we think government has a lot of rights. Government, in our philosophy, only has the power we give it. Government is controlled by us, the people. The Constitution gives the rights to individuals, to people; and one of those rights in the fifth amendment is the sovereign right to own the land, to own a piece of it, and they get a whole lot more tax incentives or taxes from that business than they would from the property owners. So that is the motivation to seize private property, to hand it to other uses for money. Mr. Speaker, it boils down to money. Too often, it often always boils down to the money trail.

With all due respect to our northeastern law schools, I do not think you have to go there to figure out what the fifth amendment means. It is relatively simple.

You may recall in the movie “The Patriot” with Mel Gibson, that somewhat fictional approach to the American Revolution, how in one scene there General Cornwallis of the British empire was talking to Colonel Tarleton and Lord Cornwallis. In America, if you will have all of these lands bequeathed to you by the king, the concept being, in the eyes of the British, the land in America still belonged to the British empire. That is why the American Revolution was so important. It not only gave us life and liberty, it gave us the right to own property.
I want to thank my friend from Georgia for allowing me to make some comments on this 5-4 decision by the Supreme Court, this error in judgment that the Supreme Court justices have made.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas, the judge, for sharing those thoughts with us.

I wanted to assure the judge, as he well knows, that we intend to do something about it this week, and this is what H.R. 4128 does. It protects private property rights, and we will get into that in just a few minutes.

Earlier we heard, Mr. Speaker, from our colleague from Ohio, and the gentlewoman talked about her father in fact who built some of these little German homes, being of German ancestry. I am not sure that this next poster that I have got is a picture of a home in Ohio, for that matter even in New London, Connecticut, but, boy, it sure has a German look to it.

I have been to Germany a time or two, a lovely country, and I have seen some residences, some homes, free-standing houses, look a little bit like that. But look at that sign in the front yard, for sale, not by owner, but by government, and that is what we are talking about here. That is exactly what the gentlewoman from Ohio was describing in her district, and this is what the people, quite frankly, in New London, Connecticut, were fighting for.

As I said a little earlier, a developer who wants to put up a mega store, a big box, a new luxury five-star hotel or a four-star restaurant, or whatever they want to do, expand that shopping center I think we were hearing about earlier, let them do it and let them buy what property they can buy. If a price is offered that is attractive enough, you will have plenty of willing sellers. And if it is not, if it is two that are unwilling, for the reasons the gentlewoman was describing, I think she pointed out a gentleman 82 years old, been married 50 years, lost his wife, been in the home their whole married life, let some creative architect figure out a way to build around that home and still have an attractive development. It can be done, no question about that, Mr. Speaker.

This next poster, my colleagues, I think is the most important of the three. Because while I have emphasized that under this expanded ruling of this activist court, this 5-4 decision, that a person's home, where they have raised their children and maybe even their grandchildren and lost their spouse, can be taken for this expanded so-called public use called economic development, bigger tax base, more bucks, or the small business I described, the little bakery.

But look at this, at this poster, this slide I got to run it. That is a church. It could just as well be a mosque or a synagogue. A place of worship basically is what it is. Guess how much taxes God pays to the local government? None, None.

So if we allow this decision to stand, there will be plenty of incentive to take a small business or a home where the property taxes are not enough. You know, if it were a bigger home and it had 5,000 square feet instead of 2,000 square feet, you could raise the tax base, and if it were a business. But it is paying some taxes, there is revenue, hopefully a profit. These small business owners are definitely taxed, and that tax goes to support the local community.

So if there is an incentive to take their property when there is a tax base, think about what the incentive is going to be for the local government to take God's property, where there is no tax base. It is tax free. We cannot allow that to happen, Mr. Speaker.

I know my colleagues on both sides of the aisle understand this. I know it from the fact that I brought a resolution to the floor shortly after June 23, and we had Members on both sides of the aisle running to the voting machine to punch that green light expressing their outrage over this decision. So it is certainly not a partisan issue. We are all upset about it.

This week we intend to do something about it. Indeed, to take God's property so we can put in some high-tax-paying business, restaurant, hotel for the purpose of increasing that tax base. Then you say, oh yes, but this is for the public good because we are going to have money to build more parks and recreation facilities. Indeed.

My colleagues, I mentioned the facts in the New London case, and I will not go into that in any more detail, but listen to some of the arguments in that case. The residents, the petitioners, argued the condemnation by the City of New London constituted a violation of the fifth amendment's public use provision: Nor shall private property be taken for public use without just compensation. The judge from Texas talked about that. The gentlewoman from Ohio and the gentlewoman from Tennessee all talked about that.

The residents argued that economic development in and of itself does not constitute a public use. But the City of New London, the defendants in this case, argued that, hey, new jobs, increased revenue, that is qualification enough for taking as a public use and, therefore, this taking did not constitute a violation of the Fifth Amendment. They also argued that they were operating in accordance with Connecticut law.

Well, unfortunately, unfortunately, Mr. Speaker, the majority, five of our Supreme Court justices, Justice Stevens, Justice Kennedy, Justice Souter, Justice Ginsburg, and Justice Breyer, agreed with the City of New London, and the dissenting opinion focused on a broad, very broad interpretation of the term public use in the Fifth Amendment.

The opinion states that there is no way to distinguish between economic development from other types of public use development. The majority did not want to second-guess local government. They did not want the State and Federal government to say what public use development project is for public use. They are the only final arbiters of what is and what is not public use. I think I can say that it was a ridiculous majority opinion.

In the dissenting opinion, Justice O'Connor, Justice Requiest, God rest his soul, Justice Scalia, and Justice Thomas cites the majority opinion for what it is, an abandonment of over two centuries worth of precedent. In the dissenting opinion, Justice O'Connor stresses that the term public use is very explicit and that the Founders intended that the term public use needed to be there. Justice O'Connor writes that it will make it very clear for the courts to define the term public use, and now State and local government can justify any taking of land from one individual to another to give to another private party if it presents any economic benefit to the tax base or any other aspect of the community.

This, Mr. Speaker, cannot, shall not stand. And I want to take this opportunity tonight during the remaining time that we have to pay tribute to the senior chairmen, the chairman of the Rules Committee, and I am talking about the gentleman from Wisconsin (Mr. SENSENBERGER). He will bring to this floor, probably on Thursday of this week, H.R. 4128.

I would like to take this time to explain the provisions of that bill, because it is so very important. In this bill, we will say that Congress cannot condition the use of Federal funds to extend to prohibiting States and localities from receiving any Federal economic development funds for a specified period of time if such entities abuse their power of eminent domain, even if only State and local funds are used in that abuse of power.

H.R. 4128 also includes an express private right of action to make certain that those suffering injuries from a violation of the bill will be allowed access to a State or Federal Court to enforce its provisions. It also includes a fee-shifting provision, and listen to this, identical to those in other civil rights laws that allows a prevailing property owner attorney and expert fees as a part of the cost of bringing the litigation to enforce the bill's provision, as it should.

Under H.R. 4128, States and localities who have the clear opportunity, we are going to give them a last chance, to cure any violation before they lose any Federal economic development funds by either returning or replacing the improperly taken property. We are giving them a chance to make amends before the hammer falls.

H.R. 4128 also includes carefully crafted refinements of the definition of...
economic development that specifically allows the types of takings that prior to Kelo had achieved a consensus as to their appropriateness. I want to mention some of these.

These exceptions include: Exceptions for the transfer of property to public ownership, including carriers and public utilities, and for related things like pipelines. I mentioned that earlier.

The bill also makes reasonable exceptions for the taking of land that is being used in a manner that constitutes an immediate threat to public health and safety. Of course, that is common sense.

The bill also makes exceptions for the merely incidental use of a public building by a private entity, such as a small privately run gift shop on the ground floor in a public hospital, or the acquisition of abandoned property, and for clearing defective chains of title in which no one can be said to really own the property in the first place.

Mr. Speaker. I commend it to my colleagues. H.R. 4128 was introduced by the gentleman from Wisconsin on October 25 of this year. The bill was reported from the Judiciary Committee by a vote of 27 to 3 on October 22, and I can assure my colleagues that there are not 27 Republican Members of the Judiciary Committee. We have a majority, yes, but a narrow majority. So, clearly, this bill has strong, strong bipartisan support.

Mr. Speaker, in conclusion, this time that we have taken to talk tonight about this situation of the abuse of the power of eminent domain is so critical. It is so critical, and this bill is so important. We need balance. Certainly we need economic development that is so important, and this bill is so important. It is so critical, and this bill is so important.

Or there is another road that could be traveled and has been traveled upon quite a bit in the 109th Congress, the road of strict partisanship, abusing the rules of the House to extend votes even when the majority is not winning so that they can win even though the ideas may not be in the best interest, in many cases, of the reason why we came to the floor in the first place, i.e., the energy bill, the prescription drug bill, et cetera, et cetera.

Also on that road is the road of cronyism, the culture of corruption and cronyism, and I think it is something that we need to disable ourselves of and move on the road of bipartisanship, moving on the road of moving on the road of leveling with the American people.

We do have a choice. There is a fork. Unfortunately, I would say that just picking up the paper, Mr. Speaker, just looking at the news, it looks like the majority has taken the fork of partisanship, endorsing the culture of corruption and cronyism. I want to make sure that I am clear when I say culture of corruption and cronyism: A, condoning it, not calling Federal agencies, the executive, legislative, administrative branch operations on the floor or before committees when we see this activity taking place.

Cronyism: a perfect example, Mr. Speaker, as I stand here now, Mr. Michael Brown still enjoys full salary at FEMA even after the debacle of Katrina, admitted by the administration, administered by many Members of this House; but he still enjoys full salary of the taxpayers’ dollars, $148,000, and changes. Secretary Brown comes before the Homeland Security Committee, because I believe I have one question: What benefit to the taxpayers of the United States does Michael Brown have or possess as it relates to his experiences from Katrina? Did we not already have 60 days of a contract that was extended and then 30 days of extension of the contract? Mr. Speaker, I ask the colleagues of the House and level-minded Members of goodwill to please answer the Department of Homeland Security, to save the taxpayers’ money, and turn their back on cronyism in the Federal Government.

Today I am joined once again by the gentlewoman from Florida (Ms. Wasserman Schultz) and by the gentleman from Ohio (Mr. Ryan); and we come to the floor, as the Members know, Mr. Speaker, week after week and now night after night, to not only bring to the Members but to the American people what we are doing and also what we are not doing. And it seems like the wrong is overwhelming, and we feel it is our obligation to bring it to the attention of the Members and the American people.

Ms. Wasserman Schultz. Mr. Speaker, I thank the gentleman for yielding to me.

It is a pleasure to join him once again, and we appreciate Leader Pelosi’s giving us this opportunity to talk about the issues that are important not just to our generation but to the citizens of this country who really suffer from both sides of the story, which they are most definitely not hearing from now.

And the gentleman mentioned the extension of Brownie’s contract. I was struck by the fact that I returned to that, and I think we just learned that last week, that his contract was extended ostensibly to glean more advice from him on what the Department of Homeland Security and FEMA should be doing in the aftermath of hurricanes. And we are still, unfortunately, in the middle of hurricane season. Our respective districts were just struck by Hurricane Wilma, and one of the things that we have learned in the aftermath of Wilma now is that it has really become clear that the Department of Homeland Security and FEMA have learned nothing from the aftermath of Katrina, the blown aftermath of Katrina, and then Rita and then from Rita to Wilma.

Communication failures, an inability of our cities to get generators to run their lift stations, sewage backing up in the streets, gaping holes in condominiums and mobile homes. It is pouring rain today in south Florida, with a pouring misery on top of people who have already been through so much. And how does Secretary Chertoff respond? He extends Michael Brown’s contract by 30 days. This is a person who President Bush ultimately forced the admit when we failed to hand him a job the size of Hurricane Katrina and her aftermath, so much so that essentially he was forced out.

But now, because they are so married to the cronyism, the culture of corruption and cronyism and the lack of compassion so deep, are they so unwilling to give it up and to admit that they are incorrect that they give him an extension and continue to pay...
him $148,000 a year. This is what they are rewarding. They reward incompetence. They thrive on cronynism and corruption and unethical behavior. It is just unbelievable.

I think this is a good time to turn to our floor chart here, if the gentleman is ready to do so.

Mr. MEEK of Florida. Mr. Speaker, I am sorry. I was looking at the gentleman from Ohio (Mr. RYAN) and looking at those charts over there. They are so heartbreaking.

And turning over to the gentelman from Florida (Ms. WASSERMAN SCHULTZ), we were working very hard over the last weeks or so dealing with Wilma, the gentleman from Washington State (Mr. INSLEE) has joined us tonight, who has so much to add to this conversation.

I will give the gentleman from Ohio (Mr. RYAN) the honors of recognizing someone else who has joined us here on the floor.

Mr. RYAN of Ohio. Mr. Speaker, my good friend and mentor, Congressman DELAHUNT, is also here to help us explain how. This man was a prosecutor, a district attorney in the great State of Massachusetts. So he understands exactly what has been happening.

I am going to take a couple minutes here just to walk through this and lay the foundation. We are going to actually have the next hour as well; so we are going to have some time to go through, but I think it is important, as we have all talked about already, to let the American people know exactly what has been happening.

Now, this was President Bush's original promise when he was the Governor of Texas, running for the Presidency of the United States. He said, "In my administration we will ask not just what is legal but what is right, not just what the lawyers allow but what the public deserves."

So this President came in with a pretty high standard of how he wanted his administration to run, and we all respected the President for that. I remember his saying and the Vice President saying time and time again. We are going to bring honor and dignity to the White House.

We see where he got it, from his father, who was a very good man. This is his talking about former CIA head talking about leaks: "I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors." That is President 41.

Former Republican National Committee Chair Ed Gillespie, who might as well be the Chair of the committee that heads up the Katrina investigation because it is so partisan, this is what he said when he was asked on "Hardball" with Chris Matthews: "I think Karl Rove is the one leaking. "I think the CIA leak is true, to reveal the identity of an undercover CIA operative, it's abhorrent and it should be a crime, and it is a crime."

And Chris Matthews said: "It'd be worse than Watergate, wouldn't it?" And Gillespie said: "Yeah, I suppose in terms of the real-world implications of it. It's not just politics."

So first President Bush, Ed Gillespie. The President came into office. He was running for President and did not want Potomac fever. He was going to bring a fresh, new approach to Washington. Then once the leak stuff starting coming out, he says now: "If somebody committed a crime, they will no longer work in my administration."

And that is true. The original person now, Scooter Libby, who has been indicted for perjury, false statements, and obstruction of justice, has resigned. So that is good. The President's original promise, anyone in this administration was involved in it, they would no longer be in this administration."

Mr. MEEK of Florida. Mr. RYAN, could you read that again, sir?

Mr. RYAN of Ohio. "If anyone in this administration was involved in it, they would no longer be in this administration."

That is what the President said. That is not what Ms. WASSERMAN SCHULTZ, Mr. INSLEE, Mr. DELAHUNT, Ms. SCHUETZ, Mr. RYAN, said. The President of the United States said that. So now we are basically saying that this President said if anyone in this administration was involved in it, they would be out.

So let us see what actually happens here. This is from the indictment, quoted from the indictment: "On or about July 10 or July 11, 2003, Scooter Libby spoke to a senior official in the White House, Official A."

So Roger Libby, the gentleman who was administered the test, he was asked will you be testifying that you know who leaked the name?

And Libby said: "No."

Then Charles Gibson asked Matt Cooper: "Is there any possibility that you leaked the name of the CIA agent?"

He said: "No, I was taking notes during this conversation, and I am pretty clear. I am going to go in and testify to what I was told."

Mr. RYAN of Ohio. If the gentleman will yield, so Cooper is going to say that Rove told him what. We are going to put on charts. I will yield.

Mr. RYAN of Ohio. Wow.

Ms. WASSERMAN SCHULTZ. I thought that was important.
Mr. RYAN of Ohio. That is very important. That is huge. Here we are, in the indictment he knows in July. In September of 2003, a couple of months after he had already known and told Libby, he denies it to the American people. He lies about it. In Washington, you cannot lie to your friend. It is a lead. In Ohio, you lie. We tend in the Beltway here, people who get “Potomac fever” to soften it up like it is kind of okay. In Ohio this is a lie. So Karl Rove lied to the American people. Now, he lied to the American people, this poor fellow here, Scott McClellan, who is the spokesperson for the White House, says on October 3, which is after July when Rove already knew and told Libby, after September, when he already denied it once to ABC News again, Scott McClellan goes out in public and says, those individuals, Karl Rove, Elliot Abrams and Scooter Libby, assured me they were not involved with this.

So this is their friend and colleague Scott McClellan as well. So here is where we are right now.

Ms. WASSERMAN SCHULTZ. And subsequently made a liar out of Mr. McClellan. He is the spokesperson standing in front of the American people and the White House press corps. In fact, I heard an exchange yesterday between him and the White House press corps where he was pressed by them to acknowledge that he basically was trotted up there to the podium and forced to lie to them, unknowingly perhaps. But in addition to being lied to, he lied to the press and to the American people.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, now we have to be very careful with this next example, because although we can say that Karl Rove lied, we have to be very careful to respect to the Office of the Vice President here, and we intend to do that. This is another set of facts. This is also from the obstruction count, count one, obstruction of justice in the indictment of Scooter Libby.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the reason why we want to be careful as it relates to the Office of the Vice President and President is because we respect the rules of the House, unlike some folks on the majority side that expand the rules of the House for their own gain. I just want to bring that clarification.

I do not think Members, Mr. Speaker, to feel we are scared to call a spade a spade. We just want to respect the rules of the House, and I think that is very appropriate and in order in this case.

Mr. RYAN of Ohio. If the gentleman will yield further, absolutely. This is from count one of the obstruction of justice indictment of Scooter Libby, U.S. District Court for the District of Columbia. We have got to keep the date that right again here. On or about June 12 of 2003, which again is the summer of 2003, Libby was advised by the Vice President of the United States, who is currently Dick Cheney, that Wilson’s wife worked at the CIA in the Counterproliferation Division. Libby understood that the Vice President had learned this information from the CIA. That is what the count says. That is what the indictment says, that the Vice President on or about June 12.

Here we have the Vice President on Meet the Press in September, September 14 of 2003, a couple of months later. Mr. Russert asks, “He,” Ambassador Joe Wilson, “says he came back from Niger and said that in fact he could not find any documentation that in fact Niger had sent uranium to Iraq or engaged in that activity and reported it back to the proper channels. Question: Were you briefed on this finding in February or March of 02?” Russert asked Dick Cheney.

Dick Cheney says, “No, I do not know Joe Wilson. I have never met Joe Wilson. No, Joe Wilson.” The indictment tells us that on June 12 he is telling Libby about Joe Wilson. And then he says a couple months later to Tim Russert, “I do not know Joe Wilson.” That is misrepresenting the facts. That is misleading. That is the difference between the truth and facts. In my estimation, the American people once again.

Mr. INSLEE. Mr. Speaker, if the gentleman would yield, I guess the question then comes down to what the definition of “know” is then. Is that really the problem?

Mr. RYAN of Ohio. If the gentleman will yield, I think so. What do you mean by “know.”

Mr. INSLEE. I know what the Vice President meant by “know.” It was clear from any fair reading of this situation that when a person knows that the person they are trying to punish was an agent for the CIA and was involved in giving that information to a subordinate who destroyed a career and outed a security agent of the United States Government, and then would not want the public to know he was involved in that despicable act, he would say “I do not know Joe Wilson,” even though he knew Joe Wilson’s name, what his wife did for a living, that she worked for the CIA, and, if he disclosed that, it would destroy her career and out an intelligence agent of the United States of America.

He may not have known him and shaken hands with him, but he departed from the truth on a most grievous matter involving the intelligence service of the United States of America.

Mr. RYAN of Ohio. Mr. Speaker, that is a great segue into what we are going to get into, which is the damage that has been done to the Central Intelligence Agency on this.

Here we have the Vice President told Libby about Joe Wilson’s wife and then two months later denied even knowing who this person was. We have Karl Rove in the indictment known as “Official A” who said that Novak was going to write a story about this, and two months later on ABC and then a couple years later he denies even knowing Joe Wilson or having anything to do with this.

Now, is this illegal? We do not know just yet with Karl Rove, because this investigation is still open. But did Karl Rove lie to the American people? Yes. And he should leave office immediately, because he broke trust with the American people. We have our good friend from Massachusetts, a former prosecutor, a former DA with a very distinguished career in law enforcement here to join us.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield, I thank my friend, and again I want to congratulate the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Florida (Mr. MEEK) for occasion. It gives us an insight into what I think it is important for a moment to reflect not just on this particular case, but what has characterized this administration from the onset, and that is a total lack of transparency, a total lack of genuine consultation. Secrecy, if you will.

What I find most fascinating are those members of the administration, people of good conscience, who have left the administration and are now speaking out. These individuals are good Republicans, good conservative Republicans who embrace genuine American values.

One of them is a former colonel in our military service, Larry Wilkerson. He also happened to be the Chief of Staff for the former Secretary of State, Colin Powell. Here is what he recently wrote in a column that I think provides the context for why this occasion occurred. It gives us an insight into what was happening on the road to war and how little information the American people were given, how little information Members of Congress were given.

White House Chief of Staff to Secretary of State Colin Powell, had to say on October 25 of 2005. One can go to the Los Angeles Times, and this same opinion piece was printed elsewhere.

“In President Bush’s first term, some of the most important decisions about U.S. national security, including vital decisions about post-war Iraq, were made by a secretive, little known cabal. It was made up of a very small number of people, including Dick Cheney and Defense Secretary Donald Rumsfeld. Its insular and secret workings were efficient and swift, not unlike the decision making one would associate more with a dictatorship than a democracy.”

Mr. RYAN of Ohio. Congressman, that is not you saying that. Who is saying that? Who wrote that?

Mr. DELAHUNT. That is Colonel Larry Wilkerson, a Republican, former Chief of Staff to Secretary of State Colin Powell.

Let me just say, and this is an understatement, this is disturbing. But this
is the atmosphere, this is the context, this is why we find ourselves in the situation where it is an embarrassment and it erodes the image of the United States. Whether you supported the war or you did not support the war, it is eroding the image of the United States all over, not just in the Middle East, not just in Europe, but in Latin America and in Asia.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, when you have that kind of mindset where you think you can get away with everything, when you think you can make these decisions in a box and you can take a country to war, as Thomas Friedman says, “on the wings of a lie,” then you end up with all the stuff we are already talking about. They just take it to the next level, and they think they can lie to the American people, lie to the grand jury and obstruct justice.

Mr. PALLONE. Mr. Speaker, if the gentleman will yield, what the gentleman from Ohio is saying is true, and I will just sum this all up. I have seen this with the Republican policies here under the President, as the means justifying the ends. In other words, they were determined, the President and his Republican colleagues that supported him in this secrecy and this coverup, were determined to go to war.

So it did not matter what the means were, they were going to get there. If that meant that they had to out a CIA agent and if it meant that they had to not tell the truth about what was happening in Iraq, if it meant that they had to go after those people who were trying to tell the truth and basically honestly tell us what was going on in Iraq, that did not matter, because they had to go to war. They had to attack Iraq. They had to go in there and get Saddam Hussein. So it did not matter what the means were, they were going to achieve that.

It is the same thing we had in the Watergate years with President Nixon. I hate to bring that up again, but it is true. The means justify the end.

But we see this over and over again with the Republican leadership and with the President Bush’s policies, that they will go to whatever ends to achieve their goal. So there is no accountability. There is no feeling on anybody’s part that they have to tell the truth or that they cannot ridicule people or destroy people’s lives if they can accomplish their goal.

And that is basically wrong. It is very improper. I mean, the gentleman from Massachusetts talked about the basis for democracy. The basis for democracy is free speech, that people can get up and express their views. But they do not want to hear the other views. They do not want to hear what the truth is about whether or not there was uranium coming from Niger to Iraq. They did not want to hear the CIA estimates that were saying that it was unlikely that Iraq was going to attack the United States, it was unlikely that there were weapons of mass destruction in Iraq. They did not want to hear the truth, because they wanted to go to war. And this attitude is entirely undemocratic. I mean, the genius of democracy is free speech, that people can get up and express their views. But they do not want to hear dangerous points of view, and it is a very dangerous view.

Mr. DELAHUNT. If my friend from New Jersey would yield for a moment, I would direct my colleagues’ attention to Wednesday, October 22, the Congressional Quarterly Today that you all may have heard of, and the gentleman from Florida has talked about it. This report is about what you all know we receive once a week here. What is the headline? Just to reinforce and corroborate what FRANK PALLONE just said: “GOP Says No to Probe of CIA Leak.” Again and again and again, secrecy. Let it be known, maybe we will find something ugly. Maybe we will find something that will embarrass the administration. Maybe we will find something that will embarrass the majority party and erode their power.

Mr. RYAN of Ohio. The Republicans. Mr. DELAHUNT. Correct. Let me suggest this: what is at risk here is not the Republican Party, not the Democratic Party, but the viability and the health of our democracy. That is why, along with some very good Republicans, we are insistence that transparency be reintroduced into the legislative process.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman had that transparency here, if the leadership here were willing to engage in transparency and get to the bottom of whether or not prior to the declaration of war and taking us into the Iraq war and misrepresenting facts to Members of this body, if they were willing to do that, then we would not be in the position that we are in today, so much so that today in the United States Senate, Minority Leader HARRY REID had the courage to use a rule that has not been invoked in over 10 years, at least 20 years, rule XXI that has not been invoked in 20 years, to bring the Senate into a closed session because of the foot-dragging and hemming and hawing and hand-wringing over exposing the information on how it is that we ended up in the Iraq war, and making sure that they get to the bottom of how much information, following September 11 and prior to September 11, the administration actually had and whether it was available.

None of that information has been forthcoming. There has been opaqueness, not clarity, not transparency, so much so that Minority Leader REID had to force the Senate into closed session today in order to try to push them to get that part of the investigation rolling. It is just absolutely inexcusable.

Mr. MECK of Florida. Mr. Speaker, one individual in the Senate said the Senate was hijacked, as though someone came in with a gun, waving it and saying, I am here to take over; but simply using the rules of that body, the Senate, just like we are not able here in the House towards the benefit of the American people. Reports have said that what came out of it is hopefully a report that will surface in a couple of weeks about some of our intelligence failures.

I can say that Mr. INSLEE, a couple of speakers ago, mentioned the fact of outing a CIA agent, and I must say my good friend from the Garden State New Jersey and also Mr. DELAHUNT stated that a CIA agent, a clandestine agent, was outed, but a number of agents were outed. A number of agents, agents that we will not even know their names for now, left up to this White House; they were outed tomorrow, yet in the way. I think that it is 110 percent correct, as Mr. PALLONE said, if you get in the way, and I do not even like to use the word “Republican,” because I have a lot of good friends who are Republicans and I have some friends on the majority side that I know that they go home every night and lift the toilet seat up, and they are literally sick. They have to put their heads in a porcelain bowl because they are sick of what is going on in this institution.

It is shameful that we would sit here under regular order when CIA agents are being outed and being proven in indictments that they are outing these individuals for political gain. It is beyond politics, far beyond politics, what is going on.

I just want to read something here. Mr. DELAHUNT, we call those individuals like the colonel and others third party validators who are being outed and we make sure that the Members are not sitting in their offices thinking, oh, well, they go in the back and they just draw this stuff up. Members, the American people, Mr. Speaker, all they have to do is pick up the paper. They do not even have to turn the page; it is right there on the front page, what is happening in the moment.

And the question is, when folks start looking at the 109th Congress what did we do and what we did not do and what we allowed to happen, we have an obligation, Democrat, Republican, and the one Independent in this House have an obligation to call the question on why we are allowing a number of things that are happening to our country, our country, Democrats, Republicans, Independents, those that are not even registered to vote and those individuals that are seeking to become citizens in this country, it is our responsibility. It goes far beyond winning and losing here in this House and the games that are being played on a bill or two.
I just want to read here what was printed on the 10th, just a couple of days ago: a small Boston firm, Brewster-Jennings & Associates, listed as her employer, suddenly was shown as a bogus CIA front. Her alma mater in Belgium discovered that it was a favorite haunt for American CIA spy activity.

Now, this is a front. This is a company that we had set up. I did not know about it. I am pretty sure none of us knew about it. But the individuals in the White House that have the highest security clearances knew about it, outed this agent and outing a number of other agents behind enemy lines in a forward area. It is like saying, it is like calling up the enemy and saying, there are some marines right outside of Mosul, okay, and they will be there at 12 o'clock, to the insurgents. That is how deep this is.

We have individuals that are running around with weapons that are going off. Some folks have put their life on the line for this country, and it is shameful for the people that have the highest security clearances and I must add, Ms. WASSERMAN SCHULTZ, appointed to have those security clearances.

Now, you speak of Mr. Rove. I mean, the way this indictment reads, obviously a lot of thought has gone into it. Statements were made to this grand jury, and he is still available and working as the deputy White House chief of staff, sitting in on meetings, the highest security clearance, hearing what the President hears, hearing what the President says, hearing what the Vice President says.

I am glad that I am not a CIA agent. I am glad I am not a clandestine agent working on behalf of this country, because I may very well be outed because I am talking about it. This is very dangerous. This is very dangerous, Mr. PALLONE, what you mentioned. It is very dangerous when not Big Government agents, not just covert operatives, take it upon themselves, they have the prerogative to out individuals that are career CIA agents. There is something fundamentally wrong with that, and it is very serious.

Mr. RYAN of Ohio. The gentleman makes a great point. We need to reiterate this to our colleagues, Mr. Speaker, to the American people, that this is a threat to our democracy. That there is no debate that we need to do to promote and bolster their party, the Republican Party. They will be willing to do anything. And they have proven, not just violating the rules of the House or the spirit of the rules of the House by keeping the clock open so that they can pass legislation at 3 in the morning 15 times, or lie about the prescription drug bill, or lie about the war, but to out a CIA agent to benefit yourself politically is outrageous.

As my friend said, that is no different, especially in the 21st century when we are dealing with intelligence, the war on terrorism is a war of intelligence, and so those covert operatives are foot soldiers in forward areas; and it is, as has been stated, the moral equivalent of outing a CIA agent, outing a CIA agent is the moral equivalent of telling the enemy where the marines are, and the individuals in the White House that have the highest security clearance, hearing what the President hears, hearing what the President says, the President says.

Mr. PALLONE. Let me just briefly, because the gentleman from Ohio always says that we need to point out how things would be different if the Democrats were in the majority, if the Democrats were in this White House and I always like to, because I guess I am the one who has been here the longest, take us back to another era.

I remember when the Democrats were in the majority here and I told you before, the Energy and Commerce Committee that I serve on, we would have investigation after investigation. This is when we had a Democratic President; it did not make any difference. We would have investigations of agency actions. Whether it was the Health and Human Services, Department of Education, we would bring them before the committee and the Democrats were in the majority and we would ask all of these serious questions about fraud and abuse and whether or not too much money was being spent. And if a Republican wanted to bring up an issue and criticize the White House or criticize the Democrat in the White House, nobody stopped them. Nobody sought to put an end to that.

Mr. RYAN of Ohio. So the gentleman is saying that when we were in charge, actually put the country before our own political party.

Mr. PALLONE. Absolutely. I will take you even further back. You read about Jefferson and Adams and how they used to go at it on the floor and debate and argue and have totally different points of views and then, at the end of the day, they would be friends. They actually enjoyed the political debate and the fact that they were disagreeing with them. I mean, this notion that you go after the guy who you disagree with, or who is trying to bring out something that shows that you are not correct, that is un-American.

I do not want the public to think that this is what we do down here, that we just try to destroy the person who has a different point of view, or who is trying to bring out the truth that we do not agree with. That is not what the country is supposed to be. We are supposed to be a country of free speech and free ideas and free flow of ideas. You start getting into this whole notion that if somebody disagrees with you, you are going to destroy them, then that is the end of democracy. I mean, this is serious stuff. I agree, not only with regard to the outing of CIA agents, but just the whole idea of going after your enemy because you do not like what he says. It is un-American.

Mr. DELAHUNT. Mr. Speaker, again, I think that Larry Wilkerson said it very eloquently. It is more characteristic of a dictatorship than a democracy. Tragically, the Republican leadership in this House has succumbed, if you will, to this insistence on secrecy that has really been embraced by the White House. Again, this is from last week’s CQ Today: Republicans are resisting requests for congressional inquiries into a possible scandal linked to the Bush administration’s rationale for invading Iraq. The debate over congressional involvement mocks a reversal for the GOP majority, which once had an appetite for layering congressional investigations of alleged executive branch wrongdoing atop criminal probes.

What we have here is an abrogation of responsibility by the Republican leadership to conduct oversight; and they have become part and parcel of a cabal, if you will, of secrecy with this White House. And maybe this is what we get when we have a single-party State.

Mr. Speaker, again, CQ Weekly, this is back in July. This is an independent commission report; but it has become a topic of discussion and concern among people who are avid supporters of the concepts of free institutions in a democracy.

It is classified. Subject: Secrecy in Washington. Date: July 18, 2005. Secrecy is becoming the rule, and there is a whole bunch of redactions, rather than the exception in the Bush administration. But it is hard to hold the Government accountable if no one knows what it is doing, and that is what is happening. And the American people ought to be aware that we do not know what is happening. We as Members of Congress do not know what is happening.

And it does not just impact issues like this. Go back to when we had that Medicare vote. You remember that. We were not allowed access to the Medicare’s estimate of cost for the so-called prescription drug plan. Can you imagine that?

Then the debate here on the floor, the issue of cost was some $395 billion; and many Members on the Republican side expressed concern. The White House knew all the time that it was far in excess of $500 billion, and they would not even disclose it to Members of their own party. Talk about secrecy. Talk about consultation. It is missing in Washington. We have become and we are making America a secretive society, and it is time together we take America and make it better for all of its citizens.

Ms. WASSERMAN SCHULTZ. It has been such a pleasure to serve with the gentleman from Massachusetts (Mr. DELAHUNT) on the Judiciary Committee, and his eloquence and knowledge in speaking and commitment to making sure that truth is told is absolutely laudable.

You know, to follow up on what you are saying, there are consequences to the actions that they are taking. It is not just about that it is outrageous
that they have to be right and that they are dictatorial and that they insist on having their way and that, during one of the debates in the last Presidential election, President Bush actually could not think of something, of an instance in which he had been wrong. I mean, this is the gravest this administration has become. This is how deep seated the culture of corruption and cronynism and incompetence has become. But it is the results of that arrogance and that attitude that is what is driving us to this. And troubling is too easy a word.

The other day we went beyond 2,000 men and women who are dead. Dead. Whose families are in tears. Whose mothers will never be the same again because they had to be right. Because it did not matter whatever the information they had was true. They were just going to disseminate it. Because they had decided, clearly in advance of September 11, that they were going to take us into war.

There are documents, like the Downing Street Memos that have come out, that show that they were fitting the facts around their previously arrived at decision. Sure, it is not President Bush's daughters. It is not Karl Rove's kids. What is Karl Rove still doing there?

Let us go back to the first slide that you had up there. Does it appear as though the President has stuck to his candidate, which was, in my administration we will ask not only what is legal but what is right, not just what the lawyers allow but what the public deserves.

This is a man who has compromised our national security. This is a man who has compromised not just a covert CIA's operative life but the lives of countless operatives who worked with her, who has helped send more than 2,000 Americans to their deaths. For what? For what?

You know, last year, during the campaign, you had thousands and thousands of security moms who went to the polls, and but for just about everything else that they cared about, they cared most about making sure that their children were safe. They went and cast their ballot for this President, because they trusted him the most to protect them in a time of national security, against terrorism and disaster. And clearly there have been troubling aspects of what they knew in advance of September 11 and whether they could have even prevented September 11 from happening, given the information that they had.

Now they led us into war with misinformation, prevarication, I will use every other word except the word I am not allowed to use as a result of our rules. But how can they not care about that?

Mr. MEEK of Florida. I would like the gentleman from Washington (Mr. INSLEE), who has been focused on this issue for some time, we would like to hear some of his thoughts on what is happening right now.

Mr. INSLEE. Well, Mr. Speaker, if I may, speaking from the State of Washington, we have had it very bad news. Now is that a young man that I watched growing up, my neighbor's son. I watched him growing up, playing football, spunky, hard-working young man, he is due to go to Baghdad in January; and we all are obviously concerned about that. We are proud of his service. We wish the best for him. But it gives a personal dimension to what we are talking about here tonight. Because the reason that this young man that I watched grow up is going into the killing fields of Baghdad is because an administration started a war based on false information.

So this is a very personal matter as well as a public matter in my neighborhood; and it seems to me that, under those circumstances, for him and his mother and his father and his neighbors and all of the other young sons and daughters that could be in Iraq for we do not know how long, this administration owes it to come clean with the American people to tell us how this debacle happened, that they sent our sons and daughters into war based on a falsehood.

They have not done that yet. They have not come clean. And I want to note to every one of you that this is completely new.

I just had dinner with the Chief of Operations for the U.S. Navy, and one of the things we talked about was the need to improve our human intelligence. It has been debased over the years. We have just lost the spies, the old-fashioned spies we have had; and we thought we could do it all electronically. That does not work.

We talked about the need to increase our human intelligence, to do old-fashioned spies, to do things with a body does something that looks they know about this.

What does it do to our ability to recruit spies when it comes out that the Chief of Staff of the Vice President of the United States, at least under this assertion, was involved with outing the intelligence agency of the United States, which also exposes every single person that Ms. Plame had dealt with when she was overseas. Everyone she had ever met is now under suspicion as well.

What does that do to our ability to recruit new spies internationally? And what does it do to the sons and daughters we are sending to Iraq?

The administration still has not come clean. And let me just make a suggestion for the administration's own benefit, for their own benefit. We have seen this same error repeated over and over again, of administrations that get their hand caught in the cookie jar. What do they do? They get in the bunker. They start trying to hide the ball. These things drag out for years.

You know, if the Vice President or President had come forward 2 years ago and said, this is how this happened. This is where the intelligence came from. This is what Scooter Libby said. This is what Karl Rove said. I insist that they tell the truth, and I am going to insist on that or I am going to fire the Vice President, the Secretary of Defense, and the Secretary of State. This could have been over with 2 years ago. Instead, we are here talking about it tonight.

Now I want to mention one other thing I think is important in this. We are not sitting here as some criminal tribunal; we have to do something about it, that we can trust our administration with this information.

And I got to tell you, I cannot trust my executive branch of the Federal Government now, that is going on in Iraq, Syria or Korea or anywhere else, because the President still has not come clean fully about what happened in Iraq, and that is very, very important.

I used to prosecute cases. I was a prosecutor, just misdemeanors. They were not higher-level felony cases. But I learned one thing in talking to police officers, and that was that there are certain things when you watch people that can indicate that they are up to no good, and one of those things is what is called furtive behavior. The gentleman from Massachusetts (Mr. DELAHUNT) is an old prosecutor. He knows about this.

Furtive behavior means when somebody does something that looks they are trying to hide. When you do something that looks like you are trying to hide, it makes you think that person thinks that they have something to hide, which suggests that they are up to no good.

Well, let me suggest that there are two things that give me a little pause here. Mr. Libby, when he was talking to all of those reporters, according to Judith Miller, Judith Miller said that Mr. Libby said, hey, when you identify me as the inside source of all of this information, do not identify me as Chief of Staff of the Vice President, or even that executive branch, call me an ex-Congressional staffer.

Now if that is not furtive behavior I do not know what is.

The second thing that causes me pause is that on September 14, 2003, we have got it up on one of those charts, Tim Russert, who is interviewing the Vice President of the United States, asks the Vice President, says, Mr. Wilson came back from Niger and said that in fact he could not find any documentation that in fact Niger had sent uranium to Iraq or engaged in that activity and reported back to the proper
channels. Were you briefed on his findings in February or March of 2002?

Vice President Cheney responds, no, I do not know Joe Wilson. I never met Joe Wilson.

Now, why wouldn’t the Vice President, the President of the United States of America just tell the truth and say, yes, I know Joe Wilson. We looked into some issues. I had Libby look at it. Why would he not come out and tell the truth? Instead, what he says is, I do not know Joe Wilson, which we now know, Mr. Libby, assuming that is accurate, according to the indictment, the Vice President is the one that told Mr. Libby about Joe Wilson. Yet 3 months later we have the Vice President of the United States telling America he did not know Joe Wilson.

Now this causes me pause as an old prosecutor. And this is not a criminal matter. From my basis, we should not be wrapped about the axle of criminality but we should insist that Americans be able to trust the administration when it comes to war and peace; and we do not have that level of trust right now.

We need the cooperation of the President of the United States and the Vice President to come clean about what happened here and ask and answer questions that both Congress has, which they have refused to do, that is why we have the other Chamber wrapped up in this issue today, and ask questions that we ask essentially of the President and the Vice President. America deserves that.

Mr. MEEK of Florida. Mr. Ryan, I believe you have the next hour, sir. We are running out of time. What I am going to do is, if you could, we want to get that Web site so we can click over and have more time so that we can continue to talk about this issue.

I am pleased that the Members who have been following this issue for a very long time on behalf of the American people are here. If you can give the Web site, I would appreciate it, real quick.

Mr. Ryan of Ohio. You can get ahold of us at 30somethingdems@mail.house.gov. We are going to get up these facts on the Web site, too, so you can follow them.

Mr. MEEK of Florida. Mr. Speaker, we want to thank the Democratic Leader and the Democratic leadership for allowing us to have this hour.

30-SOMETHING WORKING GROUP

The Speaker pro tempore (Mr. Conaway). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Ohio (Mr. Ryan) is recognized for 60 minutes.

Mr. Ryan of Ohio. Mr. Speaker, we are going to keep on rolling here. We have so many facts to deal with.

People wanted to know that we were just engaged in is we know that Karl Rove lied to the American people. We know that Scooter Libby has misrepresented facts and been indicted on five counts: one obstruction of justice, two making false statements, and two committing perjury, lying to Federal agents and lying to the grand jury.

We know that the Vice President of the United States has clearly, clearly withheld information from the American people, that the indictment has said that he knew all about, regarding the Valerie Plame investigation.

Mr. DELAHUNT. Mr. Speaker, I think it is important to understand that not only did the Vice President and his chief of staff, Mr. Libby, withhold information from the American people; they have made a decision to withhold from the Senate Intelligence Committee key documents. It was reported just this past week in a national magazine, the National Journal, that the Vice President and Mr. Libby overruled advice from some White House political staffers, some White House political staffers and lawyers, and decided to withhold crucial documents from the Senate Intelligence Committee in 2004. The withheld documents included internal information from Cheney’s office and Libby in particular, that they pushed to be included in Powell’s speech, referring to his presentation before the United Nations.

The new information, and I am reading here, new information that Cheney and Libby blocked information to the Senate Intelligence Committee further underscores the central role played by the Vice President’s office in trying to blunt criticism that the Bush administration exaggerated intelligence data to make the case to go to war.

They withheld it from the Senate. And because there is no conduct of vigorous oversight either in this Chamber or in the Senate, our democracy is being shrouded in this cloud of secrecy.

The gentlewoman from Florida (Ms. Wasserman Schultz) earlier said, What did we do it for? Why? Why? Why, I guess, is going to be the question that people will ask far into the future. If you remember, first it was about the weapons of mass destruction. No weapons of mass destruction. It was about some alleged al Qaeda links, a haven for terrorism, No al Qaeda links. Saddam and Laden and Bush, and vice versa because Saddam Hussein, albeit an evil individual, was a secularist. He is not one of these fundamental Islamists. He is just a regional thug. And then finally it was to bring democracy to the eq. I think it is so ironic that we are bringing democracy to Iraq and simultaneously eroding democracy because of the secrecy in Washington, D.C.

What a tragedy.

Mr. Ryan of Ohio. Mr. Speaker, the gentleman from Massachusetts (Mr. Delahunt) said we are eroding basic freedoms here. And if you do not believe that, if you do not believe all of these facts that we are giving to the Speaker and to the American people and to our colleagues through third-party validators, if you weaken the Central Intelligence Agency, all you have done is weaken a country. That is all you have done.

And through the leak, through the outing of Joe Wilson’s wife, and outing Brewster-Jennings and Associates, the small Boston company that was a front company for the CIA, you also out the contact that this woman has established over a 20-plus-year career. All of her contacts over 20 some years that maybe she could go back to and elicit and solicit information from them, she cannot any longer.

Mr. DELAHUNT. Maybe somebody can help me, because this is a question that the gentleman from Washington (Mr. Inslee) posed, but this is directed to this specific case.

What does it tell you about an administration that will not confront a direct challenge as former Ambassador Joe Wilson put forward? Why not just simply say he is wrong and we are confident that he is wrong? But, no, furiously, in the shadows, sneakily calling reporters, we have got something. His staff works for the CIA. Whether it was illegal, whether this indictment will result in guilty, whether Karl Rove is indicted, whether others are indicted, the bottom line is what does it say about the sleaze factor that exists here in Washington when you do it that way?

Mr. MEEK of Florida. Mr. Speaker, I can tell you right now, this goes far, once again, beyond politics. This is serious business.

We have Members here who have traveled abroad. I have. I am on the Armed Services Committee. I am on the Homeland Security Committee. If you know how it was to go down to a hotel lobby and go to a restaurant where you are staying there at a hotel; you come back to a hotel after official meetings with the government and you do not understand what people are saying, need it be French, need it be Arabic, need it be Spanish or what have you, you, now, just think for a minute, if I were a CIA agent in a foreign land, or someone in a friendly country that works with the United States as it relates to sharing sensitive information, how do they feel right now? How do they feel right now? How do the Americans feel about America right now? How do they feel about our executive branch right now? And how do they feel about the Congress? This is going to hurt us.

The gentleman from Ohio (Mr. Ryan) put it just as clear as it can be. It is weakening a country when it comes down to getting the intelligence to protect all of us here in the United States and our allies. And I think it is important, I think it is important, and the gentleman from Washington (Mr. Inslee) hit the nail straight on the head just like a good carpenter.
The bottom line is that we are not here to hand down guilty verdicts; but we are here to say the statements that were made to FBI agents, statements that were made to the grand jury, statements that were made to the special prosecutor were incorrect and misleading. Statements that were made on national television on Sunday shows, need it be talking to the press in the press corps, at the White House, we now find were incorrect.

Now, it relates to indictments and the conviction of Mr. Libby or possible indictment as it relates to Mr. Rove, this thing is far beyond Mr. Rove and Mr. Libby. This is about outing individuals that have dedicated their lives to go behind enemy lines and live amongst them to get information to protect everyday Americans. I cannot help but think of the veterans that laid their lives down right now, 2,000-plus recently, Gulf War I, Vietnam, Korea, other conflicts, World War II.

I was through the Mall with my children just about 2 or 3 weeks ago, and we stopped by the World War II Memorial. We saw the different States as you look at the World War II Memorial with the water, a very nice memorial. We dedicated it last year. I was telling my kids about it and the allied force and all of those folks that gave their lives so we could salute the Flag and it is flying high. It was a coalition of countries that fought for democracy of the Earth. For people to not think of that commitment and that sacrifice, that those individuals, and some are still walking this Earth, some have gone on to a greater place, for them to selfishly think of political gain to out these individuals is beyond me and unconscionable.

So I say there must be Members on the majority side who have the power to do the right thing in this case, but they have not. So I want to talk to you today about what start, when you said before what are we doing, we are pushing the card not on behalf of the Democratic Party; we are pushing the card on behalf of Americans and those veterans that are without limbs right now, those veterans that have to get assistance to get up out of bed right now, who fought for the Flag to fly over this very Capitol.

I am saying that Members who are not focused on this issue are unpatriotic. That is not what I am saying. I am saying that we have a responsibility as the gentleman from Washington (Mr. INSLEE) has said, not only in the White House but in the Congress to make sure that the truth comes forward so we can protect American lives.

This is far beyond a campaign against a certain Congressman or President or Vice President or a party. This is about national security of our country and countries that are working with us.

Do you think that someone wants to put their agents up front with an American agent, not because the American agent they feel lacks qualification to get sensitive information. They are scared because someone may say our agent and our agent because of a political campaign. That is what this is all about.

This is not about one day someone woke up and grabbed a doughnut and coffee and said, I think I will out a CIA agent today. I think I will do that because I feel like it. No. It was about saying that there is intelligence that bad and anyone that rises up and says different we will destroy them. We will destroy him and we will destroy his wife. We will do what we have to do to make sure that we win.

What is happening is that the American people are more in danger under that philosophy than under what we are supposed to be doing statutorily. And when you have a security clearance, let me tell you, there are a lot of that you have a sense of security may but I cannot, because I took an oath and I signed an oath that I will hold secrecy not because I am not fearful of losing my security clearance. I am fearful that someone may lose their life behind enemy lines because I thought I wanted to say something to prove a point.

It does not come to that. This is blood. This is life and death. And we do not ask if someone could have lost their life behind this. We do not know that yet. We need to get to the bottom of this, and the bottom line is if the majority is not willing to do what they must do, not what they should do, nor what they must do if they are not willing to do it, then that is something the American people have to take into account.

I tell you one thing, the ride to the soccer game and sitting there feeling that you have a sense of security may not be what it is right now if this kind of activity continues.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I just keep asking myself where is their shame? Why are we the only ones that appear upset about this? Why by their deafening silence does it seem as though they are sanctioning the activity that is going on in the White House? Sanctioning the corruption, sanctioning the cronynism and the culture that has been established here?

And it would be one thing, you could say, all right, we are going to compartmentalize, many people compartmentalize, and there are many Americans that may say, you know, foreign policy is not my concern. Of course, everyone in America cares about the loss of life, and I am sure that there is not one American that does not feel the pain of homes when they have lost, but let us say you have Americans that can compartmentalize the foreign policy and comfort themselves by saying, I know, I think what has gone on is awful, but they are making up for it. The administration makes up losses when we have lost, with their fabulous domestic policy with the way they are taking care of things at home.

Are we satisfied with the direction we are going? Tonight in south Florida, today all day and tomorrow it is expected again to be pouring down rain. I have 90-year-olds, the gentleman from Florida (Mr. MEEK) and I have 90-year-olds and older sitting in squalid apartments tonight with molding wet carpeting, with holes in their roofs who are not getting the assistance they need because FEMA is a disaster of an organization. It is supposed to be a disaster relief organization. They are a disaster all by themselves.

I want to tell you what my 6-year-old daughter said this morning. We were watching TV. I was getting ready and I was watching the news and she was in there with me. And she said, Mom, is Hurricane Rita coming? Because 6-year-old do not know the difference. Rita, Wilma. They just hear the names on TV, and there is not a lot of clear understanding.

I said, No, Hurricane Rita is long gone and you can imagine a 6-year-old living in Florida. There is a lot of fear of the concepts of hurricanes and one after the other after the other keeps coming down the pike.

So my telling her that Rita was long gone and there was no need to worry anymore, that satisfied her.

The report on the news about hurricanes in general went on for a few minutes, and I was not near the TV so I could not hear exactly what they were saying, but all of a sudden she said, Mom, I know what it is; hurricane FEMA is coming. I laughed, and I explained to her what FEMA was and tried to help her understand, that FEMA is supposed to be an agency that gets us ready when a hurricane is coming and takes care of us after a hurricane passes and makes sure that people are okay again.

Mr. DELAHUNT. A point that you made earlier and you referenced the natural disaster, and I am thinking of Katrina. We are talking about whether America is safer today than we were prior to 9/11, and we all know and I am sure the American people that are listening to our conversation here tonight appreciate this, that those levees in New Orleans, they could have been sabotaged. They could have been victimized by a terrorist cell. It did not necessarily require a natural disaster.

But here we are. We have spent billions and billions and billions of dollars on homeland security, and where are we? We are nowhere. But the American taxpayers are picking the bill up. As we discussed last week for only are the American taxpayers spending money here and not effectively, not effectively, this has been an administration that spends the American taxpayers' dollars.

But, by the way, we are also spending money to rebuild Iraq. But rather than, like every other major donor country in Iraq that loaned the money to the Iraqi government and said we will give
you good terms but pay us back, this
White House, in an act of unparalleled
excess, in my judgment, made it a give-
away program: Welfare for Iraqis, but
nothing for Americans. I mean, up is
down and down is up. This is the Alice
in Wonderland administration.
Ms. WASSERMAN SCHULTZ. That is
the pattern. Because there is no ac-
countability in Iraq, and just giving
away the store, contracts without any
accountability.
In Florida, we have been hit by eight
hurricanes in 15 months. A year ago,
FEMA gave out $31 million in reim-
bursement and assistance to people
who were not even hit by a hurricane
in Miami Dade County, one of the
counties that I represent. So my an-
swer to my daughter this morning was,
honey, even though this is an agency,
a department in the government that
is supposed to take care of people after
a hurricane comes by, many people think
they are doing such a poor job that it feels
like they got hit by a hurricane.
Mr. RYAN of Ohio. If maybe they
spent trying to organize this outing of
hurricane in Florida to-night as we speak.
You still have them make mistake
after mistake, no communication, and
yet here we are and this Congress
still refuses to appoint an independent
Katrina commission to ensure that we
can review the aftermath of that
storm, the aftermath of Rita and
Wilma and find out why they were not
ready to help.
We still have 4 weeks left of hur-
cicane season. We are in a 15- to 20-year
run of expected really tough storms,
and I mean we have an administration
that we have to count on now until
2008. Do we want to leave these people in peril in charge of every branch of
our government? Do the American
people have that kind of confidence? Cul-
ture of corruption, cronynism, and in-
competence. It is going to make some changes so
we can take this country in a new di-
rection and reinstate Americans’ con-
fidence in their government’s ability to
do right by them. Up and down the
line, they have proven that they do not
deserve that confidence. They have not
earned it.
Mr. RYAN of Ohio. If maybe they
paid a little more attention to actually administer government instead of,
A, running it down and, B, trying to
use the levers of government to try to hurt
our own CIA agents, can you imagine
the amount of time that was spent trying to organize this outing of
this agent after Joe Wilson came back?
Can you imagine how much that con-
sumed the White House? Instead of
thinking about better, more efficient
and effective ways to administer gov-
ernment, they were spending all that
time trying to out Joe Wilson’s wife.
What a misuse of government power.
That is a clear abuse of power and the
deleterious factor of the whole deal.
I will be happy to yield to my friend.
Mr. INSEL. Mr. Speaker, I suppose
we should feel ourselves fortunate that
the administration, after the failures
in Katrina, did not out some other in-
telligence agent, one of their critics.
So I do not know if they have learned
their lesson or not. I should not be fa-
cetious about such an important thing.
Let me explain this. The gentleman
from Ohio (Mr. RYAN) points out
accurately, imagine the incredible
high level of energy that the highest
level of government in the United States,
what they were focused on when the
truth came out that they told the
American people that there was uranium
yellow cake in the State of the Union.
What did they do? Instead of saying,
let us get to the bottom of this how
this happened so it does not happen again,
the first thing they did is say we are
going to attack our critics and we are
going to attack them by outing the
wife of one of the critics. We are going,
as you indicated, to spend this enor-
mous amount of energy.
Mr. RYAN. Chief of Staff to the Presi-
dent of the United States, is it the
most important thing he can do is try to
destroy the credibility of Joe Wilson
who wrote what turned out to be a true
article for the New York Times? Is it
the best use of time for the Chief of
Staff of the President of the United States
to organize this sophisti-
cated campaign to smear Mr. Wilson?
Why was it they were willing to
make this such a high-priority issue? I
think there is a clear answer to that.
The reason that they honed in
concerned about this is that they realized
that their case for war on Iraq was
built on this sort of one-legged stool of
the mushroom cloud. What they fig-
ured out was that the vision, the image
of the mushroom cloud could scare
Americans so badly that they could
win the right to go to this war. Once
that was gone, their justification for
the war was gone. It was imperiled
once the truth came out, because the
only thing they had was this uranium
yellow cake which was shown to be a
fraud.
Mr. DELAHUNT. I would like to just
tell you two little stories about him,
what kind of guy he is. In the weeks
leading up to the first Persian Gulf War,
she had a fam-
ily who came and had some children
who were in possession of a stepfather
in Mosul. She called Joe Wilson and
said, can you help me make sure these
kids are okay? She said, I know I am
asking you a lot because right now
the American people are in a terrible
moment. There is chaos on the roads. Security
forces were already in Iraq. Joe Wilson
personally made sure that kid was
okay at risk to his own life, and he did
tell me that story. I just ran into
the Foreign Service worker who told
me about it.
Karl Rove, Chief of Staff to the Presi-
dent of the United States, is it the
most important thing he can do is try to
destroy the credibility of Joe Wilson
who wrote what turned out to be a true
article for the New York Times? Is it
the best use of time for the Chief of
Staff of the President of the United States
to organize this sophisti-
cated campaign to smear Mr. Wilson?
How do I know it was a fraud? It was
not Mr. Wilson. By the way, some
people have said Mr. Wilson’s report did
not show that; it was inaccurate. Well,
hogwash. The President of the United States
retracted the 16 words from his
State of the Union speech once Mr.
Wilson blew the whistle. They would
not have retracted it unless it was
wrong, and it was wrong, and they
finally retracted but then they went
on to smear Wilson.
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the Foreign Service worker who told
me about it.
I want to make a couple of comments
about Joe Wilson, and the reason I do
so is he has made clear it is not about
Joe Wilson. This issue, he is not the
important element here. It is the secu-
rity of the American people and pre-
venting the deterioration of our secu-
rity service. That is the important
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rity service. That is the important
thing.
What is fascinating is that after the release of the initial report of the Senate Intelligence Committee, the chairman of the committee, a Republican, Senator ROBERTS from Kansas, and JAY ROCKEFELLER, the senior Democrat on the committee, said that they doubted that the Bush Administration would have realized the President to go to war if senators had been given accurate information regarding Iraq’s programs on the weapons of mass destruction. The direct quote of the Republican chairman was this: “I think if the votes would have been there.” That is Senator ROBERTS. They would not have their war if they had opened up and provided all of the information.

I am sure some of you read Bob Woodward’s book, the reporter for the Washington Post, where he quoted Secretary of State Colin Powell as describing the Vice President as having a war fever. He is out of control. This is what Powell is saying. You talk about third-party validations. It is as if he had a war fever; and here we are today, rampant corruption in Iraq.

We are losing billions of dollars over there, but, as the congresswoman says, the most tragic aspect of this is that we are less safe, and, painfully, we have lost more than 2,000 American men and women.

Mr. RYAN of Ohio. On this march to war, as the drumbeat quickened, it was we are going to destroy anybody in our war, as the congresswoman says, but, as the congresswoman says, it is as if he had a war fever; and here we are today, rampant corruption in Iraq.

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Mr. WASSERMAN SCHULTZ. The gentleman is absolutely right. It would be one thing if they could look us right in the eye and look the American people in the eye and their own constituents and say, I have consistently been voting exactly the way I feel. The votes I cast go to the core of my principles, and I have always voted how I believe.

Only we know that not to be true. They could not possibly do that. They cannot have town hall meetings in their districts and look the folks in the eye and say, I have voted my own convictions, because we have watched the read lights change to green lights, and the green lights change back to red lights. We watched this board over here.

Mr. RYAN of Ohio. Tears are shed, threats are made, and arms are twisted.

Ms. WASSERMAN SCHULTZ. Oh, my God, puking blood. It is just unbelievable. They have set the rule that they set with 5-minute votes that turn into 40-minute votes, like the energy bill. I was not here, but the Medicare bill, a 15-minute vote, over 3 hours. And all the while our vote board with our names up here in lights, arm-twisting, blood-pumping, the green turning to red, yes to no, and literally the angst that I have watched on some of my colleagues’ faces knowing they want to cast their vote with how they truly believe, but they care more about the money continuing to flow, the chairmanships continuing to come their way, and about the appropriations continuing to remain in the budget.

It is all about them. And when I ran for office, I thought it was supposed to be about the people I represented. That is why I came here. I am not sure why they came here. They have made it pretty clear, but I know that it is obvious that we came here for different reasons than they did.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Washington.

Mr. INSLEE. Just a couple of comments, Mr. Speaker. I want to applaud our Republican colleagues. I am told now there are a couple of Republicans in the other Chamber who are willing to see to it that the American people get this report from the Senate committee about the White House involvement and this misinformation. I think that is very important, and I applaud our Republicans in the Chamber who are standing up to do this.

But I want to mention why that is so very important. The gentlewoman from Florida talked about the fact that Valerie Plame was, in fact, an undercover agent, but I think it is really important that they strike a match and say that she was working on. Her specialty was trying to suppress weapons of mass destruction. That was her specialty in the CIA.
What a great irony of it that here is a woman who dedicated her professional life to try to suppress the expansion of weapons of mass destruction, and yet she gets attacked and her career destroyed because the administration used bogus information in their State of the Union speech to support the idea of a weapon of mass destruction when the evidence itself showed there was not. And I think her career ought to be respected.

And, by the way, I mentioned this administration was talking to today. We talked about the need for spies for the intelligence agency. I was not talking about this specific situation. But this bottom line is about the security interest of the United States, and both Republicans and Democrats ought to care about that, and both Republicans and Democrats ought to be behind getting to the bottom of this. That has not happened and it ought to.

Mr. RYAN of Ohio. Mr. Speaker, re-claiming the time, I appreciate the gentleman’s comments.

We are kind of wrapping things up here, and we have got some late-breaking news here that I think we want to share with the American people that just recently we got some information on.

Mr. DELAHUNT. This just came in.

Mr. RYAN of Ohio. And this kind of feeds into every single thing. This is always happening because we are paying so little attention to what the administration and government should be.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield, let me just pick up on a point that I think all three of my colleagues made. And the gentleman from Washington (Mr. ISSLEI) and I, with our colleagues in Iraq Watch, Mr. Hoeffel and Mr. AMERICAN, always commented on the absolute lack of capacity to acknowledge mistakes, and we all commended and respected David Kay.

If my colleagues remember David Kay, he was designated by this President, by President Bush, in the aftermath of the so-called major failures of combat in Iraq, to go find the weapons of mass destruction. He was an advocate for the war. He believed in the premise of weapons of mass destruction. He listened to that cabal that put out that information. And he came back and testified before that Senate committee, and he said this was a lie.

And you know what? If the President had made a statement similar to that, as all of my colleagues here have said in different ways, it would have been applauded and we would have respected it. But they do not want to share information.

For example, this information, a Pentagon official in Washington confirmed Tuesday that al-Farouq, a top al Qaeda operative, escaped from U.S. detention facility in Bagram, Afghanistan on July 10, months ago; and we are not informed. Some enterprising reporter presumably discovered this information; and here we are, five Members of Congress and I am sure our colleagues on the other side and members of the other branch on both sides of the aisle, unaware of this information. Why? Because there was an embarrassment. We do not make mistakes. That is what we are saying. We acknowledge our imperfections. But the bottom line is that it is so tragic that we cannot come together, all of us, and make America better, go back to those gen- uine American tenets of openness and transparency and accountability and the courage to stand up, and say simply, I made a mistake.

Mr. RYAN of Ohio. Mr. Speaker, we have a culture in Washington.

Mr. DELAHUNT. The gentleman is right. You have all hit it.

Mr. RYAN of Ohio. What we want for kids, for young people, it is not that we do not want them ever to make a mistake. It is like the truth that when they do make a mistake, they learn and they overcome and they become better. Every one of us in our own lives looks back on mistakes we have made and we say it was painful, it was difficult, but today I am better because of that mistake.

And to have the leaders of the country send a message out to the kids across the country, one, that it is okay to lie, that it is okay to withhold information because it is embarrassing, that you are never able to make a mistake, that is bad for our kids. It is bad for our country. It is bad for our institution. It erodes the basic tenets of our democracy that a lot of people made a lot of great sacrifices, sometimes their lives, to uphold this concept that we have.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield, the most troubling aspect of what he said tonight is that they will not admit that they made a mistake. And the troubling aspect of that is that they did not make a mistake. It was deliberate. There is a strong possibility, given all the things we talked about here tonight, that they took us into war because they wanted to take us into war, because they had some grand plan. They had motivation. They had “war fever,” as the gentleman referenced earlier that Colin Powell indicated that Vice President Cheney had. The ability to admit mistakes when one believes they made them, but one has to first believe they made one. That is kind of the first rule. And the lack of capacity to acknowledge that they made mistakes is just astounding. It really is, a little bit more, and they continue to astonish us on this floor and the American people.

Mr. MEEK of Florida. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. Yield to the gentleman?

Mr. MEEK of Florida. Mr. Speaker, I cannot help but think, when I talk about commitment and sacrifice, I just represent too many veterans for me to even look beyond the front line that allowed us to even have this discussion here, kept this country free. I cannot help but think of the parents, wives, fathers that have a picture of their child, son, daughter, husband, wife hanging on the wall right now next to a Purple Heart. They lay down their life for this country. So this discussion is far beyond comprehension for me. I have gone to too many funerals, talked to too many parents, read too many sto- ries for people to take this lightly.

I know we have said it once and we have said it twice and if we have got to say it 10,000 times, trying to keep up with a lie, my mother told me when I was young that if I tell a lie, I have to remember what I said when I said it. And that is the problem right now in Washington, D.C. There are so many lies that have been told to the American people, it is difficult to keep up with what was said in the first place. If there is a problem, it would not be a problem because it is enshrined in one’s memory and in one’s character.

So I will leave it with that. There is nothing more that I can add to that; but the reality for so many Americans, as many parents and wives and mothers that were handed a freshly folded, crisp American flag on behalf of their loved one and family member who lay down their lives for this country, for our lives, lives literally, for those indi- viduals who have to be fed by tubes right now, for those individuals who cannot get up and go to the bedrooms like many of us right now, for those indi- viduals we have got to continue to fight on their behalf and on behalf of their children that are without a father and mother.

So I commend the Members for coming to the floor. I am glad the gentlemen from Ohio (Mr. RYAN) has this opportunity to have to do the things we must do within our power to stand up for those individuals.

Mr. RYAN of Ohio. Mr. Speaker, re-claiming my time, I would also like to thank everyone for being here for the 30-something Group.

And I want to make one final point because we have heard this on the talk shows from a lot of different sources about the CIA leak: well, they went after Libby for outing a CIA agent, and it got him into prison. Well, these are false statements and obstruction of justice. And as we close here, I want to just re-iterate what the prosecutor said. He said, I am the umpire and as I am trying to umpire the game here and figure out exactly what is going on, by their comporting perfectly, they were throwing dirt in my eye.

So maybe someone will end up getting indicted on this count or several counts of outing a CIA agent. But what Fitzgerald is saying is that when one lies and they lie continuously, and they lie to Federal agents, it is very difficult for him to prove his case because he cannot get to the truth. And I think in my
experience, just reading cases like this, if one really wants to get a prosecutor upset, as my two friends here probably know much more than I, start lying to him. And I think the end is not yet in sight, and it is going to be very interesting. Speaker, Karl Rove ends up in this whole deal. And we know that there have been misleading statements and outright lies to the press and the American people.

So to our friends at home: 38somethingdems@mail.house.gov. They can send us an e-mail, and we will continue to try to organize these facts and let everyone know that the Democratic Party wants to put the country before our own party as we have before.

OMISSION FROM THE CONGRESSIONAL RECORD—H9424

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title, which was therupon signed by the Speaker:

H.R. 3765. An act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits. (Signed by the Speaker)

ADJOURNMENT

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

EXECUTIVE COMMUNICATIONS, ETC.

By unanimous consent, leave of absence was granted for:

By unanimous consent, permission to:

S. Con. Res. 61. Concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol; to the Committee on House Administration.

SPECIAL ORDERS GRANTED

By unanimous consent, leave of absence was granted for:

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and through November 10 on account of official business.

Mr. HERSETH (at the request of Ms. PELOSI) for today.

Ms. MCCOLLUM of Minnesota (at the request of Ms. PELOSI) for today and November 2 on account of the Global Health Conference.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. GARY G. MILLER of California (at the request of Mr. BLUNT) for today on account of illness.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans’ Affairs.

H. R. 3665. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes; with amendments (Rept. 109–
PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FILNER:
H.R. 4183. A bill to improve the availability of benefits for veterans and the surviving spouses of veterans who were exposed while in military service to ionizing radiation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:
H.R. 4185. A bill to direct the Consumer Product Safety Commission to strengthen regulations concerning the flammability of children's clothing; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself and Mr. LEVIN):
H.R. 4186. A bill to amend the Trade Act of 1974 to create a Chief Trade Prosecutor to ensure compliance with trade agreements, and for other purposes; to the Committee on Ways and Means.

By Mr. CANTOR:
H.R. 4187. A bill to amend the Internal Revenue Code of 1986 to limit the recognition of gain under section 355(e) of such Code to certain leveraged spin-merger transactions; to the Committee on Ways and Means.

By Mrs. MCCOLLUM of Minnesota (for herself, Mr. RAMSTAD, Mr. OBSTSTAR, and Mr. SHAYS):
H.R. 4188. A bill to amend the Foreign Assistance Act of 1961 to improve voluntary family planning programs in developing countries, and for other purposes; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:
H.R. 4189. A bill to authorize the Secretary of the Interior to conduct a study to determine the availability and feasibility of designating the Virgin Islands Military and Veterans Memorial, to be located in Frederiksted, St. Croix, U.S. Virgin Islands, as a unit of the National Park System; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. McGovern, Mr. Lewis of Georgia, Mrs. McCarthy, Mr. Evans, Mr. Nadler, Mr. Brown of Ohio, Mr. George Miller of California, Ms. Solis, Mr. Owens, Ms. Matsui, Mr. Wexler, Mr. Allen, and Mr. Honda):
H.R. 4190. A bill to amend the Fair Labor Standards Act of 1938 to prohibit agreements to provide notice of investigations or inspections to the Committee on Education and the Workforce.

By Mr. HINCHLEY:
H.R. 4191. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for charitable contributions of services by individuals; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. Boozman, Mr. Berry, Mr. Snyder, and Mr. Cardozo):
H.R. 4192. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. RYAN of Ohio:
H.R. 4193. A bill to amend the Internal Revenue Code of 1986 to waive the 10-percent additional tax on early distributions from section 401(k) plans in the case of hardship of certain employees due to facility closures, employers in bankruptcy, or plan termination proceedings; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mr. Meehan):
H.R. 4194. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from treatment as public communications for purposes of such Act; to the Committee on House Administration.

By Mr. WALDEN of Oregon:
H.R. 4195. A bill to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or Within Medford Irrigation District; to the Committee on Resources.

By Mr. ROTHMAN (for himself, Mr. Garrett of New Jersey, Mr. Pallone, Mr. Capps, and Ms. McCollum of Minnesota):
H.R. 4196. A resolution supporting the goals and ideals of observing the Year of Polio Awareness; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 131: Mr. McGovern.
H.R. 226: Mr. Ford.
H.R. 262: Mr. Wolf.
H.R. 302: Mr. Hunter.
H.R. 303: Ms. Bean.
H.R. 314: Mr. Pombo.
H.R. 389: Mr. Boustany.
H.R. 547: Mr. Davis of California.
H.R. 552: Mr. Davis of Tennessee.
H.R. 583: Mr. Gondolfo.
H.R. 601: Mr. Rangel and Mr. Boren.
H.R. 697: Mr. Larsen of Washington.
H.R. 699: Mr. Doggett, Mr. Ackerman and Mr. Payne.
H.R. 856: Mr. Carnahan.
H.R. 923: Mr. Davis of Kentucky and Mr. Davis of Tennessee.
H.R. 968: Mr. English of Pennsylvania.
H.R. 972: Mr. Filner.
H.R. 996: Mr. Pombo.
H.R. 998: Mr. Brown of South Carolina and Mr. Johnson of Illinois.
H.R. 1000: Mr. Bishop of New York.
H.R. 1002: Mr. Higdon.
H.R. 1020: Mr. Wynn.
H.R. 1108: Mr. Wilson of South Carolina.
H.R. 1141: Mr. Miller of Florida, Mr. Kennedy of Minnesota, Mr. Kino of New York, Mr. Garrett of New Jersey and Mr. Higdon.
H.R. 1259: Ms. Linda T. Sanchez of California, Ms. Schakowsky, Ms. Degette, Mr. Udall of Colorado, Mr. Pascrell and Mr. Simmons.
H.R. 1272: Mr. Linder and Mr. Lewis of Georgia.
H.R. 1338: Mr. Cummings.
H.R. 1382: Mr. Culherson.
H.R. 1424: Mr. Dingell.
H.R. 1566: Ms. Woolsey, Mr. Cummings, Mr. Honda and Mr. Thompson of Mississippi.
H.R. 1510: Mr. Lynch.
H.R. 1518: Mr. Payne.

H.R. 1697: Mr. Bean.
H.R. 1775: Mr. Boren.
H.R. 1849: Mr. Scott of Georgia, Mr. Ortiz, Mrs. Jones of Ohio, Mr. Higdon and Mr. Sestak.
H.R. 1868: Mr. Lipinski, Mr. Gonzalez, Mr. Marshall, Mr. Michaud, Ms. Millender-McDonald, Ms. Moore of Wisconsin and Ms. Linda F. Sánchez of California.
H.R. 1940: Mr. Fattah, Ms. Royal-Allard and Mr. Brady of Pennsylvania.
H.R. 1951: Mr. Costello and Ms. Zoe Lofgren of California.
H.R. 1956: Mr. Flake.
H.R. 2051: Mr. Fattah, Mr. Wexler and Mr. Payne.
H.R. 2134: Mr. Emanuel.
H.R. 2337: Mr. Hagedorn.
H.R. 2339: Mr. McHugh.
H.R. 2389: Mr. Graves.
H.R. 2533: Mr. Carnahan and Mr. Spratt.
H.R. 2567: Mrs. Davis of California.
H.R. 2717: Mr. Fattah, Mr. Borelli, Mr. Tierney and Mr. Ross.
H.R. 2794: Mr. Stupak.
H.R. 2803: Mr. Ryan of Kansas and Mr. Liechty.
H.R. 2844: Mr. Baca, Mr. Ramirez and Mr. Burton.
H.R. 3151: Mr. Grijalva, Ms. Schakowsky, Ms. Eddie Bernice Johnson of Texas and Mr. Exler.
H.R. 3368: Mr. Napolitano, Mr. Markey and Mr. Bradley of New Hampshire.
H.R. 3373: Mr. Carnahan, Mr. Davis of Tennessee, Mr. Johnson of Illinois and Mr. Bilakis.
H.R. 3385: Mr. Levin, Mr. Shadegg, Mr. Thompson of California and Ms. Hooley.
H.R. 3414: Mrs. Mousgrave.
H.R. 3476: Mr. Markey and Ms. McCollum of Minnesota.
H.R. 3499: Mr. Foxx.
H.R. 3561: Mr. Wexler and Mr. McIntyre.
H.R. 3567: Mr. McHugh.
H.R. 3630: Mr. Towns.
H.R. 3665: Mr. Bilirakis.
H.R. 3709: Mr. Farr.
H.R. 3717: Mr. Porter and Mr. McCaul of Texas.
H.R. 3757: Mrs. Myrick.
H.R. 3881: Mr. Larson of Connecticut.
H.R. 3865: Mr. Gutierrez and Ms. Schakowsky.
H.R. 3883: Mr. BOOZMAN.
H.R. 3886: Mrs. Christensen and Mr. Strickland.
H.R. 3908: Mr. Shimkus.
H.R. 3911: Mr. Menedez and Mr. Allen.
H.R. 3940: Mr. Jones of North Carolina.
H.R. 3950: Mr. Conyers, Mr. George Miller of California, Ms. McCollum of Minnesota, Mr. Emanuel, Ms. Wasserman Schultz, and Mr. Stark.
H.R. 3957: Mr. Baca, Mr. Michaud, and Mr. Ford.
H.R. 3973: Mr. George Miller of California and Mr. Udall.
H.R. 3985: Mr. Berman, Ms. McCollum of Minnesota, and Mr. Loebsack.
H.R. 3992: Mr. Payne.
H.R. 4015: Mr. Sam Johnson of Texas.
H.R. 4018: Mr. Goodlatte.
H.R. 4029: Mr. Larson of Connecticut, Mr. Conyers, and Mr. Frank of Massachusetts.
H.R. 4033: Mr. Cas. 
H.R. 4046: Mr. Wexler. 
H.R. 4053: Mr. Manzullo. 
H.R. 4081: Mr. Green of Wisconsin and Mr. Fortuno. 
H.R. 4097: Mr. Tiahrt, Ms. Hart, Mr. Miller of Florida, and Mrs. Blackburn. 
H.R. 4098: Mr. Price of Georgia. 
H.R. 4124: Ms. Hart, Mr. Baca, and Mr. Ford. 
H.R. 4130: Mr. Wolf. 
H.R. 4145: Mr. LaHood, Mr. Obey, Mr. Sweeney, Mr. Kirk, Ms. Bean, Mr. Lipinski, Mr. Hyde, Mr. Daniel E. Lungren of California, Mr. Crowley, Mr. Holden, Mr. Young of Florida, Ms. Ros-Lehtinen, Mr. Calvey, Mr. Renzi, Mr. Hayworth, Mr. Cole, Mr. Peterson of Pennsylvania, Mr. Castle, Mr. Upton, Mr. Saxton, Mr. Green of Wisconsin, Mr. Petri, Mr. Sensenbrenner, Mr. Leach, and Mr. Alexander. 
H.R. 4148: Mr. Van Hollen. 
H.R. 4155: Mr. Ford. 
H.R. 4156: Mr. Evans and Mr. Conyers. 
H.R. 4179: Mr. Marshall, Mr. Scott of Georgia, Mr. Simpson and Mr. Otter. 
H.Con.Res. 10: Mr. Black. 
H.Con.Res. 173: Mrs. Lowery, Mr. Reichert, Ms. McKinney, Mr. Wolf, Mr. Calvey and Ms. McCollum of Minnesota. 
H.Con.Res. 174: Mr. Simmons, Ms. Hooley, Mr. Bachus, Mr. Capuano, Mr. Peterson of Minnesota, and Ms. DeGette. 
H.Con.Res. 179: Mr. Farr. 
H.Con.Res. 231: Mr. Higgins and Mr. Menendez. 
H.Con.Res. 261: Mr. Fattah. 
H.Con.Res. 272: Mr. Gary G. Miller of California, Mr. Davis of Florida, Mrs. Christensen, Mrs. McCarthy, Mr. Rush, Mr. Crowley, Mr. Chandler, Mr. Lantos, Ms. Woolsey, Mr. Sherman, Mr. Gordon, Mr. Scott of Georgia and Mr. Green of Wisconsin. 
H.Con.Res. 284: Mr. Tancredo, Mr. Crowley, Mr. Chabot, Mr. McCotter, Mr. Pence and Mr. Schuett. 
H.Res. 76: Mr. Cummings. 
H.Res. 196: Mr. Rangel, Mr. Kucinich, Mr. Frank of Massachusetts and Ms. McCollum of Minnesota. 
H.Res. 215: Mr. Camp. 
H.Res. 223: Mr. Meeke of Florida, Mr. Honda, Mr. Royce and Mr. Holt. 
H.Res. 302: Mr. Ford. 
H.Res. 363: Mr. Boucher and Mr. Smith of Washington. 
H.Res. 438: Ms. Linda T. Sánchez of California, Mr. Matheson, Mr. Skelton, Mr. Baca, Ms. Royal-Allard, Mrs. Tauscher, Mr. Van Hollen, Mr. Davis of Tennessee, Mr. Langevin, Ms. Delauro, Mr. Doolittle, Mr. Miller of North Carolina, and Mr. Cardozo. 
H.Res. 452: Mr. Marshall. 
H.Res. 455: Mr. Berman, Mr. Jackson of Illinois, Mr. Evans, Mr. McNulty, Mr. Lynch and Mr. Grijalva. 
H.Res. 458: Mr. Wexler, Mr. Waxman, Mr. Kildee, Mrs. McCarthy, Mr. Jefferson, Ms. Loretta Sanchez of California, Mr. Pallone, Mr. Clay, Mr. Udall of Colorado, Ms. Slaughter and Ms. Velázquez. 
H.Res. 466: Mr. Grijalva. 
H.Res. 471: Mr. Moran of Virginia. 
H.Res. 477: Mr. Engel. 
H.Res. 498: Mr. Payne. 
H.Res. 505: Ms. Lee, Ms. Kilpatrick of Michigan, Ms. Jackson-Lee of Texas, Mr. Serrano, Mr. Grijalva, Ms. Watson, Mr. Clay, Mr. Smith of Washington, Mrs. Tauscher, Mr. DeFazio, Ms. Woolsey, Mr. Frank of Massachusetts, Mr. Jackson of Illinois, Mr. Rangel and Mr. McNulty. 
H.Res. 517: Mr. Rangel, Mr. Walsh, Mr. McNulty, Mr. Shays, Mr. Kolbe and Mr. Sweeney.
The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our going out and coming in, give us Your wisdom to know what we should do.

Deliver us from the cowardice that runs from the truth.

Deliver us from the lethargy that will not learn the truth.

Deliver us from the prejudice that will not see the truth.

Deliver us from the stubbornness that will not accept the truth.

Deliver us from the pride that will not speak the truth.

Strengthen our Senators today to do Your will. Give them the courage to make bold ventures for Your glory. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME
The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005
The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1932, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1932) to provide for reconciliation pursuant to section 25(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

The PRESIDENT pro tempore. Under the previous order, the time until 8 p.m. shall be divided between the Senator from New Hampshire, Mr. GREGG, for 4½ hours and the Senator from North Dakota, Mr. CONRAD, for 5½ hours.

RECOGNITION OF THE MAJORITY LEADER
The majority leader is recognized.

SCHEDULE
Mr. FRIST. Mr. President, this morning we will immediately resume debate on the deficit reduction package after a brief statement I have to make.

Chairman GREGG opened debate on the bill yesterday and will be here managing the bill this morning. Last week we entered an agreement which divided the statutory time limit between 3 days, with all time expiring on Wednesday at 6 p.m.

During today’s session, Senators will be able to offer amendments. However, votes on those amendments will be stacked to occur at a later time. I will be working with the Democratic leader to determine the best time for those votes to occur. I had hoped that we could dispose of some of the proposed amendments with votes during today’s session. However, at this point, we have several scheduling conflicts, and we may have to delay those votes until tomorrow. On Wednesday, we have several Members attending the funeral of Rosa Parks, and we will need to schedule votes to accommodate that service as well.

Having said that, this will be a very busy week. Senators will be able to offer amendments after the expiration of time and that leads to the so called vote-aroma. I encourage Senators to offer their amendments during the debate period so that we can limit the amendments considered after time expires.

I do not believe the vote-aroma is the most constructive use of the Senate’s time, and I believe most Members are frustrated with that process—at least halfway through the vote-aroma, as they express that frustration directly to me and leadership. During those consecutive votes, the Senate votes on amendment after amendment with very little time and little explanation of the amendments.

So I hope we can do it in an orderly process over the next several days. I do want Members to come to the floor early so we can show some restraint within the 20 hours of debate time is complete.

Finally, I want to remind everyone that we will be considering the appropriations conference reports as they arrive from the House. Once the House has completed action and those conference reports become available, we will address them. We have the Agriculture appropriations conference report already, and we will be scheduling that for a vote sometime this week.

AVIAN FLU
Mr. President, on another issue, I want to make a few comments. Shortly, the President will begin to unveil his plan to prepare the Nation against the threat of bird flu or avian flu, a potential for initially an epidemic and then a pandemic nobody was thinking very much about a year ago.

I do thank the President for his bold and decisive leadership. He recognizes the urgency for our Nation to take immediate action to prepare for and to prevent the spread of such a pandemic and the impact it would have on this Nation and, indeed, nations throughout the world.

Last night, the Secretary of Health and Human Services began briefing people on the plan that will be laid out by the President today. He has been discussing in meetings over the last several weeks the importance of comprehensive organization at all levels of Government. It is not just a Federal issue or a State issue or a local issue; it is all three. The vertical integration of communication and response and preparedness is complex, but it is something that we absolutely must address. We would have to mobilize from
It is the sort of effort that BARDA would focus on to incentivize, to fill this gap in our system today.

In the 20th century, we have seen three outbreaks of avian flu, avian bird flu. The worst of those occurred in 1918. A lot of people have gone back to read about Spanish flu. It’s called Spanish flu, though it probably started in this country in Kansas. Half a million Americans died, somewhere between 40 and 50 million people worldwide. And the people say why this bug, that is it, it does not make sense because you can isolate those sparks or that spark very quickly, you can stamp out that potential for a pandemic, and ultimately you can save millions of lives. That is why it is absolutely critical we think of the response, of preparedness in this country. Indeed, this is a global challenge, and we have to work with our partners throughout the world.

In the Senate, we are working hard to develop a comprehensive prevention and preparedness plan. We have now passed two separate measures to increase the national stockpile of vaccines and the antiviral drugs, drugs like Tamiflu. This month the HELP Committee, the Health, Education, Labor, and Pensions Committee, passed a measure to protect vaccine makers from the frivolous lawsuits that we absolutely know discourage vaccine production and which, in part, has explained why we have gone from several dozen manufacturers in this country down to fewer than a handful.

The bill that the HELP Committee has addressed and passed out of committee also establishes a Biomedical Advanced Research Development Agency, called BARDA, which would support this bug or identifying what the etiology is, the bug that starts it, all the way to creating a drug.

This agency, BARDA, would focus on the gaps that exist in the system today. The agency would help researchers move from egg-based vaccine manufacture—and right now for the avian flu you depend on millions and millions and millions and millions of eggs to grow this vaccine, and today it does not make sense because you can with the appropriate research target and focus, develop a cell manufacture that doesn’t require any eggs, that you could ramp up very quickly, in a short period of time, and you don’t have to worry about, yes, we are going to have to have an egg-based vaccine, so where are a million to one billion eggs, that you need to cultivate this vaccine for weeks and weeks and weeks?
write a budget that, even in the face of record deficits and massive increases in debt, increases the deficits even further. I know it is hard to believe, but that is the fact of the matter. The budgets that have been written by our colleagues on the other side of the aisle increase the deficits.

Budget reconciliation is a part of the overall budget process. Budget reconciliation is special provisions, fast-track provisions that enjoy special protection under the rules of the Senate. But what is it that we are dealing with this week is the first chapter. The first chapter contains spending cuts of $39 billion. But that is only part of the package. The next chapter will have tax cuts of $70 billion. If you put those two chapters together, you don’t have a reduction of the deficit, you have an increase in the deficit of over $30 billion.

Chapter 3 is the chapter our colleagues on the other side of the aisle hope we would read. Chapter 3 increases the debt of the country by $781 billion. That is what this book is all about: increasing the debt of the country when we have already taken on record amounts of debt.

Back to chapter 1 and chapter 2. Chapter 1 cuts spending by $39 billion, but it is quickly followed by chapter 2 that cuts taxes $70 billion. The combined effect of chapters 1 and 2 is very clear. It is not deficit reduction, not what is on the cover of the book; it is a deficit increase, an increase in debt.

If we go back to what the President told us when he started us down this course, he told us in 2001:

[We can proceed with tax relief without fear of budget deficits, even if the economy softens.

That is what he told us. Look at what has happened. Now we can look back and we can check the record and we can see whether the President was right or wrong.

Back at the time in 2001 that the President proposed these massive tax cuts, this was the outlook according to the Congressional Budget Office and the administration. This was their outlook going forward, a range of possible outcomes from a worst-case scenario to the best-case scenario. They adopted the midline that told us we were going to experience some $6 trillion of surpluses over the next 10 years.

But what happened in the real world. Look what happened in actuality. We didn’t get the worst possible outcome under the projections that were provided. We got way below the worst possible outcome. This red line is what actually happened compared to the projections, and instead of trillions of dollars of surpluses, what we have are trillions of dollars of debt.

I can remember when we were having that debate. My Republican colleagues told me when I warned them that you can’t tax the 10-year forecast that it is highly unlikely to come true, many of my Republican colleagues told me: KENT, you are far too conservative.

Don’t you understand, when we have these big tax cuts, we are going to get even more revenue. We are not going to be at this midrange of forecasts of possible outcomes; we are going to be well above it because these tax cuts are going to generate much more revenue.

I agree that we should go back and check the record as to what actually happened. We did not get some great boost. Instead what we got was an ocean of red ink. Instead what we got were the massive deficits.

Previously Presidents have said that facts are stubborn things. Facts are stubborn things. And the facts are that this fiscal policy has taken us deep into the deficit ditch. Despite all of the President’s promises that would not occur, he was simply wrong.

The next year the President told us: [Our budget will run a deficit that will be small and short-term.]

We can go back and check the record on that as well. He said that in 2002. Look at what happened. The deficits have exploded. In 2003, we had what was then the largest deficit ever. In 2004, the deficit got even bigger. In 2005, the deficit was the third largest we have ever had. So, again, the President was simply wrong in his prediction.

If we look at this from a historic vantage point and look back to 1980 and look at the outlays or spending of the United States and the revenues, we see what has been added to the deficit. This is all expressed as a percentage of our gross domestic product, which is what economists say is the best way to make these comparisons because it takes out the effect of inflation and real growth.

So we are comparing apples to apples here.

Look what has happened. This is the spending line of the United States. It was up over 23 percent of gross domestic product in the previous Bush administration. Instead of 2 percent, the economy was running on Social Security. Social Security was running very well below what was then the largest deficit ever. The deficits have exploded. In 2003, we had what was then the largest deficit ever. In 2004, the deficit got even bigger. In 2005, the deficit was the third largest we have ever had. So, again, the President was simply wrong in his prediction.

If we look at this from a historic vantage point and look back to 1980 and look at the outlays or spending of the United States and the revenues, we see what has been added to the deficit. This is all expressed as a percentage of our gross domestic product, which is what economists say is the best way to make these comparisons because it takes out the effect of inflation and real growth.

In 2000, we had an increase in spending. Spending has gone up. Spending has gone up, but it is still well below where we were in the eighties and nineties. These are facts.

Why did the spending go up? The spending went up largely for three reasons. One, national defense, homeland security; two, rebuilding New York and bailing out the airlines.

Of all of us supported on a bipartisan basis this increase in spending. This was in response, obviously, to 9/11 and the American people can go back and check on that and they will find out is that is not the case either.

Most economists say your deficits should not be above 2.5 percent of GDP. The truth is, what got added to the debt last year was 4.5 percent of GDP. In the European Union, you cannot be in good standing if you run deficits in excess of 3.0 percent of GDP.

The big difference is that what is happening with Social Security because back in the eighties, the deficits had almost nothing to do with Social Security. Social Security running very small surpluses at the time. In fact, if you go back to 1983, there was no Social Security money to take to spend for other programs. There was no surplus in Social Security. But look what has happened since. Social Security running very significant surpluses. This was intended, this was designed to prepare for the retirement of the baby boom generation. The whole idea was
to use these surpluses to pay down debt or to prepay the liability. That is not what has been done.

Under the President’s policy, all of this Social Security money is being taken to pay for other programs. That is what happened to Social Security funds were available to be taken to pay for other items, now we have—just last year—$173 billion in that year alone.

Over the next 10 years, under the President’s plan, they are going to take $2.4 trillion of Social Security money to pay for other things. That is a dangerous course.

Now, the President told us just last year:

So I can say to you that the deficit will be cut in half over the next 5 years.

All of his assertions so far have been proved wrong. Now he tells us: Do not worry, we are going to cut the deficit in half over the next 5 years.

First, I do not think that is the appropriate test because we are in the sweet spot of the budget cycle. This is the time when we should not be running deficits at all because this is right before the baby boomers retire, and we are running these massive surpluses in Social Security. Those funds should have been used to either pay down debt or prepay the liability. Instead, the money has been hijacked. The money has been taken to pay for other things—digging a much deeper hole for the future. So when the President says the deficit will be cut in half over the next 5 years, that is not even the right test. This is not a time when we should be running deficits at all.

Beyond that, if one pierces the veil on the President’s claim that the deficits will be cut in half, that is what they find out: He got there by just leaving out things. He just left out war costs, did not have any war costs in his budget past September 30 of this year. Does anybody believe the war costs ended on September 30 of this year? That is what the President’s budget said.

He did not just leave out war costs, he left out the cost of dealing with the alternative minimum tax. The alternative minimum tax, which is the old income tax that is getting added to the deficit, all of it has to be paid back, and there is no plan to do it.

This is the difference between the eighties and now. In the eighties, almost no Social Security funds were available to be taken to pay for other programs. That is what has happened. All of the deficit is getting added to the debt, all of it has to be paid back, and there is no plan to do it.

The President wrote a 5-year budget instead of the 10-year budgeting that used to be done at the end of the fifth year, the cost of his tax cut proposals explodes, driving us deeper into deficit and deeper into debt. Apparently, he did not want to share that information with the American people.

What one looks at the long-term outlook with those things added back in that the President left out, what one sees is a slight improvement in the deficit in the short term, but then it just explodes beyond the 5-year budget window. Why is that the case? Well, I have mentioned some of the reasons.

The first reason is war costs. In the mid-session review, the President had included it in his budget. All of the money being obligated for military operations, but the Congressional Budget Office tells us that $50 billion does not begin to cover the real costs. They say the real cost is going to be $393 billion. So the President has left out another chunk of spending that others say we will experience.

Second, by adopting a 5-year budget—it used to be 10-year budgets—the President is hiding this fact: The cost of his tax cut proposals explodes right beyond the 5-year budget window. Is this not interesting? This dotted line is the end of the 5 years of the budget proposal presented by the President. Look what happens to the cost of his tax cut right beyond the fifth year. The dotted line shows that the cost of his tax cut propels right beyond the 5-year budget window.

Maybe it should not be a surprise that the President switched from 10-year budgeting to 5-year because he would have had a very hard time explaining how his plan will reduce the deficit when factoring in the exploding cost of his tax cuts, the additional cost of war, and the cost to fix the alternative minimum tax.

By the way, the pattern is much the same with the alternative minimum tax. The alternative minimum tax, which virtually everyone says needs to be reformed, the President did not put one thin dime in his budget proposal to deal with that. According to the Congressional Budget Office, it will cost $774 billion to fix. The President does not have any of it in his budget.

Look at the pattern. Here again, the dotted line is the 5-year budget proposal of the President. Here is the pattern of costs of fixing the alternative minimum tax. What happens if we do not fix the alternative minimum tax? Well, here is what happens: In 2005, 3.6 million taxpayers were affected. If we fail to act, by 2010, 29 million taxpayers will be affected. So people are in for a big surprise. They thought they were going to get a tax cut? Instead, they are going to get into the swamp of the alternative minimum tax. 3.6 million people affected this year, 29 million affected 5 years from now if we fail to act. It costs $770 billion to fix, and there is not one dime in the President’s budget to do it.

Here is what the President said in 2001 about the importance of paying down debt. The President told us at the time:

... (My) budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn’t be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

The President was right about one thing. We do owe that responsibility to future generations, but he did not pay down any debt. Instead, the debt has exploded. The budget that my colleagues on the other side of the aisle passed and the budget that we are moving to take final action on does not pay down any debt. It explodes the debt. It takes the debt from $7.9 trillion now, and it increases it by more than $600 billion a year each and every year of the life of this budget—this after the President told us he is going to have minimum pay-down of the debt. There has been no pay-down of the debt. He is exploding the debt.

Every minute in 2005, the budget policies of our colleagues on the other side of the aisle increased the national debt by over $1 million. Every minute of every day, they have increased the debt by over $1 million.

What are the consequences of this fiscal failure? The consequences are very real. Foreigners in 4 years of our debt have exploded. It took 200 years to run up $1 trillion of debt held by foreign countries and foreigners. This President has doubled it in 4 years. We have gone from $1 trillion in 2001 to $2 trillion holding of our debt to $2 trillion. That is an utterly unsustainable course. That is the outcome of the fiscal policy of this administration. It is not conservative; it is reckless. This is a policy of exploding our debt.

Who holds this debt? Well, I might add it is interesting that President Bush did in 4 years what 42 Presidents took 224 years to do. Forty-two Presidents ran up $1 trillion of external debt in 4 years. This President ran up more debt held by foreigners in 4 years than the other 42 Presidents combined in the history United States. Let me repeat that. This President ran up more debt held by foreigners in 4 years than the other 42 Presidents combined in the history United States.

They call themselves conservatives? Who are we borrowing the money from? Increasingly, we are borrowing it from foreigners, from foreign governments, from foreign investors, from money that is being held by themselves borrowers because that is what they are doing. They are engaged in the greatest borrow-and-spend spree in American history.

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baby-boom generation. We have less than 40 million people who are eligible for Social Security and Medicare now, and we are headed for 81 million. That changes everything. Instead of preparing for it, this President has dug the hole deeper. There is nothing conservative about what is being done.

Let us go back to the so-called budget reconciliation that is before us today. The book says, "Deficit Reduction. One has to read the book. They have to read every chapter of the book to find out the conclusion, and the conclusion has nothing to do with deficit reduction. Oh, no. The first chapter cuts spending $33 billion, but the second chapter cuts revenue $70 billion. So guess what: No deficit reduction here. The deficit is increased, not reduced. Then one has to read the third chapter of the book. What is found there? They are going to increase the debt $761 billion—one of the biggest increases in our national debt ever. If they get that increase, this President alone, in the 4 years he has been in power so far, will have run up the debt by $3 trillion.

In the next 5 years, he is going to run up the debt another $3 trillion. There used to be a TV show—what did they call it—the "Six Million Dollar Man"? We have the $6 trillion President because the effect of his policies will be to run up the debt of this country by $6 trillion. That is truly stunning.

Here is the record. In 2002, debt was increased by $800 billion. In 2004, it was increased by $800 billion. Now our friends on the other side want to increase the debt by $761 billion. That is a grand total of more than $3 trillion of additional debt. We know that, if this budget is passed, they are going to add another $3 trillion of debt over the next 5 years—a combined total of this President’s policies of $6 trillion. That is this President’s plan. Unfortunately, that is the plan of this Congress.

Don’t take my word for it. This is a budget they euphemistically call a deficit reduction plan. If this weren’t so serious, this would be very amusing. They place the title of “Deficit Reduction” on this plan. Come on. Here is what this plan does according to their own tables. Go and look in the conference report on the budget that was done earlier this year by the majority party in the House and the Senate. This plan is not a deficit reduction plan. That is this President’s plan. Unfortunately, that is the plan of this Congress.

Chapter 2 of this book is to extend certain tax benefits, tax cuts. Many of those I support, but some of them are just overwhelmingly directed at the most wealthy among us. If you look at chapter 1 being written here, and chapter 1 being written over on the House side—the way this budget is written is very clear. It is going to cut food stamps. It is going to cut Medicaid. The House bill takes from the least among us so that they can give to those who have the most.

When I say "those who have the most," let me talk about two provisions that are in their tax plan. Extending dividends and capital gains cuts will, on average, give a millionaire a tax break for 1 year of over $35,000. Those earning less than $50,000 a year will get $6. Those earning from $50,000 to $200,000 a year, on average, will get $112. Those earning from $200,000 to $1 million a year will get, on average, $1,400. Those earning more than a million dollars will get $35,000 a year. It is a very interesting set of values. It is a very interesting set of priorities, to cut Medicaid and cut food stamps. This is not the Senate bill I am talking about. I am talking about the House bill. The House bill cuts food stamps and Medicaid, cuts aid for those who are the least among us, takes the resources and gives them to those who have the most.

I don’t know in what Bible they read that there is a Bible that says the value ought to be take from those who have the least and give to those who have the most. In fact, I don’t know of any holy book of any religion that says that is a value, that what we ought to be doing is taking from those who have the least among us to give to those who have the most. I don’t know of any religion that has that as a value.

I know our colleagues on the other side want to say: Wait a minute here. These tax cuts have fueled economic growth. There are tax cuts that are helpful to economic growth. That is undeniable and clear. In 2001, I supported a significant package of tax cuts, tax cuts that the Congressional Budget Office told us would get a large bang for the buck in terms of economic growth. Part of those were included in the package. In fact, many of them were, and I supported them.

But many of these provisions simply went far too in terms of their cost and have pushed us over into a sea of red ink, massive deficits, and massive debt. They simply went too far.

Here is another provision, revenues as a share of gross domestic product. In 2000, we were at a historic high. That is absolutely clear. Tax cuts were justified in 2000. I didn’t think the magnitude of the tax cuts were justified, but clearly we needed tax cuts, partly to give the economy a boost. My only own tax proposal to our colleagues actually had more tax cuts in the short term, much more than the President’s plan, to give lift to the economy because that made good economic sense. But they put tax cuts on top of tax cuts on top of tax cuts and plunged revenue to 16.3 percent in 2004. That is the lowest it has been since 1959, and far below the level of spending for which they have all the authority. The result is red ink, massive red ink.

Here is what the Chairman of the Federal Reserve has said about deficit-financed tax cuts, because that is what is going on here now. We are borrowing the money to pay for the tax cut. From whom are we borrowing the money? Increasingly, we are borrowing it from the Japanese, the Chinese, Caribbean banking centers, to give tax cuts to the most wealthy among us. Does that really make sense? Is that really defensible? I don’t think it makes any sense.

I am not alone. Chairman Greenspan, in his testimony before the Budget Committee last year, said: If you are going to lower taxes you should not be borrowing. You can cut Social Security and Medicare. That over the long run is not a stable fiscal situation.

Chairman Greenspan has it right. We should not be borrowing to provide tax cuts, and we certainly should not be borrowing from foreign governments and foreigners to finance tax cuts. We certainly should not be borrowing more and more money from Japan and China and Caribbean banking centers and who-all knows who else in order to finance these tax cuts, driving us deeper and deeper into the deficit ditch before the baby boomers retire.

About the baby boomers, that is not a projection. They are alive today. They are going to retire. They are going to be eligible for Social Security and Medicare. About all I hear from the other side is they will cut Social Security, and they will cut Medicare in order to fill in the difference. That is where this is all headed. Make no mistake about it. Our colleagues on the other side of the aisle, their full intention is to shred Social Security and to shred Medicare in order to avert a fiscal disaster. We are headed for a train wreck. It is just as clear as it can possibly be.

What have our colleagues done? They have come out with this very, I would say misleading title on a book, saying it is a Deficit Reduction Act. When you read all the chapters of the book, it is not a deficit reduction proposal. It increases the deficit and explodes the debt.

Chapter 1, yes, they cut spending $39 billion over 5 years. Chapter 2, they cut revenue $70 billion over the same time. That increases the deficit by $31 billion. But chapter 3, that is the one they do not want you to read. You will not hear them talking about chapter 3 at all out here because they do not want you to know about chapter 3. In chapter 3, they are going to increase the deficit by $781 billion. This is why they have already run up the debt over $2.5 trillion over the last 4 years. Now they are fixing to increase the debt another...
$3 trillion over the next 5 years, and they are out here with a book called “Deficit Reduction.” Oh, no, I don’t think the American people are going to buy that. I don’t think the American people are going to be fooled by that. I don’t think the American people are going to buy the floundering that what this is about is reducing the deficit because it is not.

The simple truth is, this budget plan increases the deficit and it explodes the debt.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator began with 5.5 hours, and he has consumed 42 minutes. So it is approximately 4 hours 45 minutes, approximately, remaining.

Mr. CONRAD. Mr. President, let me say that on our side we have enjoyed working with the chairman of the committee very much. He is absolutely professional and fair and his word is good. We have had a very good working relationship on the Budget Committee. Obviously, we have disagreements about policy, but on the committee we have tried not to disagree in a disagreeable fashion. I have respect and admiration for the chairman of the committee, and we are going to try to work together to handle amendments in an expeditious and professional way so the time is well used.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me echo the comments of the Senator from North Dakota relative to his staff and himself. They are extraordinarily professional. As he mentioned, we do have some disagreements, but we do it in what I think is an appropriate way. We discuss the policy. We disagree on policy. But it is never personal, and there is always a cooperative spirit to try to do the business of the Senate. I greatly admire his professionalism and his staff’s professionalism.

I understand the Senator from North Dakota has another 4 hours. I regret we are not going to hear him speak for that entire period of time because this last hour was certainly “chartlizing”; not scintillating but “chartlizing.”

The Senator has made a number of points, some of which I actually agree with but most of which I must say I find difficult to go along with. The fact is that there are on the ground. With what do I agree? I agree with the fact that we are headed toward a fiscal problem of immense proportions primarily driven by the fact that we have a tremendous baby boom generation that is about to retire. Yesterday I spoke at some length about that. That is why we need to initiate efforts to get under control spending of the Federal Government, especially in the mandatory accounts—mandatory accounts being those accounts that people have a right to simply because of their situation, whether it is a fiscal situation or personal situation. They may be a former member of the military—veterans benefits; they may be of a certain age; they may be of a certain income.

The most significant mandatory programs which are facing us are, of course, the entitlement programs benefitting Social Security, Medicare, and Medicaid. The only way you can address retired programs, mandatory programs, is through a reconciliation bill which is what we have before us today, a deficit reduction bill, because you charge those taxes in order to accomplish changes in the ways those bills are going to spend money over the years to come.

So the Republican Congress, the leadership and the membership, has stepped forward with an aggressive proposal to try to do that. It is the first time in 8 years that we have seen an effort to try to put some brakes on the rate of spending on the mandatory side of the Federal Government.

Thirty-five billion others, $35 billion original instruction, and $30 billion is what the committees of the Senate have reported back in deficit reduction initiatives in this bill which is before us today. It cannot be discounted so casually, as the Senator from North Dakota has. He has essentially said it is not a deficit reduction because there will be a bill afterward that will give tax relief or it is not deficit reduction because the debt goes up. The simple fact is that those are inaccurate statements.

This bill, if you vote for it, will reduce the deficit by $39 billion in its present form. That is a fact, a simple, incontrovertible fact. There will be a tax relief bill that will follow this bill. I wish to point out that my colleague from North Dakota—and he has openly said this—is going to probably vote for a lot of the amendments to that tax relief bill because they are good initiatives. As he mentioned, the AMT, as he mentioned—I am not sure he mentioned it, but others have mentioned the State and local sales tax deductibility or deductibility of certain education expenses which teachers incur when they are trying to spend money on their classroom or the savings credit—all of these—or the R&D tax credit which makes us more competitive as a nation. The other side of the aisle is saying all those taxes should be raised on all those things. Are they saying people in the United States who get to deduct their sales tax should have their taxes raised? Are they saying people in the United States who get to deduct their sales tax should have their taxes raised? Are they saying that teachers who buy crayons for the classroom should have their taxes raised? Are they saying that small businesses, especially those that go out and invest in opportunity and creativity by doing R&D expansion, should have their taxes changed? Clearly, if they are claiming that the next bill, the tax relief bill, is a bad bill—that is what they are claiming because that bill is going to be made up primarily of those initiatives.

We can get into a debate about dividends and capital gains, also.

What has generated the revenue in this country in the last few years? We have seen one of the most dramatic expansions in revenue in this country in the last 20 years, a rate of growth of revenue as a result of having cut taxes and given people more incentive to be creative, go out and invest, create careers for people, and create economics to create jobs.

This chart shows, as we have watched the tax cuts put into place, that revenues have been jumping every year. Why? They are headed back to the historical mean where they have been traditionally. They have been jumping because people have had an incentive to go out and invest, to create economic activity, to take risks, to create careers, create jobs, and that is taxable activity which is coming back to the Federal Government.

Sure, revenues have dropped dramatically as many of our colleagues from North Dakota pointed out. But the drop in those revenues was a function of two events which we had very little control over: the bursting of the bubble of the 1990s, which was the largest bubble in the history of the world, bigger than the South Sea Bubble. It was the Internet bubble, and it burst. Quite honestly, we should have gone into a dramatic depression as nation as a result of that burst. But because this President had the foresight to put into place a tax credit on the productive side of the ledger, we did not see that dramatic economic downturn. We saw a reduction, and that reduction dropped revenues.

We were hit with 9/11. Never before has this Nation been hit with an event like 9/11 where we lost thousands of people on our soil here in the United States. Pearl Harbor, obviously, is a comparable. But the civilian losses were overwhelming, and the economic loss was dramatic. We were hit with a bomb below our economy. So that line went down again.

We had the bursting of the bubble, compounded by the single largest attack on our Nation certainly since Pearl Harbor, arguably exceeding Pearl Harbor in many ways, and the economic impact far exceeded the economy down further. That is why the economy dropped. It wasn’t the tax cuts that dropped the revenue. The tax cuts have been shown to increase revenues and will continue to increase revenues.

For the other side to take the position that anything else is happening is wrong because the facts are clear. The revenues are going up, and they are jumping dramatically back to the norm, 18 percent gross domestic product for the revenue. So this is a function of tax relief which we will be seeing in the tax package which will be coming here to extend those tax relief initiatives in the next bill. But this bill
is about reducing the deficit by $39 billion, $35 billion being the original instruction. It is a huge step in the right direction.

Now we should ask, I believe—and I think the Senator from South Carolina is going to point rather dramatically—what is the response from the other side of the aisle? The response from the other side of the aisle, as I believe the Senator from South Carolina is going to point out, is that their proposal is to spend more money. That is their proposal for reducing the debt around here. They are going to spend more money. That doesn’t work.

Since January, they have proposed spending increases which have exceeded or reached almost a half-trillion dollars in new programs, new initiatives, which isn’t too surprising because that is the philosophy of the other side of the aisle. I don’t think anyone takes that as a surprise. On the other hand, where is their proposal to cut the deficit? I think the Senator from South Carolina talks about?

We searched, and we found their proposal. Wow. Here it is. Here is the Democratic proposal. They did put a budget. They haven’t proposed a budget. Even when they were in the majority, they didn’t propose a budget. At least they didn’t bring one to the floor. They have no proposal at all to reduce the deficit or to reduce the debt. They do have a lot of concerns about our proposal. That is understandable because we wrote it. They didn’t vote for it. There was not one Democratic vote for our budget. You wouldn’t expect us to basically draft their language, but we are willing to take proposals, if they have them, to reduce the debt, to reduce the deficit, proposals which are constructive. But so far, there has been no budget from the other side of the aisle.

There will be a lot of targeted amendments, I presume, to spend more money, which will raise taxes on working Americans and on Americans generally. But as a practical matter, their efforts to reduce the deficit or reduce the debt are extraordinarily limited, especially compared to what we have done.

This is the summary of what this bill does. It is not the tax bill. This is not the tax relief bill. This is the debt reduction bill. They have put in place. They have increased the corporate subsidies for lenders. Rather than take all of that money in deficit reduction, we believe it was important to assist certain groups and because it was fair. The vast majority or large percentage of the $71 billion came from education accounts by reducing the corporate subsidies for lenders. Rather than take that money in deficit reduction, we believed a significant amount of that money—about half—should flow back into student accounts to assist low-income students in getting a college education. It is a good proposal. The key to our Nation’s capacity to compete is that we have creative and productive people. That means you have to send people to college. We have to help especially low-income kids get to college. This bill does that to the tune of $11 billion. Maybe the other side is opposed to that.

In addition, they want to make doctors more available to patients. We want senior citizens, when they walk into a clinic or into their health care area, to be able to see a doctor. We know that under the present law, doctors are going to be cut by 4.5 percent in their spending and budgeting—to drop out of the Medicare system. The Finance Committee decided to fix that and hold doctors harmless by essentially freezing their pay rather than cutting it 4.5 percent. That is where the money is.

But the net effect of this bill is a $39 billion reduction in the deficit. You can say it is not much. I happen to think it is a lot. In South Carolina, $39 billion is a lot of money. In Ohio, $39 billion is a lot of money. In North Carolina, $39 billion is a lot of money.

This bill is a lot of money put toward debt reduction. In my opinion, we should be passing it and actually should be passing it on a bipartisan basis because neither side genuinely wants to reduce the deficit and reduce the deficit, they have to vote for this bill. This is their opportunity.

I yield the floor to the Senator from South Carolina who will have a lot of thought about this issue.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. GRANGE. Mr. President, I suggest the absence of a quorum.

Mr. CONRAD. Mr. President, I have recognition.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. CONRAD. Mr. President, I understand the frustration of my colleague because his party has given him an impossible task to come out and defend a budget plan that explodes the debt.

You notice there was not one comment by the Senator about the debt. Here is why there was no comment about the debt. Here is what has happened to debt under their watch. When President Bush took office, the gross debt of the United States was $5.6 trillion. Each and every year, the debt has gone up by $500 billion or $600 billion. In 2002, it went up to $6.2 trillion, a $500 billion increase. In 2003, $6.8 trillion, it went up another $600 billion; the next year, $7.4 trillion, another $600 billion; the next year, $7.9 trillion, it went up another $500 billion. Here is what it is slated to do under the budget plan they have put in place.

The debt keeps going up, up, up, by $500 billion a year by their own calculation, and they are out here touting that they have a deficit reduction package. Excuse me. Have words lost their meaning? They are out here talking about reducing the deficit, and they are going up, and their fiscal plan has done nothing but explode the debt of our country from $5.7 trillion when they took over and we are headed for over $11 trillion of debt by the time they are done. And they are out here touting a plan of deficit reduction. Come on. Come on. That doesn’t pass the laugh test.

I understand the Senator from South Carolina was up before the other day that he called the Democratic Spend-O-Meter chart. Let me address that.

The Democratic Spend-O-Meter chart of the Senator from South Carolina is a complete concoction. He claims that the Democratic amendments this year would cost $470 billion. Absolute nonsense. Their Spend-O-Meter ignores the fact that many of the Democratic amendments were offset. He didn’t count those offsets. In fact, because they included additional deficit reduction, the net effect of all Democratic amendments on the budget resolution would have reduced deficits by $57 billion.

Their Spend-O-Meter also double-counts the cost of some Democratic amendments because they treat them as if they were a package instead of offered individually. Some Democratic amendments covered the same subject area as an earlier amendment and would never have been offered if that earlier amendment had passed.

Their Spend-O-Meter also overstates the cost of Democratic amendments by misleading and falsely assigning 5-year costs to 1-year amendments. Most of these Democratic amendments were for only 1 year, but they have taken them and made them into 5-year amendments.

Those weren’t our amendments. That is your concoction. That is your fabrication. That is not right.

Democratic amendments to the 2006 budget resolution would have reduced the deficit by $57 billion. Republican amendments to the 2006 budget resolution actually worsened the deficit by $79 billion. That is the real story of what happened earlier this year—net cost of GOP amendments: $79 billion of additional red ink; net effect of Democratic amendments: $57 billion of reduction in the deficit.

I also want to respond to the more general accusation that Democrats just want to spend. I would like to remind my colleagues of the record. Under the last Democratic administration, spending as a share of the economy came down steadily year after year, falling from 22.1 percent of gross domestic product to 18.4 percent of gross domestic product. During the term of the Democratic administration, spending went down.

Now I will compare that to the time since the Republicans gained control. Under our Republican friends, spending has gone from 18.4 percent of gross domestic production to 22.2 percent of gross domestic production. Who are the big spenders? When we were in control, spending went down. When they have been in control, spending has gone up.
administrations going back to the Reagan administration. They were in significant deficit the entire period of the Reagan administration. The Bush administration, Bush 1, dramatically increased the deficits. Under the Clinton administration, we pulled out of deficit and actually went into surplus for 3 years. In fact, 2 of the 3 years we were actually able to stop raiding Social Security trust funds.

Here is the deficit record under the second Bush administration: They plunged right back into deep deficits and massive increase in debt. Now they have a budget plan that, by their own terms, by their own calculations, increases the debt of the country by $3 trillion over the next 5 years—and they are out here talking about reducing the deficit. I suppose they can make the claim, but I don’t think it will stand up very well. I don’t think it will stand up to much scrutiny because we can look at the years they have presented this little package before the Senate right now. The fact is, there are many chapters to this book. The first chapter cut spending $39 billion. That is in the face of increasing the debt by $3.4 trillion over the next 5 years. They talk about it being a good start. I would say it is virtually no start. It is no start when you consider the second chapter which will cut the revenue by $70 billion. The combined effect is to increase the deficit.

If anyone wonders, go to chapter 3 where they increase the debt in 1 year alone by $781 billion. And they call themselves fiscally conservative? That is not any definition of conservative I have ever heard. Let’s see what is happening to the debt under our friends. They came in and it was $5.7 trillion and they have already run it up to $8 trillion. This is what their budget proposal is doing now. If we adopt the 5-year budget plan, they will have run the debt of the country from $5.7 trillion to over $11 trillion. That is their record.

What are the results of these policies? The results of these policies are to build a wall of debt. Every year, debt is going up $600 billion a year under their budget plan. These are their numbers. Not my numbers, their numbers.

What does that translate into? That translates into an increase of debt by over $1 million a minute. That is the fact. That is what we are talking about.

What is the result? The result is in 4 years, they have doubled the debt held by foreign countries. U.S. debt held by foreign countries and foreign investors has doubled. It took 224 years to run up $1 trillion of foreign-held debt. In only 4 years, they have doubled it.

Here is what I think of the other 42 Presidents in American history. It took them 224 years to run up $1 trillion of external debt. This President has exceeded them in 4 years. This President has run up over $1 trillion of foreign-held debt in his term: $1.05 trillion versus 42 other Presidents, $1.01 trillion. It is pretty stunning what has happened.

And the result? Here it is: We now owe China $248 billion. We owe the United Kingdom over $174 billion. We owe the Caribbean Banking Centers over $100 billion. This strengthens the country? How does that strengthen the country? They were never able to read chapter 3 of the book. No. They want to talk about deficit reduction. It is a wonderful title, but it has no relationship to the facts. The budget they have before the Senate does not reduce any deficit. They increase the deficit. They explode the debt. Under their own calculations, they increase the debt over the 5 years of this budget proposal by over $3 trillion. They have the chutzpah to come out here and talk about deficit reduction.

Let’s read chapter 3 of their book. The third chapter increases the debt limit of the United States in 1 year by $781 billion. And they are out here talking about deficit reduction? Come on.

The chairman said accurately we did not present a budget. That is exactly right, we did not present a budget. Why didn’t we present a budget? Because they are in control. They are in control of the White House. They are in control of the Congress. They are in control of the Senate. We first had to try to defeat their proposal. Only then would we have had an opportunity or a chance to offer an alternative.

The first test was, can we defeat their budget? I tried my darnedest. The chairman knows that. I tried very hard to defeat the budget proposal they put before our colleagues because it exploded the debt by their own calculations by more than $3 trillion over the 5 years. But I didn’t succeed. They won. They passed their budget. If we could have stopped them, if we could have defeated them, then an alternative would have been in order and I would have been happy to offer an alternative if we had a chance to prevail. There was no chance to prevail. They won. The country lost, but they won. The country lost because their budget did not reduce the deficit. It increased the deficit and it exploded the debt.

By their own calculations, this 5-year budget they have put together will increase the debt of our country by $3 trillion. That is a fact.

I yield the floor.

The PRESIDING OFFICER (Mr. Voinovich). The Senator from New Hampshire.

Mr. GREGG. I yield such time as the Senator from South Carolina may use.

Mr. SARBANES. Mr. President, could I inquire what the parliamentary situation is.

The PRESIDING OFFICER. Time is available to each side.

Mr. SARBANES. How much time is available to each side?

The PRESIDING OFFICER. The Senator from North Dakota has 4 hours 33 minutes. The Senator from New Hampshire has 4 hours 3 minutes.

Mr. SARBANES. I understand the Senator from New Hampshire has now yielded to the Senator from South Carolina. Could I inquire, so I have some idea of the sequencing, how much time the Senator from South Carolina will be using?

Mr. DEMINT. Ten or 15 minutes.

Mr. GREGG. After the Senator from South Carolina speaks, I intend to speak for 15 minutes and offer an amendment. Then it would be back to your side for whatever time you wish to take, so about half an hour from now.

Mr. SARBANES. Would it be possible to make an opening statement before the chairman of the committee offers an amendment?

Mr. GREGG. I want to get the amendment in the queue. I will offer the amendment and then I will let the Senator from North Dakota yield to you for whatever you need for an opening statement—15 minutes.

Mr. SARBANES. Ten minutes.

Mr. GREGG. And then back to me to explain the amendment.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator for yielding.

I find the comments of the Senator from North Dakota very curious, if not amusing. I find the opposition to this deficit reduction package perplexing.

How can we come to the Senate and rail against deficits and, at the same time, rail against spending cuts? Some of my colleagues have gotten comfortable with voting against something before they vote for it.

In 1993, when the Senate was considering mandatory spending reductions much like we are considering today—only then it was $50 billion, about twice as much as we are considering cutting today—the Senator from North Dakota supported it. Not only did he support it, he took the lead in pushing for more spending cuts. To quote the Senator from North Dakota:

I am one of those on the Democratic side who insisted on more spending cuts . . . . I did so because I believed very strongly that we had to have more spending cuts to have balance in this program . Madam President, we succeeded . . . . We got more spending cuts.

The Senator also said:

When we talk about there being too much spending, when we talk about the Federal government being out of control, Medicare and Medicaid are part of the explanations.

And, again, in 1997, when the Senate was considering mandatory spending reductions which totaled $107 billion, which is almost the same amount we are considering today, the Senator from North Dakota supported it, too. Again, he not only voted for it but he called for even more spending cuts.
Again, the Senator said: I, too, am proud to have voted for the provisions that we passed this morning that will finish the job of balancing the unified budget . . . Frankly, I would have done more by way of deficit reduction. I wish we would have been more ambitious. I wish we would have done more in the long-term reform of entitlement programs, but that was not to be. That is for another day.

This is all very confusing to me. How can the Senator be for spending reductions in 1993, in 1997, but then oppose them today? I don’t want to make any assumptions, but this appears to be political. It is the only thing that has changed since 1993 and 1997 is the man in the White House.

The Senator is correct that the Republicans are now in the majority. But history will show that the Republicans in the majority in the 1990s worked with President Clinton to cut the budget and balance the budget over time.

Our country faces many difficult challenges. But my colleagues continue to talk a good game while they vote against hard choices. It actually reminds me of an experience when I was a teenager taking lifeguarding classes at a swimming pool. One of the parts of the final test for that lifeguarding class was to swim to the bottom of the deep end, pick up a concrete block, bring it back to the surface and then swim to the other side of the pool. Every day when I get up in Washington, DC, I feel I have to go down to a swimming pool. One of the parts of the final test for that lifeguarding class was to swim to the bottom of the deep end, pick up a concrete block, bring it back to the surface and then swim to the other side of the pool.

On energy, while we hear rhetoric in the Senate blaming the President for high energy prices, the Democrats vote en bloc to keep us from developing the oil resources we have in this country. In a committee meeting last week we wanted to build new refineries, modern, environmentally safe refineries on old military bases, but the Democrats voted en bloc to stop it.

I have heard from the Senator from North Dakota about spending Social Security on other things. Yet when Republicans this year proposed we stop spending Social Security on other things and save it in Treasury, it was rejected. This gets back to the concrete block analogy—we are trying to cut spending in this Senate, which is only a third of what we did last time we went through this same procedure, with Democratic support, yet amendments have been offered that have added all the way up to the top of $500 billion and beyond, with the new amendments that were offered last week.

It is important, as a nation, we address difficult issues in a sound, fiscally responsible way. This bill before us this week is very modest, with spending cuts that reduce no care to the poor; they are cutting wasteful spending and fraud from Medicaid and other programs. This should be an easy vote for every Member of the Senate. There is other spending that we need to address. This bill should be easy.

I encourage all of my colleagues to set the rhetoric aside. Let’s leave the concrete block at the bottom of the pool and swim across it together and get this done on behalf of the American people.

Mr. President, I thank the Chair of the Senate for this time and yield this floor to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I send an amendment to the desk. The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I send an amendment to the desk. The PRESIDING OFFICER. The Clerk will report. The bill clerk reads as follows:
The Senate from New Hampshire [Mr. Gregg], for Mr. Feingold, for himself and Mr. Gregg, proposes an amendment numbered 2347.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:
(Purpose: To provide amounts to address influenza and newly emerging pandemics)

At the appropriate place, insert the following:

SEC. . . . ASSISTANCE TO COMBAT INFLUENZA AND NEWLY EMERGING PANDEMICS.

(a) IN GENERAL.—Out of any money in the Treasury for every MDC Title that is not otherwise appropriated in title VII, there are appropriated $2,780,000,000 to enable the Secretary of Health and Human Services to carry out the activities described in subsection (c).

(b) ADDITIONAL AMOUNTS.—Out of any money in the Treasury of the United States that is not otherwise appropriated in title III, there are appropriated $1,000,000,000 to enable the Secretary of Health and Human Services to carry out the activities described in subsection (c).

(c) ACTIVITIES.—From amounts appropriated under subsections (a) and (b), the Secretary of Health and Human Services shall utilize:

(1) $577,000,000 to intensify surveillance of influenza and other newly emerging pandemics and outbreaks;

(2) $2,800,000,000 for the development and stockpiling of antivirals and vaccines for influenza and other newly emerging pandemics; and

(3) $577,000,000 to establish a seamless network of Federal, State, and local authorities for preparedness relating to influenza and other newly emerging pandemics.

Mr. GREGG. Mr. President, it is my understanding that the Senator from North Dakota is yielding time to the Senator from Maryland, and it will be taken from the time of the Senator from North Dakota. After the Senator from Maryland makes his statement, I will yield to the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I thank the Chair.

Mr. President, I rise to speak on the measure before us. As we well know, budgets are all about priorities. The budget resolution which was passed earlier this year paved the way for the reconciliation legislation which is now before us, legislation which I strongly believe represents the wrong set of priorities for America.

I say this for two primary reasons. One is the adverse impact this legislation will have on the Nation’s soaring budget deficit; in effect, what it does to the fiscal underpinning of our economy. The second very strong reason is the impact this legislation will have on families all across the country.

I commend the able Senator from North Dakota, Mr. CONRAD, for his very effective leadership on this issue. He has been consistent throughout in trying to bring a sense of fiscal responsibility to our budget deliberations. His presentation earlier today has maintained that strong commitment, as he set out the fiscal consequences of the path on which we are proceeding.

The reconciliation process, which originated in the mid-1970s, provides fast-track procedural protections for reconciliation bills, which are supposedly designed to help achieve the goal of reducing budget deficits. Regrettably, that goal has been absent from the reconciliation process since 1997, which was the last time the Congress considered a reconciliation bill that actually sought to bring down the deficit. In fact, in recent years, the reconciliation process has been used not to bring down the deficit but to cut taxes. So a process designed to help reduce budget deficits has actually made our deficits worse, significantly worse, by speeding through the Congress package after package of excessive tax cuts.

This year’s reconciliation process is no different. The budget resolution, which passed on a party-line vote earlier this year, provided fast-track procedural protection for both a spending bill and a tax bill. Both were provided this protection under the reconciliation process. So if one is to see the impact made on the deficit by the reconciliation process, one has to take into account both of these measures. Only one of the two is before us today. But the other is scheduled to follow.
So as I understand it, we are now in deficit, $317 billion for the fiscal year that just ended, and we are facing projected deficits, over the next 10 years, of $4.5 trillion; is that correct?

Mr. CONRAD. The Senator is correct. So we have a budget deficit coming from projections of a $5.6 trillion surplus plus more than a $4 trillion deficit. That is a swing of $10 trillion.

Mr. SARBANES. Mr. President, I want to underscore what the very able Senator from North Dakota has pointed out, that deficit it is indeed the consequence of budget deficit reduction, is not, in fact, to increase the budget deficit; it is going to increase the budget deficit. This bill is really about trying to make room for more tax cuts, primarily benefitting the people at the very top of the income and wealth scale.

When you look at the reconciliation instructions in the budget resolution, on both the tax and spending sides, that conclusion is inescapable. The reconciliation legislation is a clear example of a fiscal policy that places a higher priority on tax cuts than on funding needed services and reducing the deficit. To me, that is a misplaced priority but, regrettably, one that has marked this administration.

Now, if the ranking member would yield for a couple of questions?

Mr. CONRAD. Yes, sir.

Mr. SARBANES. It is my understanding that when President Bush came into office in 2001, the fiscal situation which he inherited was one where we actually we were running a surplus in the Federal budget, if I am not mistaken, and we were projecting a surplus over the next 10-year period—2002 to 2011—of $5.6 trillion. I say to my colleague; is that correct? That was the projection at the time?

Mr. CONRAD. That is correct. Mr. SARBANES. Of course, these were projections. We recognize that. But they were the best estimate that could be made. Over a 10-year period, we were projecting a surplus of $5.6 billion. In fact, some said we were paying down the debt too quickly, if the Senator will recall?

Mr. CONRAD. Yes, they did. In fact, they were concerned we were going to pay off too much debt.

Mr. SARBANES. As I understand it, today, after this series of excessive tax cuts the President has pushed through, using this reconciliation process—actually, I think, abusing it, not using it, because it was designed to reduce deficits, not to increase deficits—but using this fast-track procedure, the President and his allies in the Congress have pushed through a series of excessive tax cuts.

So the net result of the reconciliation measures to be considered this week and next week will be an increase in the deficit of $30 billion. I don’t know anyone who can contest that. It is pretty well conceded.

The instructions made it clear from the outset there was to be $35 billion in spending cuts—and they have increased it to $40 billion—and $70 billion in tax cuts. You put the two together, you have an increase in the deficit of over $30 billion.

We are facing serious future challenges. The Senator from North Dakota has been the one pointing out to us the need to consider the baby boomers as they approach retirement age, the impact that will have on the fiscal situation of the country, and how we can deal with that in a balanced and equitable way. That discussion is not taking place. Instead, we have in this fast-track process in which the most vulnerable amongst us are asked to make the sacrifices in terms of the programs being cut, such as Medicaid and Medicare.

The New York Times, in an editorial on October 26, titled “Stalking the Poor to Soothe the Affluent,” said:

Impoverished Americans are being set up as targets this week in Congress’s desperate effort to find some way to cut for the next four straight years of tax cuts for the affluent.

I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. As I draw to a close, I just want to underscore what is happening. I had put a question to the Senator from North Dakota; we have not been given any chance to find a way to cut for the next four straight years of tax cuts for the affluent.

I just want to underscore the fact that we are now in a situation where the President has increased foreign holdings of our debt by a trillion dollars. It...
took 42 Presidents 224 years to run up a trillion dollars of external debt. This President has more than doubled that amount in 4 years.

Mr. SARBANES. Mr. President, I close with this observation: In one of his plays, Tennessee Williams has a character say, "We love the obols, who says: I have always depended on the kindness of strangers. That is what is happening to the fiscal future of the United States of America. We are becoming increasingly dependent on foreign nations, not individuals, central bankers buying our debt, holding this paper, financing this deficit, underwriting this debt. The United States, as a consequence, is losing a measure of its strength and independence which only underscores the seriousness of the situation we confront.

Mr. CONRAD. Well, we owe Japan over $680 billion.

Mr. GREGG. Mr. President, point of order: No question was asked by the Senator from North Dakota. Is it correct to have an interchange of that nature?

Mr. CONRAD. I interpreted a question from the Senator.

Mr. SARBANES. I asked the Senator who was holding the debt.

Mr. CONRAD. He had asked who was holding the debt, and this is who is holding the debt.

Mr. GREGG. The Senator from North Dakota's response was not in relationship to a question.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. SARBANES. Certainly.

Mr. CONRAD. The Senator can see here the answer to the question he posed to me. I would ask: Who is holding the debt?

Mr. SARBANES. As I look at the chart which the Senator has presented, Japan has $684 billion of it; China, $248 billion—and that is rapidly escalating, moving upwards very fast—the United Kingdom, $174 billion. Caribbean banking centers are holding over $100 billion of our national debt. This is a recipe for eventual disaster if we don't get this situation under control. The budget reorganization process ought not to be used in such a way that the ultimate result is going to be an increase in our deficit and a further runup of the debt.

I thank the chairman and the ranking member for this opportunity to speak. I again commend Senator Conrad from North Dakota for the effective and consistent leadership he has provided over the years in addressing the important questions of the fiscal underpinnings of our national economy.

I yield the floor.

EXHIBIT 1

STALKING THE POOR TO SOOTHE THE AFFLUENT

Impoverished Americans are being set up as targets this week in Congress's desperate attempts to find budget cuts after four straight years of tax cuts for the affluent. House Republicans propose harmful cuts in Medicaid access and benefits, while forcing another 10 hours of work from welfare recipients. Our national debt is now over $680 billion—and that is rapidly escalating, moving upwards very fast—the United Kingdom, $174 billion. Caribbean banking centers are holding over $100 billion of it; China, $248 billion—and that is rapidly escalating, moving upwards very fast—the United Kingdom, $174 billion. Caribbean banking centers are holding over $100 billion of it; China, $248 billion—and that is rapidly escalating, moving upwards very fast—the United Kingdom, $174 billion. Caribbean banking centers are holding over $100 billion of it; China, $248 billion—and that is rapidly escalating, moving upwards very fast—the United Kingdom, $174 billion.

The proposals would have the federal government—supposedly the protector of the neediest—give the states broad leeway to restrict current benefits; require co-payments by the poor for medical care and for care by doctors and emergency rooms; and to cut preventive care for children, who represent half of the Medicaid roll. The food stamp expansion in North Dakota. Is it correct to have an interchange of that nature?

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The PRESIDING OFFICER. The Senator from North Dakota has the floor.

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I yield the floor.
added to the alternative minimum tax if we don’t extend what is known as the patch, if we don’t exempt those people from being added to it. That is a $30 billion item right there. The folks on the other side want to vote against the tax reconciliation bill. They want to raise the taxes on people. They want to create a tax revenue of $30 billion by making the alternative minimum tax apply to middle-income Americans. That is their choice.

The third experimentation tax credit, the R&D credit, is the credit which allows entrepreneurs, especially small businesses, to invest in R&D, which produces jobs, which makes our country more competitive, which keeps jobs from going overseas, which gives people careers. This is one of the most important tax initiatives in our Tax Code because it increases economic activity and increases opportunity and jobs. They want to vote against that one. Fine. Raise the taxes on small business and entrepreneurs who want to do R&D. That is the second largest item, $7 billion, that is going to expire in the next 2 years.

The deductibility of qualified credits, teachers’ deductibility. We talked about that. When teachers go out and buy things for their classrooms, they get a deduction for it. If they want to raise taxes on teachers, go ahead, have a tax increase on teachers.

The deduction for State and local sales taxes: Which States benefit from the deductibility of State and local taxes? Massachusetts, Connecticut, New York, New Jersey, Illinois, California—those are the high tax States. They are the ones with the highest sales taxes. How many Republican Senators are there from those States? I don’t think there are any. But that is one of the items. They appear to want to raise taxes on people in those States by making their sales tax not deductible.

I have to tell you, I come from New Hampshire. We don’t have a sales tax or an income tax. If you want to eliminate the deductibility of sales taxes, it is no skin off our nose. But I don’t think it happens to be that great a policy. But that appears to be the position that is being taken here, if you listen to the other side as they exorcise the package of proposals that is coming at us as a result of the reconciliation process: First, the deficit reduction bill, the debt reduction bill; second, the reconciliation bill on taxes, the majority of which includes these right here. And these are the ones that are expiring in the next 2 years.

Then the third is the debt ceiling, which is put under reconciliation. Well, you know, we are at war. We had a downturn of dramatic proportions as a result of the bursting of the Internet bubble, and the deficit was up—government expenditures have gone up rather significantly because of those two factors—especially the cost of the war. In fact, if you look at discretionary spending, almost the entire increase is an attempt to fight terrorism and protect our Nation. Now, it may be that the other side of the aisle does not want to pay those bills, that they think we should not do a debt increase. Well, if you do that, the Federal Government defaults on its obligations, it raises the debt ceiling, and people’s savings will be wiped out not only in the United States but across the globe.

Maybe that is the fiscal position of the other side of the aisle. A debt reduction bill stays in the sense it increases our ability to borrow the money. We are going to borrow the money because we have the debts. It is like saying, when you get your credit card bill, you are not going to pay it. Well, the practical implication of not paying is you file bankruptcy. Maybe the other side’s position is let’s file bankruptcy. It seems to be we should do nothing. However, the rate at which that credit card is being charged—because the only bill that does that. This is a deficit reduction bill. The $39 billion bill that is pending before us is a deficit reduction bill. So if you are not going to vote for this bill, you have no credibility on the issue of whether you are willing to cut the deficit or debt. It is one separate bill.

Mr. SARBANES. Will the Senator yield.

Mr. GREGG. I will not yield. I yield—ed to the Senator for 30 minutes when he asked for that. I will tell you the truth. I don’t think that was consistent with the comity of the Senate. Mr. SARBANES. Now, the Senator should yield on that point.

Mr. SARBANES. Now, the Senator should yield on that point.

Mr. SARBANES. On questioning the comity of the Senate, the Senator should yield on that point.

Mr. GREGG. I will not yield on that point.

The next item: The second point is how much money have we generated from this tax cut. The tax cut has energized a significant increase in revenue to us relative to the budget. We have seen a 14-percent increase in 2005. We will see a 6-percent increase in 2006, and it is projected that this will continue to go up significantly as we move into the outyears. That is because as you reduce the tax rate on working Americans, you significantly expand the revenue of the Federal Government and they become more productive and they generate more activity, which generates income to the Federal Government.

That has been proven over and over and again. The tax cuts of President Bush have shown that the tax cuts of President Reagan showed it, and the first person to show it in fairly definitive terms was President John F. Kennedy, who put forth his tax cut which generated significant revenues to the Federal Government. We are seeing a dramatic expansion in the revenue activity of this Government. To say anything else is inaccurate. Yes, the budget deficit is $314 billion, but it was supposed to be $440 billion or $420 billion. We have generated $100 billion of reduction in the deficit and almost all of it, almost all of it has been a function of new revenues coming into the Federal Government. There has also been essentially a bipartisan push to try to accomplish that. The deficit, which has been good, but essentially all that revenue has come out of this, come out of the fact that we cut taxes and we have generated more economic activity.

The pending amendment is made that the tax cuts are inappropriate and that we are generating cuts for wealthy individuals at the expense of low-income individuals, it is just not consistent with the fact. The fact is, this deficit reduction plan significantly reduces the deficit but does it in a way that does not impact low-income individuals. In fact, the new spending initiatives in this plan, which are fully paid for by offsetting reductions, dramatically benefit low-income individuals, especially those who are working, who are going to college, and who are trying to benefit from Medicare.

Secondly, the tax provisions which will be coming in the next exercise, which is independent of this exercise, are provisions which are generally supported by most Americans. They are the deductibility of the R&D tax credit, deductibility of education credits, deductibility of savings credits, State and local taxes, sales taxes, and, of course, the AMT fix. The tax revenues of this country are going up dramatically on an annual basis, and they are projected to continue to go up. So we don’t have a problem that we are an undertaxed society. We have a problem that we are not controlling spending.

The pending amendment which I sent to the desk is an amendment which addresses the fact that we are confronting a very significant threat in the world called avian flu. This Congress, this Senate, has tried to address this issue a couple times, but we know the avian flu issue is a ticking time bomb out there. Whether it is going to happen today or whether it is going to happen within the coming 12 months or 2 years or 5 years, we know the threat should avian flu transfer from birds over to humans is huge because we have a record to look to, which is the pandemics of the early part of this century.

We need to get ready for it, and we all recognize it, and there is an urgency to do that. It has been a bipartisan push to try to accomplish that. So this amendment essentially takes some of the dollars which have been saved in excess of the original reconciliation instruction and applies those dollars to try to address the pandemic situation.

In trying to accomplish that, we have addressed what I think is a significant need. In addressing the avian flu issue, it is more than just a money issue. We
all know that. There has to be an incentive for the vaccine industry to aggressively pursue some sort of cure to address not only avian flu but avian flu as it mutates through various systems. That has not been accomplished yet. But we know it will not be accomplished until we are successful in standing up to the vaccine industry and making sure that they have the resources to pursue an adequate treatment.

This amendment tries to accomplish that, and thus I have offered it. At this point I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think the chairman of the Budget Committee just summed up the position of his party when he said we have to borrow the money because we have the debt. That is exactly right. Their party has put us on a fiscal course to explode the debt. The Senator talks about deficit reduction, which is on the cover of the book of the matter that we are discussing today—it says deficit reduction—it just doesn’t have any credibility because it is part of a package. The package is the budget that was passed last year. This legislation process we are going through now was authorized by that budget. That budget didn’t reduce any deficit; it increased the deficit. Most seriously, it exploded the deficit.

Well, here it is. The budget we are working to conclude increases the debt by $3.4 trillion over the next 5 years. The spending cut they have out here right now is $39 billion. By the way, they are about to reduce that because the first amendment from our colleagues on the other side is a spending amendment.

But let’s look at the whole package, the whole package that our colleagues have offered the country, have offered the Senate. If doesn’t reduce the deficit, it doesn’t reduce the debt, it dramatically expands the deficit—not by my calculation but by their calculation. Here is their calculation of the increase in the debt of their 5-year budget proposal. They are going to run up the debt $3.4 trillion. This spending out here over 5 years of $39 billion basically does not touch it.

Now, my colleague had a whole list of possible tax cuts and said, well, maybe we aren’t doing the tax cuts to American people, on those various items. I support extension of many of those tax cuts, but I believe they ought to be paid for. That is the way we used to do business around here. We used to have a provision we called pay-go, and if you wanted to increase spending or you wanted to have more tax cuts, you could do it, but you had to pay for it. There is an old-fashioned idea: pay for it. Our colleagues over here don’t want to pay for anything. They want every tax cut and every spending vision—this increase in spending. They are in control. The spending they are complaining about, they passed it.

They control the Senate of the United States. They control the House of Representatives. They control the White House. Every dime of this spending they are complaining about, they passed—every dime of it. The President has not vetoed one spending bill. Every dime that has been appropriated.

But here is what they did on the revenue side. This is what has happened to the revenue. The revenue side of the equation collapsed, and, yes, we have had an upkick in the last year absolutely. The Senator is correct. Revenue has increased in the last year. But look at where it is. It is way below the historical level. The result of this combination of their spending increases and their tax cuts has been to explode the deficits. We have had in the last 3 years the largest deficits in the history of the country. They have exploded the debt—not by my calculation but by their own calculation and by the historic record.

Look, when this President came in, the debt was $5.7 trillion. In 5 years he is going to have added $3 trillion. If this budget plan passes, they ran up the debt another $551 billion for the last year alone. They are going to increase the debt of our country by $3 trillion over the next 5 years of this Presidency by $3 trillion, and in the next 5 years they are going to run it up another $3 trillion.

Now, facts are stubborn things. It is very interesting that my colleague on the other side, when he put up the possible tax cuts they are talking about, left this one out. You didn’t see this. You didn’t see this one mentioned, the capital gains and dividends tax cuts. Here is the distribution of those tax cuts, who gets them: Those earning over $1 million a year will get, on average, a $35,000 tax cut. Those earning less than $50,000 a year, this is what they get: $0–$6. That is what my colleagues on the other side of the aisle strive for: fiscally irresponsible behavior, which is exactly how I would characterize the budget that is before us. Those earning $6 for those earning less than $50,000 a year, $35,000 for those earning over $1 million a year. And one of the ways they reduce the cost of all this is to take from the least among us.

Go look at what the House of Representatives is proposing by way of their spending cuts. They are going to cut Medicaid, they are going to cut food stamps, the things that go to the least among us so that they can give additional tax cuts to those who have the most among us.

That is not a value that I have read in any Bible. My Bible does not say take from the least among us to give to the most among us. I have not seen that in any chapter of the Bible or, for that matter, in any holy book. Virtually every religion—perhaps every religion—has a value that we help the least among us. We don’t take from the least among us to give to those who have the most. But that is exactly what is in this proposal.

Again I say to my colleagues, you can’t separate out the first chapter of the book they have labeled deficit reduction; you have to read the whole book. You have to read all the chapters. If you read the chapters of this book, what you find is in chapter 1, they cut a little bit of spending, in chapter 2 they cut even more revenue, and in chapter 3, they explode the debt another $3 trillion. And they call it deficit reduction? Please.

If you look at the whole book, if you read the entire book, what you find is they are going to increase the debt of our country by $3 trillion over the next 5 years. And they are out here talking about deficit reduction? No, that dog won’t hunt.

I rise to offer an amendment with Senator NELSON and Senator FEINGOLD to restore some budget discipline. We want to go back to the pay-as-you-go rule that served this country so well in previous years. I thank Senator NELSON and Senator FEINGOLD for their leadership on this issue. I see Senator FEINGOLD is on the floor.

Our amendment is simple. It restores the original pay-go rules preventing new mandatory spending and new tax cuts unless they are paid for. My colleague talks about all the additional tax cuts he wants. That is fine. I will agree to a lot of them, but we have to pay for them. Otherwise, we are borrowing money from China, Japan, the Caribbean Banking Centers, and all the rest to give tax cuts that, in many cases, go predominantly to the wealthiest among us. What a bizarre strategy that is.

The proposal we are making today eliminates a loophole in the current pay-go rule which exempts tax cuts and spending increases that are provided for in the budget resolution. We don’t have to pay for them if they are in the budget resolution. This huge loophole encourages fiscally irresponsible behavior, which is exactly how I would characterize the budget that is before us.

I would like to take a moment to remind my colleagues of the history of pay-go and why it is important to reinstate the original pay-go rule.

The rule was adopted in 1990 at a time when the Federal Government was facing unprecedented deficits just as we are today. Originally, the pay-go rule created a 60-vote point of order against tax cuts and mandatory spending that would increase the deficit. Tax cuts and increased spending either had to be paid for or face a 60-vote point of order. Back in the nineties, the budget discipline of pay-go helped us turn record deficits into record surpluses. But the pay-go rule we have now has lost its teeth. What we are left with is a pale reminder of what pay-go used to be.

The current pay-go rule exempts all policies assumed in every budget resolution. As a result of these changes,
the budget resolution this year advocated borrow-and-spend policies. Here is what our current fiscal picture looks like: record budget deficits as far as the eye can see; an ocean of red ink. That is where we are now, and that is where we are headed.

In this year's budget, the majority paved the way for these reconciliation bills that are before us now that will actually increase the budget deficit. How? By shaving $39 billion of spending over 5 years, but then by cutting revenue $70 billion. The combined effect is to increase the deficit by $31 billion, and we already have record deficits. The whole idea of reconciliation was to provide fast-track protection to deficit reduction. Now it has been hijacked, and they are using these special provisos and special protections to increase the deficit. It is a perversion of the process.

Federal Reserve Chairman Alan Greenspan opposes tax cuts that are financed by running up the deficit. Here is what he told Congress last year.

Question from Congressman SPRATTLet me ask you this. You said you were for extension of the original pay-go rule, which would apply to tax cuts as well as to entitlement increases. Does that mean you would advise us that as we approach these sunsets and expirations in existing tax cuts, that they be offset before the renewal be passed?

Mr. Greenspan:Yes, sir.

That is the answer the chairman was perhaps seeking. He wants to extend these tax cuts. Many of them I do as well. But I want to pay for them. That is what pay-go provides. Here is what the Fed Chairman had to say on the question of restoring the original pay-go: "Yes, sir," when asked a direct question if we should restore pay-go. Earlier this year in testimony before the House Budget Committee, Chairman Greenspan again reiterated his support for fully offsetting the costs of all tax cuts:

If you're going to lower taxes, you shouldn't be borrowing essentially the tax cut. And that over the long run is not a stable fiscal situation.

That is what we are doing here: Put it on the charge card, run it up, borrow the money. Where are we borrowing it? Increasingly we are borrowing it from abroad. Under this President, we have increased our debt held by foreign countries by over 100 percent. It took 42 Presidents 224 years to run up a trillion dollars of external debt. This President has doubled it in 4 years. That is an utterly unsustainable course.

Chairman Greenspan said before the House Budget Committee earlier this year:

All I'm saying is that my general view is that I like to see the tax burden as low as possible. And in that context, I would like to see tax cuts. But, as I indicated earlier, that has got to be, in my judgment, in the context of a pay-go resolution.

That is what we are offering today, a pay-go resolution. You can have more spending; you have to pay for it. You can have more tax cuts; you have to pay for them. That is the budget discipline we had earlier in the nineties, and it worked well in drawing us out of record deficits and back into surplus.

In the past, the Budget Committee has agreed with the Fed Chairman's wise counsel. During the fiscal year 2002 supplemental bill, the Budget chairman had this to say. This is Chairman GREGG:

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.

He went on to say: . . . If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no chance to work in this discipline in this Congress and, as a result, will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

The Budget Committee chairman was right then, and if he took the same position now, he would be right now because the measure we are offering is pay-go. If you want to have new spending, pay for it. If you want to have more tax cuts. That is critically important given the fact that the deficits and debt are going up, up, and away under this underlying budget resolution.

What we are offering today eliminates the pay-go loophole. The current pay-go rule exempts all tax cuts and mandatory spending increases assumed in any budget resolution, no matter how much they increase deficits. Our proposal is to go back to what has worked in the past. It is traditional pay-go. It says all mandatory spending and all tax cuts that increase deficits must be paid for or they have to get a supermajority vote of 60 votes.

Mr. President, I yield to my colleague from Wisconsin such time as he may use.

The PRESIDING OFFICER: The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am very pleased to cosponsor the amendment that will be offered by my good friend, the Senator from North Dakota. There is no Senator more dedicated to a fiscally responsible Federal budget and to restoring sound budget rules than Senator CONRAD. I have had the pleasure of watching him do his work, now in his 13th year of leadership on this issue. He is an acknowledged expert on the budget and the rules that govern its consideration.

You don't have to be a KENT CONRAD to understand the pay-go rule. As he said, it is very straightforward. It is a commonsense requirement. Whenever Congress wants to spend money through entitlements or the Tax Code, we have to pay for it. That is the pay-go rule. If you have a tax cut, if, in the first few minutes, has been an effective restraints on the appetites of Congress and the White House, and it was abso-

lutey critical to our ability and success in balancing the Federal books during the 1990s. It is no coincidence that when this body stopped following that rule, the bottom dropped out from under the annual budget resolution. The Congressional Budget Office projected that in the 10 years thereafter, the Government would run a unified budget surplus of more than $5 trillion. Now we are staring at what is almost a mirror image of that 10-year projection, except this time the deficits are under any reasonable set of assumptions, we are now facing immense deficits and backbreaking debt.

This has to stop. Running deficits causes the Government to use the surpluses of the Social Security trust fund for other Government purposes rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation.

As Senator CONRAD has noted, it's just not a budget discipline. When the annual budget resolution determines for other purposes the amount of tax rates that are the problem, it is our debt. Every dollar we add to the Federal debt is another dollar we are forcing our children to pay back in higher taxes or fewer Government benefits. If we are to avoid during the pay-go debates we have had over the years, when the Government in this generation chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their choices, to which I think they should be entitled, just as we have been. We make our choices to spend on our wants, but what we are doing here is saddling them with the debts they must pay from their tax dollars and their hard work, and that is not right.

That is why I am proud to join Senator CONRAD in offering this amendment to reinstate the pay-go rule. We need a strong budget process. We need to exert fiscal discipline. When the pay-go rule was in effect, that tough fiscal discipline governed the budget process. Under the current approach, it is exactly the other way around. The annual budget resolution determines how much fiscal discipline we are willing to impose on ourselves and that, obviously, simply has not worked.

When Congress decides it would be nice to create a new entitlement or enact new tax cuts, and then adjusts its budget rules to assist those policies, we are inviting a disastrous result. And that is exactly what we have seen happen.

As I noted during the budget resolution, if you want to lose weight, you set the total calories you are allowed to consume first, and then you make the meals fit under that cap. It is not the other way around. Imagine trying to lose weight by deciding what you want to eat first and then setting the calorie limit to accommodate your calorie intake. It would be like dialing up the limit on your calorie intake. If you want a couple of extra beers—which, of course, in Wisconsin...
we are fond of—that is fine, too. Raise the calorie limit accordingly.

It may taste pretty good at the time but one will probably almost certainly end up gaining weight, just like this Nation is racking up debt.

Because this ill-advised diet is exactly how the current mutated version of pay-go works, and we have seen the results, the debt we are leaving our children and grandchildren that we will have has been putting on massive amounts. This amendment that the Senator from North Dakota will offer would simply return us to the rule under which Congress operated for the decade of the 1990s.

As the Chair well knows, it was instrumental in balancing the Federal budget. Many of us lived under that rule, and we know how effective it was. This amendment is a truth test. Our colleagues who are genuinely serious about reducing the deficit and returning to a balanced budget will vote for it.

A real pay-go rule by itself will not eliminate the annual budget deficits and balance the budget, but we also know that we will never get there without a real pay-go rule.

I also thank Senator CONRAD for his leadership on this and the other critical budget issues and I strongly urge my colleagues to support his commonsense, time-tested amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague, Senator FEINGOLD, one of the most valued members of the Budget Committee, somebody who has been absolutely consistent on these issues and who has tried over and over to get the pay-go rules reinserted so we would have some assistance in restoring budget discipline.

I told a reporter the other day I have never been in an environment so disconnected from reality as it is today. We have a measure before us that they call deficit reduction in the first chapter when we all know, if we read the whole book, it has nothing to do with deficit reduction. It is explosion of debt. Because by the time we get to the third chapter, what we find out is they are going to increase the debt by $781 billion all the while they are talking about reducing the deficit. It is like words have lost meaning when people come out and say they are doing one thing, when they are doing precisely the opposite thing.

It is going to be hard to fool people about this because people know we have big deficits. The last three deficits are the biggest in our history and people know the debt is increasing. They may not know the exact numbers, but they know the debt is not going down; the debt is going up. The hard reality is this budget package that is steaming through is going to increase the debt of the United States by $3 trillion over the next 5 years and that is by their own calculations. That is not my calculation. That is not the calculation of Senator FEINGOLD. That is their own budget document’s calculation. It says they are going to increase the debt $3 trillion. They are talking about over the same period of time a $39 trillion spending cut, which is chapter 1. Chapter 2 is they cut the revenue $70 billion, so now they have increased that, and they are going to increase the debt by $781 billion. That is just one year. The 5-year effect of their budget, and this is all part of the package, is to increase the debt $3 trillion, and they are going to spend a week talking about how they are reducing the deficit.

One of the best things we can do is restore the pay-go rules. Pay-go rules say if one wants to spend more money, pay for it; want more tax cuts, pay for them right now, too. That is a rule we used to have. That is a rule that helped. It was not the only thing that worked, but it helped.

I hope very much that this body will adopt the pay-go provision we are putting before you. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I have been listening to this debate, and I have to say if one wants to spend more money, pay for it; want more tax cuts, pay for them right now, too. That is a rule we used to have. That is a rule that helped. It was not the only thing that worked, but it helped.

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section in there that dealt with some hybrid forms of pension plans. I had one person on one side of the aisle who did not think we had gone far enough and one person on the other side of the aisle who thought we had gone too far. So we had two dissenting votes on that whole package.

When we take the pension reconciliation to the floor, as we are doing right now, we are not able to do the comprehensive pension package that we had reported previously. We are limited to reducing the outlays, which means increasing the fees. That would not be my preference for the way to go. There is a little provision in there that says that if we pass a complete reform, it will supersede what we are doing in reconciliation. I am assuming, and am pretty sure, the dissenting votes that we had when we worked the reconciliation package out of committee, which was both a combination of the education package and the pensions package, was because of provision relating to raising fees in the pension part of the package. Otherwise, if it had been, again, just a stand-alone on the education part, I am pretty sure we would have had a unanimous, bipartisan vote. But when we took it out of committee, and took the education component out of the aisle, in what I consider to be fairly significant numbers, supporting this. Writing this package has been a challenging process because it has required months of bipartisan negotiations. Those provisions in the package involve tough choices, about which programs to responsibly reform and how to reinvest subsequent savings, while still meeting deficit reduction goals. I am pleased about the role that the Health, Education, Labor, and Pensions Committee has played in this process.

I would like to briefly walk through the Health, Education, Labor, and Pensions title of the reconciliation bill. The HELP Committee's title has two components, as I mentioned, one dealing with higher education, the other with pensions. The higher education provisions in the reconciliation legislation are similar to the comprehensive higher education reauthorization bill that the HELP Committee agreed to unanimously in September, as I mentioned.

In addition to exceeding our reconciliation target, the title VII of the legislation adds additional provisions to students and strengthens access to higher education. Now, I have to say that one of the ways that we worked enthusiastically on doing this was when we were doing the budget process and outlining how much had to be saved by the various parts. First, in the pension area, we worked hard to come up with a reasonable number that could happen without businesses being put out of business. We wanted to do it so that people would be encouraged to continue pensions. I think that we have done that.

In the education portion, I asked the chairman of the Budget Committee if we could not work a little deal where if we saved more than the $7 billion that we were required under the budget act to save, if we could not have half of what we saved, with it really not starting until we got to the $7 billion. We had to get to $7 billion but if we got to $14 billion we could. That gave us some incentive to look at what is actually happening in the higher education area and see ways that we could save. I worked for the enthusiastic participation of everybody on the committee and their staff because that is what allows these things to happen.

I have to tell you that the largest part of this, of course, comes from ending some corporate subsidies. Title VII of the reconciliation bill reduces the deficit by $9.8 billion over 5 years. That is an additional $2.8 billion beyond the committee's $7 billion higher education savings target. This also includes $1 billion in increased grant assistance for low- and middle-income students, including $2.25 billion targeted to juniors and seniors in college majoring in math and science subjects or foreign language critical to national security. That is a $2.25 billion increase for middle-income students that will, I hope, bridge the gap that we are beginning to have with China and India on having people who are technically capable of keeping our economy growing.

Again, I want to emphasize that is $8 billion of increased grant assistance for low- and middle-income students. I don't think I used the word "rich" students in there. Did I? No, low- and middle-income students with a special target of math, science, and foreign languages critical to national security. We have to do something in this country to launch a greater interest in math and science if we are going to maintain the economic edge that we have at the present time. Our kids have to realize that this company successfully emerges from bankruptcy.

Why did we do that third part? That should be a part of coming out of bankruptcy—to repay some of the money that had to be potentially paid out, and put people back to work. I have to say that if we had been faced with doing what was going through bankruptcy. But if we don't do that third part, what we were faced with doing was going with the singly-employer plan, flat-rate premium going from $19 to $39. We were able to keep it back at $46.75. Under the comprehensive bill, again, which I prefer to do, but it is not an option at this point in time, that would raise the premium to only $30 per participant. That is still a pretty significant rate, and so I think a $30 participation. And the reconciliation measure before us raises the premium to $46.75 per participant.

There are savings under the comprehensive reform, but this meets the requirements of getting to that $6.7 billion with the assurance that PBGC will be able to meet its payments as people's retirements come up who have been relegated to that system.

The short answer to why the premium was raised so high is we do not have as many legislative options in reconciliation as we have outside reconciliation. But it has to be done. This is one of the two to get it done. None of us want this premium ultimately to
be enacted into law. Adopting a comprehensive reform will solve that problem. But for now, the premium of $46.75 is the “least bad” option that we face.

To be clear that this premium label will be reduced, the bill language includes a special rule that the premium contained in the reconciliation bill shall not go into effect if comprehensive pension reforms that accomplish the same savings are enacted before the end of this year. It is a pretty tight time frame.

I would also like to address some of the additional titles in the reconciliation package.

Two weeks ago, the Senate Banking Committee passed a budget resolution package that included S. 1562, the Safe and Fair Deposit Insurance Act of 2005. That is a bill that I introduced this year along with Senators JOHNSON, HAGEL, and ALLARD. S. 1562 gained the support of a wide majority of Republican and Democratic members on the Banking Committee before the markup. It is also supported by the Department of the Treasury and the FDIC. I believe passing S. 1562 is crucial for the healthy operations of our Nation’s banks and credit unions. The current FDIC system is in desperate need of improvement. Over the past 20 years, deposit insurance has been eroded by inflation and growing deposits falling to the dangerously low levels we have today. S. 1562 would give the FDIC statutory authority under an improved deposit insurance fund healthy again, and in a way that accounts for the riskiness of each of the institutions it insures.

This bill is very important to keep the retirement funds and savings of Americans safe. In our rural towns and communities, depositors depend upon their local credit union or their local bank to deposit their hard-earned money. These financial institutions, in turn, lend money to local businesses and invest in their communities. This relationship benefits the customer, the institution, and the community. My bill would ensure that this relationship can continue into the future, adapting to changing economic cycles or unexpected crises.

I am also pleased the Senate Energy Committee included provisions to meet its budget reconciliation target that allows for responsible exploration in ANWR. When the energy crisis rears its head, it is imperative that we make the most of our domestic supply. Wyoming is contributing dramatically to that supply but nothing like what it could be done with ANWR. ANWR is a world-class resource, and with proper protections in place—and there are proper protections—we can recover the resource without damaging the area.

While the ANWR provisions will help our Nation’s energy crisis, another rumored provision threatens to further burden consumers and threaten another important industry in my State. Fortunately, the Judiciary Committee did not include a tax on explosives to meet their reconciliation goal. Such a tax would have been extremely costly to the mining industry and, in my view, did not make sense. The committee’s decision to use other methods to meet their reconciliation number ensures that in this energy crisis consumers are not forced to pay more to heat their homes and keep on the lights.

I want to reiterate just a little bit that in this budget reconciliation package the biggest part of the heavy lifting comes from Health, Education, Labor and Pensions.

We worked in a bipartisan way to provide for higher education and additional benefits for low- and middle-income students, and for juniors and seniors in low- and middle-income situation to provide even more, if they will do math and science to meet some critical needs for our country. We have taken care of pensions.

There are some important things in this bill that this one is not ongoing with other bills or other times. There are some very significant things that can happen if we can get this done. They can happen immediately for many of our college students.

I want to make a possible to make sure that some of those savings that come from education go to education. I really think that is the way it has to be. That is the principle under which my committee worked to make sure that we had the incentive for savings.

In closing, I look forward to working with my colleagues this week and in conference to complete work on this important legislation.

I yield to the PRESIDING OFFICER.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

MR. CONRAD. Mr. President, I ask unanimous consent to lay aside the pending Instructions and to call up my amendment on pay-go, which is at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senate from North Dakota (Mr. CONRAD), for himself, Mr. NELSON of Florida, and Mr. PEASE, proposes an amendment numbered 2351.

MR. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To fully reinstate the pay-as-you-go requirement through 2010)

At the end of title VI, insert the following:

SEC. 2. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured under sections (2) and (3). (2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term “applicable time period” means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget; or

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(C) The period of the first 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term “direct-spending legislation” means any joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms “direct-spending legislation” and “revenue legislation” do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1997.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) include the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction are included pursuant to instructions since the beginning of that same calendar year shall not be available.

The PRESIDING OFFICER. This amendment was waived or suspended in the Senate only by the affirmative vote of 2/3 of the Members, duly chosen and sworn.

(c) APPRAISAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of 2/3 of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenue for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

The sections of this section shall expire on September 30, 2010.

MR. CONRAD. Mr. President, I also ask unanimous consent that the Democratic leader be recognized when the Senate reconvenes at 2 p.m.

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

MR. CONRAD. Mr. President, I now yield 10 minutes to the Senator from
Florida, Mr. NELSON, who is a very important member of the Senate Budget Committee. Senator NELSON has been one of the most consistent Members on the Budget Committee, insisting on a return to fiscal discipline. I very much appreciate his leadership on this pay-as-you-go approach, which is an attempt to restore the basic budget discipline.

The PRESIDING OFFICER. Does the Senator from North Dakota yield time off general debate or the amendment?

Mr. CONRAD. I will yield time off the amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Thank you, Mr. President.

As we judge this question of whether we have any fiscal sanity here, I thought, in the old days, when I came here 27 years ago and was a freshman member of the House Budget Committee, that fiscal conservatism was that we had to balance the budget and that we did so through the very painful process of spending cuts and tax increases.

Yet we have been on a course since I came back to Washington 5 years ago, having entered into a fiscal condition of the country where we had a very healthy surplus, that is exactly the opposite. We have gone on a course that calls for tax cuts and spending increases, and, “va-boom,” suddenly the big surplus has vanished. We have a huge deficit in the budget we had a year ago and that we did so through the very painful process of spending cuts and tax increases.

Yet we have been on a course since I came back to Florida yesterday, from a very poor section of Florida that got hit with winds clocked as high as 158 miles an hour coming off of Lake Okeechobee at Belle Glade and Pahokee and South Bay. And those communities are devastated. They need help in jobs. They need help with infrastructure. They need help with trying to exist.

Yet we are facing a budget brought to the Senate today to cut social programs in order to finance additional tax cuts. Something is wrong with this picture. But it is about as if the farmer who goes out and eats his seed corn and then he doesn’t have any corn to plant in the next year to plant for the crop. This is not the kind of policy we should have.

On the other side of the Capitol, the House has cuts in their budget that will come to conference, and of course they will insist in conference committee that their cuts prevail—food stamps, cut $844 million. They had $9.5 billion cut in Medicaid, the health care program for the poor. Food stamps, the food program for the poor. Child support enforcement, $5 billion cut in the House.

I thought we were in a society that wanted to encourage going after deadbeat dads to support their children. Are we going to cut this enforcement of child support? That is what is coming over from the House. Federal foster care assistance; how many children do we have today who need foster care? We need to promote adoption, but we do not get all of the adoptions completed. There are children who need homes. And we are going to cut that Federal support for foster care?

Somehow if we continue down the line of this kind of thinking, we are continuing to push this country to a country of haves and have-nots. That is not where we want to go. I am going to offer an amendment next week when we have the tax section of this budget reconciliation to say if we are going to have tax cuts, true fiscal conservatism, we are going to have to pay for them. What will the people want? If we are going to have spending increases and if we are going to have additional tax cuts—which is the drop in revenue the American people want—is for spending increases and tax cuts to be paid for. We have one right here. It is Senator CONRAD’s amendment. We will have another one next week and it will be my amendment. Let’s start supporting some fiscal conservatism and pay for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Florida for his remarks. I thank him, as well, for his leadership. I have thought many times I wish there were more BILL NELSON’s in the Senate because he has been a very strong voice on fiscal responsibility and in paying our bills and not shoveling the debt off to our kids and not continuing this policy of borrowing more and more money from abroad.

Is the Senator seeking recognition to respond?

Mr. ENZI. I was going to offer an amendment. Senator KENNEDY will want to speak on. We are working here together.

Mr. CONRAD. Mr. President, parliamentary inquiry: At this point we are on the pay-go amendment. It would require consent, would it not, to lay aside the pending amendment?

The PRESIDING OFFICER (Mr. ALLEN). That is correct.

Mr. CONRAD. If I might say to my colleague, if we could go to Senator KENNEDY be here. I do not want to take away 5 or 10 minutes, and then at that point we could consider the amendment.

Mr. ENZI. I have no problem.

Mr. CONRAD. Senator KENNEDY is recognized for 10 minutes.

Mr. KENNEDY. Seven minutes is fine.

Mr. CONRAD. I yield 7 minutes or the time the Senator might consume.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. President, I commend the Senators from North Dakota and from Florida, my colleagues, who have spoken so eloquently about the fundamental challenge facing this Nation in terms of its priorities. They have outlined in significant detail the choices before this country. We will define the priorities this week and next week in allocating scarce resources for this Nation. They have spoken very clearly, effectively and convincingly. I want to express my appreciation to the leadership on the underlying legislation.

A few hours ago I had the opportunity with my friend and colleague, the chairman of the Subcommittee on Appropriations for Labor, Health and Human Services and Education, Senator SPECTER, to attend at NIH the President’s announcement of his program on the avian flu virus. This is an issue which the Senate has also, appropriately, focused on.

We have had a number of colleagues very much involved in this debate, led by my friend, the Senator from Iowa, Senator HARKIN, including Senator OBAMA from Illinois, Senator REID
from Nevada, Senator BAYH from Indiana, and Senator DURBIN from Illinois. Others have been very much involved in this issue, including the majority leader and others.

Last week, the Senate appropriated $7.1 billion to develop the vaccines, antivirals, global detection system, surge capacity, and other priorities necessary to protect the public health. The President reiterated strong support for those efforts. Global detection is a key to the ability to detect locally in the United States, a high priority; the development of vaccines, a high priority; the development of antivirals, a high priority; and cell research, a high priority, so we can have an alternative in the development of vaccines as opposed to research on eggs which have been used in the past.

We have, at last, a proposal by the administration on how we ought to deal with the details of the President’s proposal for $7.9 billion; and Senator ENZI and Senator BURR, who has been very involved and active in developing legislation, including incentives to attract new investment into developing and stockpiling antivirals and vaccines.

Hopefully, we will be able to work out a system by which those, particularly the first responders, who take the vaccines or antivirals and suffer adverse consequences will have some opportunity for compensation. We also want to make sure the companies are going to reproduce these products in ways which meet high standards, and we are having an opportunity of doing that.

Senator ENZI and Senator BURR have been working on this issue for some time. We have all enjoyed working with them. We will all examine carefully——

The President has talked about $7.1 billion, but the Harkin proposal for $7.9 billion; and Senator GRAigg has offered $4.4 billion. The appropriations will have to be worked on through. Under the leadership of Senator HARKIN, the Senate has responded to this challenge with a very effective downpayment. We certainly look forward to working with the administration on the proposal we have just received.

As we talk about priorities for this country, I also want to mention the achievement of our Committee on Health, Education, Labor and Pensions under the leadership of Senator ENZI. The bill we reported significantly and dramatically increases need-based Pell grants, to Pell-eligible students studying math and science and high-need foreign languages. It is really a downpayment, in a very important way, in improving the nation and making the nation more competitive in math and science.

So I certainly hope our colleagues will get a chance to examine exactly what we did on the higher education proposals. There are some items that I might have altered or changed, but I think the overall results on this will be enormously important to students.

Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 15 seconds remaining.

Mr. KENNEDY. Mr. President, I ask the Senator, may I have 2 more minutes?

Mr. CONRAD. Mr. President, I am happy to yield an additional 2 minutes to the Senator.

Mr. KENNEDY. Finally, when we are talking about the substance of the matter on education and what has been achieved, we also want to be very conscious of the fact that some 370,000 children in the Gulf area—in Louisiana, Mississippi, and Alabama—were displaced by the hurricanes. We know there has been an enormous upheaval in these children’s lives. We have not, to this date, provided help and assistance to those children and to the schools that are trying to educate those children.

I certainly hope in this reconciliation bill we have the opportunity to provide a downpayment to help those children. We have listened to the eloquence of the Senators from Louisiana, from all the Senators from the Gulf region, particularly the Senators from Louisiana, MARY LANDRIEU and DAVID VITTER—others as well—on this issue. But I would hope from the eloquence and the sense of need that has been outlined on the floor, and in meetings that all of us have had with Senator LANDRIEU and others about the needs of these children, that we would somehow find the opportunity to provide help and assistance to these children in this current legislation.

I see on the floor the former Secretary of Education, Senator ALEXANDER, who has fashioned and shaped and worked with us on a proposal that can make an important difference to the children in that region. I am very thankful to him, and to Senator DODD, and also Senator ENZI, for all their work on this. I am very hopeful we will have an opportunity, this week, to meet our responsibilities to these children. These children did not know about this hurricane. The hurricane affected children in public schools and private schools. I think this is an urgent national challenge in a very real way. When children are presented with that kind of a situation, we have to provide the resources, our values require us to provide help and assistance to them. Our children and our schools cannot wait any longer for the relief they so obviously and urgently need and deserve. I look forward to working with our colleagues to address those particular needs this week.

I thank my colleague, Senator CONRAD, for yielding this time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to set aside the pending amendment so I can offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, and I will not object, I do want to, for the record, indicate we have had a number of requests that we move to delay the offering of this amendment. I will not do that.

Senator ENZI has been a very responsible member of the committee. He has every right to offer his amendment. The fact is, if we were delayed at this point, he could offer his amendment later. So those who are seeking to delay might force him into the vote-a-thon, but I believe Senator ENZI, who has been a fully responsible member of the committee, deserves his opportunity to offer this amendment, and I will not object.

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

AMENDMENT NO. 2352

(Purpose: To provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina and to lower origination fees.)

Mr. ENZI. Mr. President, I send an amendment to the amendment to the amendment.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. KENNEDY, Mr. ALEXANDER, and Mr. DODD, proposes an amendment numbered 2352.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today’s Record under “Text of Amendments.”)

Mr. ENZI. Mr. President, I join my colleagues, Senator KENNEDY, Senator ALEXANDER, and Senator DODD, in offering an amendment to S. 1932, the Deficit Reduction Omnibus Reconciliation Act of 2005.

The House did not follow the pattern of the Senate. But we will see an increase from $4,050 to $4,500 in the maximum grant for Pell-eligible students. That is an extraordinary achievement and accomplishment. As one who has been out here, even recently, trying to get an increase of $200 in the Pell grants, to know this is going to be achieved is enormously important. Then there are the additional kinds of programs that will provide some $1,500 on top of that for Pell-eligible students studying math and science and high-need foreign languages.

I thank my colleague, Senator CONRAD, for yielding this time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to set aside the pending amendment so I can offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, and I will not object, I do want to, for the record, indicate we have had a number of requests that we move to delay the offering of this amendment. I will not do that.

Senator ENZI has been a very responsible member of the committee. He has every right to offer his amendment. The fact is, if we were delayed at this point, he could offer his amendment later. So those who are seeking to delay might force him into the vote-a-thon, but I believe Senator ENZI, who has been a fully responsible member of the committee, deserves his opportunity to offer this amendment, and I will not object.

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

AMENDMENT NO. 2352

(Purpose: To provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina and to lower origination fees.)

Mr. ENZI. Mr. President, I send an amendment to the amendment to the amendment.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows:

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billion in spending cuts over 5 years. That is nearly 40 percent of the overall target. I am pleased to report that we exceeded that target, and reported legislation that will net $16.4 billion over 5 years. That is an additional $2.75 billion more than HELP’s reconciliation target.

So the amendment includes a significant amount of extra savings in HELP’s component of this package—Title VII—which this amendment addresses.

This amendment ensures that extra savings generated from education will be returned to students, just as they are in the other part of the reconciliation bill. The amendment provides additional relief for students enrolled in postsecondary education who take out Federal student loans to pay for their education expenses. This amendment also addresses the elementary and secondary education challenges faced by the 372,000 school-children displaced by Hurricane Katrina, their families, and the schools that opened their doors to accommodate the thousands of displaced students.

I congratulate Senator ALEXANDER for his tremendous work in this area. He is in charge of the subcommittee that handles this area and did a tremendous job of pulling together different people, different opinions, different situations in coming up with a very comprehensive amendment that would solve those issues. I have to say, he did that in conjunction with Senators KENNEDY and DODD and myself. It was a very bipartisan effort.

There are some very sticky issues in this area that needed to be dealt with, and we dealt with, and it will take care of a significant body of students that need some significant help to make sure they get their education this year. We do not want kids in K-through-12 school. We want them in school. And when we are forcing them on to other schools, we want to make sure that is taken care of, too.

First, I will discuss the additional relief for students enrolled in postsecondary education. The Higher Education Act amendments that are included in S. 1904 provide a significant boost in need-based grant aid for our neediest postsecondary students. Also included is a provision to relieve the fees that students pay to borrow under the Federal student loan program.

The amendment I am offering today provides significant benefits to student borrowers, and makes Federal student loans more affordable. The amendment would reduce even further those origination fees for postsecondary students. The current fee of 3 percent would be reduced to 2 percent. Origination fees were originally applied to help reduce Federal spending on the guaranteed student loan program. It is time that students pay only these fees to ensure the program’s solvency.

Reducing these fees for students will save dependent students up to $500 dollars and will save independent and graduate students even more.

The average dependent student borrowing under the Federal Family Education Loan program or the Direct Loan program currently pays several hundred dollars in origination fees. Since the majority of students capitalize these fees, they will also pay interest on these fees for 10 years or more. Independent students could pay twice as much.

Over the life of the student’s loan, these fees and the interest paid on them can add up to several thousand dollars, and they do not help students pay for tuition. These fees do not make any difference on the ability of students to afford college, and in many cases they only represent additional expenses.

This amendment begins to phase out these fees. At the 6.8 percent interest rate in the underlying higher education bill, this change could save dependent students about $1,900 over the life of their loans. Over $125 of that would be interest payments. With this amendment, independent students could save more than $1,000 and graduate students would save them money.

This amendment also addresses the extraordinary circumstances caused by a disaster of unprecedented severity. This amendment includes provisions from the Hurricane Katrina Elementary and Secondary Education Recovery Act, which is S. 1904, a bipartisan compromise that accomplishes the common goal of providing relief to support the instruction and services that the students displaced by this terrible storm need in order to continue their education, regardless of whether it is in a public or nonpublic school.

Over 372,000 students and their families were displaced by Hurricane Katrina. Their lives were disrupted, and they have no sense of when they will be able to return to their home communities. With this amendment we will be providing one-time, temporary, emergency aid on behalf of these students. All of us can agree that these displaced students deserve help to continue their education under these extraordinary circumstances caused by a disaster of unprecedented scope.

According to the U.S. Department of Education, schools in 49 States and the District of Columbia have opened their doors to help students displaced by this storm. Nine States have received more than 1,000 displaced students. Texas has enrolled as many as 60,000 students. The Houston independent school district alone enrolled 4,700 displaced students, hired 180 new teachers, added 37 new bus route, and ordered about $10,000 new textbooks to accommodate them.

Schools are the tip of the iceberg in terms of the number of students that have accepted displaced students from the Gulf States. Approximately 25 to 30 percent of these students were attending nonpublic schools, and in their new communities the nonpublic schools have opened their doors to these students.

These States and schools need real assistance from the Congress to accommodate the students they have taken into their education system. This amendment will provide the relief necessary to support the instruction and other school services for the displaced students regardless of the school they are attending. Students will get the education services they need so that they can return as quickly as possible to their home school district without losing educational ground at a time when their lives have been turned upside down.

Our top concern was to make sure that all displaced students continued their education. School provides a sense of routine that is important in difficult times. Many of the displaced students will return to normal. School provides them with access to a support system of friends and teachers, which is invaluable as they and their families continue to come to grips with the long-term effects of the storm. The students are already returning home as their schools reopen, but severe problems of displacement do remain. Many schools will remain closed for the entire school year.

This amendment does not make permanent changes to Federal education laws. It is a one-time, temporary solution that sets aside ideological differences to make sure children are not harmed unnecessarily by the impact of this unprecedented disaster.

Developing this language was a difficult task, as we have limited resources, but we are faced with an almost unlimited need. It provides a comprehensive approach to address the needs of the hundreds of thousands of students who have been displaced. It focuses on the immediate needs of students with the expectation that they will return home to their local school.

Let me describe what this amendment does. First and foremost, it provides support for all displaced students, ensures accountability, and is fiscally responsible. Children displaced by this storm do not have the resources of their home communities to rely on for extracurricular activities, learning opportunities, and stability. These resources will assist students in their adjustment to new schools, new materials and standards, new classmaters, and new teachers.

The amendment provides for a start fund for special school reopening grants for school districts affected by the hurricane. These grants are meant to supplement FEMA funding to ensure the effective use of Federal funds. They can be used to purchase textbooks and instructional materials, establish temporary facilities while repairs are being made, help reestablish the data that was destroyed,
and pay salaries of teachers and other personnel who are working to reopen these schools.

The largest portion of the funding under this amendment is focused on easing the temporary transition of students in nonpublic schools, both public and nonpublic, through one-time emergency aid. These funds will be used to help defray the additional costs incurred as a result of enrolling displaced students, and they can be used for purposes such as supporting basic instruction, purchasing educational materials and supplies, and helping schools temporarily expand facilities to relieve overcrowding.

It provides assistance to schools in a nonideological and responsible way. It is based on the number of students, public and nonpublic, reported by local school districts to the State. The funding flows through regular channels to local school districts and accounts established on behalf of students attending nonpublic schools. The amendment maintains public control of public money to ensure accountability.

Quarterly payments are made based on the head count of the displaced students temporarily enrolled in schools, with a maximum amount of $7,500 for students with disabilities—per displaced students, or the cost of tuition, fees and transportation for nonpublic students, for the four payments.

States apply for these funds and are required to establish income eligibility criteria for aid on behalf of students in nonpublic schools. Nonpublic schools must waive or reimburse tuition in order for accounts to be established for displaced students, or the cost of tuition, fees and transportation for nonpublic students, for the four payments.

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The Presiding Officer. Mr. Chair, I yield the floor.

The PRESIDENT pro tempore of the Senate (Mr. BURR). The PRESIDENT pro tempore of the Senate (Mr. BURR). The PRESIDENT pro tempore of the Senate (Mr. BURR). The PRESIDENT pro tempore of the Senate (Mr. BURR). The PRESIDENT pro tempore of the Senate (Mr. BURR). The PRESIDENT pro tempore of the Senate (Mr. BURR). The PRESIDENT pro tempore of the Senate (Mr. BURR). The PRESIDENT pro tempore of the Senate (Mr. BURR).
years. Is it any wonder that I am concerned about my grandchildren?

This indictment raises very serious charges. It asserts this administration engaged in actions that both harmed our national security and were morally reprehensible. A decision made to place U.S. soldiers, our military, into harm's way, I believe, is the most significant responsibility the Constitution invests in the Congress and in the President. The Libby indictment provides a window into what this is really all about: how our administration manufactured and manipulated intelligence in order to sell the war in Iraq and attempted to destroy those who dared to challenge its actions.

These are not just words from Harry Reid, COL Larry Wilkerson, Colin Powell's former Chief of Staff—Colin Powell, of course, was Secretary of State—this man was Chief of Staff for 4 years. Here is what he said about the war in Iraq.

In President Bush’s first term some of the most important decisions about U.S. national security, including vital decisions about postwar Iraq, were made by a secretive, little known cabal, made up of a very small group of people, President Bush, Deputy Secretary of Defense Paul Wolfowitz, President Donald Rumsfeld. But the secret process was ultimately a failure. It produced a series of disastrous decisions.

That is what I am here to talk about today. Its misjudgments and improper conduct, a cloud now hangs over this administration. This cloud is further darkened by the administration's missteps in prisoner abuse, Hurricane Katrina, and the cronynism and corruption in numerous agencies throughout this administration.

Unfortunately, it must be said that a cloud also hangs over this Republican-controlled Congress for its unwillingness to hold this Republican administration accountable for its misdeeds on these issues.

During the time we had a Democratic President—8 years—and when the Democrats were in charge of the committees, we were in the majority, oversight hearings were held covering the gambit of what went on in that administration. Today, there is not an oversight hearing held on anything.

Let's take a look back at how we got here with respect to Iraq. The record will not allow the President’s insatiable appetites for more blood on his hands or the selfish desires of his cronies to prevent inquiry into the true conduct of this war. The record will not allow the President's insatiable appetites and those of his cronies to prevent inquiry into the true conduct of this war.

There are numerous examples of how the administration misinformed, and manipulated the facts as it made the case for war. The administration’s statements on Saddam’s alleged nuclear weapons capability and ties with al-Qaida represent the best examples of how it consistently and repeatedly manipulated the facts. The American people were warned time and time again by the President, the Vice President, the current Secretary of State in her other capacities, about Saddam’s nuclear weapons capabilities. The Vice President said:

Iraq has reconstituted its nuclear programs. Playing upon the fears of Americans after September 11, these officials and others raised the specter that if left unchecked Saddam could soon attack America with nuclear weapons. Obviously, we know now that their nuclear claims were wholly inaccurate. But more troubling is the fact that a lot of intelligence experts were telling the administration’s top experts did not agree with these claims. Again, Wilkerson is a person in possession of the facts.

What has been the response of this Republican-controlled Congress to the administration’s manipulation of intelligence that led to this protracted war in Iraq? Rather than then its claims about Saddam’s nuclear capabilities were false—the situation very similar with respect to Saddam’s links to al-Qaida. The Vice President told the American people:

We know he’s out trying once again to produce nuclear weapons and we know he has a longstanding relationship with various terrorist groups including the al-Qaida organization.

These assertions have been totally discredited—not a little bit, totally discredited. But again the administration went ahead with these assertions in spite of the fact that the Government’s top experts did not agree with these claims. Again, Wilkerson is a person in possession of the facts.

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Did the Republican-controlled Congress carry out its constitutional obligations to conduct oversight? No. Did it support our troops and their families by providing them the answers to many important questions? No. Did it even attempt to force this administration to answer the most basic questions about its behavior? No.

Unfortunately, the unwillingness of the Republican-controlled Congress to exercise its oversight responsibilities was not limited to just Iraq. We see it with respect to the prison abuse scandal. We see it with respect to Katrina. We see it with respect to the administration’s manipulation of the facts and its retribution against anyone who had gotten in its way as it made its case for attacking, for invading Iraq.

We have had soldiers and marines from Nevada killed, from Ely, from Las Vegas, from Henderson, from Boulder City, from Tonopah. Every time one of these deaths occurs, it is a dagger in the heart of that community. We have had soldiers and marines from Nevada killed, from Ely, from Las Vegas, from Henderson, from Boulder City, from Tonopah. Every time one of these deaths occurs, it is a dagger in the heart of that community.

This behavior is unacceptable. The toll in Iraq is as staggering as it is solemn. More than 3,000 and 2,000 now—Americans have lost their lives. Over 90,000 have been wounded. We have had soldiers and marines from Nevada killed, from Ely, from Las Vegas, from Henderson, from Boulder City, from Tonopah. Every time one of these deaths occurs, it is a dagger in the heart of that community.

This behavior is unacceptable. The toll in Iraq is as staggering as it is solemn. More than 3,000—2,000 now—Americans have lost their lives. Over 90,000 have been wounded. More than 150,000 remain over there in harm’s way. Enormous sacrifices have been made and continue to be made.

There is also another disturbing pattern; namely, about how this administration responded to those who challenged its assertions. Often this administration’s activity sought to attack and undercut those who dared to raise questions about its preferred course. For example, when General Shinseki indicated several hundred thousand troops would be needed in Iraq, his military career was ended, he was fired, relieved of duty, when he suggested it would take 200,000 troops. Well, it has taken a lot more than that.

When the OMB Director Larry Lindsey suggested the cost of this war would approach $200 billion, he was dumped, fired.

When the U.N. chief weapons inspector Hans Blix challenged the conclusion about Saddam’s weapons of mass destruction capabilities, the administration simply pulled out its inspectors.

When Nobel Prize winner and head of the IAEA Mohamed ElBaradei raised questions about the administration’s claims of Saddam’s nuclear capabilities, the administration attempted to remove him from his post.

When Ambassador Joe Wilson stated there was no attempt by Saddam to acquire weapons from Niger, the administration not only refused to discredit him, they launched a vicious and coordinated campaign, going so far as to expose the fact that his wife worked as a CIA spy. These people now have 24-hour protection, fearing for their own safety in that city.

Given this administration’s pattern of squashing those who challenge its misstatements—and I have only mentioned a few—what has been the response of the Republican-controlled Congress? Absolutely nothing. And the 2001 reauthorization of the Patriot Act provided the political cover for this administration at the same time they keep the truth from our troops who continue to make large sacrifices in Iraq.

Everyone may think the troops in Iraq are 100-percent Republican. I have met a friend, a marine. He was over there when the elections were held 10 months ago. He said where he was, he never even went to the bathroom without a rifle. Wherever he was on duty, all over this area, he said he could not find anyone who was happy with the way the elections turned out. The Republicans will do anything they can to keep the truth from people such as my marine friend. I would give you his name except he is stationed right here in the Marine Corps.

This behavior is unacceptable. The toll in Iraq is as staggering as it is solemn. More than 3,000—2,005 now—Americans have lost their lives. Over 90,000 have been wounded. More than 150,000 remain over there in harm’s way. Enormous sacrifices have been made and continue to be made.

We have had soldiers and marines from Nevada killed, from Ely, from Las Vegas, from Henderson, from Boulder City, from Tonopah. Every time one of these deaths occurs, it is a dagger in the heart of that community.

This behavior is unacceptable. I am a patient man, Mr. President. I am a legislator, and I know things don’t happen.
overnight. I am a patient man. But the call from my son has put this in perspective. I am worried about my family. The toll in Iraq is as staggering, I repeat, as it is solemn. The troops and the American people have a right to expect answers that are accountable worthy of that sacrifice.

For example, more than 40 Democrats wrote a substantive and detailed letter to the President asking four basic questions about this administration’s Iraq policy, and we received a four-sentence answer in response:

Mr. President, you yield for questions?

Thank you for your letter to the President expressing your concerns with Iraq. I shared your letter with the appropriate administration officials—

Remember, we wrote it to the President, and agencies responsible for formulating policy recommendations in this area. Please be assured your letter is receiving close and careful attention. Thank you for your comments. Candy Wolff.

That is a letter that duly elected Senators of the United States Senate wrote to the President of the United States, and we get a letter from Candy Wolff saying: Thanks, we’re working on it.

America deserves better than this. They also deserve a searching, comprehensive investigation into how the Bush administration brought this country to war. Key questions that need to be answered include: How did the Bush administration assemble its case for war against Iraq? We heard what Colonel Wilkerson said.

Who did the Bush administration listen to and who did they ignore?

How did the senior administration officials manipulate or manufacture intelligence presented to the Congress and the American people?

What was the role of the White House Iraq Group, or WHIG, a group of senior White House officials tasked with marketing the war and taking down its critics? We know what Colonel Wilkerson says.

How did the administration coordinate its effort to attack individuals who dared challenge the administration’s assertions? We know what happened to them. I listed a few.

Why has this administration failed to provide Congress with the documents which will shed light on their misconduct and misstatements? Unfortunately, the committee that should be taking the lead in providing these answers is not. Despite the fact that the chairman of the Senate Intelligence Committee publicly committed to examine these questions more than a year and a half ago, he has chosen not to keep that commitment. Despite the fact that he restated the commitment earlier this year on national television, he has still done nothing except to assemble a few quotes from Democratic and Republican Senators going back before the war.

We need a thorough investigation that that committee is capable and tasked to do. At this point, we can only conclude he will continue to put politics ahead of our national security. If he does anything at this point, I suspect it will be playing political games by producing an analysis that fails to answer any of these important questions. The history of Iraq is any guide, this analysis will attempt to disperse and deflect blame away from this administration.

Mr. Bond. Mr. President, will the Senator yield for questions?

Mr. Reid. Key facts about the Intelligence Committee’s phase II, June 4, 2003: Intelligence Committee commits to bipartisan review of the deeply flawed intelligence on Iraq WMD phase I:

February 12, 2004, Intelligence Committee commits to phase II investigation looking at five areas, including whether the administration exaggerated and manipulated intelligence.

July 9, 2005, the committee publishes phase I report on the intelligence agencies’ mistakes on Iraq. Senator Rockefeller says publicly that phase II is as yet unbegun. Republican Chairman Roberts says it is one of my top priorities.

July 11 on “Meet the Press,” Republican Chairman Roberts says:

Even as I’m speaking, our staff is working on phase II and will get it done.

Fall of 2004, House Intelligence Committee, after no follow-through on the Iraq WMD investigation, the House announced on May 2003 no final report.

Republican Committee Chairman Porter Goss is selected as CIA Director. Regarding the question of the Valerie Flame leak, Goss previously said:

“Show me a blue dress and some DNA and I will give you an investigation.”

November 2004, we had the Presidential election.

March 31, 2005, the President’s hand-picked WMD Intelligence Committee says the intelligence agencies got the intelligence dead wrong, but says that under the President’s terms of reference we are not authorized to investigate how we used the intelligence assessments they received from the intelligence community.

March 31, 2005, Senator Roberts says it would be a monumental waste of time to rework this ground any further. Replow?

April 10, 2005, on “Meet the Press,” Senator Roberts commits to Tim Russert that the review will get done. September 2005, committee Democrats issues additional views to their authorization bill blasting the committee for failing to conduct phase II:

There have been letters written to the committee. A press release was issued even saying they were going to go forward on this:

Mr. President, enough time has gone by. I demand, on behalf of the American people, that we understand why these investigations are not being conducted. And in accordance with rule XXI, I now move that the Senate go into closed session.

Mr. Durbin. Mr. President, I second the motion.

Ms. Stabenow. I second the motion.

The Presiding Officer. The motion has been made to go into closed session, and it has been seconded. The motion having been made and seconded, the Senate will go into closed session.

The chair, pursuant to rule XXI, now directs the Sergeant at Arms to clear all galleries, close all doors of the Senate Chamber, and exclude from the Chamber and its immediate corridor all employees and officials of the Senate who, under the rule, are not eligible to attend the closed session and who are not sworn to secrecy. The question is nondebatable.

(At 2:25 p.m., the doors of the Chamber were closed.)

Legislative Session

(At 4:33 p.m., the doors of the Chamber were opened, and the open session of the Senate was resumed.)

Mr. Frist. Mr. President, I ask unanimous consent that we now resume open session.

The Presiding Officer (Mr. Martin). Is there objection?

Mr. Reid. No objection.

The Presiding Officer. Without objection, it is so ordered.

Order of Procedure

Mr. Frist. Mr. President, I ask unanimous consent that following my remarks Senator Roberts be recognized to speak for up to 15 minutes, to be followed by Senator Rockefeller for up to 15 minutes, with the time yielded from the pending deficit reduction measure; further, that following that time Chairman Gregg or his designee be recognized.

The Presiding Officer. Is there objection? Without objection, it is so ordered.
means as we have seen because we were in that session for a little over 2 hours. It is very important that people do not talk about what happened during that session. Again, we will all have to go back because it is very unusual to go into these closed sessions, and, in fact, I think that the majority leader, who was several days later, went into this session, which we will probably talk about a little bit more later. I was very disappointed the way we entered into this session, which was a total surprise to me.

Let me say that we have absolute confidence in our Intelligence Committee and in what they are doing in terms of this important work and Senator Roberts as chairman.

The one thing that is important for us to mention, for the benefit of our colleagues, is an agreement between the leader and myself to the following three points: that the majority leader and the Democratic leader will appoint three members from their respective parties to take the chair of six Senators will meet and report back to leadership no later than the close of business on November 14 the following: The Intelligence Committee’s progress on the phase II review of the prewar intelligence and its schedule for completion. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, our representatives will be Senators Rockefeller, Levin, and Feinstein.

Mr. Frist. Mr. President, for the benefit of my colleagues, at this point we have 15 minutes set aside—for up to 15 minutes—for Senator Roberts, followed by Senator Rockefeller, and after that we will recognize Chairman Gregg or his designee. And with mutual discussion between the Democratic and Republican leaders, we very much, after the comments by the chairman and vice chairman, want to get back on the deficit reduction bill.

We have a time agreement to complete discussion on that bill by 6 o’clock tomorrow night. There are a lot of Members who want to talk about this very important issue.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is recognized for 15 minutes.

Mr. Roberts. Thank you, Mr. President.

I think the best face I could put on this—after this unfortunate situation which was totally unexpected by myself, or my staff, or the Republican members on the committee, for that matter, the Republican leadership—is that we have agreed to do what we already agreed to do; that is, to complete as best we can phase II of the Intelligence Committee’s review of prewar intelligence in reference to Iraq.

I think it is very important to point out that the Intelligence Committee has had an absolutely outstanding record working with Senator Rockefeller and my colleagues across the aisle to produce the original review in regard to the 2002 National Intelligence Estimate prior to the military activities into Iraq, and also as to whether Saddam Hussein had reconstituted his weapons of mass destruction. That was a 17-to-0 vote. We had some differences, but that report came out. It was a good report. It was bipartisan. As a matter of fact, I take pride in saying that it was a bipartisan effort that was agreed to by the 9/11 Commission, by the WMD Commission that was later formed, and made about 93 or 94 recommendations. The administration of which probably 93 to 94 out of 95 have already been implemented. So we worked in a bipartisan fashion to do that.

We also at the same time—and I am basically quoting from the statement the vice chairman and I made on February 12 of 2004—agreed we would go to something called phase II. There has been a lot of talk about phase II. What is phase II? Why is it that has been delayed? Is there a need for it? Is it necessary?

There was some talk on the floor that got a little personal, and I regret that. It seems to me it was rather convenient because it was only yesterday our staff was working with the staff of the Administration on this. We did not get this week but next week we would spend as much time as possible, 5 or 6 days, to complete our work in regard to phase II. It isn’t as though it has been delayed. As a matter of fact, it has been accelerated in fact, we have been doing our work on phase II. It is difficult, as I will indicate in a minute, while I go through these provisions on what we agreed to do.

So it seems to be a little convenient all of a sudden to go into a closed session of the Senate and call for a full Senate investigation of phase II when the committee is already doing its work. I think that basically is an unfortunate stunt. I would call it something else, but I think probably I will simply leave it at that.

Let me tell you what phase II is all about. Again, let me point out that we took a look at whether Saddam Hussein did reconstitute his weapons of mass destruction. That took us a long time. It is a 511-page report. It is a seminal report. It is a good report, and it signifies what we can do in the committee when we at least let one another know what is going on and we work in a bipartisan fashion.

This is what phase II is all about. That is what we will begin as we have planned to do and what our staff has indicated to the other side’s staff in regard to what we were going to do as of next week—that we will start next week, and we want to continue that effort. We will cancel all other hearings until we can reach some sort of an accommodation. Now, if we can do this on the WMD report, certainly we can do it in regard to phase II.

My good friends across the aisle are people of good faith. We had strong differences of opinion then. I suppose we will have it in regard to phase II as well. We have seen that happen time and time again. As a matter of fact, we brought up phase II on May 17 of this year.

The biggest issue is as follows. There are five things in phase II: Whether statements and reports and testimony regarding Iraq by U.S. Government officials made between the gulf war period and the commencement of Operation Iraqi Freedom were substantiated by intelligence information. In other words, the public statements made in the administration or by the public statements made by public officials, whether they be in Congress, whether they be in the administration, or whatever, Congress, because we voted for regime change and we voted to go to war. Obviously, the administration, because they looked at the intelligence and thought our national security was in danger, went to war.

Were the public statements backed up by intelligence or were they backed up by flawed intelligence? We have that material. We were supplied about 300 to 400 names by my colleagues across the aisle from all sorts of statements made by people in the administration. We took a good look at what Members of Congress said about the same intelligence. I must say, at this point, some of those statements are even more declarative and more aggressive than those made in the administration.

As is the big issue, the use of intelligence. Whether somebody in the administration or somebody in the Congress made a statement that they thought was based on intelligence that was later proved wrong and somehow we are supposed to get in their head and ask: Why did you make that statement? Is that credible?

On May 17, in the spring, we started down the list of statements. We took names off of the statements because I didn’t think it was appropriate. I would put it in terms of naming who made the statement, because I thought it might prejudice or affect how people would vote in the committee. We started down that road. We didn’t get very far. We had requests on the total progress of phase II, other portions of phase II.

So we started again on the first statement. Does that first statement match up with the intelligence? We didn’t get very far. We started phase II in May, and we went back to work to see what we could get done, where we would agree and come back to the ‘‘use’’ question, when that would be possible.

There are five issues to phase II. Let me read them. The postwar findings about Iraq’s weapons of mass destruction and their weapons programs and the links to terrorism and how they compare with prewar assessments. That was done by Charles Duelfer and David Kay. Those two paragraphs are very written. You will say that Charles Duelfer and David Kay did not find WMD. That was their conclusion. They made some statements
about it. It was commensurate, exactly, with what our WMD report said. There shouldn't be any problem with that. That should be adopted by the committee with hardly any dissent or any discussion.

The third issue is prewar intelligence about postwar Iraq. That is not necessarily true today. It is post-insurgency Iraq. That was my suggestion, saying if the intelligence community at least were out what we expected to find in Iraq postwar, post the military action. Where was the intelligence? That is ongoing. That is ongoing because we have what we think is a pretty good report, but we can make it more concise. I can say right out that what intelligence was as flawed as the intelligence in regard to the WMD report. We can agree with that. So there are two we can agree on.

Let me go to the next one. Any intelligence activities relating to Iraq conducted by the policy counterterrorism evaluation group and the Office of Special Plans within the Office of the Undersecretary of Defense. This involved a question as to whether Under Secretary Douglas Feith had a special intelligence group that had undue influence in the 2002 National Intelligence Estimate and whether or not that group and that intelligence had an undue influence on the administration's decision to go to war.

We had Under Secretary Feith before the committee. Then we were going to have him up again. And then my good friends across the aisle wanted more information. I can say right out that there was a statement made by the vice chairman—I will not get into that because it tends to be personal, and I don't want any remarks of mine to be personal, especially after what happened on the Senate floor in regard to this issue. Basically, there was a statement made that what was going on in the Office of Special Plans could be illegal. When that happened, everyone down there at the Office of Special Plans got lawyered up or at least thought about seeking legal representation.

The cooperation between that particular department and our committee was not nearly as good as it was. We can clear that up because we have asked the Department of Defense inspector general to come back and tell us if there was anything wrong in regard to what the Office of Special Plans might have done. We will put that in the report. We can believe the inspector general of the Department of Defense.

Finally, the use of the intelligence community of information provided by the Office of the Vice President, the Department of Defense, National Security Council, and the Office of Special Plans was doing. We will rely on that. Plans was not nearly as good as it was. We can agree with that. So there are two we can agree on.

Then the pendulum swung the other way and people said, Wait a minute. We are not really sure about his position or, for that matter, what he has said in the past, what are you doing, and the question of the INC. The whole question again was, how much effect did it have to go? Mr. Chalabi have on the input to the administration as to whether or not they would go to war.

We have found, basically, as far as I am concerned, there is very little evidence, if any, that would take place. I wouldn't think that would take too much time, as well.

So those are the five things we had to do in regard to phase II.

Let me repeat, again, yesterday our staff talked with my colleagues' staff across the aisle and their staff—not my colleagues across the aisle but their staff—and said the chairman wants to move on this next week. My conversation in regard to the distinguished vice chairman, I think it was last Wednesday, and let me say it was in the middle of a hearing and let me say it was not exactly clear in terms of any kind of a date, but I did talk to Senator Rockefeller and indicated we had to move, we had to get this done. He will undoubtedly say they have written letters and they have tried to get me to move and this, that or the other, but we have been doing this all along. Staff has been working on this very diligently. Consequently, I think eventually they are going to announce, on schedule, exactly what we planned to do, we will start next week. We will start on Tuesday, and I will announce the time in the morning. Members of the Intelligence Committee will know Tuesday, Wednesday, Thursday, Friday, how long it takes, working in good faith. We will look into phase II and see what we can do and finish that product.

I said a long time ago on the Intelligence Committee anything that we had to do, in a bipartisan fashion. I said a long time ago that whatever ended up on the fan, we were going to have to clean it up. I said a long time ago we will let the chips fall where they may, and that went for phase II as well as the WMD special inquiry.

I ought to say one other thing. There was a memo that was highly publicized back about a year and a half ago. That memo, which was not provided to Republicans—obviously, it was a Democratic memo—and paragraph four caused a big fuss. It caused us about a month to sort of walk gingerly around, and although, one another and smother each other with the milk of kindness and say, Well, let's see if we can't work things out. As we said, I credit a lot of that to Senator Rockefeller. He is not a partisan man.

Here is the paragraph:

Be prepared to launch an independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the majority. We can pull the trigger on an independent investigation any time, but we can only do so once. The best time to do so will probably be next year.

Well, the trigger has been pulled today with an executive session of the Senate that is not needed, not necessary, and, in my personal opinion, it is needed. I plead with my colleagues across the aisle and my colleagues, all Republicans on the committee, next week when we start this, on Tuesday—we will go through Tuesday, Wednesday, Thursday, Friday—I have no illusions we will have differences, but I plead with you, as we have done in the past, for the good of our national security, and to finish the inquiry on whether or not Saddam Hussein had reconstituted his weapons of mass destruction, we were able to do that, and it became the seminal study for intelligence reform and where we are now with the Director of National Intelligence.

If we can get back to that mode instead of this surprising stunt on the floor to go into executive session, we will be better off.

Phase II, yes, you bet, we have been on phase II, and we will do it exactly as we planned to do it this week. I see from the expression of the distinguished President's face my time has expired.

The PRESIDING OFFICER. The time has expired.

Mr. ROBERTS. I thank the President.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for 15 minutes.

Mr. ROCKEFELLER. Mr. President, I thank the Presiding Officer. For the past 30 years, the Senate Intelligence Committee has been remarkably bipartisan. It has performed a terrific oversight role. We are not there watching clouds drift by. The resolution that creates the committee mandates an oversight role. We are not there snooping around the intelligence community and a responsibility to carefully review our Nation's most sensitive national security programs. It is very broad and widespread in the handling of classified secrets. The committee is designed to be bipartisan. That is why I am called a vice chairman. That is not true in any other committee. But it is meant to work.

We have reached an agreement that shows what has happened today, in a somewhat abrupt manner, but nevertheless we have reached an agreement on what we will do. That is a large step forward. I congratulate all involved in this.

For the most part, the history has been a good one. Over the past 2 years, I have to say, in all honesty, I am troubled by a concerted effort by this administration to use its influence to limit, to delay, to frustrate, to deny the Intelligence Committee's oversight work into the intelligence reporting and activities leading up to the invasion of Iraq.
In June, 2003, the Senate Intelligence Committee began a formal investigation into the prewar intelligence on Iraq. The primary focus of the investigation was to evaluate the intelligence reporting underlying the claim that the United States faced an imminent threat of mass destruction and that Iraq had ties to terrorist groups. Although the Senate resolution establishing the Intelligence Committee intelligence clearly states in Senate resolution 400 we are to look at the "entire universe of intelligence," the majority on the committee has repeatedly rejected attempts by myself and by others to add to the investigation—that is, to add to phase I—how administration officials used or potentially misused intelligence and public statements leading up to the war which maybe helped lead up to the war. Only after considerable insistence by committee members and protracted discussions did the majority leadership of the committee agree to add to the scope of our investigation the issue of how intelligence was used prior to the Iraq war. It is a huge uncovered subject.

On February 12, 2004, the Intelligence Committee unanimously agreed and publicly announced that five issues would be added to the investigation, phase II. One, whether public statements, records and testimony regarding Iraq by Government officials made between the Gulf war period, end of Gulf war I and the commencement of Operation Iraqi Freedom, whether those statements by Government officials were substantiated by intelligence information.

Prewar intelligence is No. 2, prewar intelligence assessment about postwar Iraq.

Three, any intelligence activities related to Iraq within the Office of Under Secretary of Defense for Policy, headed by Dr. Douglas Feith, and the Office of the Secretary of Defense, Mr. Tenet, request closely—that any time the Intelligence Committee pursued a line of inquiry that brought us closer to the role of the White House in all of this, in the use of intelligence prior to the war, our efforts have been thwarted time and time again.

When it was reported that the Vice President's Chief of Staff Scooter Libby and the National Security Council prepared a draft speech making the intelligence case against Iraq and sent it to the Secretary of State Powell to give before the United Nations in February of 2003, my staff asked that the committee obtain the NSC, National Security Council, document as part of our ongoing review of how the Powell speech was formulated. Our requests were denied by the majority. Why?

Because of this denial, I personally wrote to the Director of the Central Intelligence Agency, Mr. Tenet, requesting the Libby/NSC input into the Powell speech—it was important to have that information—and other documents in October of 2003. Director Tenet did not respond to my letter, nor did he respond to my two subsequent letters for the NSC paper in January and March of 2003. Why?

Perhaps the answer can be found in last week's National Journal article, which reports that Vice President Cheney and his Chief of Staff Libby overruled White House lawyers and withheld this information—held these documents—from us, and other documents from the Senate Intelligence Committee.

When, during the course of Iraq investigation, my staff requested that the committee interview the White House speech writer who wrote the President's 2003 State of the Union Address to better understand how the determined claim that Iraq was seeking uranium from Niger made it into the President's speech—how it got in there, when the same claim was removed, at the CIA's insistence, a few months earlier in Cincinnati—our request was denied by the majority, Why?

We have had only one business meeting on phase II, and no report has been written for members to review—nothing.

The public pronouncement of Chairman Roberts earlier this year that phase II was "on the back burner" has been, unfortunately, accurate. Do I enjoy saying this? Not particularly, true but unfortunately is the correct word. The disturbing question is, why has the majority relegated the phase II investigation to the back burner? Why did he do that?

The answer I hope folks will listen closely—that any time the Intelligence Committee pursued a line of inquiry that brought us closer to the role of the White House in all of this, in the use of intelligence prior to the war, our efforts have been thwarted time and time again.

And why has the committee's phase II investigation been moribund since February of 2004? When the committee told the American people it would conduct a thorough review, was the promise a hollow one? What other conclusion?

Could it be that the administration has made it clear it does not want Congress to examine whether intelligence was accurately presented to the American people in the rush to war?

Could it be that the administration has made it clear it does not want Congress to examine the role that Pentagon policy officials under Douglas Feith played in circumventing the intelligence community and preparing an alternative analysis to the White House that drew a link between Iraq and the attacks of 9/11 that the intelligence did not support?

Could it be that the administration has made it clear it does not want Congress to examine the claim that the Iraqi National Congress made to the Senate Appropriations Committee in June of 2002 that it was providing intelligence information directly to the Vice President's office—to Mr. Libby—and the Office of the Secretary of Defense? Chalabi passed all intelligence agencies in our Government directly into the White House.

The administration's ability to head off any line of inquiry into matters of appropriate congressional oversight is not limited to the Committee's Iraq investigation. Despite repeated attempts by me and other Intelligence Committee members to initiate a detailed review of fundamental legal and operational questions surrounding the detention, interrogation, and rendition of suspected terrorists held in U.S. custody—important national security measures that fall squarely within the jurisdiction of the Intelligence Committee—the committee's majority has refused to conduct such an investigation. What are we to do?

The Intelligence Committee's obligations under Senate Resolution 400—to provide vigilant oversight of the Intelligence activities of the United States—have not been fulfilled.

The disturbing question is, why has the majority relegated the phase II investigation to the back burner? Why did he do that?
States’—requires us to not only answer questions related to cases of detainee abuse, but to examine the effectiveness of the methods used in interrogations.

But, again, it is apparent to me that the White House has sent down the edict, ‘lawyering up.’ We could say more—that the Congress is not to carry out its oversight responsibilities in detention, interrogation, and rendition matters, or some of the previous matters I discussed, as it would bring unacceptable restriction on to the legal decisions and opinions coming from the White House and the Justice Department in the operation of various programs.

Finally, the delay in completing the remaining portion of the Intelligence Committee’s Iraq review is inexusable. Sadly, the committee’s delinquency in completing an investigation that it unanimously voted to undertake over 20 months ago has diminished the committee’s credibility as an effective overseer of the intelligence community.

But what disturbs me the most is that the majority has been willing, in this Senator’s judgment, to take orders from the White House administration, when it comes to limiting the scope of appropriate, authorized, and necessary oversight investigations. This is a very strong statement. The very independence of the Congress as a separate and coequal branch of Government has been called into question. We need to not only complete the second phase of the Intelligence Committee’s investigation, we need to reopen the first part of the Iraq report we released in July of last year, to find out what role the White House played in denying the committee documents it needed to carry out its investigation. That is not a part of the agreement, I fully and freely admit.

It is time the Senate, as a body, own up to its responsibilities and provide the American people the answers we promised we would give them over 20 months ago.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, will the Senators yield for a unanimous consent request?

Mr. JOHNSON. I yield.

Mr. LEVIN. Mr. President, I would like to ask the Senator from West Virginia a question.

Has the joint agreement of February 12, 2004, been made a part of the Record?

Mr. ROCKEFELLER. Mr. President, I say to the distinguished Senator from Michigan, I have the same document and ask unanimous consent that be printed in the Record.

Mr. President, also, there was a reference to Mr. Johnson’s remarks as to events that went on in the Douglas Feith matter, and he referred to ‘lawyering up.’ There is a very clear, easy, simple answer to that, and I ask unanimous consent that be printed in the Record, also.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the United States Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence, Joint Statement on Under Secretary Feith, February 12, 2004]

CHAIRMAN ROBERTS AND VICE CHAIRMAN ROCKEFELLER ISSUE STATEMENT ON INTELLIGENCE COMMITTEE’S REVIEW OF PRE WAR INTELLIGENCE ON IRAQ

WASHINGTON, DC.—Senator Pat Roberts (R-KS), Chairman, and Senator Jay Rockefeller (D-WV), Vice Chairman, of the Senate Select Committee on Intelligence, today issued the following statement: “The Committee unanimously agreed to the terms of reference of the Committee’s ongoing inquiry into pre-war intelligence with regard to Iraq. The new terms are as follows:

A. The matters set forth in the joint release of the Chairman and Vice Chairman on June 20, 2003:
   1. The quantity and quality of U.S. intelligence on Iraqi weapons of mass destruction programs, ties to terrorist groups, Saddam Hussein’s threat to stability and security in the region, and his repression of his own people;,
   2. the objectivity, reasonableness, independence, and accuracy of the judgments reached by the Intelligence Community; and
   3. whether those judgments were properly disseminated to policy makers in the Executive Branch and Congress;
   4. whether any influence was brought to bear on anyone to shape their analysis to support policy objectives; and
   5. other issues we mutually identify in the course of the review.

B. The collection of intelligence on Iraq from the end of the Gulf War to the commencement of Operation Iraqi Freedom;

C. whether any influence was brought to bear on anyone to shape their analysis to support policy objectives; and

D. The postwar findings about Iraq’s weapons of mass destruction programs and links to terrorism and how they compare with prewar assessments;

E. postwar intelligence assessments about Iraq;

F. any intelligence activities relating to Iraq conducted by the Policy Counterterrorism Evaluation Group (PCTEG) and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy; and

G. the use by the Intelligence Community of information provided by the Iraqi National Congress (INC).

Sen. Roberts said, “Today’s agreement reflects a refinement and to a great extent a restatement of the Committee’s ongoing review of pre-war intelligence. The resolution adopted unanimously today illustrates the commitment of all members to a thorough review, to learn from the necessary lessons from our experience with Iraq, and to ensuring that our armed forces and policymakers benefit from the best and most reliable intelligence. We have reframed this agreement, with the Congress’s approval, to expand the scope of the investigation and then continue our review as we work toward recommendations. I congratulate all members for their willingness to work together toward this goal.”

Sen. Rockefeller said, “This agreement reflects a difficult and lengthy process, but in the end, we were able to reach consensus on the need to expand the investigation into several key areas.”

“We will address the question of whether intelligence was exaggerated or misused by reviewing statements by senior policy makers to determine if those statements were substantiated by the intelligence,” Rockefeller said. “We will take a hard look at the shortcuts in our intelligence collection. We will compare pre-war estimates to the situation in postwar Iraq, and we will pursue a better understanding of the activities of the Policy Counterterrorism Evaluation Group and the Office of Special Plans played in pre-war intelligence. There are definitely a few outstanding issues, but a lot of progress, and it’s clear that we’re moving in the right direction.”

RESPONSE TO DEPARTMENT OF DEFENSE LETTER REGARDING SENATOR ROCKEFELLER’S STATEMENT ON UNDER SECRETARY FEITH

In July 2004, officials at the Department of Defense took exception to my characterization of the activities of the Office of Under Secretary of Defense Doug Feith. The Senate Intelligence Committee has been investigating these activities as part of its ongoing review of prewar intelligence related to Iraq. After much delay, we received thousands of pages of documents from the Department of Defense after several interviews as we have sought to determine the nature and extent of the intelligence activities of this office. At the time of my public statements, our review of these activities was still ongoing and as part of the second phase of the Committee’s work on prewar intelligence.

In describing that part of our review I stated that we were seeking to determine if Under Secretary Feith was running a private intelligence operation not authorized in law. Fortunately, Section 106 of the National Security Act of 1947 requires the heads of all departments and agencies of the U.S. government involved in intelligence activities “to keep the congressional oversight committees informed.” This requirement relates to the activities of any part of the government not just intelligence agencies. The Committee review is intended to determine if the activities within Under Secretary Feith’s office were unauthorized intelligence activities in contravention of this section legal requirements. The Committee unanimously agreed to review “any intelligence activities relating to Iraq conducted by the Policy Counterterrorism Evaluation Group (PCTEG) and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy.” Implicit in that statement is the possibility that unauthorized intelligence activities may have taken place.

A letter from Assistant Secretary of Defense Powell Moore in July 2004 expressed surprise at my description and asked for an apology. I did not suggest that Mr. Feith has broken a criminal statute. My concern, and that expressed in the Committee’s resolution authorizing its investigation, is that some activities of his office may have been unauthorized. The Committee has not reached a conclusion. And cannot reach a conclusion without further investigation and study at the Department of Defense not being phase II of the agreement.

Mr. LEVIN. Mr. President, one additional unanimous consent request. I ask unanimous consent that it be noted in the RECORD that items C through G in the February 12, 2004, press release setting forth the agreement be noted as being phase II of the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.
The Senator from New Hampshire.

Mr. GREGG. Mr. President, we actually now return to the deficit reduction bill, which some of my colleagues may have forgotten. But just to remind them, this bill saves $39 billion off the deficit and is the first major attempt in 8 years to try to accomplish savings through the process of reducing the rate of growth of our entitlement accounts.

In that context, we have a number of amendments here that we all have agreed Members have been coming forward with them. We cannot formally agree right now on what the sequence will be, but to outline what we think the sequence will be, it will be Senator Lincoln going now—we can be sure of that—followed by Senator Inhofe, followed by Senator Nelson, followed by Senator Lott this evening. And tomorrow morning, the first two amendments will be Senator Cantwell, dealing with ANWR, and then an amendment by Senator Grassley, agriculture programs. That is the game plan.

Now, the understanding is that at 8 o'clock tonight we will complete our business today relative to the Deficit Reduction Act, and we will reconvene tomorrow morning at 9 o'clock. Or is it 8:30? I am not sure. In any event, we will formalize that understanding in a few minutes, hopefully, after both sides have had a chance to review those amendments which I outlined.

Now, the understanding is that the amendment from the Senator from North Dakota to yield such time as he may.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this matter before us, just to remind people after this interruption we have had, is about the so-called reconciliation project. It is part of the budget agreement that was reached earlier this year. On our side, we do not believe this is the way to go. That is the deficit reduction. As we see it, this budget increases the deficit dramatically, and expands the debt. In fact, under the 5 years of the terms of this budget agreement, the deficit will increase by more than $3 trillion. That is not my calculation; that is the calculation of those who have prepared this budget. So to be talking about deficit reduction here, I think, is utterly misleading.

Now, it is true the matter before us at the moment—and I call it “chapter 1” of reconciliation. “Chapter 1” is called deficit reduction. That is because it slices spending by some $35 billion over the next 5 years. During the same time, the debt is going to go up by $3 trillion. But what it is to come next week is the second chapter. The “chapter 2” is to reduce revenues by $70 billion. If you put the two together, the deficit is going to go up.

But we are trying to increase the debt of the United States by $781 billion—$781 billion. If you couple that with the debt increases that have already occurred under this administration's watch, they will have increased the debt of the country, in just 5 years, by $3 trillion. In the next 5 years, under this budget agreement, they are going to increase the debt another $3 trillion. In this very short period of time, they will have accumulated half of all of the debt accumulated by this country over 228 years. That is truly stunning.

Now, the next amendment on this side is offered by Senator Lincoln, and I yield such time as she may use for that purpose.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, at this time I think we can reach unanimous consent on what at least the next three amendments will be. I ask unanimous consent that the next three people to be recognized for amendments will be Senator Lincoln, Senator Inhofe, and Senator Nelson. The next amendment after Senator Nelson we expect to be offered by Senator Lott. The other side is offered by Senator Grassley, and the understanding is that amendment yet, so we reserve on Senator Lott. I further ask unanimous consent that tomorrow morning we will begin with an amendment from Senator Cantwell, followed by an amendment from Senator Nelson.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection on this side. That is exactly what we worked out, and the Chairman states it very nicely. And we may be able to slip in another amendment later today.

That is the order we have contemplated at this point and the unanimous consent request is entirely in order.

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

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, over 2 months ago, devastating natural disasters occurred in our Gulf Coast States, things that were absolutely out of our control, Mother Nature. Since that time, I and many of my colleagues have tried our hardest to get health care relief to those who were impacted by the tragedy. I say that because I am so saddened, as we have struggled so diligently to look at a commonsense way that we could bring health care needs, needs of people who lost their homes, and needs of the victims of that region with absolutely very little success.

In the week following the tragedy, I came to the floor and offered an amendment to the Commerce-State-Justice appropriations bill. I withdrew my amendment because so many people said: We need to do this. Let us work out a bipartisan effort. Let us work together to meet the needs that exist in this devastated region of the Nation. And therefore, an amendment after working with Senators Grassley and Baucus to come up with a bipartisan compromise, with the assurance that we would allow a bipartisan compromise to come forward and provide the kind of relief our good neighbors in the Gulf State region needed.

The compromise, the Emergency Health Care Relief Act, which was S. 1716, received overwhelming support on the floor of the Senate. But each time we came to the floor and tried to pass it, there was a handful of Members who objected. We have tried to bring it to a vote at least five times that I am aware of. We listened to the concerns of the Senators who have scaled back the legislation time and again, first taking out one piece, then the other, trying to see, accordingly, what we could do to accommodate their concerns, without completely gutting the purpose of providing the kind of relief our fellow Americans need in the Gulf region.

That scaled-back version was one that Senator Baucus offered in the Senate Finance Committee markup last week, and it failed along party lines, with the understanding many Members had that there was a need to get something out of committee.

I know how important it is to keep the trains running, but how well do we understand here in this body the needs of those who have been devastated, whose families have been torn apart, whose homes have been demolished, their children’s lives and schools destroyed, who have been displaced and put into strange places to go to school? We have people who have lost their jobs, who have lost their memories in many instances, family albums, wedding albums, things that can devastate you, depress you, and put you in a frame of mind that says: I need someone to embrace me and make me feel like a part of the family again.

Here we are attempting a budget reconciliation. A lot of people across this country think: Oh, budget reconciliation for the rest of us; yet one more big, long term the Senate uses for something they try to accomplish.

You know what, Mr. President, working American families reconcile all the time, now probably more so than ever before. Their wages are stagnant. The price of gasoline is out of control. The price to heat their homes this winter, the price of health care in general is out of control. They look at all of the things they are surrounded by and they do the best they can within their budgets. They reconcile their household budgets, and they sit down and say to themselves: What is essential to keep our family whole? What is it this family needs to be able to maintain itself as a family, to not become dysfunctional or separated or torn apart, to not be hungry or cold? What is it this family needs? How do we reconcile the fact that our wages have been stagnant, our costs are going out the roof? What do they do? They sit down and look at the essentials that are necessary. They make a list of what their essentials are, and they address those essentials first. Then they move on to...
the things that may not be as essential, things that they want to do, but they deal with the essentials of life first. They deal with food, shelter, health care needs, education for their children. These are the decisions working families all across this great Nation on.

Here we find ourselves in the Senate doing the very same thing for our American family. When I reconcile my budget at home, I try very hard to think about the people who lost children and I pray for every night when we say our prayers and we say: God bless those people who are homeless, who are hungry, who have lost their homes, who have suffered from natural disasters. I think as we reconcile this budget here, we need to look at our American family and what it is we find essential, that we find as a priority.

I come to this floor to say my sisters and brothers in the gulf coast region are a priority in this American family. They have the same need, they want to live with dignity. They want their doors open past Thanksgiving. How in it is not enough. They have told us be told, it is not enough. The hospitals who is on the committee. But the truth league, Senator LOTT from Mississippi, man, Senator GRASSLEY, and my colleagues who oppose this amendment will say there is money out there for a down payment. I urge my colleagues to take this opportunity to do more than just a down payment for people whose lives have been destroyed, their families dismembered, their jobs,豳国 knows what kind of jobs they might have to go back to.

We can provide real relief because we are Americans. We can do better than that by our American sisters and brothers in the gulf region. Chairman GRASSLEY himself admitted in the committee that the limited relief in the underlying bill is only a down payment. I come to this floor to say my sisters and brothers in the gulf region. Chairman GRASSLEY himself admitted in the committee that the limited relief in the underlying bill is only a down payment. I urge my colleagues to take this opportunity to do more than just a down payment for people whose lives have been destroyed, their families dismembered, their jobs, their jobs, Heaven knows what kind of jobs they might have to go back to.

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they have exhibited the values that we all believe are strong in America, the values of being a good neighbor. They answered the call. They answered the call to be a good neighbor and provided a tremendous amount of care without asking how or when or if they would be repaid.

My hometown, in one of the poorest counties in the country, that had to set up its own health foundation to keep the infrastructure of its health care in place because it was operating and doors open, took out of that foundation to provide for the evacuees who were coming in, up the Mississippi River Delta and into our communities. And God bless them for doing it, for showing us that this spirit is still alive in this great country; that neighbors do in mean something to neighbors and community is important. God bless them for doing it without being asked.

Yet what about us sitting here, not answering their call when they ask, does our family have the same values? Are they going to come through for us when we have come through for our neighbors? Louisiana’s Medicaid Program is considering making big cuts because they don’t have the money to keep it going. Those cuts could result in 100,000 people losing their prescription drug coverage. Over 100,000 low-income children and 2,500 pregnant women could be left without any Medicaid coverage. And Arkansas is operating under a waiver that the administration contends will be opposing it if he didn’t know what is in it. I presume somebody has it before Congress will act? We have to do something now—today. I think it is so critically important as well, to all the others that we would look after one another, that we would share with one another, that we would look after our neighbors, how to be part of a group in America family and exhibit the values that are so important to American family and exhibit the values that are so important to America. I don’t know about you, we looked last night at the importance of community. I don’t know about you, Mr. President, were all deeply moved by many of the stories that we have heard on the floor, particularly the stories that the senior Senator from Louisiana tells us about. And it is not only her State but Mississippi and Alabama, stories about people who have lost everything—their homes, their jobs, and, worst of all, more than 1,000 people. And I am keenly aware that those who have suffered the most are our most vulnerable citizens: the infirm, the displaced, the disabled, and families on welfare. Our hearts go out, as well, to the others who have suffered so much as a result of this terrible disaster.

I understand the need to act, and my colleague, Senator Baucus, and I came together very quickly—which I think 2 months ago almost 2 weeks ago—very quickly, in a bipartisan way, in response to my own leader’s desire that we move very quickly to respond to this, as he had a news conference the Wednesday after Labor Day, on behalf of those most vulnerable individuals and families who have suffered so greatly.

You know that it is a priority for me to assist those affected by Hurricane Katrina, and I think Senator Baucus and I came up with a very good package, and I remain committed to it.

Mr. GREGG. Will the Senator yield to the other amendment?

Mrs. LINCOLN. Not just yet. Thank you.

The whole idea of community has been lost. Unfortunately, I think it is because there has been this attitude created, a sense of a feeling that makes Americans afraid to share. What does that mean? It just means we are all concerned about “me.” But what makes us strong as a country? It is the “we.” It is the “we” in Americans. It is when we work together, we not only do better, we do our best. And I think this amendment is a way that Americans can show their best. They can show how important it is to reach out to and to take care of one another, and a big part of our American family.

My grandmother used to tell me when I would feel down and out: When you feel bad, and you feel like you couldn’t do better, she said, stop. She said, think of somebody who needs something, and go do it for them. Mr. President, I think America feels down right now. I think they wonder who we are and what we are all about. I think this is the time, as we reconcile whatever it is we are here to do, that we stop and think about who needs us right now and we go do something for them. I happen to think that my brothers and sisters in the Gulf region need something. I think it will show all of us the best America that we can possibly be.

I thank the Chair. I yield the floor.

Mr. GREGG. Will the Senator yield for a question?

Mrs. LINCOLN. I actually need to yield to my colleague here.

Mr. GREGG. Mr. President, I ask for the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate that the Senator is going to ask the Senator for a copy of the amendment. Out of courtesy from this side of the aisle, I decided to let her go forward. I appreciate she won’t yield to us to find out what her amendment is about.

Mrs. LINCOLN addressed the Chair.

Mr. GREGG. Mr. President, at this point I yield time from our side to the chairman of the Committee of Finance.

Mrs. LINCOLN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am going to speak against the amendment by the Senator from Arkansas, but I want to make clear that I do not object to the substance of the amendment. I am in a position where I have to have a reconciliation. I want to show sympathy for what she is talking about but defending what I have in my mark and also express—and I am summarizing now—that I hope somewhere between now and the end of this session of the reconciliation we are able to take out Katrina relief that I have in mine, do it more broadly, as Senator Baucus and I have tried to do, but right now I am not in a position to do that. I look forward to moving that along and so today I am a little bit opposite of the Senator and a little bit opposite of Senator Baucus.

Mrs. LINCOLN. Will the chairman yield for a brief comment?

Mr. GRASSLEY. Yes, I will.

Mrs. LINCOLN. I thank the Senator. Mr. GRASSLEY. I would like to yield 1 minute.

Mrs. LINCOLN. That is fine.
Mr. GRASSLEY. Let me say here that for those people who don’t see everything that is going on in the Chamber, we just had a Democrat apologize to a Democrat and a Republican apologize to a Democrat. Everything here is not everybody at each other’s throat. And I say that to the public at large because we do get along even though we disagree sometimes.

Another reason this reconciliation package come out of my committee, and we are going to it now. And in the provision that we passed we were able to include what I consider a downpayment of what the Senator from Arkansas and the Senator from Louisiana want to accomplish. In their judgment, it is not enough, but it is moving the ball down the road in a way I hope that will get some help to people who need it.

This provision in the reconciliation legislation then makes that downpayment to respond to the health care needs of low-income families affected by Hurricane Katrina. This is a placeholder for spending on the hurricane victims because I believe it is extremely important that we Senator from Arkansas and the Senator from Louisiana want to accomplish. In their judgment, it is not enough, but it is moving the ball down the road in a way I hope that will get some help to people who need it.

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members of the administration and the majority party, to understand the desperate and unprecedented nature of this disaster and what it has done to people—poor, middle income, and wealthy.

Let me share a statistic in terms of doctors that is quite startling. Doctors are not usually in a poor category, nor are they really in any government program in a sense. Most doctors make a considerable amount of money, and most have very nice homes. They have studied hard, and they have worked hard. Most doctors would not be in a Government program. But just to give a sense of the displacement, there were 6,000 active patient care physicians in this region before the storm. Sixty-five days ago, there were 6,000 active patient care physicians. Over two-thirds, 4,486 have basically been displaced out of 3 central New Orleans parishes that were evacuated.

Not only do we not have hospitals or clinics in New Orleans, nurses are gone. The system is literally collapsing as we speak. That is why Senator LINCOLN has been here not just today but almost every one of these 64 days trying to get this body and Congress to pass the magnanimous $20 billion to help the country get back, our nurses back, keep what hospitals were still standing up. An unprecedented number of people have not just lost their homes but have lost their jobs and, as a result, have lost whatever health care, whatever access to good care they needed.

Let me make one other point. The point I want to make in my short time—the ranking member of the Finance Committee is here—as Senator LINCOLN said, this is about choices. I believe we as a Congress can make better choices. We can do better by the people we serve.

The reason I say that is because the majority party is in a position to write the rules. We are writing a rule today that basically says we are going to provide $70 billion for tax-cut extensions. Some of them may be good, but we are deciding as a Congress that we are going to give $70 billion in tax cuts for 5 years. That is $14 billion a year. Yet when Senator LINCOLN and Senator BAUCUS and all of the others are here, they are telling us we need $6.2 billion just to help people who have lost their homes, lost their churches, lost their schools, lost their neighborhoods, and lost their jobs, to just give the poorest of the poor access to health care so they can take care of their cancer or diabetes or even desperate mental health situations just for a few months or a year, we are told that we cannot afford that.

It is about choices. It is about the choices we are going to make on spending and tax cuts. We are basically told: I am sorry, Louisiana, Mississippi, and Alabama. The only thing you rate is $1.8 billion for health care. That is all you rate, and that is all this will do, is take care of just the Medicaid Program that was only in the 13 parishes.

But what I have to explain to people is, because New Orleans is the largest city in Louisiana, because this region is the heart of the sugar industry—it is a profit center to the State—our State budget is now struggling with a $1.5 billion to $3 billion shortfall in the State general fund. As a result of the loss of revenue due to this catastrophic storm and to our struggle, not just in the parishes in which the hurricane hit, where the wind blew, the waters rose, the trees fell, and the homes collapsed, but our whole State is struggling. That is why Senator LINCOLN and Senator BAUCUS come to the floor and say: We thank you for the $1.8 billion, but it is not enough to keep our program up and running this year.

This is not just any program. This is not a program that Louisiana thought about. This is a Federal program. It is going to give $5 billion to the particular part of the country. The majority party, as you know, Mr. President, from your work in Tennessee. The Federal Government puts up 70 percent, and the State government puts up 30 percent. What I am here to tell you is that since the hurricane we have experienced a terrible setback. The State partner is going to have a very hard time, if not impossible time, putting up the 30-percent match to keep our children and our poorest citizens, as well as those who are vulnerable, in health care for the year.

So we come here 65 days after the storm, when we are spending money on everything we can imagine—from new programs, expansion of programs, tax cuts—to say, please consider a basic service of health care, not just for the parishes that were affected and the counties in Mississippi but for the whole States of Louisiana and Mississippi that are struggling.

For the people that Senator LINCOLN talked about that stayed on their rooftops for 3 days, for Albert Bass, who was a painter in the ninth ward, who went to the hospital with a 104-degree fever, his Medicaid application has been denied; he needs help now. For Ms. Stewart, who lives in Jefferson Parish, she was a teacher; she has been denied Medicaid. She is 51. She is married. Her husband receives Social Security. She was diagnosed with cancer. Her cancer is back. Her health situation is worsening. She has no income, she cannot even tell Mrs. Stewart what her outlook is.

What I am going to tell her is, we are going to find money for the avian flu, we are finding money for Iraq, we are finding money for a tax cut, we are going to raise $14 billion more by selling off spectrum, but I am sorry, we cannot get you into a hospital.

The final thing I am going to say, maybe the majority does not like that it is a Government program. So Senator GRASSLEY come up and say, well, let us have some way for the businesses that had people on unemployment—I mean insurance, the businesses have collapsed, but these businesses are valiantly trying to keep people on their insurance for 3 days. For Mr. Albert Bass, why is this only 2 years? This is an average of people who are unemployed in Louisiana. We work hard just like everyone else. We averaged about 135,000 people unemployed in June of 2003. Let us pick June of 2004: We had 119,000 people receiving unemployment. Let us go to January 2005: We had 119,000 people. Right before the storm in August of 2005, we had 122,000 people unemployed.

So I think one can say over the last 2 years we have had roughly an average of 120,000 people unemployed. In one month, our number jumped from 122,000 to 277,000 people—100,000 people in one month are seeking unemployment.

That is how desperate people are. It has never happened in these 2 years. I bet if we went back and looked at it for the last 20 years, the only spike that one would find like this is maybe in the 1980s when the oil industry collapsed and almost everybody in Louisiana lost their livelihood. From this in so long, we do not remember a time such as this.

I do not know why we are having a hard time explaining this to an administration that seems to think we do not care about how desperate the situation is. We are not ungrateful for the steps that have been taken. We are not ungrateful for the FEMA money that is slowly getting to us. What we are saying is we need to do better.

Today, how do my colleagues think I felt watching the President of the United States stand up and tell everybody that he was going to allocate $8 billion for the avian flu? I do not know where he is getting the $8 billion for this avian flu. All we have asked for is $6.2 billion to keep a health care system of the whole State standing up until we can figure out what we might need to do because we do not have all the answers. It has only been a few weeks since our system has basically collapsed. It is going to take us a little bit more time to figure out what the long-term solution is.

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years. These employees have been loyal to them. They have showed up for work every day. Talk about public-private partnerships. This amendment is an $800 million fund that is not a new program. It goes to our insurance commissioner to try to help work with small businesses so that people can keep their health insurance, so that they do not fall onto the Government payroll, so they do not become wards of the State.

This is self-help. This is partnership. This is self-reliance. With all of that, we have been told, no, come back later.

We are going to continue to come back because while we are grateful for the $1.8 billion, it is so far short of what we need to stabilize our health care system. For a State that is 4.5 million people, that has literally been punched in the gut and is rolling back, this administration has got to do better by the people of Louisiana, Mississippi, and the gulf coast. Charity starts here. So let us—Senator Lincoln, right? In our hour of need, we have to try and contribute to the economic downturn here and there to stand us up. We have contributed billions of dollars to this Government and will continue to give $800 million fund that is not a new program. This amendment is an $800 million fund that is not a new program. We are grateful for the $1.8 billion, we are grateful for the $1.8 billion, we are grateful for the $1.8 billion, we are grateful for the $1.8 billion, we are grateful for the $1.8 billion, we are grateful for the $1.8 billion.

Mr. LINCOLN. I yield time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I do not know who is yielding the time.

The PRESIDING OFFICER (Mr. CRAMERLISS). The Senator from Arkansas controls the time.

Mrs. LINCOLN. What is the time remaining on our side, please?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. LOTT. Parliamentary inquiry: How much time remains on this side of the aisle on the subject also, and then hopefully I could speak right after that.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I yield time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I am happy to defer to the ranking member of the committee on finance, Mr. Grassley.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. LOTT. Mr. President, I want to speak on the subject also, but I would defer to the ranking member of the committee, and then hopefully I could speak right after that.

Mr. LOTT. Has the Senator from Montana spoken on this subject?

Mr. BAUCUS. Not yet. I plan to speak now.

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Mr. BAUCUS. Not yet. I plan to speak now.
we, as Americans, are going to help those States meet their Medicaid bills—for 16 months. But our bill has been blocked. It has been blocked by a small group of Senators on the other side of the aisle.

What do the Senators on the other side of the aisle say? What is their reason for blocking this bill, this little, small bill that helps some people for a short period of time? What do they say? That our bill provides an open-ended Medicaid expansion. It is the camel’s nose under the tent. It is a theoretical, ideological argument.

They also argue that the Government, that is HHS, Department of Health and Human Services, can take care of this crisis without congressional action. They say you don’t need that, Congress. We, the administration, can take care of this. That is what they say. They also argue that our legislation is unnecessary spending. They keep those same arguments in effect today.

Let me take those points on one by one. On the first, the amendment before us provides, as did the bill Senator Grassley and I offered, temporary 6-month Medicaid coverage. It is not infinite; it is temporary, 5 months. We also suggest the President can renew that coverage for an additional 5 months, but that is it. It is not an open-ended Medicaid expansion. It is getting help to those who need it; not down the road, not forever, but now, because people need health care now. That is not something they can postpone. When you need health care, you need it right now. What about the argument that the administration, HHS, can take care of this problem without congressional action, that the administration can take care of Katrina health needs through something called Medicaid expansion?

Simply put, that is not true. It is simply not true. They cannot do that under the law. They need a change in the law to do that. They cannot do that on the track. In the Finance Committee, HHS testified they need legislation to provide additional funds for the States to meet Katrina health needs. They admitted it before the Finance Committee. They also said the plan to provide only $100 million for new funds for uncompensated care costs—that $100 million is a paltry pit-tance compared to what is needed in the State of Louisiana alone.

I might say, too, legislation is needed to address those needs, but the President still has not asked Congress to pass the legislation to make that happen. We provide it in this amendment, but they do not.

Finally, Senators on the other side of the aisle argue that this bill constitutes wasteful spending; since we have already appropriated $60 billion through FEMA, two-thirds unspent, we should use those funds first. These same Senators argue we should scale back the bill’s pricetag.

I have listened to my colleagues on the other side of the aisle. Senator Lincoln has listened to them. Senator Landrieu has listened to them. We want to get legislation passed. We want to help people in some way.

Guess what? In the spirit of compromise we scaled back our bill, offsetting it with unspent FEMA funds. That is why we are asking the Senators we wanted to do. The amendment before us reduces the cost of the Katrina health package by giving 12 months of State Medicaid relief instead of 16 months; it removes the reductions in 29 State Medicaid programs—that bothered them, we removed that part—and by using unspent FEMA funds to offset its costs, the amendment will help the White House addressed last week.

As you know, last week the White House proposed redirecting $17 billion in unspent FEMA funds to help rebuild the gulf coast. Let’s look at that $17 billion. Of that $17 billion, $3.3 billion would go to reconstruct military bases—not health care needs but military bases—they are spent on highways and bridge construction.

I am speaking perhaps out of place here, but I visited the military bases that have been the subject of this amendment here. Yes, there is damage there, but it does not begin to compare with the other damage, the damage to the homes and the roads and the bridges, the lost jobs and health care needs. There is no comparison. I don’t know why we are spending $3.3 billion to reconstruct a military base but not spending the money to help people with their health care needs.

Mr. President, $410 million would help farmers remove debris and reha-bilitate the land. Those are good causes. But the President’s request doesn’t ask for increased health care funding. It does not help those hospitals or doctors who were Good Samaritans by providing uncompensated care relief. It does not help States care for evacuees through their overbur-dened health care programs, and it doesn’t help patients in the long run.

As I say, this amendment, to remind my colleagues what one of the oppo-nents on the other side argued for a moment ago—it does what? What is that? When trying to move this bill through the Senate, one Senator on the other side, on September 30, said, and I quote him:

The question is not whether we should or want to provide assistance. But we want to make sure we provide something that ensures that resources get where they are most need-ed and in a way that takes advantage of the $6.5 billion or so that has already been appro-priated but has not been committed yet.

Guess what. That is what this amendment does. It uses unspent funds to meet the urgent health care needs of Katrina victims. More than 9 weeks after this major natural disaster hit our shores, we are still waiting for this Congress and the President to act on those needs. The reconcili-ation bill we are considering provides some help for victims, but the $1.8 billion in the bill is not enough. It has been called a downpayment. It is not a downpayment; it is an end pay-ment in the minds of the administration and those on the other side of the aisle. It is a last payment; it is not a downpayment. Why is it not a downpayment? Because giving no more funding being suggested here. So it is not a downpayment. That is flat inaccurate. It sounds nice, but it is in-accurate.

We need to provide more Federal funds to help the affected States. Lou-isia needs to be in very dire financial straits. It will have to cut Medicaid pro-gram by an estimated 40 percent if that State doesn’t get funds by the end of this year. Think of that. It has to cut Medicaid by huge amounts if it does not get the needed funds.

We also need to provide the funds for uncompensated health care costs to en-sure providers—doctors, hospitals, health centers, the Good Samaritans—are recognized. And we need to ensure that low-income survivors get the health care they need, whether or not they meet Medicaid’s rigid eligibility rules.

In Louisiana alone, half of those who have applied for Medicaid have been turned away because they don’t meet those standards. Think of that. Half the people in Louisiana have been turned away. They have health care needs. It is diabetics, cancer patients, people with dire needs who are turned away. We are not talking about high-income levels. Currently, a single mom who makes more than $2,500 a year would not get covered. Think of that. We are raising that to $9,500 a year. Right now, in the view taken by the other side of the aisle, a single mom who makes more than $2,500 a year would not get coverage. She would not get any help.

What are we saying? Let’s raise it up to $9,500 at least. That is not a lot of money: $9,500 a year. That is not a lot of money. If she makes more than that, she doesn’t get help, but if she makes up to that level, she does get some help.

This is not right, that this amend-ment is not being passed. It will not be agreed to. It is clear by the tone of this debate here. The Senator from Louisi-ana said we are going to keep work-ing until we get something passed. Why? Because it is the right thing to do.

I see the chairman of the Budget Committee is sitting there, deeply pondering, his chin on his hand there. I am saying to the chairman: There is a way to do this. The way to do it is to pay for it out of unspent Katrina appro-priated dollars. There is a way to do this.

I know the chairman is very con-cerned about total costs. He should be concerned about total costs. That is his job. I am concerned about total costs and that is through this amendment. It is through the already appropriated dol-lars that are unspent. It does not add
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to the deficit, does not add to the budget woes the chairman is worrying about. There is a way of doing this. I am calling upon all of us as Senators to find a way to do this. We all know it is the right thing to do. We all know it is the right thing to give temporary health care assistance to people in the affected areas. We all know that. We all know it is the right thing to do to help some of those hospitals and doctors who have been Good Samaritans of help because America wants to help. We all know that. All America wants to help those doctors and those hospitals a little bit. I say to my good friend from New Hampshire, find it in his head and in his heart to help make this thing work because it is so important to so many people who are counting on us to recognize them, give them a little bit of hope—that is the very least we can do—and support the amendment offered by the Senator from Arkansas.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GINGRICH. I will yield to the Senator from Mississippi such time as he may use off the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from New Hampshire, the manager of this important legislation, for yielding at this time. He has been very patient as this amendment has been discussed. And the distinguished Senator from California certainly has been patient, thinking he was going to have to wait 5 or 10 minutes after this amendment, so I will try to be brief.

Let me say there is no question in my mind about what our needs are in Mississippi and Louisiana. The people I love the most, my neighbors, my family, and constituents I have represented for 33 years, are hurting. They need lots of help.

Right across the hall now are 12 superintendents from south Mississippi saying: Help us, please, and do it quickly, because FEMA is not delivering trailers for our employees. We are open because we want to get our children back in school, but we need operating expenses, we need help right away. Not just rebuilding, we need help to keep operating because the tax base has been destroyed—no ad valorem tax, no sales tax, nothing in some of the counties that are affected by Hurricane Katrina.

Let me say firsthand how bad this situation is. Every time I go home it breaks my heart again. Fortunately, the people there are resilient and determined to come back. They appreciate any help we give them. They don’t whine a lot, from my neck of the woods. They just keep working. I agree with what has been said here in a lot of areas. First, this Senate has not done enough to help the people, and we need to do a better job—getting Medicare and Medicaid, the Office of Management and Budget and FEMA. The list of horror stories, if I put them in the Record, would stagger my colleagues here.

A good job is not being done—yet. The money we passed, $65 billion almost, probably—maybe $40 billion has been spent. Meanwhile, some contractors have not been reimbursed; schools have not gotten a nickel; the Mississippi Department of Transportation has not been reimbursed for money they have already spent. There are horror stories of what Congress has not yet done in terms of changing the law. There is a bill pending right now at the desk from the Government Affairs Committee of Mr. Grassley, S. 1777, that would do an awful lot to help our people in a lot of areas by changing the laws, by removing caps. It would not necessarily cost a lot more money. It would extend the time for unemployment benefits from 26 weeks to 39 weeks, and so on and so on. There is a lot we could be doing. We ought to do it.

But what is this bill we are working on? This is the deficit reduction legislation. One of the things we need to do, if we make savings where money is not being properly spent, is to spend the best effect. Several committees have worked to come up with the savings we have. And, by the way, gee whiz, we came up with more money than the budget required. So, “Gee, where can we spend it?”

Yes, I am one of the ones who is trying to do that. I supported the effort of Chairman Grassley and Ranking Member Baucus to get a bill through—

Mr. President, this bill is supposedly for Katrina in the deficit reduction bill? I don’t want to brag too much; I was uncomfortable with, but I thought we needed to take action quickly.

So we came down to this. Now it is $1.8 billion. How did we get $1.8 billion for Katrina in the deficit reduction bill? I don’t want to brag too much; I am not particularly proud of it. But I said if you don’t put that in there, I won’t vote for the bill, and if I didn’t vote for it, it wouldn’t have passed because, unfortunately, we have to do it with all Republican votes.

Democrats won’t help us at all. That is why it is in here. But it is not enough. It is not all we need. The plate has been passed. We got a little help. Now I am going to come back and say give me another $2 billion, $3 billion, or $1 billion. That is going to depend on how we make the deficit. This is not the only thing in Mississippi and Louisiana. This affects $40 billion but it is not all it is going to be. But this is a good start, $1.8 billion.

I have gotten to the point where I am saying I don’t want it all, just help me a little. This is responsible, what we have done here, $1.8 billion to increase the Federal match for Medicaid in the FEMA disaster counties. That is an important differentiation.

One of my problems I keep arguing about—I have people in northwest Mississippi and east Mississippi who are in the disaster area. We shouldn’t increase the eligibility for them. They weren’t hit by the hurricane.

I would be perfectly willing to just say: Governors of Louisiana, Mississippi, and Arkansas, we are going to give you X dollars for Medicaid, and you make sure it gets to the people who really need it. I have not been able to sell that. A lot of what we need can be given directly by OPM. They could take it out of the $60 billion-plus that we passed.

But I don’t think we should use deficit reduction or the need for Medicaid here. It is immediate, it is not foreseen eligibility. I don’t think we ought to provide 100 percent FMAP to all of Mississippi and Louisiana, including in those areas that were not affected. We may need to increase eligibility, but this is supposed to be to help people who were hit by the disaster, who were displaced by the disaster, or live in the area and lost everything.

I tried to make a point to my colleagues when they said we have to be fiscally responsible. I say help me expand, I need to do more for the people in Hancock County, MS, who lost their job, their house, their car, their truck, their boat, their dog, that we have to make sure we are fiscally responsible. I am not going to do that. We are going to help that person who lost their job, who has a slab, a mortgage, and no job. We are going to help them or I am not going to be part of an institution or government that will not help people in America who are hurting like that.

I can get just as passionate. I lost my house. I am emotional about that. Everybody around me lost their houses. And people who worked all their lives and saved everything, they have lost it all. This hurricane is a great equalizer. If you are poor and you lost everything, you have nothing. If you are middle income and you lost everything, you have nothing. If you are a retired doctor and you lost your home and your car, you ain’t got much left.

I am going to do more. I am asking you about that. But we do the right thing here by raising the FMAP 100 percent for those areas that are affected. We need to do more in this uncompensated care area, and we are going to do more.

But I ask my colleagues—I know how heartfelt this is for my colleague from Louisiana and the Senator from Arkansas. They are trying to do the right thing. But I am just saying, let us not pretend you got the perfect at the expense of the good. I was a part of the deal. I got all I could. I will come back at the next round in conference and try to get more.

When we get through this, we will be back trying to get what we need. But to my colleagues from the affected States and those who want to help us, I want to remind them that when you ask for more than you are entitled to, or when you ask for things not in the hurricane-affected area, or for people who are not in the disaster area, you are hurting your credibility. When you ask for a huge number and include things that maybe are not in the area, and I
could do that, then our colleagues say: Wait a minute. We have to make sure we help those people who really need it, but we don’t do things under the cover of the hurricane that can’t be justified on behalf of the American taxpayer.

Having been critical about the recovery, let me just say to everybody—to volunteers, to the military, to the private sector, to the faith-based groups, to this institution, to so many people who have helped us when we have been on our knees—we appreciate it. We have to do a lot more. But I don’t think we are in a position to be looking a gift horse in the mouth.

Let us do this now, and let us keep working because we have a long way to go.

This hurricane was so overwhelming, the damage is so monumental that it overwhelmed Federal agencies. Nobody can really appreciate what we are dealing with here. It is just more than we ever dreamed, including people like me. I have been through six hurricanes, two tornadoes, an ice storm, and a flood. I have never seen anything like this.

We are not going to fix this tonight, in a week, in a month, or in many months. It is going to take years.

I want to make sure, my colleagues, that I come back to you again and again and say: We need this help. I have done my homework. It is justified, and I need you to do it on behalf of these people.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. LINCOLN. Mr. President, what is the time agreement?

The PRESIDING OFFICER. The Senator from Arkansas has no time remaining. There is 50 minutes remaining in opposition.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, under the unanimous consent agreement, the understanding was that we move on to the Inhofe amendment and to the Nelson amendment. And although it wasn’t agreed to, I believe it can now be agreed to that the amendment in order after the Nelson amendment will be the Lott amendment, except if we end up going into tomorrow, the first two amendments will be Senator CANTWELL’s amendment followed by Senator GRASSLEY’s amendment.

If Senator LOTT’s amendment or Senator NELSON’s amendment do not come up tonight, we will follow those two amendments. Is that correct?

Mr. CONRAD. The chairman, as always, is exactly right.

Mr. GREGG. I ask unanimous consent that be the order of business.

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

Mr. CONRAD. Mr. President, for the information of our colleagues, because we have a half dozen Senators or more on this side who have asked to have time to speak on the bill, let me send a message in this way, if I can, to our colleagues and the staff who are listening. Obviously, the events of this afternoon have blown a hole in the time on the budget bill. What was the game plan before this afternoon has clearly been altered. We have tried to lay out a schedule of amendments, as the chairman has just indicated. Next, we will go to Senator INHOFE.

Could Senator INHOFE give us a picture of how long he might require?

Mr. INHOFE. Yes. I respectfully say I can do it in probably 15 minutes.

Mr. CONRAD. Then there may be some discussion on the Inhofe amendment on this side. Then we would go to Senator Nelson. That would be in approximately 20 minutes, perhaps, for the information of Senators.

How long would Senator Nelson require?

Mr. NELSON of Florida. Ten minutes.

Mr. GREGG. We will have a response. I presume. That is another 20 minutes. Mr. CONRAD. Then we go to Senator LOTT.

Maybe that helps, for the information of our colleagues, as we try to go through this bill with some efficiency as we move toward the end of this day. We will close, by prior agreement, at 8 o’clock.

Mr. NELSON of Florida. Mr. President, may I inquire? There are two amendments that I will be offering in tandem. What is the procedure that the Senators would like me to use in offering those amendments? They deal with the same subject.

Mr. GREGG. I don’t think the agreement reflected two amendments; it reflected one amendment. Let us take a look at it while the amendment of Senator INHOFE is going forward and see if we can work it out.

The PRESIDING OFFICER. The unanimous consent agreement is for one amendment.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 2355

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendments be set aside for the purpose of considering an amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself, and Mr. CHAMBLISS, proposes an amendment numbered 2355.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To cap non-defense, non-trust-fund, discretionary spending at the previous fiscal year’s level, beginning with FY 2007)

“Beginning with fiscal year 2007 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year’s levels, for purposes of the congressional budget process (Section 302 et al. of the congressional budget Act of 1974), without a 2/3 vote of Members duly chosen and sworn.”

Mr. INHOFE. Mr. President, I want to make a couple of observations. I happen to be one of the very first Members of the Senate to go down after Katrina to Louisiana and Mississippi. In fact, actually, we went all the way from New Orleans to Alabama in a helicopter. The devastation that took place is incredible. It reminded me a little bit of the tornadoes we have seen in Oklahoma. The difference is a tornado normally will affect about 5 square miles as opposed to a couple thousand square miles. I certainly wouldn’t want anything that I say to imply that we are not deeply sympathetic to the problems of the people of Louisiana and Mississippi, and to a lesser degree in Alabama, but I have to observe, as I have been listening to this debate, that you can always pour more money on a problem. This is something we have seen in government forever.

The Senator from Montana outlined a set of things on the other side we need to spend more money, as did many others over here. You can always do that. I would question whether it is the Federal Government’s responsibility to take care of everything that happens when a disaster occurs. I don’t expect that in Oklahoma, and I don’t think it should be expected. For one thing, we couldn’t do it.

The other day, there was an op-ed piece by the senior Senator from Alaska, Mr. Ted Stevens. He talked about the 1964 earthquake and the devastation. He actually had to go out and repair his own house and do a lot of this work, and not even 10 percent of that was taken care of by the Federal Government. We have to get a handle somehow the Federal Government has deep enough pockets to take care of all of these problems. Frankly, it is just not right.

It is not true. You can’t have it. We are going to have to get a handle on this thing, and I want to help.

I can say them in a relatively short period of time. I have been working on a solution to this problem with an amendment for quite some time. I have actually wanted to offer it previously on Appropriations bills. But to do that, I would have to initiate a program of negating paragraph 4 of rule XVI of the rules. I don’t think that is appropriate. It has been done three times in the last couple of weeks by three of the Democratic Senators. I don’t criticize them for it, but I think if I do this on the Republican side it would be the first time that procedure would have been exercised, and it would not be appropriate.

Last Thursday or Friday, toward the end of the week, I had a colloquy on the floor with Senator Frizer, and we specifically discussed bringing up the amendment that I have in mind on the budget reconciliation bill. I am not
naive. It could be that there will be a budget point of order against it. It doesn’t really make any difference. We are going to get a vote on this bill.

This is a very simple solution to a very complex problem. I understand a bill is going to be introduced which is going to eliminate all earmarks. That sounds real good. There is a big population out there that thinks this is going to solve the problem. But it doesn’t solve the problem.

I mentioned this the other day when my junior Senator brought up a bill to do away with a bridge up in Alaska. I said: Look, you are looking at something where one of the few things that really works well in Washington is the way we handle the Transportation bill. What we do is determine by a formula that no one thinks is fair. Because you always want more in your own State, you take into consideration highway mortalities, the number of road miles, the donee status, and then you come up with this formula that allocates to the States an amount of money. This money, I might add, is money that has been paid in taxes at the pumps so that it goes to improving our transportation system. When you do that, that is to the best of their ability, and they say, all right, you in the States determine the priorities that you have in the State of Florida, or in the State of New Hampshire, what do you think is the proper thing? That is either done by the elected representatives or by the local people.

In my State of Oklahoma, we have the transportation commission with eight commissioners in eight geographic areas of the State. They prioritize projects, and it is done very well.

With have earmarks to lock in those projects. That can be done, and these decisions are made locally.

There is a mentality in Washington that if a decision is not made in Washington, it is not a good decision. It is a little bit arrogant to say, Yes, the money has gone out to these States, but we in our wisdom do not think it should be spent on those projects that they think it should be spent on. In this State—in this case, the State of Alas-

ka, the well-known bridge, so-called Bridge to Nowhere, when, in fact, that bridge was a bridge that was for economic development, according to the Alaska Department of Transportation.

They said out of 100 projects, that was No. 4 from the top because they want to develop that area and they cannot develop the area because people cannot get to the area. I am not sure whether I agree with that, but I don’t care; that was their decision, not our decision in Washington to make.

If we were to pass a bill to eliminate all earmarks—it is not going to save money in the Transportation bill; almost all of that was below the line in formulas—all it would say is if you eliminate that earmark, then you are going to have to go back and decide what you want to spend that money on.

The money is not going to be saved. The money is going to still go to some projects, but we will have dictated that from Washington, DC. I am not saying this critically, because some of my closest friends and good conservatives believe if you eliminate earmarks, you will eliminate all earmarks, you are not going to resolve it.

But there is a way to do it. I have a very simple amendment that will do that. The White House has been looking at ways to cut unnecessary spending. They talked about their credit, they proposed a package of $2.3 billion in cuts. On October 24, 2005, Scott McClelland briefed the press regarding the White House’s efforts, stating that certainly an area we have been looking at is rescheduling spending increases, and congressional leadership has been looking at this for a long time.

There is a simple solution to this. I have a one-sentence amendment that I will offer to the reconciliation bill. A lot of people think you have to get long and involved verbiage before you can do something good. When I was in the House in 1994 on the issue that ended up being considered the greatest single reform in the history of the House of Representatives, that was my amendment. It was one sentence. You do not have to have long, complicated sentences.

I will read the one sentence that is in this amendment. I know one of the cosponsors of this is the Presiding Offi-
cer. It says:

Beginning with fiscal year 2007 and there-
after, all nondefense nontrust fund discre-
tionary spending shall not exceed the previ-
ous fiscal year’s levels without a two-
thirds vote.

Why a two-thirds vote? Something like Katrina comes along, something that is unanticipated, sure, two-thirds of the people may decide we should do something. That is not going to happen very often.

Let me be a little bit partisan because I have heard a statement—not a misquote but certainly taken out of context—one of the Republican Sen-
ators saying that all Senators are big spenders; they are all big spenders equally.

Frankly, that just is not right. Yet we do have a solution to this problem. I will show that spending is a partisan issue. This chart shows the Democrat annual cuts so far. I can update this. The bottom line is that it is $530 billion—half a trillion—for these Democrat amendments. They are from Senators BINGAMAN, STABENOW, BYRD, AKAKA, HARKIN, KENNEDY, DAYTON, DORGAN, BIDEN, CLINTON. It goes on and on. These are amendments that were offered. These are amendments that were defeated—most of them. All the amendments were considered. If you add up all those amendments by the Democrats in this Senate, that is what the White House, to their credit, said: Look, you are looking at some-
thing out there that thinks this is going to resolve a problem. But it will not get into entitlements. That is a very simple amendment that will do that. It is $530 billion. We have a one-sentence amendment that will do that.

We are going to hear it. I am sure to-
ight and tomorrow we will hear it. None-
theless, that is a fact. My solution will get resolution. That will be addressed with reconciliation.

There are other ways of doing that.

Of course, right now the defense spending will have to stay up because we went down in our defense spending during the 1990s. We have to rebuild the military. We all understand. I believed the primary top functions that should be performed by Government would be national defense and infrastructure.

In the case of infrastructure, that is money people have paid. That is a moral issue. Most people believe that when they pay the high taxes at the pumps, somehow that will get into building roads and repairing roads. It should. Unfortunately, the highway trust fund has been robbed. The aviation trust fund and other trust funds have been robbed. They need to be kept intact.

However, this very simple solution is one that should pass this Senate. Be-
cause of a procedural vote, it might be a one-sentence amendment, and need 60 votes to pass. However, if you look at what many of my colleagues on the Democrat side have said—Senator BIDEN said specifically on more spend-
ing cuts:

If I had designed a deficit reduction plan, I would have done it differently.

Senator DORGAN says that we need to provide spending cuts in a significant manner.

Senator FEINGOLD says:

We also need to continue to cut spending in Federal programs . . .

Senator LEVIN stands, how we need to cut spending. The last thing he says in the 1993 reconciliation, the same thing we are talking about today:

Discretionary spending is frozen for 5 years.

He advocated freezing discretionary spending. That is exactly what my amendment does.

It says:

Beginning with fiscal year 2007 and there-
after, all nondefense nontrust fund discre-
tionary spending shall not exceed the previ-
ous fiscal year’s level without a two-
thirds vote.

It is very simple, cut and dry, some-
thing that can pass. And there will be a vote on this, whether it is a proce-
dural vote or a vote on the content. I hope those individuals who have a more complicated approach to this will recognize this is something that is do-
able.

I have had the unfortunate experi-
eince this year of trying to find every bill that comes up that is over either the budget or last year’s spending, and I have proposed that because this is the only way we will get this back in order.

I recognize this is a time when we are going to have deficits. The American
people understand that. We do know we had a rebuilding job to do in the military. Then along came September 11, and we are in the middle of a war. We have to prosecute this war. Then Katrina and some of the other disasters have taken place. We recognize these are difficult times. The chart suggests Democrats have offered amendments costing $460 billion this year. False. Absolutely false. I know the Senator has borrowed that chart from somebody else. He did not prepare the chart, but he has used the chart, and the chart is wrong.

The “spendometer” ignores the fact that many of those Democratic amendments were offset. In fact, because they included additional deficit reduction, the net effect of all Democrat amendments to the 2006 budget resolution have reduced deficits by $57 billion. The “spendometer” double-counts Democratic amendments because it treats them as if they were a package instead of offered individually.

Many of the Democratic amendments covered specific subject areas like veteran’s affairs or for the National Institutes of Health, and many of the Democratic amendments were offered for 1 year on an appropriation bill and made into 5-year amendments. That really strains credibility. To convert amendments that were offered for 1 year on an appropriation bill and make them into 5-year amendments in cost is a complete concoction.

The fact is, on the budget resolution, Democratic amendments would have reduced the deficit by $57 billion; the net cost of Republican amendments was $79 billion. They would have increased the deficit by $79 billion.

Our colleague says it is a partisan issue, spending. He is right. During the last Democratic administration, spending was at a record high. We inherited an economy. The economy was growing, and we had to pay up 1 year, cut 5-year, and the 5-year amendments cost in a complete concoction. The fact is, on the budget resolution, Democratic amendments would have reduced the deficit by $57 billion; the net cost of Republican amendments was $79 billion. They would have increased the deficit by $79 billion.

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All of those are Democratic amendments. Every one of them spends exactly the amount of money the Senator from Oklahoma said it spends. It is half a billion dollars that would have been added to the deficit had Republicans not defeated the amendments.

Secondly, I want to say, I guess I get lost in this verbiage sometimes, but here we are, this week, for the first time in 8 years, addressing the issue of spending and trying to reduce spending that has already been committed. It has been a difficult exercise. As the Senator from North Dakota knows, who serves on the committee I chair, we had a difficult time in the Agriculture Committee coming up with some reasonable reductions in spending. Of course, while he did not vote for any of those reductions in spending, which is going to help the deficit, some Democrats did. At the end of the day, we are going to save $70 billion. We are going to reduce mandatory spending by $70 billion.

So I think the Senator from North Dakota has made the argument for the amendment the Senator from Oklahoma has authored by saying if we are serious about cutting spending, let’s cut spending. This amendment is going to hold our feet to the fire. This amendment in and of itself does not reduce spending. But the Senator from North Dakota is right; no, it freezes spending. It says we are not going to spend any more money. But if two-thirds of the Members of the Senate say it is OK to spend it, then we will increase spending over the previous year.

That is a pretty dammed good thought and a novel thought, and I applaud the Senator from Oklahoma for coming up with that. Because if two-thirds of us agree we ought to spend more money, it is probably the right thing to do. But if two-thirds of us do not agree to do it, then it is probably not the right thing to do.

So I think the Senator from North Dakota makes the argument for the amendment the Senator from Oklahoma. I urge an affirmative vote on it at the appropriate time.

Mr. GRASSLEY addressed the floor.

Mr. INHOFE. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I ask the Senator, would you like me to yield time to you? I am trying to finish this.

Mr. GRASSLEY. Yes.

Mr. INHOFE. Mr. President, I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I get a little tired of people on the other side of the aisle making the point that tax cuts are responsible for the deficit we have, when you consider we inherited a recession at the previous administration, and we had September 11, and because of the catastrophe of September 11, income to our Federal Treasury went down from $2.1 trillion to $1.75 trillion. That went on over a period of 3 years before the economy turned around.

Then, to find fault with the tax cuts of 2001 and 2003, a person no less than my friend Senator Grassley, he could not think of anything but the tax cuts were what turned this economy around. And turning the economy around, we have $274 billion more coming into the Federal Treasury in the year 2005 than we did in 2004.

And then, especially when you measure deficits by gross national product, our deficit now is less than it was in 1993 under Clinton. Our deficit now is less than it was under Reagan in 1982, and a lot less in the case of 1982.

Now, what I rise for is this: the justification that was made this morning that we are having this reconciliation bill, cutting expenditures, so we can cut taxes. We are not going to cut taxes any more. We have done that in 2001 and 2003. That tax policy is what turned the economy around and brought in $274 billion more this year than last year, even $70 billion more in the last 10 months than we estimated back in February would come in this year.

But the case the other side is making is that we want to have further tax cuts—we take no action, what they want to do is have an automatic tax increase. We have a lot of tax provisions that are going to sunset this year. If we do not keep tax policy the way it is, we are going to have a tax increase.

Now, they like to have more money coming in so they have more money to spend. I would like to have somebody on the other side of the aisle tell me how high taxes have to be to be high enough to satisfy their appetite to spend money. I have never heard that. But the fact is, they can have a tax increase and not even have to vote for it. So we have to take action between now and then. If the year to make sure the existing tax policy, that was good for the economy, keeps this economy going, as Chairman Greenspan has given those tax cuts credit for where we are.

I want to tell my colleagues what is going to happen if we do not take action before the end of the year to continue the tax policies that would otherwise sunset, that somehow they do not want us to continue.

Our objective is to preserve current levels of tax relief. These tax increases would occur if my friends on the other side of the aisle—and maybe even an occasional Republican or two—have their way and thwart the reconciliation bill in this Congress.

First, the tax relief plan continues the hold harmless provision of the alternative minimum income tax. This piece of the plan, the largest, I might add, is worth about $30 billion to 14 million American families. You can see the impact of that tax cut. If we do not take action, we are going to have about 5 million middle-income taxpayers paying more taxes next year because they will get hit by the alternative minimum income tax.

I want to remind everybody that the alternative minimum income tax was meant to hit the very wealthy, who were taking advantage of every tax loophole they could, the loopholes, any tax, that they ought to pay something. But it was never meant to hit middle-income America.

We are going to have in my State of Iowa a $5,000 more if they were never supposed to pay if we do not take action between now and December 31.

Look at all the places where I wish I could think of all the people who have been complaining the most about what we are talking about. But the point is—Iowa, for instance, I think it ought to be pretty obvious. Do you want 13,364 North Dakotans to pay additional tax if we do not take action before the end of the year?

Mr. CONRAD. No.

Mr. GRASSLEY. Well, I am glad to hear that. But I have heard different rhetoric from the other side. And Mr. Grassley is here, in Michigan. We ought to put things in alphabetical order, but it does not matter. It does not matter. You are going to have tens of thousands of people or hundreds of thousands of people paying additional tax if we do not take action.

Now, that is just one provision.

We reduce the capital gains from 20 percent down to 15 percent, and we have been told that is already figured in the stock market. Do we want to let the middle-income taxpayers pay a higher capital gains tax? I do not think so, because there are so many middle-income people now who are investing through their IRAs, through their 401(k)s, that we do not want them to be hit by this.

We have the tax deductibility of college tuition. We have the small savers credit. We have the small business expense provisions that are going to squeeze the economy, and we do not want to let the middle-income taxpayers pay a higher capital gains tax? I do not think so, because there are so many middle-income people now who are investing through their IRAs, through their 401(k)s, that we do not want them to be hit by this.

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All of these provisions have been bipartisan. Millions of American taxpayers rely on these provisions. Do my friends want to take away the deductibility of college tuition for middle-income Americans that is capped at $60,000? These people who are sending their kids to college ought to have, beyond December 31 of this year, the ability of taking advantage of that deduction.

We have the small savers credit. Do my friends want to take away the expense of equipment for small business? I don’t think so. But they would lead you to believe that we want to cut everything. We do not want to give any tax cuts to the wealthy consider our teachers, who pay out-of-pocket expenses for the classroom, that they
ought to not have the tax deductibility for that? That is going to end December 31.

Mr. INHOFE. Parliamentary inquiry. The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. INHOFE. I believe the pending amendment is the Inhofe amendment. If I may beg the indulgence of the Senator from Iowa, if I could go ahead and conclude my remarks on my amendment and respond to the Senator from North Dakota, he could go back on the reconciliation bill and finish his remarks.

The PRESIDING OFFICER. The Senator from Oklahoma may reclaim the time that he yielded the Senator from Iowa.

Mr. INHOFE. I don’t want to do it unless the Senator from Iowa agrees, because his remarks are excellent. If I could finish, it would be a matter of a couple minutes, and then you could get back on the reconciliation bill, if that would be acceptable to the Senator from Iowa.

Mr. GRASSLEY. Go ahead. You interfered with me. Go ahead.

Mr. INHOFE. Mr. President, let me go ahead and conclude.

First, I have a great deal of respect for the Senator from North Dakota, but I disagree with him. Let me point out a couple of things that I believe are not correct.

The Senator from North Dakota said a lot of these amendments were dealing with the same thing. They are not. If you look at them, each one has a subject matter. They are not dealing with the same thing. Secondly, he said they are offset. I would ask the Senator from North Dakota if he can name one that is offset. You can’t because these are not offset. The budget analysts said all of these were not offset amendments. They were amendments that were offered, and they were offered by Democrats. When you add up all the money that is in these amendments that they have offered—I believe most of these were rejected—it would have been an additional half-trillion dollars. It is very clear they are offered by the Democratic Senators.

I started off my remarks by saying we are in a unique situation now. Fortunately, the recession is behind us now. That is not a factor. But this President had to rebuild a military. Then came. He had to get involved in a war. Then we had a couple of disasters that were almost unprecedented. I said at the beginning of my remarks, this is not something we can handle in 1 year or even maybe 2 years. But nonetheless, we have to do something specific to get into this thing and to get this thing done, and there is a way of doing it without overly complicating it. That is my amendment.

I would like to also respond to the Senator from North Dakota in his statement that he disagreed with the Senator from Iowa; they say over and over again that we want to have tax cuts, as if you are cutting revenues when this happens. There was a very great President of the United States that was elected in 1960. His name was John Kennedy. John Kennedy, in 1962, said—and these are his exact words; I don’t have to read it because I memo-

ized it: We have serious problems in this country, and you have to either have to raise taxes or have to increase revenue. If you want to increase revenue, then you have to reduce marginal rates, and that will happen. He reduced marginal rates and, sure enough, the revenues did increase. Then President Reagan in 1980. President Reagan started the 8-year period that had the greatest mar-
ginal rate tax cuts of any 8-year period in the history of America. If you take the total amount of money and add up the marginal rate tax cuts in 1980, it was $244 billion. In 1990, it was $466 billion and almost doubled in that decade that was the greatest number of tax cuts in the history of this country. I know Democrats don’t like to cut taxes. But if you can increase revenue by cutting taxes, we have proven over and over again. It happened after World War I. It happened during the Kennedy administration. It happened during the Reagan administration, and it has already happened during the Bush 2 administration.

We can sit around and talk about these things. The bottom line is, if we want to do something about it, there is going to be a vote. You will have a chance to register your belief as to whether you want to do something about the deficit. It has already been suggested there will be a budget point of order. That is fine with me. That means there has to be 60, instead of a majority, to get it passed. At least at that time, when that vote takes place, the American people will know who in this Chamber is serious about reducing the deficit, about cutting spending.

With that, Mr. President, that is the argument I make on my amendment. I look forward to getting a vote at the appropriate time, whether it is a vote on my amendment or a vote on a budget point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the very able Senator from Oklahoma has asked me for a list of the amendments that were offered on the Democratic side that were offset. He asked me to name one.

Mr. INHOFE. Up here.

Mr. CONRAD. Yes, from that list, I won’t name one. I will name 10. The Bingaman amendment on education, completely and totally offset; the Stabenow amendment on first responders, completely and totally offset; the Byrd amendment on Amtrak, completely offset; the Akaka amendment on veterans, completely offset; the Harkin amendment on education, completely offset; the Kennedy amendment on education, completely offset; the Dayton amendment on IDEA, completely off-

set; the Dorgan amendment on tribal programs, completely paid for; the Biden amendment on COPS, completely paid for; the Byrd amendment on transit highway, completely paid for, offset.

That chart is a total and complete combination of tax increases. These are budget resolution matters I have talked about where the combined effect of Democratic amendments was to reduce the deficit $57 billion because they were offset.

Beyond that, those amendments were not offered as a package. They were of-

fered individually. So they would offer an amendment. The amendment was defeated. The money was still available for a different amendment. To then add them up and multiply it by 5 and forget about the offsets and put out a chart here on the Senate floor that suggests that is a fair representation is way beyond the pale.

Mr. INHOFE. Will the Senator yield? First of all, I did yield the floor. I don’t have the floor anymore. But I am not going to be able to stay. I would like to respond to some of the things you have said as you progressed further. Would you yield to allow me to do so?

Mr. CONRAD. I would.

Mr. INHOFE. I appreciate that very much. First of all, I have been told by the budget analysts that, in fact, they were not offset. Some of them proposed tax increases. You could call that an offset. I don’t. That is increasing taxes to do it.

Mr. INHOFE. I am getting off center from the purpose of my amendment. My amend-

ment does something specifically that you can’t argue against. You are either for or against it. As I look at these, these are specific amendments. It shows the amount, what the amend-

ment does, and the years that would be affected. So it is true that that would be over a 5-year period because that is what the amendment was for. But if you take that on to the end of it.

Mr. CONRAD. Will the Senator yield?

Mr. INHOFE. Your amendment to me. Let me finish here. It would actually be over $1 trillion, if you carried it out to the end of a 10-year period. I under-

stand what you are saying about 1 year and that is fine.

Mr. CONRAD. There is no merit to that chart. There just isn’t.

Mr. INHOFE. These are all specific amendments.

Mr. CONRAD. I have the floor now, Senator. Let’s be factual here. That chart is a complete concoction. That is all there is to it. That takes amend-

ments that were offered for 1 year, multiplies them by 5, That is false.

Beyond that, those amendments were not offered as a package. They were of-

fered individually. So they would offer an amendment. The amendment was defeated. The money was still available for a different amendment. To then add them up and multiply it by 5 and forget about the offsets and put out a chart here on the Senate floor that suggests that is a fair representation is way beyond the pale.
In the budget resolution, we offset our amendments. We paid for them. That is an offset. When you pay for things around here, that is an offset. I know that is a new idea around here, but that is what we are offering in our amendment. We paid for it. We say, you can have new tax cuts. The Senator from Iowa says, we are going to kill all the tax cuts. No, we are saying if you want more tax cuts, you have to pay for it. If you want more spending, you have to pay for that. That is what that pay-go is about. That is what Democrats have offered in this fight. We have offered the pay-go amendment. It used to be in place. We used to have it. We used to have that authority. We used to have that budget discipline. If you want new tax cuts, pay for them. If you want new spending, pay for it.

In addition to the fact that I listed 10 amendments that were offset that don’t show up on their chart as offset, that chart is based on every single one of those amendments. In addition to that, they have taken 1-year appropriations amendments and multiplied them into 5-year amendments. Please, those weren’t our amendments. Those are a concoction of what our amendments were.

I hate to say this, but our friends have lost sight of the fact that they are in control. These deficits and debt didn’t just happen when the Democrats were in control. Our friends control the White House. They control the Senate. They control the House of Representatives. They have been in power since 2000. And the debt of the country has gone up from $5.7 trillion to $7.9 trillion. And the budget that is being considered—and this legislation is part of that package—it is going to go up to $11 trillion.

They have raised the debt of this country in 6 years by almost $6 trillion. For every dollar of spending that your side has been in control. Every dime of this spending occurred on your watch. Every dime of this increase in debt is your responsibility. These have been your budgets. These have been your decisions. These have been your deficits and your debt. You have stacked it up on the American people. I repeat: It took 42 Presidents, 224 years to run up a trillion dollars of excess debt. I repeat: It took 42 Presidents, 224 years to run up a trillion dollars of excess debt. It exceeded it in 4 years. The deficit in our country has gone up to $11 trillion.

Mr. President, these deficits are not free lunches. We have to pay them year by year. And how are we paying for them? Well, we are borrowing billions of dollars from Japan and China. Right now, Japan and China hold almost $1 trillion, $1 trillion of our national debt. And it is growing each and every year. Not only do taxpayers have to pay in the future for all of this debt, we have already increased the deficit by $31 billion. America expects us to do better than that. Most Americans might wonder why are we increasing the deficit when we already have the largest deficit in the history of the country. We are fighting wars in Afghanistan and Iraq, and we must help to pay for the rebuilding of the Gulf coast for all of those who have lost so much. Since 2001 when we had the largest surplus in history, we have taken a fiscal U-turn, and now we have the largest deficit in history, putting us back in the days of gloomy fiscal policies in the 1980s and early 1990s.

It is important to know there was a choice at that point, as our leader and the race of the aisle has indicated. When I started in the Budget Committee in 2001, we had the largest budget surplus in the history of the country. We had two choices. We could do what we are proposing at this time: take a third of that for stimulating investment in jobs, take a third of that in tax cuts to spur the economy, a third of that for strategic investments to spur the economy through education, innovation, technology, and the economy, and a third of that we wanted to put aside to pay down the debt and to keep Social Security secure. Instead, what happened. Our Republican colleagues rejected our approach, and now we have the largest deficits in the Nation’s history due to the fact that all of it was put into a supply-side economics tax cut geared to the wealthiest among us at the expense of all of the rest of America.

Mr. President, these deficits are not free lunches. We have to pay them year by year. And how are we paying for them? Well, we are borrowing billions of dollars from Japan and China. Right now, Japan and China hold almost $1 trillion, $1 trillion of our national debt. And it is growing each and every year. Not only do taxpayers have to pay in the future for all of this debt, we have already increased the deficit by $31 billion. America expects us to do better than that.

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down on trade violations, currency manipulation, counterfeit auto parts, and stealing our patents has had a profound impact on our losing jobs in Michigan. They are all related because of our policies in terms of the national debt affecting our inability to, in fact, enforce our trade rules.

We can do better than that. Together, America can do better than this. We can get our fiscal house in order and get tough with our trading partners when playing by the rules. The reconciliation bill, unfortunately, will hurt working families in Michigan. For seniors who have worked hard their entire lives, they will see their most basic services cut. For some working single-parent families, they will see their health insurance cut. For hard-working family farmers, their livelihoods will be put in jeopardy.

With so many working families losing health insurance or paying more for less, I worry about our inability to get our fiscal house in order. We have to get tough on trade. The President's approach to governing is that you are on your own—no matter what the issue. We believe that all families need jobs, health care, quality schools and a secure pension.

The Republican approach is that you are on your own. If you lose your job, you are on your own. If your premiums rise 13 percent, you are on your own. If your schools are not performing well, you get a school voucher. And if your pension is threatened, you can try to get some of it back from the PBGC.

Mr. President, can we do better? Together, we can create good jobs, maintain our middle class way of life and get our country back on track. But this budget will take us in the wrong direction.

I urge my colleagues to oppose it. The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think the time has expired on our side. I am prepared to yield back. Things are getting a little redundant. I stand by this position.

The amendment is good. There are all sorts of ways to attack that. The Senator from Florida [Mr. NELSON], for himself and Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mr. RIEI, and Mr. KENNEDY, opposes an amendment numbered 2367.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. The amendment is as follows:

(Purpose: To hold Medicare beneficiaries harmless for the increase in the 2007 Medicare monthly part B premium that would otherwise occur because of the 2006 increase in payments under the physician fee schedule)

On page 268, between lines 10 and 11, insert the following:

(d) PREMIUM TRANSITION RULE.—

(1) 2006.

(A) PREMIUM.—Nothing in this section shall be construed as modifying the premium previously computed under section 1393 of the Social Security Act (42 U.S.C. 1395r) for months in 2006.

(B) GOVERNMENT CONTRIBUTION.—In computing the amount of the Government contribution under section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)(1)) for months in 2006, the Secretary of Health and Human Services shall compute and apply a new actuarially adequate rate per enrollee age 65 and older under section 1395w(a)(1) of such Act (42 U.S.C. 1395w(a)(1)) taking into account the provisions of this section.

(2) 2007.

(A) PREMIUM.—The monthly premium under section 1393 of the Social Security Act (42 U.S.C. 1395r) for months in 2007 shall be computed as if this section had not been enacted.

(B) GOVERNMENT CONTRIBUTION.—The Government contribution under section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)(1)) for months in 2007 shall be computed taking into account the provisions of this section, including subparagraph (A).
Our seniors simply cannot afford an increase in the form of a question. Will the Senator from New Hampshire be surprised to know that instead of a cut, that means that in order to pay that out of their pockets, I believe we all agree we can fix the physician payment rate without increasing the Part B premiums.

Another part of this reconciliation bill gives physicians a 1-percent payment update in 2006. This would avert what would be very unfortunate for physicians—a 4.3-percent cut under the sustainable growth rate formula used to update physician payments. I have supported and I continue to support improving the reimbursement rates for Medicare physicians. Without action in this area, we are going to continue to see individuals and communities underserved because no quality providers, including physicians, are going to be available to offer these services if they get cut.

However, when the cost of physician care goes up, the Medicare Part B premium under the law must rise to cover it. Any change Congress makes to increase physician payment rates under reconciliation will be reflected in a beneficiary premium for senior citizens for Medicare Part B in 2007.

Under the current law, if the physicians are going to get the increase instead of a cut, that means that in order to pay that under the current law, the senior citizens are going to have to increase their Part B Medicare premium payments by approximately $1 billion. In response, what we are offering to do in this amendment is protect our seniors, for this would exclude from the Part B premium the cost of the reconciliation package payment increase for physicians. Senior citizens would be held harmless from the effect of the reconciliation package and would, therefore, not see an increase in their premiums due to this physician fix, and it is going to keep the physician fix in place by increasing their reimbursements.

This amendment is revenue neutral. How is it paid for? Where is the offset? It is paid for by providing lower prescription drug prices for Medicaid’s HMOs. This amendment would help to ease the financial burden on our parents and grandparents without harming the physicians who serve them. We have to offset for these grandparents and parents who are on fixed incomes. I hope we are going to get some bipartisan support. I urge all of our colleagues to join me in this effort to protect our Nation’s senior citizens. Mr. President, I am been waiting for quite a while to offer this amendment. I said that I was going to be less than 10 minutes, but the import of this amendment is far beyond the time I have used to offer the amendment tonight. I yield the floor.

Mr. GREGG. Mr. President, first, I appreciate the Senator from Florida being concise in presenting this amendment. I thank him for that and for sticking with the time as was represented. It was appropriate and generous of him.

This amendment, obviously, has an impact on the deficit. It would expand it. As a practical matter, it really has to be put in the context of the overall Medicare adjustments in this bill and in other bills because under the new drug program, seniors will actually see a significant discount. They will save about $5 on their prescription drugs over what was expected.

The Part B premium increase which will occur as a result of this bill will be $1.60. It seems more than reasonable to have structured an agreement where we will essentially allow patients to see doctors because we will be giving them the opportunity to see doctors because the doctors will actually participate in the system, whereas they might well opt out if we cut their pay by 4.3 percent.

Under this bill, of course, we avoid that because the Finance Committee has put together a package which allows us to basically hold doctors harmless. It is reasonable that seniors—we are not talking about low-income seniors here because their entire Part B premium is picked up by the Government. We are talking about middle and high income. Not to pick anybody specific, but Bill Gates’s father, who is probably doing very well, or my mother, for example, has a right to the Part B premium and, therefore, is subsidized by working Americans, people who are in day-to-day jobs, to the tune of 75 percent. It is reasonable that we ask seniors to participate in the Part B premium, as they get the benefit of it, to the extent of 25 percent. This bill simply continues that process while making sure seniors will have access to doctors by basically supporting the initiative of holding doctors harmless from a pay cut.

The underlying bill has some very positive spending initiatives, and one of them happens to be giving more access to more patients who are under Medicare. So I believe we should be supporting this amendment rather than some of the other amendments which will essentially undermine this effort.

Mr. NELSON of Florida. Mr. President, will the Senator yield on this point?

Mr. GREGG. I will be happy to yield for a question.

Mr. NELSON of Florida. I will put it in the form of a question. Will the Senator be surprised to know that instead of it being $1.80, it is more like a $3-
Mr. GREGG. I would be surprised to know that because, as I understand it from a staff, the estimate, as by CMS, is $1.68, but probably this would go right back into the record and find that out. You may be right, CMS may be right.

In any event, the number seems to be reasonable in the context of the benefit being reimbursed for, which is seniors are being asked to pay for 25 percent of the Part B, which is not a great deal compared to what Americans who are working are being asked to pay, which is 75 percent of that.

Mr. NELSON of Florida. Will the Senator yield for another question?

Mr. GREGG. Certainly.

Mr. NELSON of Florida. Given the fact that there are 42 million seniors who would be affected, would the Senator agree with the Senator from Iowa that this is a total of $1 billion that will come out of the pockets of seniors by the increased Medicare Part B premiums?

Mr. GREGG. I would presume the seniors are going to have to pay some of the cost of the Part B premium. As I said, they are paying 25 percent of it. As I note, working Americans are being asked to pay tens of billions of dollars to support that benefit. In many instances, seniors who are receiving the benefits are moderate- and high-income Americans who have higher incomes than those working Americans who are working at a restaurant as servers or who are working on a factory line or working at a garage or who are working in maybe even a minimum wage job and are being asked to bear the burden of the HI insurance costs.

So it does seem reasonable and I think most seniors view it as reasonable that they pay 25 percent of the cost of their Part B premium. Yes, that adds up, but if you look at all the seniors in America—there are a lot of them—to a fairly significant number. So I would agree with that.

Mr. NELSON of Florida. Will the Senator yield for a final question?

Mr. GREGG. I will yield for a final question.

Mr. NELSON of Florida. Since this Senator was disciplined in his comments as promised, would the Senator be surprised that this amendment caused me to get the Part B premium to senior citizens by offsetting what would be the enhanced payment to drug companies under the Medicaid increase that is going to the drug companies when they go over to HMOs?

Mr. GREGG. In response to the Senator, the practical effect of what the Senator is proposing is to change a contractual agreement which the drug companies have already entered into. The effect of that would mean probably you would have fewer people willing to participate in the system and, as a result, seniors would have fewer choices. And I suspect that the practical effect, if the Senator's amendment were to go forward, is that the seniors would have fewer choices.

One of the few advantages of the Part D program, which I still am not all that enamored of, is that it is giving seniors a variety of choices in their drug benefit. As seniors become more educated as to what those options are, they are going to be impressed that there are so many options on the table, and they can tailor their pharmaceutical choices to their needs. If you change the contractual agreements which encourage people to offer that type of opportunity, you obviously are going to undermine the number of options that would be available, in my opinion.

Mr. GRASSLEY. Mr. President, this bill includes a 1.0 percent payment up- date to physicians for 2006. This was done to maintain beneficiary access to physician services. After all what good are Medicare benefits if you can't get in to see a doctor.

Within the bill, the impact on the Part B premium is calculated based on all the provisions that affect Part B. This amendment would only hold the beneficiaries harmless from the impact caused by the physician update.

Other provisions included in the bill would increase Part B spending and there are other provisions that decrease Part B spending—so why should we single out one?

In June, Senator BAUCUS and I sent a letter to the Office of Management and Budget calling for removal of Part B drugs from the physician payment formula. This letter was signed by 87 additional Senators from both sides of the aisle. If the administration were to remove Part B drugs from the formula—it would also increase the Part B premium over a number of years.

This letter did not suggest the need for this amendment. I wanted to point this out to my colleagues who supported this letter.

Some may feel that the Medicare drug premiums along with the Medicare Part B premium may be a significant cost burden to beneficiaries. However, CMS recently announced that Medicare drug premiums will be lower than expected. The average monthly premium will be $32.20. That is $5 less per month than previously estimated.

In fact, I worked hard to extend the QI program so Part B premiums would be covered. Currently, 16 percent of beneficiaries enrolled in Part B receive this assistance and more are eligible.

In addition, a MedPAC survey issued earlier this year found that 22 percent of beneficiaries already had trouble getting an appointment with a new primary care physician and 27 percent reported delays in getting an appointment. Payment cuts to physicians will only make these existing access problems worse.

I am also opposed to the provision used to pay for this amendment. Requiring Medicaid MCO rebate, this amendment would in effect increase the rebate paid by drug manufacturers by making the rebate available to Medicaid managed care plans.

The bill we are considering today increases the rebate paid by drug manufacturers to States through the Medicaid program to 17 percent. The bill also closes a pair of loopholes that have the impact of increasing the rebate.

First, we require the best price of an authorized generic to be considered in the brand name drug's best price calculation. That will have the effect of increasing the rebate.

Second, we require physicians to notify the State Medicaid program of what drugs the physician administers in the office. Under current law, States are permitted to collect rebates on the drugs but nothing in statute requires physicians to disclose that information. As a result, States miss out on the appropriate rebate.

Now I understand my colleague might not think that’s enough, but I would encourage you to look at a CBO report put out this past June examining the price of name brand drugs. That report shows that the effective rebate being paid by drug manufacturers is actually 31.4 percent not 15 percent.

I am also concerned about the substantive implications of your offset. These Medicaid health plans are private businesses that can negotiate low drug prices. I think it runs contrary to this policy; this committee passed in the MMA to allow the plans to negotiate the best deal they can get and then give them a rebate on top of that.

Yes, I do realize the Medicaid Commission accepted your offset in its recommendation, but I am quite certain the Medicaid Commission stamp of approval would not win your support for other proposals we could be considering today. We have looked at this area and come up with responsible policy that addresses loopholes. I don’t think we need to further increase the rebate beyond what is already included in the bill.

Therefore, I urge my colleagues to oppose the amendment and the offset that funds it.

MORNING BUSINESS

NEVADA DAY

Mr. REID. Mr. President, I rise to commemorate an important day in Nevada's history. One hundred and forty-

November 1, 2005
Mr. Moore is retiring as president of the Kentucky Farm Bureau after 7 successful years and will be forever remembered as the Kentucky farmer’s greatest advocate.

Mr. Moore, a native of Butler County, first became involved with the Kentucky Farm Bureau in the late 1960s when he joined the Bureau’s Young Farmer Program. By 1973 he was selected as Outstanding Young Farmer by the Kentucky Jaycees, and he knew he had found his calling in working with and for his fellow Kentucky farmers.

Mr. Moore has served on the Kentucky Farm Bureau’s board of directors since 1975, and will continue to serve in an at-large capacity after his term as president ends. He is also a member of the American Farm Bureau’s board of directors, and holds positions on the boards of the Southern Farm Bureau Life Insurance Company and Farm Bureau BanCorp. He has also served as president of the Kentucky Farm Bureau Mutual Insurance Company.

Mr. Moore has been a leader of the Butler County Farm Bureau and is a member of the American Soybean Association, the Kentucky Beef Cattle Association, and the Kentucky Corn Growers Association. He also serves on the boards of the Kentucky Grain Insurance Fund and the Kentucky Council on Agriculture.

Mr. Moore was elected as the bureau’s president in December 1998 after 7 years of service as its first vice president. Immediately upon assuming office, he was faced with a major change in the tobacco farming industry: the leading tobacco companies and the State governments had reached an agreement called the Master Settlement Agreement, which would place significant funds into the various States’ treasuries.

Mr. Moore was a driving force behind a bill in Kentucky to allocate half of Kentucky’s proceeds from the Master Settlement Agreement—$3.6 billion over 25 years—into a new State fund that would dedicate the money to projects that benefit the State’s agriculture market, encourage environmental stewardship, support family farms, and fund agricultural research and development.

The whole process is overseen by the Kentucky Agricultural Development Board, which Mr. Moore has served on since its inception. Thanks to Mr. Moore and the board’s efforts, Kentucky’s agriculture industry is transforming to meet the needs of more Kentuckians.

But perhaps Mr. Moore’s crowning achievement is his pivotal role in engineering the tobacco buyout of 2004. I worked side by side with Mr. Moore in that effort, and can testify that his hard work and dedication to moving that project through was critical to our success.

Thanks to Mr. Moore’s efforts, Congress passed and the President signed a tobacco buyout bill that will guarantee $2.5 billion to Kentucky farmers and their families over the next 10 years. Farmers now have the opportunity to explore other areas of agriculture, free from the restraints the government placed on tobacco farming for so long. Nothing was more important to Sam’s Kentucky Farm Bureau members—and so Sam worked long and hard, until he delivered.

Sam is the co-owner of the Green River Feed Mill and also serves as a director of Morgantown Bank & Trust. He farms over 1,300 acres, producing corn, soybeans, wheat, and cattle. He and his gracious wife Helen have six wonderful children.

Sam has dedicated decades of his life to farming and his fellow farmers because he loves farming so much. He has made a lot of friends across the State over the years, and I am proud to be one of them. Any friend of Sam Moore will tell you he spent his entire career with the Kentucky Farm Bureau thinking only of what was best for his members.

Mr. President, I ask my colleagues to join me in commending Mr. Sam Moore for his years of service to Kentucky.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 7, 2005, Robert Martin, an openly gay man, was found severely beaten at an abandoned school in Ashburn, GA. Before the beating Martin was being taunted about his sexual orientation by the man who later attacked him. That man, whom Robert Martin is still being sought by police. I believe that our Government’s first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

S1123
There being no objection, the material was ordered to be printed in the Record, as follows:

H. CON. RES. 8 — February 28, 2005 — Mr. Carper. Mr. President, when I was governor of Delaware I was guided by a principle I learned years ago—if something is worth doing, it's worth trying to follow. In fact, sometimes it's quite difficult.

The principle of paying for the things that are worth doing is not always easy to follow. In fact, sometimes it's quite difficult.

It's especially difficult when we face the choice of how to fund important programs that we know provide vital services.

The Low-Income Home Energy Assistance Program, LIHEAP, is one of these important programs.

I believe that LIHEAP is worth funding and I think it's worth paying for.

And we need to pay for it because we are now in the unfortunate situation of having been saddled with record budget deficits for as far as the eye can see.

Unfortunately, more often than not, the current administration has shown us the opposite of good fiscal leadership. Instead of sticking to the motto: “If it’s worth doing, it’s worth paying for,” this administration has chosen to cut taxes and increase spending more than any other administration in the past 30 years. The result: record budget deficits and a bleak fiscal outlook.

This administration has turned the largest budget surplus in history into the largest deficits in history.

It is for these reasons that we must consider how to pay for increased funding for this vital program and for others as well.

The Labor, Health and Human Services and Education Appropriations Subcommittee took an important step toward providing adequate LIHEAP funds by including $2.183 billion in their fiscal year 2006 committee-reported bill. This represents a small increase over last year’s funding levels. This is a good starting point.

However, we know that energy prices are rising and household heating bills will rise accordingly this winter. According to the U.S. Energy Information Administration, consumers who heat their homes with natural gas prices—about 55 percent of U.S. households—expected to see their bills rise by 48 percent this winter. Those who heat with oil will pay 32 percent more, those who heat with propane will pay 30 percent more, and those who heat with electricity will pay 5 percent more.

For that reason, I contacted the Appropriations Committee in September to express the need for increased funding. I urged that they provide $1.276 billion in emergency LIHEAP funding as part of a comprehensive supplemental appropriations bill to address Hurricane Katrina and the effects it has had on energy production and the cost of energy for U.S. consumers. This additional funding would provide an approximately 60 percent increase over fiscal year 2005 levels.

Unfortunately, we have not yet had the opportunity to consider a Katrina supplemental and during the week of October 24, 2005 we were faced with the prospect of how to fund important programs such as LIHEAP as part of the Labor, Health and Human Services and Education appropriations bill.

I am not comfortable supporting a $3.1 billion increase in LIHEAP funding if it is not offset by either a reduction in spending or an increase in revenues. I believe that we can increase funds for LIHEAP, but I also believe that we need to pay for it.

As a result, I worked with my colleagues, Senator Ben NELSON to search for ways to achieve enough savings to pay for additional funding for the LIHEAP program in fiscal year 2006.

Senator NELSON and I filed an amendment on October 26, 2005 to increase LIHEAP funding by $1.6 billion in fiscal year 2006. This would provide a 73 percent increase in funding over fiscal year 2005 levels. The increase would be offset with $1.6 billion from three tax provisions that either close tax loopholes or clarify and bring greater consistency to current law. We believe that these offsets are balanced—all three have gained support in the Senate in the past—and we believe that our colleagues could support their use as an offset for the LIHEAP program.

I would like to ask even more funding to LIHEAP, but with the offsets Senator NELSON and I were able to identify, we were able to file an amendment that would increase funds by $1.6 billion.

Unfortunately, we did not have the opportunity to vote on the Carper/Nelson amendment during consideration of the fiscal year 2006 Labor, Health and Human Services and Education Appropriations Act. FREEZING THE ACCOUNTS OF THE NORTHERN BOSNIAN ARMY WOULD ALSO REQUIRE A SPEEDY AND SUBSTANTIAL INCREASE IN THEIR FINANCIAL COMMITMENTS. THE U.S. SPECIFICALLY NEEDS TO INCREASE THE PRESSURE WHERE IT FELT THAT OUR ALLIES MEET THE PLEDGES THEY HAVE MADE TO THE AU.
HUMAN SERVICES AND EDUCATION APPROPRIATIONS BILL

I know that it will be important to continue to work on the Human Services and Education Appropriations Bill for the 114th Congress. I know that the Senate Appropriations Committee will continue to work on this bill as well.

If you have any questions or need more information, please do not hesitate to contact my office.

Sincerely,

[Your Name]

Bill O'Neill
ANNOUNCING THE BIRTH OF GRIFFIN MACK LUGAR

Mr. LUGAR. Mr. President, Char and I want to share with all of our colleagues and friends the joyous news of the birth of Griffin Mack Lugar on October 26, 2005, at Sibley Memorial Hospital in Washington, DC. Griffin was a healthy 8 pounds at birth. His parents are our son, John Hoeneth Lugar, and his wife, Kelly Smith Lugar, daughter of Robert Lee Smith and Renee Routon Smith. Griffin was born at 8:13 p.m. and within the next hour, John’s brother, David Lugar, joined Char and me in the hospital room to see a very healthy newborn baby and to congratulate John and Kelly and to share their joy during this momentous day. The next day, Griffin met his brother, Preston Charles Lugar, who was born at Sibley Memorial Hospital on February 20, 2004. The two boys and their parents are now safe and healthy in their Arlington, VA, residence.

Kelly and John were married on November 5, 2001, in the Washington Cathedral with Dr. Lloyd Ogilvie, former Chaplain of the Senate, presiding. They and their families and guests had enjoyed a rehearsal dinner in the Mansfield Room of the Capitol on the night before the wedding. Kelly worked with many of our colleagues during her service to the administration of President George Bush and our former colleague, Secretary of Energy, Spencer Abraham, as Deputy Assistant Secretary with responsibilities for congressional relations. She now has a private consulting business. A graduate of the University of Texas, she was once a member of the staff of Congressman Ralph Hall of Texas. John Lugar came with us to Washington, along with his three brothers, 28 years ago. He graduated from Langley High School in McLean, VA; Indiana University, and received his masters of business administration degree from Arizona State University. He is currently a vice president with Jones Lang LaSalle, a commercial real estate services and investment management firm.

We know that you will understand our enormous pride and our gratitude that they and we have been given divine blessing and responsibility for a glorious new chapter in our lives.

MERCER COUNTY DRUG FREE COMMUNITY SUPPORT PROGRAM

Mr. ROCKEFELLER. Mr. President, I rise today to recognize the Mercer County Drug Free Community Support Program. The program provided initiatives towards fighting substance abuse, developing links between the community and its leaders in helping to educate the public, and allow young citizens the opportunity to help their peers. They have received numerous awards for their work in helping the citizens of Mercer County deal with problems they may encounter daily, be it alcohol, prescription drugs, or illegal substances. The county has received a prestigious national award for its efforts, and deserves acknowledgment and praise for this accomplishment.

Recognizing the importance that this program brings to the community is important; America’s Promise, the Alliance for Youth announced that Mercer County is the winner of a national award to identify the 100 Best Communities for Young People; the award shows the true extent of the value of such programs as the Mercer County drug-free program, helping communities create better lives for the people who live in areas afflicted by substance abuse, and the problems arising from drug abuse. The 100 Best Communities for Young People celebrates outstanding projects across the country that improve the well-being of our young citizens. Mercer County truly deserved this award for its efficient and pioneering ways of dealing with social problems and substance abuse.

Mercer County has put in place community programs that help teens learn about problems arising from drug abuse, social misconduct, and other related issues. One particular project which deserves praise is the "teen court" in which offenders are judged by their peers. The Mercer County Teen Court was designed to provide youth with the necessary tools to demonstrate the power they have, individually and collectively, to influence others and make positive changes in their own lives and in their community. The teen court is especially effective in allowing teens the chance to see what problems have arisen from their unpreventable behavior and to be given a punishment fitting to the crime handed out by their own peers.

As a Vista volunteer in 1964, I realized the importance of community work in combating poverty, helping individuals, and low-income neighborhoods make positive changes for themselves and their communities. The Mercer County Drug Free Community Support Program is also part of the Creating Opportunities for Youth coalition, and those of us who work hard creating a strategy to address the problematic behaviors plaguing our children and youth in the community.

The organization plays a vital role in helping young citizens avoid the dangers of substance abuse; government grants and awards have allowed the program to set up successful workshops that deal with educating youngsters and parents alike. It is, in effect, a leading community source for prevention and awareness of substance abuse, and parents alike. It is, in effect, a leading community source for prevention and awareness of substance abuse, and parents alike.

It is a good, safe place to live, work, and raise children.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register an order continuing this emergency; the President issued such an order on November 3, 1997, continuing this national emergency in effect beyond November 3, 2005. The most recent notice continuing this emergency was published in the Federal Register on November 2, 2004 (69 FR 63915).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH

THE WHITE HOUSE, November 1, 2005.

MESSAGE FROM THE HOUSE

At 10:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks,
announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 61. Concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

ENROLLED BILL SIGNED

At 6:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3765. An act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was referred, as indicated:

S. 1803. A bill to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community, the National Intelligence Program, the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs pursuant to section 3(b) of S. Res. 400, 94th Congress, as amended by S. Res. 445, 108th Congress, for a period not to exceed 10 days of session.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4480. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations for Marine Events (including 5 regulations): [CGD05–05–105], [CGD05–05–107], [CGD13–05–009], [CGD05–05–096], [CGD05–05–098]” received on October 25, 2005, to the Committee on Commerce, Science, and Transportation.

EC–4481. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drain-bridge Operation Regulations; Knapps Narrows, Maryland’’ (RIN1625-A-A08) received on October 25, 2005, to the Committee on Commerce, Science, and Transportation.

EC–4482. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting pursuant to law, the report of a rule entitled “Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Waiver of Fees’’ (RIN1010–AD27) received on October 31, 2005, to the Committee on Energy and Natural Resources.

EC–4483. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Regulations Implementing Pre-Filing Procedures for LNG Terminals and Other Natural Gas Facilities’’ (Docket No. RM05–31–000) received on October 31, 2005, to the Committee on Energy and Natural Resources.

EC–4484. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to section 16(b) of the Antideficiency Act, a report of a violation of the Antideficiency Act by the Department of the Air Force, case number 03–03, relative to the Ogden Air Logistics Center, Hill Air Force Base, Utah; to the Committee on Appropriations.

EC–4485. A communication from the Deputy General Counsel, Government Contracting/Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled “The Naphthalenedisulfonic Acid, 5-[4-chloro-6-[2-[4-(2-hydroxy-ethyl)amino]carbonyl]phenyl]-azo-4-hydroxy-3-[4-phenyl-2-naphthalenyl]azo]-4-tetrasodium salt; to the Committee on Finance.

EC–4486. A communication from the Deputy General Counsel, Office of HUBZone Empowerment Contracting, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled “Allowance of Benefits Payable in Terminated Single-Employer Plans: Allocation of Assets in Single-Employer Plans; Interest Assumptions for Employer Plans; Allocation of Assets in Single-Employer Plans; Valuing and Paying Benefits’’ (29 CFR Parts 41 and 424) received on October 31, 2005, to the Committee on Small Business and Entrepreneurship.


EC–4488. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medical Devices; Immunology Regulations; Establishment of Exemptions in the Case of Medical Devices with Respect to the Taxonomy of AFP-L34 Immunological Test Systems’’ (Docket No. 2006S–0031) received on October 31, 2005, to the Committee on Health, Education, Labor, and Pensions.

EC–4489. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Cold, Cough, Allergy, Bronchodilator, and Antihistaminic Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph for Over-the-Counter Nasal Decongestant Drug Products’’ (RIN0101–AP34) (Docket No. 2004N–0289) received on October 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced:

S. Res. 445. A bill to extend the temporary suspension on duty on 1-Methoxy-2-propanol in solvent; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1942. A bill to suspend temporarily the duty on 1-Methoxy-2-propanol in solvent; to the Committee on Finance.

By Mr. LUGAR:

S. 1943. A bill to extend the temporary suspension on duty on 1,5-Naphthalenedisulfonic acid, 2-[4-(2-ethyl)aminocarbonyl]phenyl]azo-4-hydroxy-3-[4-(2-hydroxyethyl)amino]-5-fluor-1,3,5-triazin-2-yl]aminio]-1-hydroxy-3-[4-(2-hydroxyethyl)amino]-5-fluor-1,3,5-triazin-2-yl]aminio]-1-hydroxy-3-[4-(2-hydroxyethyl)amino]ethyl]amino]-4-tetrasodium salt; to the Committee on Finance.

By Mrs. LINCOLN:


By Mr. SUNUNU (for himself, Mr. DURBIN, Mr. VITTER, Mr. KERRY, and Mr. PRYOR):

S. Res. 447. A bill to amend chapter 21 of title 38, United States Code, to authorize housing assistance for disabled veterans; to the Committee on Veterans’ Affairs.

By Mrs. CLINTON (for herself and Mr. SUNUNU):

S. Res. 448. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself and Mr. OBAMA):

S. 1949. A bill to provide for coordination of proliferation interdiction activities and conventional arms transfer dispositions, and for other purposes; to the Committee on Foreign Relations.
By Mr. LUGAR:
S. 1526. A bill to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS
S. 763
At the request of Mr. ALLEN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 763, a bill to amend the International Trade Act of 1988 to require that goods that are hazardous to the environment be subject to trade sanctions, and to the Committee on Foreign Relations.

S. 1184
At the request of Mr. SCHUMER, the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1184, a bill to require ratification of the Strategic Arms Reduction Treaty, and to the Committee on Foreign Relations.

S. 1312
At the request of Mr. SCHUMER, the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1312, a bill to require the President to report to the Congress on the effect of the Iran Nuclear Agreement, and to the Committee on Foreign Relations.

S. 1120
At the request of Mr. REID, the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1120, a bill to prohibit the United States from joining the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Committee on Foreign Relations.

S. 1950
At the request of Mr. BROWNBACK, the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1950, a bill to require the President to report to the Congress on the impact of the Iran Nuclear Agreement, and to the Committee on Foreign Relations.

S. 1122
At the request of Mr. SCHUMER, the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1122, a bill to require the President to report to the Congress on the effect of the Iran Nuclear Agreement, and to the Committee on Foreign Relations.

S. 1132
At the request of Mr. REID, the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1132, a bill to prohibit the United States from joining the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Committee on Foreign Relations.

S. 1800
At the request of Mr. SNYDER, the Senator from New York (Mr. SNYDER) was added as a cosponsor of S. 1800, a bill to require the President to report to the Congress on the effect of the Iran Nuclear Agreement, and to the Committee on Foreign Relations.

S. 1194
At the request of Mr. SCHUMER, the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1194, a bill to prohibit the United States from joining the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Committee on Foreign Relations.

S. 1112
At the request of Mr. SCHUMER, the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001, and to the Committee on Finance.
At the request of Mr. McCaIN, the name of the Senator from Nebraska (Mr. HagEL) was added as a cosponsor of S. Res. 293, a resolution calling for a free and fair presidential election in the Republic of Kazakhstan.

At the request of Mr. Nelson of Florida, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. Bayh, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of amendment No. 1958 to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Sununu (for himself, Mr. DurbIn, Mr. Vitter, Mr. Kerry, and Mr. Pryor)

S. 1947. A bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans; to the Committee on Veterans' Affairs.

Mr. Sununu. Mr. President, today I introduced the "Specially Adapted Housing Grants Act of 2005" to help all disabled veterans move home from medical facilities. The bill upgrades eligibility criteria for housing assistance grants to better reflect the needs of today's veteran community.

Before discussing the legislation's merits, I want to acknowledge my House colleague, Representative John BoozMan of Arkansas, who serves as Chairman of the Veterans' Affairs Subcommittee on Economic Opportunity. Congressman BoozMan has demonstrated real leadership on this issue through his bill, the "Veterans Housing/Improvement Act of 2005," H.R. 3665. Section 101 of Congressman BoozMan's bill is almost identical to the measure that I have sponsored. The House Veterans' Affairs Committee recently approved his legislation, and the full House is expected to consider the bill in the near future. I am grateful to Congressman Boozman for his considerable efforts to advance a measure that will help improve the lives of many disabled veterans, and I am happy to advance his efforts here in the Senate with this bill.

I appreciate the support of my Senate colleagues, Senators Durbin, Vitter, Kerry and Pryor, who have added their names as original cosponsors of the "Specially Adapted Housing Grants Act of 2005." Their endorsement of this bill represents bipartisan agreement on Capitol Hill that we must constantly evaluate veterans programs to make certain that our Nation provides responsive support to veterans.

While representing New Hampshire in the House and Senate, I have worked to ensure that those who served in our armed services receive their hard-earned benefits quickly and in full. Too often, out-of-date and burdensome regulations deny qualified veterans from receiving the benefits to which they are entitled. Whenever possible, it is imperative that we remove red tape that does not take into account the realities faced by today's veterans.

Guided by these facts, I have introduced legislation to reform rules that governing the Department of Veterans Affairs (VA) grants program that helps many disabled veterans make their homes suitable for occupancy. Currently, a disabled veteran must at least partly own his or her residence to qualify for assistance grants to perform necessary residence modifications, such as installing wheelchair ramps or railings. However, many younger veterans returning from Iraq and Afghanistan have no opportunity to become homeowners. Being ineligible for VA help to modify their homes, these veterans and their families often are compelled to either shoulder the costs of retrofitting their residences or face extended stays in VA medical facilities.

My bill would establish a 5-year pilot program to allow severely disabled veterans who live temporarily with family to receive up to $10,000 in adaptive housing grants. Households of severely disabled veterans could receive a maximum of $2,000. This grant money will help ensure that all disabled veterans—regardless of whether they own property—are able to leave hospitals and return home as quickly as possible. Also, many of these individuals will likely purchase their own residence, the bill would allow disabled veterans to receive two additional Special Adapted Housing Grants to be used at the time of purchase; not for retrofitting. Severely disabled veterans could receive a total of $50,000 to modify residences; less severely disabled veterans would be eligible for a total of $10,000. Only one of the three total grants could be used for a temporary residence, such as a family-owned home.

America's veterans have made enormous sacrifices to protect our Nation and the ideals for which it stands. Our country owes a special obligation to those men and women who have dedicated their life to our service. Under no circumstances should these American heroes be divided into groups of "haves" and "have nots."

This Nation can do no less than to ensure that all disabled veterans are returned to the normalcy of home life as quickly and comfortably as possible. The common sense changes put forth in the legislation I have introduced aim to do just that, and I look forward to working with my colleagues in the House and Senate to ensure that its provisions become law as soon as possible.

By Mrs. Clinton (for herself and Mr. Sununu)

S. 1948. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. Clinton. Mr. President, today I am introducing The Cameron Gulbransen Kids and Cars Safety Act of 2005 with my colleague Senator Sununu, a bill to improve the child safety features in new vehicles. This bill is named after a 2 year old Long Island boy who was killed when his father accidentally backed over him. Although this effort will save little Cameron, it is named in his honor and aimed at preventing other families from suffering the same fate.

I also want to thank my friend and colleague, Congressman Peter King for sponsoring this issue in the House of Representatives.

While we hear a great deal about automobile accidents, we don't hear nearly as much about non-traffic automobile accidents, which can be just as tragic.

Since 1999, close to 975 children have died in non-traffic, non-crash incidents. This translates into a death almost every other day. The average age of victims in these cases is just 1 year old. And in 70 percent of backover cases, a parent, relative or close friend is behind the wheel.

As of October 15th of this year, there have been 317 non-traffic incidents resulting in ER treatment—tragically, 188 resulted in fatalities. New York State alone has suffered over 60 non-traffic incidents, 15 of them fatalities. These tragedies are heart-wrenching, not only due to the unimaginable suffering these families endure, but also because they are preventable.

The Cameron Gulbransen Kids and Cars Safety Act makes all passenger motor vehicles safer in three important ways. First, it requires a detection system to alert drivers to the presence of a child behind the vehicle. This system will prevent backing up incidents involving death and injury, especially to small children and the disabled. Second, it will ensure that power windows automatically reverse direction when the system detects an obstruction—preventing children from being trapped, injured or killed when playing with power car windows. And finally, the bill will require the vehicle service break to be
engaged in order to prevent vehicles from unintentionally rolling away. Just as important, this bill will help parents by making them more aware of the dangers their vehicles pose to kids. Our legislation establishes a child safety information program to collect and distribute information in a format that is easy to understand and that can be easily understood by parents about how to keep their kids safe in this great country. Together, we can make cars and kids safer in this great country.

I ask unanimous consent that the text of the remarks Senator OBAMA and I made this morning at the Council on Foreign Relations regarding this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

STATEMENT OF SENATOR OBAMA ON THE INTRODUCTION OF THE COOPERATIVE PROLIFERATION DETECTION, INTERDICATION, ASSISTANCE, AND CONVENTIONAL THREAT REDUCTION ACT

Mr. President, I am pleased to join Senator Lugar in introducing the Cooperative Proliferation Detection, Interdiction Assistance, and Conventional Threat Reduction Act.

Earlier today, Senator Lugar and I appeared at the Council on Foreign Relations to discuss our recent trip to Russia, Ukraine, and Azerbaijan and talk about this new piece of legislation.

Now, few people understand these challenges better than the co-founder of the Cooperative Threat Reduction Program, Senator Lugar, and this is something that became particularly clear to me during one incident on the trip.

We were in Ukraine, visiting a pathogen laboratory in the middle of the capital city, which is a city of two and a half million, and in a non-descript building right in the middle of town stood this facility that once operated on the fringes of the Soviet biological weapons program. We entered through no fences or discernible security, and once we did, we found ourselves in a building with open first-floor windows and passageways that many of us would not use to secure our own luggage.

Our guide then brought us right up to what looked like a mini-refrigerator. Inside, staring right up at us were rows upon rows of test tubes. She picked them up, clanked them around, and we listened to the translator explain what she was saying. Some of the tubes, she said, were filled with anthrax. Others, the plague.

At this point I turned around and said, "Hey, where's Lugar? Doesn't he want to see this?" I found him standing about fifteen feet away, all the way in the back of the room. He looked at me and said, "Been there, done that."

Of course, Senator Lugar has been there and he has done that, and thanks to the Cooperative Threat Reduction Programs he co-founded, we've made amazing progress in finding, securing, and guarding some of the deadliest weapons that were left scattered throughout the former Soviet Union after the Cold War.

As we discussed with the Council on Foreign Relations, this is one story that shows our job is far from finished at a time when demand for these weapons has never been greater.

Right now, rogue states and despotic regimes are looking to begin or accelerate their own programs. As we speak, members of Al Qaeda and other terrorists organizations are aggressively pursuing weapons of mass destruction, which they would use without hesitation.

We've heard the horror stories—attempts by rogue states to recruit former Soviet weapons scientists; terrorists shopping for weapons on the open market. Some weapons experts believe that terrorists are likely to find enough fissile material to build a bomb in the next ten years—and we can't allow that to happen.

Today, experts tell us that we're in a race against time to prevent this scenario from unfolding. As we work to secure our own nuclear, chemical, and biological weapons within the borders of the former Soviet Union that represent the greatest threat to the security of the United States—a threat we need to take seriously and intelligently about in the months to come.

Fortunately, the success of Cooperative Threat Reduction—especially in securing nuclear weapons—serves as a model of how we can do this. And so the question we need to ask ourselves is, what can the future of this program be? With the situation in Russia and the rest of the former Soviet Union so drastically different than it was in 1992 or even in 1996 or 1997, does it make sense for us to do effectively confront this threat in the days and years to come?

The answers to these questions will require sustained involvement on the part of the Executive Branch, Congress, non-governmental organizations, and the international community. Everyone has a role to play, and everyone must accelerate this involvement.

For my part, I would suggest three important elements that should be included in such a discussion.

First, the Nunn-Lugar program should be more engaged in containing proliferation threats from Soviet-supplied, civilian research reactors throughout Russia and the Independent States.

The Department of Energy and others have certainly made progress in converting civilian research reactors into non-proliferation tools. Unfortunately, however, more needs to be done to bring these materials safely and securely.

In a way that balances the needs of science and security, more needs to be done to bring these materials—as well as other sources that can be used to construct improvised nuclear weapons and radiological devices—under control and dramatically reduce the proliferation threat they pose.

The years ahead will require a sustained effort. We must become an increasing priority for the Nunn-Lugar program, the Congress, and the Russians, who are already taking important steps to help implement these programs.

I want to turn to a second critical area: biological weapons threat reduction programs. Throughout the Cold War, the Soviet Union was engaged in a massive undertaking in the field of germ warfare.

At its height in the late 1980's, this program stockpiled some of the most dangerous agents known to mankind, including smallpox, anthrax, plague, tularemia, and many other pathogens. As one book says, "the disease by ton was its industry.

Besides the devastation they can cause to a civilian population, biological agents can also be effective in asymmetrical warfare against other troops. While they are often difficult to use, they are easy to transport, hard to detect, and, as we saw in Kiev, not always well secured.

Here in Washington, we saw what happened when just two letters filled with just a few grams of Anthrax were sent to the U.S. Senate. Five postal employees were killed and 26 workers were injured. Those office buildings were closed for months.

This was two letters.

Fortunately, however, we've made some good progress on this front. President Lugar programs have been effectively upgrading security at sites in six countries.

By Mr. LUGAR (for himself and Mr. OBAMA):

S. 12130. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes; to the Committee on Foreign Relations.

Mr. President, today I rise on behalf of myself and Senator OBAMA to introduce the Cooperative Proliferation Detection, Interdiction Assistance, and Conventional Threat Reduction Act of 2005.

This legislation aims to support the priority the Administration has placed on the detection and interdiction of weapons of mass destruction, their means of delivery and related materials, as well as dual-use items of proliferation concern. The legislation also contains, for the first time, conventional weapons threat reduction measures that have previously been approved by the Foreign Relations Committee.

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The years ahead will require a sustained effort. We must become an increasing priority for the Nunn-Lugar program, the Congress, and the Russians, who are already taking important steps to help implement these programs.

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Fortunately, however, we've made some good progress on this front. President Lugar programs have been effectively upgrading security at sites in six countries.
across the former Soviet Union. And the 
Kiev story is heading in the right direction— 
while we were in Ukraine, Senator Lugar, 
through his tireless and personal interven-
tion, was able to achieve a breakthrough 
with that government, bringing that facility 
and others under the Cooperative Threat 
Reduction program.

But by the size, secrecy, and scope of the 
Soviet biological weapons program, we are 
still dangerously behind in dealing with 
this proliferation threat. We need to be sure 
that Nunn-Lugar is increasingly focused on 
these very real nonproliferation and biete-
rorism threats.

One of the most important steps is for Rus-
ia to permit the access and transparency 
necessary to deal with the threat.

Additional steps should also be taken to 
control existing emergency stocks, improve 
collection, strengthen bio-reconnaissance 
resources to provide early warning of bio-at-
tack and natural disease outbreaks, and have 
our experts work together to develop and 
monitor programs to keep biological material 
out of the wrong hands.

There is no doubt that there is a tough 
road ahead. It will be difficult. And it will be 
dangerous.

But, when I think about what is at stake I 
am reminded by a quote from the late Presi-
dent Kennedy given in a speech at American 
University in 1963 about threats posed by 
the Soviet Union.

"Let us not be blind to our differences— 
but let us also remember our common 
interests and to the means by which those 
differences can be resolved . . . For in 
the final analysis, our most basic common 
link is that we all inhabit this small planet. 
We all breathe the same air. We all 
share asingle common destiny. We and all 
mortals . . ."

Much of what President Kennedy described 
in 1963 remains true to this day—and we owe 
it to ourselves and our children to get it 
right.

I look forward to working with Senator 
Lugar on this legislation and, more broadly, 
on this issue for years to come.

COUNCIL ON FOREIGN RELATIONS, “NEW DIREC-
TIONS FOR COOPERATIVE THREAT REDUC-
TION.” SENATOR RICHARD G. LUGAR, NOVEM-
BER 1, 2005

It is a pleasure to appear before the Coun-
cil on Foreign Relations with my good friend 
Senator Barack Obama. As you have heard, 
we had an extremely successful trip in 
August. I appreciate his strong support for 
the Nunn-Lugar Program. At this first year in 
the Senate, he has committed himself to improv-
ing the U.S. response to the threat posed 
by weapons of mass destruction. We discussed 
existing and new opportunities for 
expenditures during our trip, and we are eager 
to share with you the first public mention of 
the joint legislative initiative that developed 
from our findings.

I was particularly pleased that Barack 
chose Nunn-Lugar as the subject of his first 
foreign travel as a Senator. This choice was 
not an accident or the result of a last-minute 
whim. During his Senate campaign, well over 
a year ago, he identified the threat posed 
by unsecured weapons of mass destruction as 
the greatest national security threat facing 
the United States. On the Foreign Relations 
Committee, he has followed these issues 
tensively, and he has been a steadfast voice 
supporting appropriate funding for the program.

Our trip in August was spent hiking 
through nuclear weapons storage sites, pick-

these functions are underfunded, fragmented, and in need of high-level support.

The U.S. government’s current response to threats from vulnerable conventional weapons stockpiles is focused between the arms control programs at the Department of State. We believe that the planning, coordination, and implementation of this function should be consolidated inside the office at the State Department with a budget that is commensurate with the threat posed by these weapons.

The Lugar-Obama bill recognizes that the proliferation of conventional weapons is a major obstacle to peace, reconstruction, and economic development in regions suffering from conflict and instability. It calls upon the Department to implement a coordinated effort to seek out and destroy surplus and unguarded stocks of conventional arms and to cooperate with allies and international organizations when possible.

In Ukraine, we saw stacks of thousands of mortars, anti-personnel landmines, and other weapons, left over from the Soviet era. The same is true in other states of the former Soviet Union, Africa, Latin America, and Asia. We have also witnessed these threats firsthand in Albania and Georgia, where those governments have requested assistance in eliminating MANPADS, tactical missile systems, and military and intelligence capabilities.

In many cases, the security around these weapons is minimal—particularly when the weapons are no longer being used by a nation’s military. But as we have seen in Iraq, even obsolete weaponry and explosives can be reconfigured with deadly results. If foreign governments know that the United States is poised to help them eliminate such weapons, they will be more likely to come forward with requests for help, as Albania and Georgia did.

Newly independent countries will decline our assistance, and their stockpiles will remain unsecured. But this is not a reason to fail to secure the stockpiles that are opened to us. Every country that can contribute to slowing the spread of these weapons, and to cooperate with allies and international organizations when possible, should be encouraged to do so.

The Lugar-Obama bill earmarks 25 percent of the Nonproliferation, Anti-terrorism, Demining, and Related Programs account to address the shortcomings in the State Department’s arms control effort. This will amount to $110 million this year. Our bill goes one step further by calling on the State Department to commit 25 percent of annual foreign military financing amounts to nations for the purchase of equipment to improve their ability to detect and interdict WMD. This would represent a potent but flexible tool that could help build a network of WMD detection and interdiction capabilities worldwide.

Senator Obama and I give the State Department the flexibility to determine how these funds should be used. This is because a “one-size-fits-all” approach does not work with WMD. No country is like another, and we must focus on our military capabilities, such as those that are capable of detecting and interacting with WMD. Other potential recipients are unable to utilize effectively such detection and interdiction assistance because they lack the basic military structures to employ it. We require the Administration to outline for Congress the rationale behind the decision not to implement the 25 percent requirement clause.

Through this reporting requirement, we are seeking to ensure that Congress remains an active participant in important decisions on foreign military financing.

I am confident that the ongoing reorganization of the arms control and non-proliferation bureaus, under the direction of Under Secretary Bob Joseph, provides us with an excellent opportunity to reshape, refocus and reinvigorate the State Department’s non-proliferation mission. The Lugar-Obama legislation is intended to assist in the transformation of the Department’s efforts.

The U.S. response to conventional weapons threats requires an enhanced surveillance detection and interdiction assistance must be retooled if we are to provide a full and complete defense for the American people. We look forward to the Administration’s response to our proposals and will benefit from their recommendations on ways to protect our legislation. The Lugar-Obama bill is a critical step forward in improving our ability to protect the United States and its citizens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2347. Mr. GREGG (for Mr. Frist (for himself and Mr. GREGG)) proposed an amendment to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2334. Mrs. MURRAY (for herself and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2335. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2336. Mr. NELSON, of Florida (for himself, Mr. STABENOW, Mr. HARKIN, Mrs. CLINTON, Mr. MIKULSKI, Mrs. MURRAY, Mr. KORI, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2337. Mr. NELSON, of Florida (for himself, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mr. ReID, and Mr. KENNEDY) proposed an amendment to the bill S. 1932, supra.

TEXT OF AMENDMENTS

SA 2347. Mr. GREGG (for Mr. Frist (for himself and Mr. GREGG)) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

At the appropriate place, insert the following:

SEC. 1. ASSISTANCE TO COMBAT INFLUENCE AT HOME AND ABROAD EMERGING PANDemics.

(a) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated in title VII, there are appropriated $2,780,000,000 to enable the Secretary of Health and Human Services to carry out the activities described in subsection (c).

(b) ADDITIONAL AMOUNTS.—Out of any money in the Treasury not otherwise appropriated in title III, there are appropriated $1,747,000,000 to enable the
Secretary of Health and Human Services to carry out the activities described in subsection (c).

(c) ACTIVITIES.—From amounts appropriated pursuant to subsections (a) and (b), the Secretary of Health and Human Services shall utilize—

(1) $777,000,000 to intensify surveillance of influenza and other newly emerging pandemics and outbreaks;

(2) $2,800,000,000 for the development and stockpiling of antivirals and vaccines for influenza and other newly emerging pandemics; and

(3) $737,000,000 to establish a seamless network of Federal, State, and local authorities for procedures relating to influenza and other newly emerging pandemics.

SA 2348. Mr. SCHUMER (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), which was ordered to lie on the table; as follows:

On page 125, strike lines 3 through 14.

SA 2349. Mr. SCHUMER (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), which was ordered to lie on the table; as follows:

On page 125, strike lines 3 through 14 and insert the following:

(b) EXTENSION OF REBATES TO MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1906(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end following:

“(xix) provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to subsection (a) of section 1927 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.”

SA 2351. Mr. CONRAD (for himself, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. OBAMA, Mrs. FEINSTEIN, Mr. SALAZAR, and Mr. HARKIN) proposed an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

At the end of title VI, insert the following:

SEC. 7951. FINDINGS.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any of the 3 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this section, the term “applicable time period” means any of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget;

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget;

(C) The 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(b) DIRECT-SPENDING LEGISLATION.—For purposes of this section, the term “direct-spending legislation” means any bill, joint resolution, amendment, or motion, or conference report that affects direct spending as that term is defined, and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) EXCLUSION.—For purposes of this subsection, the term “direct-spending legislation” and “revenue legislation” do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, or any modification of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(d) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(g) PRIORITY.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under other paragraphs (5) and (6), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation legislation enacted since the last calendar year shall not be available.

(h) WAIVER.—This section may be waived or suspended in the Senate by the affirmative vote of 3⁄5 of the Members, duly chosen and sworn.

(i) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of 3⁄5 of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2010.

SA 2352. Mr. ENZI (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. DODD, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, and Mrs. HUTCHISON) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

At the end of title VII, insert the following:

Subtitle D—Hurricane Relief

SEC. 7953. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students who enrolled in non-public schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this subtitle creates a one-time only emergency grant for the 2005-2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

SEC. 7954. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section...
(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(2) to prohibit the re-opening of elementary and secondary schools served by such grantees from receiving grants under this section, and accompanied by such information as are necessary to ensure expedited and timely

(3) to re-open elementary and secondary schools served by such grantees from requiring to submit an application to the State educational agency desiring a grant under this section to an eligible educational agency that is or may be entitled to receive, from another source, benefits for the same purposes as under this section.

In general.—Except as provided in paragraphs (2), funds made available under this section shall be used to supplement, not supplant, amounts made available through the Federal Emergency Management Agency or through a State.

(2) Exception.—Paragraph (1) shall not prohibit the payment of Federal assistance under this section to an eligible educational agency that is or may be entitled to receive, from another source, benefits for the same purposes as under this section.

The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which funds are awarded.

The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which funds are awarded.

The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which funds are awarded.

(e) Uses of Funds.—

(A) Teachers.—In this subsection, the term "affected teacher" means a teacher who is displaced due to Hurricane Katrina, located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, and is not actively engaged in restarting or re-opening schools.

(B) In general.—A local educational agency desiring a grant under this section shall submit an application to the State educational agency for which the grant is awarded.

SEC. 7893. HOUSING ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.

In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 112, 112A, 112B, and 112A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

SEC. 7894. ELIGIBILITY AND CONSIDERATION; DELAY.

(a) Teacher and Paraprofessional Reciprocity; Delay.

(1) Teachers.—

(A) Affected Teacher.—In this subsection, the term "affected teacher" means a teacher who is displaced due to Hurricane Katrina, located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, and is not actively engaged in restarting or re-opening schools.

(B) In general.—A local educational agency desiring a grant under this section shall submit an application to the State educational agency for which the grant is awarded.

In general.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 612 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which funds are awarded.

SEC. 7895. ASSISTANCE FOR HOMELESS YOUTH.

(a) In general.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 612 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which funds are awarded.

Eligible.—A local educational agency shall be eligible to receive assistance under this section if such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) Delay.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 612(a)(4)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(4)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(4)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 7896. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) Temporary Emergency Impact Aid Authorized.—

(1) Aid to State educational agencies.—From amounts appropriated to carry out the purposes of this subtitle, the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable—

(i) Such eligible local educational agencies and schools to provide for the instruction of displaced students served by such agencies and schools;

(ii) Such eligible local educational agencies to make immediate impact aid payments to accounts established on behalf of displaced students (referred to in this section as "accounts") opened by the United States Department of Education at public and parochial schools located in the areas served by the eligible local educational agencies.

SEC. 7897. TEMPORARY EMERGENCY ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.

(a) In general.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 612(a)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment, assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) Exception and Distribution of Funds.—

(1) Exception.—For purposes of providing assistance under subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432 and (e)(1), 11432(b) and (c)) shall not apply.

(2) Disbursement.—The Secretary of Education shall disburse funding provided under subsections (a)(1) and (e)(1) of section 722 to local educational agencies based on demonstrated need, as determined by the Secretary, and such State educational agencies shall distribute funds, that are available to carry out this section, to local educational agencies based on demonstrated need, for the purposes of carrying out section 722(a)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

SEC. 7898. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.
(2) AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.—In the case of the States of Louisiana and South Dakota, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible non-public schools in such States for which the State exercises the authorities normally exercised by such local educational agencies.

(b) Definition in this section:

(1) DISPLACED STUDENT.—The term “displaced student” means a student who enrolled in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005) because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The term “eligible local educational agency” means a local educational agency that serves—

(A) an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student; or

(B) an area in which there is located an eligible non-public school.

(3) ELIGIBLE NON-PUBLIC SCHOOL.—The term “eligible non-public school” means a non-public school that—

(A) is accredited or licensed or otherwise operates in accordance with State law;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).

(4) ELIGIBLE BIA-FUNDED SCHOOL.—In this section, the term “eligible BIA-funded school” means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) APPLICATION.—

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall make an application to the Secretary of Education on or before the date of enactment of this Act.

(2) IN GENERAL.—A State educational agency that desires to receive emergency impact aid under this section shall make an application to the Secretary of Education on or before the date of enactment of this Act.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this Act.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) IN GENERAL.—The amount of emergency impact aid provided under this section shall be based on the number of displaced students served during such quarter.

(2) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students served during such quarter, the amount available under this section shall be based on the number of displaced students served during such quarter during which such amount is available.

(3) USE OF FUNDS.—

(a) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that receives emergency impact aid payments under this section shall use the amounts provided to provide instructional opportunities for displaced students who enroll in elementary and secondary schools (including charter schools) served by such agency and, for other expenses incidental to such enrollment, such agencies shall use the amounts provided for such purposes described in subsections (c)(2) and (d).

(4) IN GENERAL.—A State educational agency shall provide emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(A) QUARTERLY INSTALLMENTS.—

(I) IN GENERAL.—A State educational agency shall provide emergency impact aid payments in the case of the States of Louisiana and South Dakota, to eligible local educational agencies and eligible BIA-funded schools in the State for the 2005–2006 school year on behalf of a displaced student who is enrolled in such school; the area in which such school is located that the eligible local educational agency serving such school expects to provide payments to accounts on behalf of eligible displaced students; and

(ii) the parent or guardian of the displaced student for each quarter that such student is enrolled.

(B) IN GENERAL.—A State educational agency shall provide emergency impact aid payments in the case of the States of Louisiana and South Dakota, to eligible local educational agencies and eligible BIA-funded schools in the State for the 2005–2006 school year on behalf of a displaced student who is enrolled in such school; the area in which such school is located that the eligible local educational agency serving such school expects to provide payments to accounts on behalf of eligible displaced students; and

(i) the parent or guardian of the displaced student for each quarter that such student is enrolled.

(C) IN GENERAL.—A State educational agency shall provide emergency impact aid payments in the case of the States of Louisiana and South Dakota, to eligible local educational agencies and eligible BIA-funded schools in the State for the 2005–2006 school year on behalf of a displaced student who is enrolled in such school; the area in which such school is located that the eligible local educational agency serving such school expects to provide payments to accounts on behalf of eligible displaced students; and

(ii) the parent or guardian of the displaced student for each quarter that such student is enrolled.

(D) IN GENERAL.—A State educational agency shall provide emergency impact aid payments in the case of the States of Louisiana and South Dakota, to eligible local educational agencies and eligible BIA-funded schools in the State for the 2005–2006 school year on behalf of a displaced student who is enrolled in such school; the area in which such school is located that the eligible local educational agency serving such school expects to provide payments to accounts on behalf of eligible displaced students; and

(iii) the parent or guardian of the displaced student for each quarter that such student is enrolled.

(E) IN GENERAL.—A State educational agency shall provide emergency impact aid payments in the case of the States of Louisiana and South Dakota, to eligible local educational agencies and eligible BIA-funded schools in the State for the 2005–2006 school year on behalf of a displaced student who is enrolled in such school; the area in which such school is located that the eligible local educational agency serving such school expects to provide payments to accounts on behalf of eligible displaced students; and

(iii) the parent or guardian of the displaced student for each quarter that such student is enrolled.

(F) IN GENERAL.—A State educational agency shall provide emergency impact aid payments in the case of the States of Louisiana and South Dakota, to eligible local educational agencies and eligible BIA-funded schools in the State for the 2005–2006 school year on behalf of a displaced student who is enrolled in such school; the area in which such school is located that the eligible local educational agency serving such school expects to provide payments to accounts on behalf of eligible displaced students; and

(iii) the parent or guardian of the displaced student for each quarter that such student is enrolled.

(G) IN GENERAL.—A State educational agency shall provide emergency impact aid payments in the case of the States of Louisiana and South Dakota, to eligible local educational agencies and eligible BIA-funded schools in the State for the 2005–2006 school year on behalf of a displaced student who is enrolled in such school; the area in which such school is located that the eligible local educational agency serving such school expects to provide payments to accounts on behalf of eligible displaced students; and

(iii) the parent or guardian of the displaced student for each quarter that such student is enrolled.

(H) IN GENERAL.—A State educational agency shall provide emergency impact aid payments in the case of the States of Louisiana and South Dakota, to eligible local educational agencies and eligible BIA-funded schools in the State for the 2005–2006 school year on behalf of a displaced student who is enrolled in such school; the area in which such school is located that the eligible local educational agency serving such school expects to provide payments to accounts on behalf of eligible displaced students; and

(iii) the parent or guardian of the displaced student for each quarter that such student is enrolled.
(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;
(B) identifying and acquiring curricular materials and health services, costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;
(C) basic instructional services for such student, including tutoring, mentoring, or academic counseling;
(D) reasonable transportation costs;
(E) health services (including counseling and mental health services); and
(F) education and support services.

(2) Displaced students in non-public schools

(A) In general.—An eligible local educational agency that receives emergency impact aid payments under this section and that serves an area in which there is located an eligible non-public school shall, at the request of the parent or guardian of a displaced student who meets the criteria described in subsection (c)(2)(A)(i) and who enrolled in a non-public school in an area served by the agency, use such emergency impact aid payments to provide such student with the following:

(i) Paying the compensation of personnel, including teacher aides, in the non-public school serving the displaced student.

(ii) Identifying and acquiring curricular materials and health services, costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces, which shall not be used for religious instruction, proselytization, or worship.

(iii) Basic instructional services, including tutoring, mentoring, or academic counseling, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(iv) Reasonable transportation costs.

(v) Health services (including counseling and mental health services), which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(B) Basic instructional services, including tutoring, mentoring, or academic counseling, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(2) Provision of special education and related services

(A) In general.—In the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to the parent or guardian of a displaced student enrolled in a public school

(B) Provision of special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)), the eligible local educational agency may retain a portion of the assistance received under this section for such student to pay the cost of providing such services.

(1) Determination of portion.—

(I) Guidelines.—Each State shall issue guidelines that specify the portion of the assistance paid to an eligible local educational agency in the State may retain under this subparagraph. Each State shall apply such guidelines in a consistent manner throughout the State.

(II) Determination of portion.—The portion specified in the guidelines shall be based on customary costs of providing services under such section 612(a)(10) for the local educational agency.

(C) Definitions.—In this paragraph:

(i) Special education, related services.—The terms "special education" and "related services" have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) Individualized education program.—The term "individualized education program" has the meaning given the term in section 614(d)(1). The term "related services" have the meaning given such term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)).

(iii) Religious worship or religious classes at such public school shall not participate in religious instruction or organized religious groups, clubs, or activities.

(iv) State educational agency.—A State educational agency may retain a portion of the assistance received under section 612(a)(10) for the local educational agency any payment provided to the eligible local educational agency under this section.

(v) Religious worship or religious classes at such public school shall not participate in religious instruction or organized religious groups, clubs, or activities.

(vi) Request of parent or guardian.—The parent or guardian of a displaced student enrolled in a non-public school under this section shall provide to the parent or guardian of each displaced student for whom a payment is made under this section to an account who resides in such State, notification that such parent or guardian has the option of enrolling such student in a public school or a non-public school.

(k) By-pass.—If a State educational agency or eligible local educational agency is unable to carry out the provisions of this section, the Secretary of Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of the displaced student attending an eligible non-public school in the area served by such agency.

(l) Nondiscrimination.—

(1) In general.—A school that enrolls a displaced student under this section shall not discriminate against students on the basis of race, color, national origin, religion, disability, or sex.

(2) Applicability and single sex schools, classes, or activities.

(A) In general.—To the extent consistent with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the prohibition of sex discrimination in paragraph (1) shall not apply to a non-public school that is controlled by a religious organization if the application of paragraph (1) would not be consistent with the religious tenets of such organization.

(B) Single sex schools, classes, or activities.—Notwithstanding paragraph (1) and to the extent consistent with title IX of the Education Amendments of 1972, a parent or guardian may choose and a non-public school serving such student may offer a single sex school, class, or activity.

(2) Enrollment.—The prohibition of religious discrimination in paragraph (1) shall not apply with regard to enrollment for a non-public school that is controlled by a religious organization, except in the case of the enrollment of displaced students assisted under this section.

section 438(c)(2) of such Act shall be applied by substituting "2.0 percent" for "3.0 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2007.

(b) ORIGINATION FEES FOR FEDERAL DIRECT LOANS.—Notwithstanding subsection (c) of section 455 of the Higher Education Act of 1965 (20 U.S.C. 1078(c)), the first sentence of such subsection shall be applied by substituting "1.0 percent" for "not less than 1 percent and not more than 2 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2007.

(c) REPEAL OF ORIGINATION FEES.—

(1) Sections 438(c) and 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–1(c), 1078–2(c)) are repealed.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on July 1, 2011.

(d) NONAPPLICABILITY OF SUNSET PROVISION.—Section 110(a) shall not apply to such section or to the amendments made by this section.

SEC. 7958. AUTHORIZATION AND APPROPRIATION FOR CHAIN OF CUSTODY TESTING.

There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,660,000,000 to carry out section 7958; as follows:

(1) AMENDMENTS.—Sections 438(c) and 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–1(c), 1078–2(c)) are repealed.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on July 1, 2011.

SA 2353. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 368, between line 5 and 6, insert the following:

SEC. 6116. PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) IN GENERAL.—Section 1851(e)(3)(B) (42 U.S.C. 1395w–21(e)(3)) is amended—

(1) in clause (i), by striking “May 15, 2006” and inserting “December 31, 2006”

(ii) by striking “2006” each place it appears.

(b)EXTENDING OPEN ENROLLMENT PERIOD FOR 2006—

(1) IN GENERAL.—Section 1851(e) (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (2)–

(i) in the heading, by striking “FOR FIRST 6 MONTHS”;

(ii) in clause (i)–

(I) by striking “the first 6 months of 2006” and inserting “2006”;

(II) by striking “the first 6 months during 2006” and inserting “2006”;

(iii) in clause (ii), by inserting “other than during such period” after “2006”;

(iv) in clause (iii), by striking “2006” and inserting “2007”;

(B) in paragraph (4), by striking “2006” and inserting “2006”;

(c) CONFORMING AMENDMENT.—Section 1860D–1(b)(1)(B)(ii) (42 U.S.C. 1395w–201(b)(1)(B)(ii)) is amended by striking “subparagraphs (B) and (C)” and inserting “paragraph (2)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as included in the enactment of the Medicare Prescription Drug Improvement, and Modernization Act of 2003 (Public Law 108–173).

SA 2355. Mr. INHOFE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 391, between lines 2 and 3, insert the following:

SEC. 6081. DEFINITIONS.

In this chapter—

(1) DIRECT IMPACT PARISH OR COUNTY—

(A) In general—

In this chapter, "direct impact parish or county" means a parish in the State of Louisiana, or a county in the State of Mississippi or Alabama, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government.

(B) EXCLUSION.—Such term does not include a parish in the State of Louisiana or a county in the State of Mississippi or Alabama which the President has determined warrants only public assistance from the Federal Government under such Act as a result of Hurricane Katrina.

(C) AUTHORITY TO RELY ON WEB SITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet Web sites for the Centers for Medicare and Medicaid Services a list of parishes and counties identified as direct impact parishes or counties in accordance with this paragraph. Any such parish or county that is posted on such Web site as a direct impact parish or county shall be treated for purposes of subparagraph (A) as described in such subparagraph.

(D) CASH GRANTS TO PARISHES AND COUNTIES.—For 2006, grants under this section for the purpose of providing grants to directly impacted parishes and counties for costs incurred after the date of enactment of the Act shall be in the amount of $1,200,000,000.

SA 2356. Mrs. LINCOLN (for herself, Mrs. BURDIN, Mr. BAUCUS, Ms. PSYR, and Mr. KENNEDY) proposed an amendment to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as follows:

At the end of subtitle A of title VI, add the following:

CHAPTER 7—EMERGENCY HEALTH CARE AND OTHER RELIEF FOR SURVIVORS OF HURRICANE KATRINA

Subchapter A—Emergency Health Care Relief

SEC. 6081. DEFINITIONS.

In this subchapter—

(1) DIRECT IMPACT PARISH OR COUNTY—

(A) In general—

In this subchapter, "direct impact parish or county" means a parish in the State of Louisiana, or a county in the State of Mississippi or Alabama, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government.

(B) EXCLUSION.—Such term does not include a parish in the State of Louisiana or a county in the State of Mississippi or Alabama which the President has determined warrants only public assistance from the Federal Government under such Act as a result of Hurricane Katrina.

(C) AUTHORITY TO RELY ON WEB SITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet Web sites for the Centers for Medicare and Medicaid Services a list of parishes and counties identified as direct impact parishes or counties in accordance with this paragraph. Any such parish or county that is posted on such Web site as a direct impact parish or county shall be treated for purposes of subparagraph (A) as described in such subparagraph.

(D) CASH GRANTS TO PARISHES AND COUNTIES.—For 2006—

(E) IN GENERAL.—The term "Katrina survivor" means an individual who is described in subparagraph (B) or (C).

(F) RESIDENTS AND FAMILIES OF DIRECT IMPACT PARISHES AND COUNTIES.—An individual who, on any day during the year preceding August 28, 2005, had a primary residence in a direct impact parish or county and with respect to whom such trade or business is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina, is terminated.

(G) INDIVIDUALS WHO LOST EMPLOYMENT.—

(A) IN GENERAL.—The term "Katrina survivor" means an individual who is described in subparagraph (B) or (C).

(B) WORKERS.—An individual whose—

(i) visits, on any day during the year preceding August 28, 2005, a medical provider in a direct impact parish or county; and

(ii) employment during the year preceding August 28, 2005, was in a direct impact parish or county and with respect to whom such trade or business is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina.
from being treated as a Katrina Survivor under this subchapter.

(E) TREATMENT OF HOMELESS PERSONS.—For purposes of this subchapter, in the case of an individual who is treated as a Katrina Survivor under subsection (d)(1) for purposes of receiving health assistance of the new termination date for DRM assistance

(5) POVERTY LINE.—The term "poverty line" has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including any medical assistance provided under a waiver of such plan.

SEC. 6082. DISASTER RELIEF MEDICAID.

(a) AUTHORITY TO PROVIDE DISASTER RELIEF MEDICAID.

(1) IN GENERAL.—Notwithstanding any provision of title XIX of the Social Security Act, a continued participation in the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), provide medical assistance to DRM-eligible Katrina Survivors (as defined in subsection (b)) under a State Medicaid plan during the DRM coverage period in accordance with the following provisions of this section.

(2) AUTHORITY TO PROVIDE DRM ASSISTANCE AS SEPARATE COMPONENT OF REGULAR STATE MEDICAID PLAN OR UNDER SUCH PLAN.—(A) A State may provide DRM assistance without submitting an amendment to the State Medicaid plan and as a separate component of the State Medicaid plan or, subject to subparagraph (B), under such plan.

(B) CONDITIONS FOR PROVISION OF DRM ASSISTANCE UNDER REGULAR STATE MEDICAID PLAN OR UNDER SUCH PLAN.—(A) A State may provide DRM assistance under the State Medicaid plan if the State provides such assistance in accordance with the requirements of this section and the State Medicaid plan adequately identifies and monitors expenditures or other information attributable to the provision of such assistance.

(b) DRM-ELIGIBLE KATRINA SURVIVOR DEFINED.—(1) IN GENERAL.—In this section, the term "DRM-eligible Katrina Survivor" means a Katrina Survivor whose family income does not exceed the higher of—

(A) 100 percent (200 percent, in the case of such a Survivor who is a pregnant woman or child) of the poverty line;

(B) the income eligibility standard which would apply to the Survivor under the State Medicaid plan.

(2) SPECIAL RULE FOR KATRINA SURVIVORS WHO ARE RECIPIENTS OF DISABILITY INSURANCE BENEFITS.—In the case of a Katrina Survivor who is a recipient of disability insurance benefits under section 202 or 223 of the Social Security Act (42 U.S.C. 402, 423), paragraph (1) shall be applied to such Survivor by substituting "300 percent of the supplemental security income benefit rate established by section 1616(b)(1) of the Social Security Act (42 U.S.C. 1382b(b)(1))" for subparagraph (A) of such paragraph.

(3) TREATMENT OF HUSBANDS, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Eligibility under paragraph (1) shall be determined without application of any resources test, State residency, or categorical eligibility requirements.

(4) INCOME DETERMINATION.—(A) MEASUREMENT OF INCOME.—The term "incomes of unemployment compensation earnings of a Katrina Survivor during the DRM coverage period, including unemployment assistance provided under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177); and

(i) any assistance provided (in cash or in kind) to such a Survivor who is a pregnant woman or child;

(ii) any assistance provided (in cash or in kind) to any person who is a Katrina Survivor during the DRM coverage period, including unemployment assistance provided under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177); and

(iii) any assistance provided (in cash or in kind) to any person who is a Katrina Survivor under title XIX of the Social Security Act.

(B) TREATMENT OF MEDICAID PLANS.—Any Katrina Survivor who is provided medical assistance under a State Medicaid plan or other third-party coverage for health care

(iv) the application for the DRM assistance shall be valid as long as the DRM coverage period in effect and shall be accompanied by notice of the termination date for the DRM coverage period and, if applicable, notice that such termination date may be extended. If the Secretary extends the DRM coverage period, the State shall notify DRM-eligible Katrina Survivors enrolled in DRM assistance of the new termination date for the DRM coverage period.

(vii) the application for the DRM assistance shall be valid as long as the DRM coverage period in effect and shall be accompanied by notice of the termination date for the DRM coverage period and, if applicable, notice that such termination date may be extended. If the Secretary extends the DRM coverage period, the State shall notify DRM-eligible Katrina Survivors enrolled in DRM assistance of the new termination date for the DRM coverage period.

(viii) the application for the DRM assistance shall be valid as long as the DRM coverage period in effect and shall be accompanied by notice of the termination date for the DRM coverage period and, if applicable, notice that such termination date may be extended. If the Secretary extends the DRM coverage period, the State shall notify DRM-eligible Katrina Survivors enrolled in DRM assistance of the new termination date for the DRM coverage period.

(vii) the application for the DRM assistance shall be valid as long as the DRM coverage period in effect and shall be accompanied by notice of the termination date for the DRM coverage period and, if applicable, notice that such termination date may be extended. If the Secretary extends the DRM coverage period, the State shall notify DRM-eligible Katrina Survivors enrolled in DRM assistance of the new termination date for the DRM coverage period.

(vi) an application for DRM assistance under section (d)(3).

(C) NO DOCUMENTATION.—The State shall not require documentation evidencing the basis on which the applicant qualifies to be treated as a DRM-eligible Katrina Survivor or, if applicable, requires home and community-based services provided under such DRM assistance in accordance with subsection (a)(3).

(C) NO DOCUMENTATION.—The State shall not require documentation evidencing the basis on which the applicant qualifies to be treated as a DRM-eligible Katrina Survivor or, if applicable, requires home and community-based services provided under such DRM assistance in accordance with subsection (a)(3).

(D) ISSUANCE OF ELIGIBILITY CARD.—(1) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B) or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(D) ISSUANCE OF ELIGIBILITY CARD.—(1) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B) or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(D) ISSUANCE OF ELIGIBILITY CARD.—(1) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B) or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(D) ISSUANCE OF ELIGIBILITY CARD.—(1) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B) or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(D) ISSUANCE OF ELIGIBILITY CARD.—(1) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B) or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(D) ISSUANCE OF ELIGIBILITY CARD.—(1) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B) or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.

(D) ISSUANCE OF ELIGIBILITY CARD.—(1) IN GENERAL.—Upon submission of an application from an individual attesting that the individual is an individual described in any of the categories described in subparagraph (B) or, if an individual is an individual described in subparagraph (C), the State shall deem the individual to be a DRM-eligible Katrina Survivor for purposes of eligibility for DRM assistance during the DRM coverage period.
plan, the State may issue to an applicant who submits a complete application an eligibility card that is similar to the cards issued by the State to enrollees in the State medical assistance program if the State designates an eligibility card for this purpose and adapts the card in a manner which clearly identifies that the applicant is eligible for DRM assistance and provides notice of the terms and conditions of the DRM coverage period (and the new termination date applicable if the Secretary extends such coverage period).

(E) APPLICATION FOR MEDICAL ASSISTANCE UNDER REGULAR STATE MEDICAID PLAN.—Concurrent with the issuance of an eligibility card under subparagraph (D), the State shall provide the applicant with an application for medical assistance under the State Medicaid plan.

(F) PRESUMPTIVE ELIGIBILITY.—

(i) STATES THAT PROVIDE FOR PRESumptIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State that, as of the date of enactment of this Act, provides for a period of presumptive eligibility under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of the Social Security Act (42 U.S.C. 1396a(a)(55)), the State shall deem an applicant to be a DRM-eligible Katrina Survivor eligible for DRM assistance in accordance with this section, provided that such State has in effect a procedure to require an applicant to complete an application for presumptive eligibility, presents it to a provider or facility participating in the State Medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)), and it appears to the provider or facility that the applicant is a DRM-eligible Katrina Survivor based upon information in the application.

(ii) APPLICATION TO STATES THAT DO NOT PROVIDE PRESUMPTIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State that does not provide for a period of presumptive eligibility under the State Medicaid plan, the State may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section and who, as of the end of the DRM coverage period, is an individual for whom a period of presumptive eligibility would be provided under the State Medicaid plan, with presumptive eligibility for medical assistance under the State Medicaid plan.

(ii) STATE OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—If a State is to which clause (i) or (ii) applies, may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for other DRM-eligible Katrina Survivors who are receiving DRM assistance from the State in accordance with this section as of the end of the DRM coverage period.

(iv) LENGTH OF PERIOD.—A presumptive eligibility period provided in accordance with clause (1), (ii), or (iii) shall be provided for a period of 12 months from the date of determination.

(I) the date on which a determination with respect to the Survivor’s application for medical assistance under the State Medicaid plan is made; or

(ii) the end of the 60-day period that begins on the first day after the end of the DRM coverage period.

(C) PREGNANT WOMEN.—In the case of a DRM-eligible Katrina Survivor who is receiving DRM assistance from a State in accordance with this section and whose pregnancy ended during the 60-day period prior to the end of the DRM coverage period, or who is pregnant as of the end of such period, the Secretary shall waive with respect to such Survivor the requirement for DRM assistance after the end of the DRM coverage period, including (but not limited to) for all pregnancy-related and postpartum medical assistance available under the State Medicaid plan, through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends.

(d) Other Survivors.—

(1) CATARACTICALLY NEEDED BENEFITS.—The State shall treat a DRM-eligible Katrina Survivor as an individual eligible for medical assistance available under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), with coverage for such assistance retroactive to items and services furnished on or after August 28, 2005 (or in the case of applications for DRM assistance submitted after January 1, 2006, the first day of the 5th month preceding the date on which such application is submitted).

(i) the number of individuals who shall receive other restrictions applicable under such a waiver, that would prevent a State from providing home and community-based services under a waiver described in subparagraph (A); or

(ii) targeted populations eligible for services under such waiver.

(F) Family counseling.

(G) In connection with the provision of health and long-term care services, arranging for, and (when necessary, enrollment in waiver programs or other specialized programs), and coordination related to, primary and specialty medical care, which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation.

(H) Family and community-based services.—

(A) IN GENERAL.—In the case of a State with a waiver to provide home and community-based services under section 1915(b)(3) of the Social Security Act on the basis of a waiver to provide home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, the Secretary shall waive with respect to the provision of home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, that they require immediate home and community-based services that are available under a plan described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005, were receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county; or

(ii) budget neutrality requirements applicable to such waiver; and

(iii) targeted populations eligible for services under such waiver.

(G) In connection with the provision of health and long-term care services, arranging for, and (when necessary, enrollment in waiver programs or other specialized programs), and coordination related to, primary and specialty medical care, which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation.

(H) Family and community-based services.—

(A) IN GENERAL.—In the case of a State with a waiver to provide home and community-based services under section 1915(b)(3) of the Social Security Act on the basis of a waiver to provide home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, the Secretary shall waive with respect to the provision of home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, that they require immediate home and community-based services that are available under a plan described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005, were receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county; or

(ii) budget neutrality requirements applicable to such waiver; and

(iii) targeted populations eligible for services under such waiver.

(G) In connection with the provision of health and long-term care services, arranging for, and (when necessary, enrollment in waiver programs or other specialized programs), and coordination related to, primary and specialty medical care, which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation.

(H) Family and community-based services.—

(A) IN GENERAL.—In the case of a State with a waiver to provide home and community-based services under section 1915(b)(3) of the Social Security Act on the basis of a waiver to provide home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, the Secretary shall waive with respect to the provision of home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, that they require immediate home and community-based services that are available under a plan described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005, were receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county; or

(ii) budget neutrality requirements applicable to such waiver; and

(iii) targeted populations eligible for services under such waiver.

(G) In connection with the provision of health and long-term care services, arranging for, and (when necessary, enrollment in waiver programs or other specialized programs), and coordination related to, primary and specialty medical care, which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation.

(H) Family and community-based services.—

(A) IN GENERAL.—In the case of a State with a waiver to provide home and community-based services under section 1915(b)(3) of the Social Security Act on the basis of a waiver to provide home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, the Secretary shall waive with respect to the provision of home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, that they require immediate home and community-based services that are available under a plan described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005, were receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county; or

(ii) budget neutrality requirements applicable to such waiver; and

(iii) targeted populations eligible for services under such waiver.

(G) In connection with the provision of health and long-term care services, arranging for, and (when necessary, enrollment in waiver programs or other specialized programs), and coordination related to, primary and specialty medical care, which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation.

(H) Family and community-based services.—

(A) IN GENERAL.—In the case of a State with a waiver to provide home and community-based services under section 1915(b)(3) of the Social Security Act on the basis of a waiver to provide home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, the Secretary shall waive with respect to the provision of home and community-based services which may include personal care services, durable medical equipment and supplies, assistive technology, and transportation, that they require immediate home and community-based services that are available under a plan described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005, were receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county; or

(ii) budget neutrality requirements applicable to such waiver; and

(iii) targeted populations eligible for services under such waiver.
Katrina Survivor who is provided DRM assistance during the DRM coverage period, such child shall be treated as having been born to a pregnant woman eligible for medical assistance under the State Medicaid plan and shall be eligible for medical assistance under such plan in accordance with section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396b(a)) and shall be provided such assistance in accordance with the preceding sentence. 

(b) Penalty for fraudulent applications.—

(1) Individual liable for costs.—If a State, as the result of verification activities required under this subsection, determines after a fair hearing that an individual has knowingly made a false self-attestation described in subsection (c)(1)(B), the Secretary shall, subject to the recovery of the full amount of the cost of DRM assistance provided to the individual under this section, determine after a fair hearing that an individual has knowingly made a false self-attestation described in subsection (c)(1)(B), the Secretary shall, subject to the recovery of the full amount of the cost of DRM assistance provided to the individual under this section, determine that the State is liable for such costs.

(2) Reimbursement to the Federal Government.—Any amounts recovered under a State plan or agreement with this subsection shall be returned to the Federal Government.

(3) Exemption from error rate penalties.—In general.—All payments attributable to such assistance in accordance with this section, including during a period of presumptive eligibility for such assistance in accordance with subsection (c)(3)(B), shall be disregarded for purposes of section 1108(a) of the Social Security Act (42 U.S.C. 1396b(u)).

(4) Application of error rate penalties for presumptive eligibility periods for medical assistance after the end of the presumptive eligibility period.—No such payment rate applies under the provisions of subsection (a) if the Secretary determines after a fair hearing that an individual has knowingly made a false self-attestation described in subsection (c)(1)(B), the Secretary shall, subject to the recovery of the full amount of the cost of DRM assistance provided to the individual under this section, determine that the State is liable for such costs.

(5) No entitlement to regular medical assistance solely on the basis of receipt of DRM assistance or in the absence of a new application for medical assistance.—Nothing in this section shall be construed as affecting any right provided by law to a recipient of medical assistance under a State Medicaid plan who is determined to be a DRM-eligible Katrina Survivor, but the provision of DRM assistance to such individual shall be limited to the provision of such assistance in accordance with this section.

(6) No entitlement to regular medical assistance after the end of the DRM coverage period—

(1) solely on the basis of the individual's receipt of such DRM assistance; or

(2) when an application submitted by such individual for medical assistance under such plan.
SEC. 6084. AUTHORITY TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES WITH RESPECT TO EVACUEES FROM AND IN THE STATE OF LOUISIANA.

(a) In General.—Section 1135(g)(1)(C) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)) is amended by adding at the end the following:

‘‘(n) NO DRM ASSISTANCE IF THE SECRETARY IS MAKING PAYMENTS ON BEHALF OF THE INDIVIDUAL FOR PRIVATE HEALTH INSURANCE.—A DRM-eligible Katrina Survivor may not receive DRM assistance from a State in accordance with this section with respect to that period.”

(b) Rule of Construction.—The amendment made by subsection (a) shall take effect as if enacted on August 28, 2005.

SEC. 6085. EMERGENCY ASSISTANCE FOR STATES WITH SIGNIFICANT NUMBERS OF EVACUEES WITH RESPECT TO THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR FISCAL YEAR 2006.

(a) In General.—If the Federal medical assistance percentage determined for any month any individual who, on any day during the week preceding August 28, 2005, was a resident of a direct impact parish or county, there shall not be taken into account any month any individual who, on any day during the week preceding August 28, 2005, was a resident of a direct impact parish or county.

(b) Rule of Construction.—The amendment made by subsection (a) shall take effect as if enacted on August 28, 2005.

SEC. 6086. EMERGENCY MEDICAL CARE.

(a) EXCLUSION OF DRM COVERAGE PERIOD IN COMPUTING MEDICARE PART B LATE ENROLLMENT PERIOD.—In applying the first sentence of section 1851(b) of the Social Security Act (42 U.S.C. 1395w(b)) to the provisions of title XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.), for such fiscal year the Social Security Act (42 U.S.C. 1395w–101 et seq.), or enrollment in such coverage, solely on the basis of the provision of DRM assistance to such individual.

(b) STATE DESCRIBED.—For purposes of subsection (a), a State described in this subsection is a State in which the average of the Federal medical assistance percentage determined for such State for fiscal year 2006, the Federal medical assistance percentage percentage for fiscal year 2005 shall apply to the State for fiscal year 2006 for purposes of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

(c) REQUIREMENTS.—The plan shall address the following:


(2) The communication by the Secretary and sponsors of prescription drug plans to individuals described in paragraph (1) of—

(A) information regarding the prescription drug coverage provided under such plan; and

(B) if such an individual is automatically assigned to a plan, information on the plan.

SEC. 6087. RELIEF FOR HOSPITALS LOCATED IN A DIRECT IMPACT PARISH OR COUNTY.

(a) INCREASE IN MEDICARE PAYMENTS TO HOSPITALS FOR BAD DEBT.—During the DRM coverage period, section 1861(v)(1)(T)(iv) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)(iv)) shall be applied by substituting “0 percent” for “30 percent” with respect to—

(1) a hospital located in a direct impact parish or county; and

(2) any other hospital, but only to the extent that the bad debt is related to items and services furnished to an individual who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county.

(b) WAIVER OF CERTAIN MEDICARE QUALITY REPORTING REQUIREMENTS FOR HOSPITALS.—During the DRM coverage period, section 1886(h)(1)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(h)(1)(B)(vi)) shall not apply to a hospital that is located in a direct impact parish or county.
(a) IN GENERAL.—Section 3 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

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SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

''(A) are described in section 3(a)(3); or

''(B) considers that there is a significant increase in its caseload from a State under section 6082.

''(2) with respect to which the trade or business conducted an active trade or business on August 28, 2005, in a direct impact parish or county; and

''(3) has a residence in a direct impact State described in paragraph (2)

''(i) in subsection (a)(2), by striking ''20 percent'' and inserting ''30 percent''; and

''(ii) in subsection (a)(3), by striking ''50 percent'' and inserting ''50 percent''

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.
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SEC. 6091. INCREASE IN AMOUNT OF ADDITIONAL TANF FUNDS AVAILABLE FOR HURRICANE-DAMAGED STATES.

(a) IN GENERAL.—Section 4 of the TANF Emergency Response and Recovery Act of 2005 is amended by inserting the following:

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''(C) the State or Indian tribe deems to be necessary to provide such services or such benefits under a State plan or Indian tribe plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to a family who—

''(i) at the time such benefits are provided, is living in a direct impact parish or county; and

''(ii) has a residence in a direct impact State described in paragraph (2); and

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.
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SEC. 6092. RULES RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND ACCESS TO CHILD SUPPORT REQUIREMENTS.

(a) IN GENERAL.—Section 6 of the TANF Emergency Response and Recovery Act of 2005 is amended by inserting the following:

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''(A) in subparagraph (3), by striking ''40 percent'' and inserting ''50 percent'';

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.
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SEC. 6093. TANF EMERGENCY RESPONSE AND RECOVERY ACT OF 2005.—No amount may be paid out of funds provided under section 151(a) or (b) of the Consolidated Appropriations Act, 2005, to the extent that the amount exceeds the amount made available for such purpose by appropriation under this Act.
tributable to providing Hurricane Katrina 
on a monthly basis the following informa-
the Secretary of Health and Human Services 
Emergency TANF Benefits shall report to 
tribe which provides Hurricane Katrina 
for disclosing any record or other informa-
to disclose records to the Commissioner, 
authorization obtained from the individual 
Social Security Act (42 U.S.C. 423(d)(5)) is 
SEC. 6094. EMERGENCY PROCUREMENT AUTHOR-
TANF Benefit. 
treated as a Hurricane Katrina Emergency 
TANF Benefit if the State or Indian tribe 
ered to be a Hurricane Katrina Emergency 
Security Act in a State described in section 
Preparedness and Response” of Public 

tions). 
executive agency who is a warranted con-
$250,000, as may be approved by the head of such 
amount in excess of $50,000, but not to exceed 
relief operations shall be $50,000, or such an 
subclause (I) may be paid, unless such subcontracting entity is compliant with the 
(2) 2007.—
(1) GUIDANCE REGARDING USE OF GOVERNMENT 
credit cards by Federal agencies to 
make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Fed-
eral Procurement Policy Act (41 U.S.C. 428), as modified by this section.

(2) ELEMENTS.—The guidance under para-
graph (1) shall include—
(A) a list of Government agencies and their 
list of credit cards, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;
(B) procedures for the immediate review of any purchase under subsection (d) in an amount in excess of $50,000 that was not approved by an official specified in that paragraph;
(D) a statement of the amount of such pur-
(1) GUIDANCE REGARDING USE OF GOVERNMENT 
credit cards by Federal agencies to 
make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Fed-
eral Procurement Policy Act (41 U.S.C. 428), as modified by this section.

(2) ELEMENTS.—The guidance under para-
graph (1) shall include—
(A) a list of Government agencies and their 
list of credit cards, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;
(B) procedures for the immediate review of any purchase under subsection (d) in an amount in excess of $50,000 that was not approved by an official specified in that paragraph;
(D) a statement of the amount of such pur-
(1) GUIDANCE REGARDING USE OF GOVERNMENT 
credit cards by Federal agencies to 
make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Fed-
eral Procurement Policy Act (41 U.S.C. 428), as modified by this section.

(2) ELEMENTS.—The guidance under para-
graph (1) shall include—
(A) a list of Government agencies and their 
list of credit cards, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;
(B) procedures for the immediate review of any purchase under subsection (d) in an amount in excess of $50,000 that was not approved by an official specified in that paragraph;
(D) a statement of the amount of such pur-
(1) GUIDANCE REGARDING USE OF GOVERNMENT 
credit cards by Federal agencies to 
make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Fed-
eral Procurement Policy Act (41 U.S.C. 428), as modified by this section.

(2) ELEMENTS.—The guidance under para-
graph (1) shall include—
(A) a list of Government agencies and their 
list of credit cards, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;
(B) procedures for the immediate review of any purchase under subsection (d) in an amount in excess of $50,000 that was not approved by an official specified in that paragraph;
(D) a statement of the amount of such pur-
(1) GUIDANCE REGARDING USE OF GOVERNMENT 
credit cards by Federal agencies to 
make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Fed-
ederal Procurement Policy Act (41 U.S.C. 428), as modified by this section.

(2) ELEMENTS.—The guidance under para-
graph (1) shall include—
(A) a list of Government agencies and their 
list of credit cards, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;
(B) procedures for the immediate review of any purchase under subsection (d) in an amount in excess of $50,000 that was not approved by an official specified in that paragraph;
(D) a statement of the amount of such pur-
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credit cards by Federal agencies to 
make micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Fed-
ederal Procurement Policy Act (41 U.S.C. 428), as modified by this section.

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ederal Procurement Policy Act (41 U.S.C. 428), as modified by this section.
NOTICES OF HEARINGS/MEETINGS
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
Mr. INHOFE. Mr. President, I would like to announce that the Committee on Environment and Public Works will hold a hearing on November 2 at 9:30 a.m. to receive testimony on the response to Hurricane Katrina.

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 joint hearing has been scheduled before the Committees on Energy and Natural Resources and the Committee on Commerce, Science and Transportation.

The hearing will be held on Wednesday, November 9, 2005, at 9:30 a.m. in Room SD–106 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony regarding energy pricing and profits.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those 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 20510–1536.

For further information, please contact Lisa Epifani 202–224–5269 or Shannon Ewan at 202–224–7555.

AUTHORITIES FOR COMMITTEES TO MEET
COMMITTEE ON ARMED SERVICES
Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 1, 2005, at 9:30 a.m. in closed session to receive a briefing to provide an update on the progress of the joint improvised explosive devices (IED) Task Force.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, November 1, at 10 a.m., on the nominations of Shana Dale, to be Deputy Administrator, National Aeronautics and Space Administration, Mark Rosenker, to be Member, National Transportation Safety Board, and Kathryn Higgins, to be Member, of the National Transportation Safety Board.

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

COMMITTEE ON FOREIGN RELATIONS
Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 1, 2005, at 2:15 p.m. to hold a Business Meeting.

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

COMMITTEE ON THE JUDICIARY
Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Judicial and Executive Nominations” on Tuesday, November 1, 2005 at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List:
Panel I: The Honorable Ted Stevens United States Senator, R–AK; and The Honorable Mitch McConnell United States Senator, R–KY.

Panel II: Erick Nicholas Vitaliano to be United States District Judge for the Southern District of New York; Gregory F. Van Tatenhove to be United States District Judge for the Eastern District of Kentucky; Joseph Frank Bianco to be United States District Court Judge for the Eastern District of New York; and Timothy Mark Burgess to be United States District Judge for the District of Alaska.

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

SEC. 795A. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,660,000,000 to carry out this subtitle, of which—

(1) $450,000,000 shall be available to carry out section 7952;

(2) $10,000,000 shall be available to carry out section 7955; and

(3) $1,200,000,000 shall be available to carry out section 7956.

Mr. JOHNSON. Mr. President, I have recently received a very powerful and thoughtful letter from the Presiding Bishop of the Evangelical Lutheran Church in America, ELCA, of which I am a member. While my religious faith is central to the values which inform my political decisions, these decisions are never based exclusively on direct religious influence. I might receive from my religious denomination’s leaders.

Nonetheless, in this instance I believe that this letter, signed by all 66 ELCA bishops, sends the Senate a profoundly important and timely message concerning the budget reconciliation bill currently before this body.

I ask unanimous consent that this letter be printed in the RECORD, and I urge all my colleagues to take this message of Christian compassion and values to heart.

The hearing was ordered to be printed in the RECORD, as follows:
Dear Members of Congress, We write to you as religious leaders seeking justice for millions of vulnerable and dispossessed people in our nation. As Bishops of the Evangelical Lutheran Church in America we represent diverse regions but speak with one voice about the fundamental responsibility of the government, as an expression of the will of the people, to protect the least of its citizens and provide for the poorest in our society. In this spirit we ask specifically that you oppose any attempt to move forward on the budget reconciliation measures now before Congress.

Cuts to mandatory spending called for in the reconciliation package would decrease valuable assistance to millions of low-income families, children, elderly and people with disabilities. Even as the number of people living in poverty and without insurance has increased dramatically in the past five years, the last few tragic weeks in the Gulf Coast area have put a face, indeed, thousands of new faces, on poverty in the heart of our society. Programs such as Food Stamps, Medicaid, the State Children’s Health Insurance Program (SCHIP), and Temporary Assistance to Needy Families (TANF) help to keep struggling families together and assist low-income working families in moving to higher economic ground. This is not the time to cut such important programs while using the cuts to pay for tax breaks for those who don’t need them.

The Biblical record is clear. The Scriptural witness on which our faith tradition stands speaks dramatically of God’s concern for and solidarity with poor and oppressed communities while speaking firmly in opposition to governments whose policies place narrow economic interests driven by greed above the common good. Jesus speaks and acts unequivocally on behalf of those on the margins of society. St. Paul writes forcefully on behalf of those on the margins of society. St. Paul writes forcefully about the importance of community and expands the definition of those we call brothers and sisters in Christ. As Americans open their homes to embrace neighbors from Gulf Coast states, as non-profit and religious organizations provide relief services, we strongly urge you to reflect on your role as a government official in providing for the least in our society and ask that you oppose any attempt to move forward with the budget reconciliation process.

Peace Be With You,

Bishop Mark S. Hanson, President Bishop, Evangelical Lutheran Church in America.

November 1, 2005
EXPRESSING APPRECIATION FOR THE CONTRIBUTION OF CHINESE ART AND CULTURE

Mr. GREGG. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 56 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk reads as follows:

A concurrent resolution (S. Con. Res. 56) expressing appreciation for the contribution of Chinese art and culture and recognizing the Chinese Ministry of Culture, should be printed in the RECORD.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GREGG. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 56) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 56

Whereas mutual cultural understanding and appreciation helps to advance the overall bilateral relationship between the United States and China;

Whereas Chinese cultural achievements have enriched the world for over 5,000 years;

Whereas Chinese artists both in China and in the United States have excelled in music, dance, fashion, theater, film, and the visual arts;

Whereas the John F. Kennedy Center for the Performing Arts is hosting a month-long celebration of Chinese contributions to the arts at the Festival of China in October 2005;

Whereas the event, with more than 50 performances and exhibitions and over 800 artists, will be the largest festival in the history of the Kennedy Center;

Whereas the Kennedy Center characterizes the Festival of China as the “largest celebration of Chinese performing arts in American history”;

Whereas events like the Festival of China, along with efforts to promote educational and scientific cooperation between the United States and China, further mutual understanding between our two societies;

Whereas publicly- and privately-funded exchange programs and other forms of Sino-American contacts foster positive relations; and

Whereas cultural events like the Festival of China help strengthen diplomatic, commercial, and political cooperation between the United States and China: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the diverse array of cultural contributions made by Chinese artists based in China, the United States, and around the world benefit the entire international community;

(2) the Kennedy Center, along with the Chinese Ministry of Culture, should be commended for promoting Chinese achievement in the arts at the Festival of China;

(3) the significant undertaking and efforts necessary to organize the Festival of China provides a unique opportunity for bilateral cooperation;

(4) building upon the Festival of China, additional efforts that promote cultural understanding between the United States and China should be encouraged;

(5) the United States and China should work to promote cultural, as well as scientific and educational, cooperation between the two countries;

(6) the United States and China should continue to promote exchange programs, such as the Festival of China, as a vital tool for advancing mutual understanding and cooperation between the people of the United States and the people of China; and

(7) the hundreds of performers and individuals who have contributed their time and effort to make this landmark celebration of Chinese culture and the arts a success are to be congratulated.

ORDERS FOR WEDNESDAY,

NOVEMBER 2, 2005

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 8:30 a.m. on Wednesday, November 2. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 1932, as under the previous order.

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

PROGRAM

Mr. GREGG. Tomorrow, the Senate will continue its work on the deficit reduction bill, and under the time agreement, all time will expire at 6 p.m. tomorrow evening. I remind my colleagues that we are of course working with the bill managers and if they plan to offer amendments, we will complete this bill this week. We will work through Thursday and Friday, if necessary, to finish this important measure. I encourage Senators to be judicious in filing amendments so that we can avoid a multiday veto-grama that will spill into Friday’s session.

I remind Senators that we will need to dispose of the Agriculture appropriations conference report this week as well, and we will be slotting in debate time for that probably tomorrow evening.

MORNING BUSINESS

Mr. GREGG. I ask unanimous consent that there be a period for morning business with Senators permitted to speak up to 10 minutes each, with Senator WYDEN permitted to speak up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object—I do not intend to object—I ask to modify the unanimous consent request to speak for up to 20 minutes, and I would also like to ask, with the leave of the Chair and the ranking minority Member, that Senator NELSON be allowed up to 2 minutes. I think he had one additional comment that he wanted to make about his proposal.

Mr. GREGG. I believe my unanimous consent request was for 20 minutes for the Senator from Oregon, and I will add to that that the Senator from Florida be given 2 minutes.

Mr. WYDEN. I thank the distinguished chairman of the committee. I withdraw my reservation.

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

ORDER FOR ADJOURNMENT

Mr. GREGG. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Florida and the Senator from Oregon.

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

The Senator from Florida.

MEDICARE PART B

Mr. NELSON of Florida. Mr. President, I rise to respond to the Senator from New Hampshire, to point out that the offset to the amendment that would freeze the Medicare Part B premium for senior citizens is not as the Senator from New Hampshire had been led to believe in Medicare Part D, which is the prescription drug benefit. No, the offset is in the new proposed changes to Medicaid that would make Medicaid be distributed through the States through managed care.

Under the current law, the prescription drugs that are available through Medicaid have to be discounted and provided to Medicaid recipients. The new waivers to the States allowing Medicaid to be dispensed through HMOs is going to allow those discounts to go away, and it will be a negotiated item. There is a savings of up to $2 billion if one does not allow that law to change so that the discount goes away by law.

Therefore, Medicaid recipients very possibly pay more. It is that savings, by keeping that discount of up to $2 billion, which is the offset that we pay for, keeping senior citizens whole by not raising their Medicare Part B premium.

The PRESIDING OFFICER. The Senator from Oregon.

AMERICA CAN DO BETTER

Mr. WYDEN. Mr. President, America can do better than making a policeman walking the beat pay a higher Federal tax rate than someone who makes his money on capital gains and dividends. Unfortunately, the Advisory Panel on Federal Tax Reform today
sent to the President a recommendation that will widen the gap between our middle class workers and the fortunate few.

I am a Democrat who believes in markets, I believe in wealth creation, I believe in entrepreneurship, but I also believe in what Henry Ford said. He of course, was the great industrialist. He made it clear that he wanted to make money and he wanted to do well but he said: For me to make money, my workers have to have enough money to be able to buy our products.

What concerns me tonight is that the middle class, the folks who are hurting, have gotten short shrift once again from the special advisory panel on tax reform.

These are the folks, the middle class folks, who are walking an economic tightrope, balancing their medical bills against their energy bills, trying to set aside money to save for retirement and health. They are the ones who deserve a break.

I heard mention tonight that Democrats, Senators on my side of the aisle, were not interested in cutting taxes. Well, I proposed last week to cut taxes for millions of middle class people and folks with incomes up to $150,000 by eliminating scores of exemptions, deductions and special interest breaks that exist on both the individual side of the code and the corporate side of the code.

What we saw today is the special advisory panel on tax reform wanted none of that. They did not want to make those kinds of tough choices that step on the toes of special interests, powerful interests with big lobbies. Instead, what they did is take it once again out of the hide of middle income people who would be asked to give up tax breaks and support for concerns such as child care.

When we already have a big gap between those who work for wages and those who make their income on capital gains and dividends, how can it be that it is now proposed to widen that gap?

I think we would be well advised to look back to 1986, when the late President Reagan worked in a bipartisan way with Democrats, both with the Senate and the other body, to come up with a proposal that I think—certainly its foundation would be very appealing now. That all income be treated equally. That is what this country has always been about. I do not want to soak anybody. I do not want to discriminate against anybody. But I do not think it is right for workers to have to pay a higher effective tax rate than those who make their money on capital gains and dividends.

Income ought to be treated the same. That is what the country is all about. It seems to me that the advisory panel on tax reform missed a big opportunity today when they widened the gap between those who work for wages and those who make their income from wealth.

If one looks at the tax panel’s recommendations, in effect, they throw three strikes at the middle class and they lob softballs to the special interests. The first pitch is a slider that shifts a sizable tax burden away from those at the top to the middle income taxpayers. It is a fast ball that takes away many of the deductions and credits such as those for child care and medical needs that middle income Americans have come to rely on. The third pitch is a change-up. The tax proposal may look revenue neutral, but when it flies across the plate, it adds billions of dollars to the budget deficit and will force middle class Americans and their children to pay for tax cuts for the fortunate few.

Under this special advisory panel plan that was proposed today, the middle class simply strikes out. Certainly, those who are at the top are going to enjoy the grand slam that is offered by the panel’s plan. The panel would cut the highest tax rate down to the 35 percent level. Once again and there is not the kind of massive housecleaning of the tax system either.

I proposed in my legislation, S. 1927, the Fair Flat Tax Act of 2005, that even though I said that we should not just cut the tax rates for the fortunate, making up for it by having the middle class subsidize those tax breaks, but mine would treat all income equally. To carry out our proposal, we include a new, simplified 1040 form, one page, 30 lines, for every individual taxpayer. There are three brackets rather than the current system.

Under my proposal the brackets are 15, 25, and 35, and we create a flat corporate rate of 35 percent. This plan is more fair because it would no longer disproportionately favor the most affluent at the expense of the middle class.

Certainly, the tax breaks that my legislation calls for will benefit the low- and middle-income taxpayers, with the fortunate few benefiting and the middle class getting hammered again.

The proposal I have made keeps in place the deductions that are most important for our middle-class citizens, and particularly the investments they make—the investments they make in their home, in their retirement, in education—those concerns that are so important to maintaining a middle class in our country.

In contrast to the proposal made by the advisory panel today, my legislation means that the vast majority of
American taxpayers will see a cut, particularly the middle class in our country. The Congressional Research Service has indicated that all Americans, particularly the middle class and those with incomes up to $150,000, will see tax relief. The President’s panel, the advisory panel that reported today, itself said that most taxpayers under its plan will not see much difference in their taxes.

We are going to have a battle of ideas. We hear often that there ought to be a debate about specific proposals. Now we have one. The advisory panel that reported to the President of the United States said, by their own analysis, that most taxpayers under their proposal will not see much difference in their taxes.

Under the proposal I have made for a fair, flat tax rate, what is going to happen in this country, according to the independent analysts at the Congressional Research Service, is that millions of middle-class people will get a tax cut, and all Americans with incomes up to $150,000 will see tax relief. Where the panel throws strikes at the middle class, I say it is time to give the middle class a break. I certainly question the fairness of the President further cutting tax rates for those who are the most affluent in this country while the gap widens between those who depend on their wages to support their families.

Finally, to illustrate the contrast, the proposal made by the panel today does nothing to deal with the hemorrhage that we have in the Federal budget. My proposal, on the other hand, according to the Congressional Research Service, makes a real start at reducing the budget deficit and would actually whittle down these budget deficits approximately $100 billion over the next 5 years.

In summary, I am very troubled by the recommendations coming from the advisory panel today because they continue to twist the Tax Code away from equal treatment of all income, widening the chasm between people who get wages and people who collect dividends. I am troubled that it hits middle-class Americans especially hard, but it treats the special interests and the affluent with kid gloves. And I simply cannot find a sound rationale for adding massively to the country’s deficit the way the advisory panel would do. Making the Tax Code simpler and flatter is going to help make it fairer.

What is really needed is to provide actual, concrete tax relief to the middle class and to treat work and wealth equally. That was what was done in 1986. I have been asked several times since introducing this legislation, how is anything going to happen now? The advisory panel’s proposal probably goes off to the Federal agency on collecting dust, where they send these commission reports that do not get a lot of attention. But I will tell you that I think there is a chance to strike a chord out across the country with the middle class. That was what was done in 1986 when, on a bipartisan basis, President Reagan and several leading Democrats said, as I am suggesting tonight: America can do better than to tax the middle-class person’s wages at a higher rate than it does the people who make their money on capital gains and dividends. If it was good enough for Ronald Reagan in 1986, I think it ought to be pretty appealing to this Congress tonight and in the days ahead.

Now that the debate has been joined, we have the advisory panel’s proposal which shows again what their priorities are, which I have outlined tonight. I think they are unfortunate. The legislation I have authored would give significant tax cuts to middle-class folks by eliminating scores of exemptions and deductions and would reduce the Federal deficit at a time when these budget books are hemorrhaging.

The debate is joined. There are two clear alternatives, two clear approaches to this issue of how to approach tax reform now on the table. I look forward to the debate. It is my hope that the Congress, as was done in 1986, can decide this is time to cleanse the Tax Code. Ever since 1986, one break, one exemption, one deduction after another has been added to the Code. Unfortunately, not many of those breaks went to the middle class. They did go to the fortunate few. Now we have a budget deficit that is hemorrhaging and a middle class that is hurting.

Folks want to know what the difference is between the various parties with respect to tax reform. The difference could not be clearer tonight between what I have proposed, a Fair Flat Tax Act, and what the advisory panel proposed this afternoon. I hope the Senate can come together, as was done in 1986, and cleanse the tax system again, since that exercise has not been pursued in 20 years. It can be done on a bipartisan basis as was done in 1986.

I look forward to working with colleagues. I serve on the Finance Committee where such a debate will start. I look forward to working with colleagues on a bipartisan basis.

I yield the floor.
IN RECOGNITION OF RECORDING ARTS DAY ON CAPITOL HILL

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. HOYER. Mr. Speaker, I would like to recognize the success of the first ever Recording Arts Day on Capitol Hill, which was held on September 7, 2005. This grassroots advocacy day for music was organized by The Recording Academy, in conjunction with the Recording Arts and Sciences Congressional Caucus, of which I am proud to co-Chair with Representative MARY BONO.

Recording Arts Day brought 20 music associations and more than 100 music professionals to the Hill to discuss a variety of issues with Members of Congress, including protecting intellectual property rights, bolstering music education and emphasizing the importance of music preservation. Musicians, songwriters, singers, producers and other key members of the music community shared their experiences and raised awareness of the important role that the recording arts play in our culture and economy.

Music is one of our country’s greatest and largest exports, in addition to touching millions of lives around the world. Recording Arts Day seeks to ensure that the private and public sectors are working together on these causes in order to nurture future artists and support music.

Mr. Speaker, I would once again like to recognize Recording Arts Day and thank The Recording Academy, and its president Neil Portnow, for organizing this great event.

TRIBUTE TO ROSA PARKS

SPEECH OF
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 26, 2005

Mrs. MALONEY. Mr. Speaker, I rise today to honor the life and work of Rosa Parks, a pioneer of the civil rights movement, who passed away on October 24, 2005. She will not soon be forgotten. In a moment of defiance, America’s history forever changed. On one December day in 1955, Rosa Parks defied the social injustices that were plaguing the United States and made a statement by refusing to surrender her bus seat to a white man. This historic day in Montgomery, Alabama gave a spark to the civil rights movement. In a time and place of great danger, Rosa Parks was a leader among those brave individuals who sought to overcome racial discrimination and bigotry.

Rosa Parks knew the dangers and potential consequences of her actions, but she also had a greater sense of what was right and what was just. Her passion for freedom and equality should serve as an inspiration for generations to come, just as it did during the uncertain times of the 1950s and 1960s. When she refused to give away her seat, Mrs. Parks was not looking for any sort of attention or fame. She was simply asserting her fundamental rights as a woman and an American that serve as the foundation of the United States.

Today, and forever, we will honor the memory of Rosa Parks. History will remember her as one of the greatest Americans. Rosa Parks will forever walk among the heroes of justice and freedom.

CONGRATULATING BOY SCOUT TROOP 20 OF THE TOQUA DISTRICT, GREAT SMOKY MOUNTAIN COUNCIL ON ITS FIFTIETH ANNIVERSARY

HON. JOHN J. DUNCAN JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. DUNCAN. Mr. Speaker, every Boy Scout of America Troop deserves recognition, and I am proud to have many active Troops in my District which are making a tremendous difference in our communities every day. I rise today though to recognize Boy Scout Troop 20 of the Toqua District, Great Smoky Mountain Council in Knoxville, Tennessee. Troop 20 is celebrating its 50th anniversary this month.

For half of a century Troop 20 has been practicing the outstanding principles of Scouting and making Knoxville a better community. I believe every Member of this body shares the gratitude I have for this Troop, its leaders and scouts, both past and present.

Troop 20 has actively participated in collecting food goods for the homeless as part of the “Scouting for Food” program. The Scouts and leaders of this Troop have made countless improvements to area churches, parks and community facilities. They have assisted in many other civic oriented projects and have always displayed a sincere desire to serve those around them.

I have had the distinct honor of presenting many Scouts of Troop 20 with a United States Flag as they are awarded the prestigious Eagle Scout designation. Every Scout though of Troop 20 has distinguished himself as an upstanding member of our community and a fine citizen of our Nation.

Mr. Speaker, I ask that the United States House of Representatives join me in saying congratulations to Boy Scout Troop 20 for 50 years of service and distinction.

HONORING ROBERT RINGLEIN

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. KILDEE. Mr. Speaker, I rise before you today with a heavy heart, as I ask my colleagues in the 109th Congress to join me in honoring the life and accomplishments of a great man and a great friend, Robert Ringlein of Swartz Creek, MI, who died October 30. I am deeply saddened by this loss, for I have known the Ringlein family for many years, and count them among my closest friends.

It has been said that “death ends a life, not a relationship,” and this is certainly the case with all those who have ever come into contact with Bob Ringlein. Born and raised in my hometown of Flint, MI, Bob attended St. Mary’s School and St. Mary’s Parish. After high school, he enlisted in the United States Armed Forces, where he honorably served for four years in the U.S. Air Force during the Korean War. After the war, Bob returned to Michigan and began working for General Motors at Buick Plant #36. He also joined the United Auto Workers, where he strived to do whatever he could to ensure that a strong, equitable, and positive environment existed in the workplace and throughout the community.

Outside of work, Bob was heavily active with the Knights of Columbus. For many years, he represented Flint Council #695 with distinction, including his time spent as Grand Knight. Together with the Knights, Bob was constantly at the forefront of campaigns designed to improve the Greater Flint Area, and make it a better place in which to live. The effect they have had, and continue to have on a local, state, and national level is tremendous, and I have always appreciated Bob’s leadership and insight during these times.

Bob leaves to cherish and carry on his legacy his wife of nearly 50 years, Marilyn, their three daughters Sharon, Kathy, and Teresa, and son Christopher.

Mr. Speaker, I ask the House of Representatives to join me in offering condolences to the family of Mr. Robert Ringlein, and in thanking them for sharing him with our community. It is people like Bob, who make it their life’s work to improve the quality and dignity of life for us all, that inspire us to greater efforts. I, along with the family and all those who have been impacted by Bob will truly miss him greatly.
IN RECOGNITION OF LIEUTENANT COMMANDER WILBUR (BILL) L. ROBERTS JR. SERVICE AND DEDICATION TO THE UNITED STATES NAVY

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of a great American. Lieutenant Commander Wilbur Roberts Jr. I honor him today for his service to our Nation in the United States Navy.

Lieutenant Commander Roberts has dedicated 28 years of his life to the United States Navy and as of November 1, 2005 will be officially retired from service. LCDR Roberts’ career began as an equipment operator in the Seabees in 1977 after joining the Navy from his home town of Wells, Nevada.

During his service in the United States Navy, Lieutenant Commander Roberts has earned a Bachelor of Science degree in Engineering Science from Oregon State University. He also attended the Naval Post Graduate School, in Monterey, California, where he earned a degree in Operations Logistics. Over the course of his 28-year-career, he has served in a number of positions such as, a Communications Officer, Replenishment at Sea Equipment Officer, and Operations Officer in a number of areas supporting naval operations.

In addition to his service as an Operations Officer, Lieutenant Commander Roberts has served as the Executive Officer of the USS Sacramento and in 2003 reported to Commander, Carrier Strike Group Three as a Maritime Time Officer. He ends his career while serving CCGS-3 as Assistant Chief of Staff for material, N4.

Lieutenant Commander Roberts has earned a number of awards throughout his career including, the Navy Meritorious Service Medal, three Navy and Marine Corps Commendation Medals, two Good Conduct Medals and a number of other unit awards.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute Lieutenant Commander Roberts for his service and dedication to our great Nation.

LEARNING AN IMPORTANT LESSON FROM OUR CHILDREN

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. SANDERS. Mr. Speaker, many thousands of American men and women are serving in Iraq under very dangerous conditions. Often, we at home go about our daily business and forget the bravery and responsibility of our brave soldiers half a world away. And even more, we often forget what war means for the children in Iraq.

I want to tell you, today, about a community of young people who have not forgotten that our soldiers are in Iraq, or that their mission is, ultimately, to secure peace. These first, second and third graders at Elmore Lake School in Vermont not only remember the larger mission of our soldiers, they have sent packages to reach out to the children of Iraq, who like themselves are students in schools.

These young students at Elmore Lake School also wrote letters to Iraqi schoolchildren, made pictures for them, and then put the letters and pictures into parcels filled with school supplies. With the help of the Elmore Lake School’s children and their families, the Lamolle Valley Chamber of Commerce found kind sponsors who paid the cost of postage.

The letters written by the children remind us, remind us all, that war is not something abstract, but a situation which involves human beings. Here is one example, a letter from a student named Sebastian that was reprinted in the News and Citizen of Morrisville. It is remarkably eloquent, not only in its ability to reach out across oceans and continents to children elsewhere, but in its reminder to all of us of just what war may mean to those who must live in its midst:

DEAR CHILDREN IN IRAQ, I feel bad for you because you are probably scared because you have a war going on in your country. I don’t think it is right for kids to have to deal with this. I don’t even know why people are fighting! I would definitely be very scared if I had a war going on close by! So my class in school thought we should give you kids school supplies. I hope the war stops soon, there is already enough bad things going on in your country! I wish you good luck!

Sincerely,
SEBASTIAN L.W.

I offer my deep respect, and that of my state and Nation, to these thoughtful and giving young students in Elmore, who have taught all of us to think deeply about war and about generosity.

IN HONOR OF ROSA PARKS, “MOTHER OF THE CIVIL RIGHTS MOVEMENT”

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. COSTA. Mr. Speaker, I rise today in honor and memory of the civil rights icon Rosa Louise Parks. Almost half a century ago, Mrs. Parks’ refusal to surrender her bus seat triggered the first organized actions in the civil rights movement. Because of her action that day, Mrs. Parks will always be remembered as the “mother of the civil rights movement.”

Rosa Parks was born in Tuskegee, Alabama on February 4, 1913. As a girl, she wrote, “I had a very strong sense of what was fair.” She led a life dedicated to improving civil rights and acted as an inspiration to many Americans. On December 1, 1955, Mrs. Parks sat in an unreserved section of a city bus. When asked to give up her seat for a white man she politely refused. It is a common misconception that Rosa Parks was unwilling to give up her seat because she was tired from a long day at work. As she told it, “the only tired I was, was tired of giving in.”

Mrs. Parks’ act of civil disobedience is the popular inspiration that led to Martin Luther King Jr.’s decision to lead a bus boycott that lasted an amazing 381 days. On November 13, 1956, in an important victory for the civil rights movement, the Supreme Court outlawed segregation on buses. This movement would experience many important victories, but Rosa Parks will always be remembered as its catalyst.

Mrs. Parks was a shy, soft spoken woman who was uncomfortable being revered as a symbol of the civil rights movement. She only hoped to inspire young people to achieve great things. However, in 1996 her place in U.S. history was cemented when she was awarded the nation’s highest civilian honor, the Presidential Medal of Freedom by President Bill Clinton. Mrs. Parks passed away October 24th at the age of 92, at her home in Detroit.

Rosa Parks will be remembered for her lasting contributions to society. Her legacy lives on in the continued struggle for civil rights around the world. She will be missed.

TRIBUTE TO WILLIAM J. “BILL” MAIO

HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. HYDE. Mr. Speaker, I rise today to recognize the distinguished service of Mr. William J. “Bill” Maio, a community leader and dedicated servant on behalf of the people of DuPage County, Illinois. Mr. Maio has given decades of selfless public service, he has owned himself to be a man of great energy, conviction and action.

Mr. Maio began his public service as a member of the school board for the Village of Wood Dale, Illinois. During his subsequent years in elective office, Mr. Maio served as a member of the DuPage County Board including a stint as its vice chairman. He also served as chairman of the Government Efficiency Committee, helping to save millions for the taxpayers.

In addition to his years of public service, Mr. Maio has also dedicated his enormous talent and energy to vital community and civic organizations. He has served as a past president of the Wood Dale Chamber of Commerce, as well as past president of the Wood Dale Lions Club. Mr. Maio has played an active role in the lives of the youth in his community, taking time out to coach and manage little league teams.

A veteran of the Vietnam War, Mr. Maio, first served his nation faithfully from 1966–1968 in the United States Army as a member of the 4th Army, as well as the 579th Ordinance Company of the Advanced Weapons Support Group. He was recalled to service in 1970 and assigned to the 12th Special Forces Group. Mr. Maio is a lifelong member of the American Legion and Vietnam Veterans Association. With his wife of 35 years, Gale, the pair have a daughter, Kim.

Mr. Speaker, on behalf of myself and the residents of the Sixth Congressional District of Illinois, I would like to extend my heartfelt thanks and very best wishes to Mr. William J. “Bill” Maio for his years of devotion and enthusiasm to the people of DuPage County.
VERSATILITY OF INCORPORATION. MARINA IS A YOUNG CITY, PARTICULARLY IN CONTRAST TO ITS NEIGHBOR MONTEREY, FOUNDED IN 1772. BUT YOUNG, IN THE CASE OF MARINA, IS JUST ANOTHER WORD FOR DYNAMIC.


The American military career in 1946 he joined Nashville Tent and Awning and was the company’s president by the time he retired in 1987. A long-time member of the Lions Club, Mr. Arnold served as a mentor to others by sharing his life experiences. Mr. Arnold always gave back more than he took from his country and his community. Congratulations and best wishes to Mr. Arnold. I am certain his family; his wife of more than sixty years Dorothy, their children, Allison, Melissa and Wayland and their 10 grandchildren and 5 great-grandchildren are tremendously proud of this much deserved recognition and thanks from our community.

COMMENDING UPPER GREENWOOD LAKE VOLUNTEER AMBULANCE CORPS

HON. SCOTT GARRETT OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, I commend the Upper Greenwood Lake Volunteer Ambulance Corps in New Jersey’s fifth Congressional district on 50 years of excellent service to our community. Located in West Milford in northern New Jersey, this brave group of selfless residents has been saving lives since being founded on June 2, 1955.

A great community effort, the Upper Greenwood Lake Volunteer Ambulance Corps was started with the assistance of a weekend resident and a loan from a local business owner. Residents helped maintain the first ambulance, a 1947 Cadillac, and cleared the land for the headquarters with assistance from local businesses.

Today, volunteers spend countless hours training in life-saving and learning how to use advanced equipment. Volunteers also raise money to defray the costs of ambulance care for needy residents.

For their great dedication to the cause of saving lives, I praise the Upper Greenwood Lake Volunteer Ambulance Corps and wish them another 50 years and beyond of outstanding response to medical emergencies.

COMMENDING UPPER GREENWOOD LAKE VOLUNTEER AMBULANCE CORPS

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TRIBUTE TO ART LOTTES III

HON. EDOLPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. TOWNS. Mr. Speaker, one of the pleasures of being a Congressman is the ability to personally meet and publicly recognize individuals who have made positive contributions on behalf of their communities and business associates. One such individual with whom I have continued to benefit the lives of consumers and the automotive aftermarket is Art Lottes, III.

Mr. Lottes and I began coordinating on legislation in 2001 that we believe will help motorists of all financial backgrounds, and have worked to continue to improve the competitive landscape in 2001 that we believe will help motorists of large active-duty bases and the base’s status as a F-16 formal training unit (FTU) should have exempted it from data calls pertaining to standard weapons system requirements. Mr. Lottes argued that DoD’s metrics and value scores reflected neither the base’s mission nor mission requirements. According to the community’s analysis, accurate data reflecting aircraft type, technical quality, training capacity, and maintenance and logistics capacity would have resulted in a significantly higher score. In addition, community representatives argued that DoD’s metrics and value scores reflected neither the base’s mission nor mission requirements. According to the community’s analysis, accurate data reflecting aircraft type, technical quality, training capacity, and maintenance and logistics capacity would have resulted in a significantly higher score.

Mr. Lottes kept a “hands-on-approach” to Carquest store owners’ and employees’ needs, whether with A.E. Lottes Company or Carquest Corporation. He worked with many aftermarket companies nationwide to help strengthen that industry’s five million-plus-employee base.

But, Mr. Lottes, always mindful that communities and business rely on the strengths of one another, lives of all workers, worked for many years, and continues to, with the Juvenile Diabetes Association. He has been an active volunteer with the Triangle/Eastern North Carolina Chapter of the National Juvenile Diabetes Association. He has mobilized “Carquest Team” walkers to help raise money for the Triangle/Eastern North Carolina Chapter, as well as raising money within Carquest Corporation for this worthy cause.

Mr. Lottes is now retiring from the Carquest Corporation and from the CARE Board of Directors after many years of distinguished service to the aftermarket. Although he is officially retiring, he will continue to stay involved with the many aftermarket causes which benefit America’s small business community, and with CARE, where he will be missed for his wisdom and guiding hand.

I, too, will miss coordinating with Mr. Lottes, but I know he will be doing so with a pure spirit and the continued good wishes for his fellow aftermarket associates, Carquest Associates and his community.

Therefore, CARE, the aftermarket and I will not say goodbye to Mr. Lottes, just so long.
the 18 F-16 aircraft assigned to the 178th Fighter Wing (ANG) to meet the Primary Aircraft Authorizations (PAA) requirements established by the Base Closure and Realignment recommendations of the Secretary of Defense, as amended by the Defense Base Closure and Realignment Commission.

Establish 18 PAA F-16 aircraft at the 140th Wing (ANG), Buckley Air Force Base, Colorado.

Establish 18 PAA F-16 aircraft at the 149th Wing (ANG), Lackland Air Force Base, Texas.

Establish a contiguous enclave for the 178th Fighter Wing (ANG) sufficient to support operations of that unit, including flight operations, and compatible with joint use of the Springfield-Beckley Municipal Airport as a civilian airport.

If the State of Ohio decides to change the organization, composition and location of the 178th Fighter Wing (ANG) to integrate the unit into the Future Total Force, all personnel allotted to the 178th Fighter Wing (ANG), including the unit’s Expeditionary Combat Support (ECS) elements, will remain in place and assume a mission relevant to the security interests of the State of Ohio and consistent with the integration of the unit into the Future Total Force, including not limited to air mobility, C4ISR, Information Operations, engineering, flight training or unmanned aerial vehicles. Where appropriate, unit personnel will be retrained in skills relevant to the emerging mission.

This recommendation does not effect a change to the authorized end-strength of the Ohio Air National Guard. The distribution of aircraft currently assigned to the 178th Fighter Wing (ANG) is based upon a resource-constrained determination by the Department of Defense that the aircraft concerned will better support national security requirements in other locations and is not conditioned upon the agreement of the state.

The Commission found that this change and the recommendation as amended are consistent with the final selection criteria and the Force Structure Plan. The full text of this and all Commission recommendations can be found in Appendix Q.

### OHIO NATIONAL GUARD—HURRICANE SUPPORT JOINT TASK FORCE BUCKEYE I

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<th>Unit</th>
<th>Mission</th>
<th>Missions/Quantities</th>
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### OHIO NATIONAL GUARD—HURRICANE SUPPORT JOINT TASK FORCE BUCKEYE II

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### IN HONOR OF THE PEACE AND JUSTICE AWARDS DINNER OF CLEVELAND

**HON. DENNIS J. KUCINICH**

**OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

*Tuesday, November 1, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Rev. Mr. Bill Merriman, The Empowerment Center of Greater Cleveland, Marilyn Cunin and the Pulaski Franciscan Community Development Corporation as they receive the annual Peace and Justice awards from the Commission on Catholic Community Action.

Rev. Mr. Bill Merriman is a deacon at St. Patrick’s Parish in Cleveland. He received the Individual Award for his work as an advocate and catalyst for social justice and peace locally and globally for over thirty-five years.

Rev. Mr. Merriman aggressively works with transitioning refugees into the city of Cleveland through the Migrant Refugee Office.

The Empowerment Center of Greater Cleveland received the Organization Award. The Empowerment Center has worked on numerous cases including getting school supplies to families on welfare. Their nearly forty years of service of advocacy on public policy and practical programs with and for low-income people across greater Cleveland has earned them this recognition.

Marilyn Cunin received the Special “Church in the City” Recognition Award. She received this award for her strong support of “The Church in the City” Forum series, as well as the West Side Ecumenical Ministry and the East Cleveland Public Library and countless efforts to strengthen the urban core of Northeast Ohio.

The Pulaski Franciscan Community Development Corporation is a not-for-profit CDC. Their collaboration effort with the St. Stanislaus Parish to develop the Cloisters Housing Development in the Warszawa Historic District in Cleveland, Ohio is a major revitalization to the Slavic village area. For their spearheading efforts the Pulaski Franciscan Community Development Corporation received the Special “Church in the City” Recognition Award.

Mr. Speaker and Colleagues, please join me in honor and recognition of the recipients of the Catholic Community Action Annual Peace and Justice Awards as they are honored today for their work.

**IN HONOR OF JUDGE PHILIP N. GUMBS**

**HON. FRANK PALLONE, JR.**

**OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

*Tuesday, November 1, 2005*

Mr. PALLONE. Mr. Speaker, I rise today to honor the memory of Judge Philip N. Gumbs. Judge Gumbs passed away after a life of distinguished service to his family and his community at the age of 82.

Judge Gumbs was a first generation American who volunteered for the U.S. Army Air Corps immediately after graduating high school and served honorably in World War II. After returning home, he earned his undergraduate degree from Rutgers University and his law degree from Lincoln University in St. Louis. Judge Gumbs was a probation officer and a law partner before an ardent desire to see his children receive a good education caused him to enter public life as a member of the Matawan Board of Education.

Judge Gumbs’s work to improve education was his first step in a career of dedicated public service. He would go on to hold many other public offices including serving on the township council and as the mayor of Matawan. He was elected to the Monmouth County Board of Chosen Freeholders with the highest number of votes for any elected seat in the county. He later became the first African-American director of the Board of Chosen Freeholders. He was appointed a judge in 1976, and served as a workers’ compensation judge for 25 years.

Judge Gumbs was a lifelong member of St. Mark AME Zion Church. He was an active member of his church community and served in a number of capacities, including superintendent of the Sunday school, a role that allowed him to continue his work to improve...
education. He served for 30 years as chairman of the Trustee Board. Judge Gumbs was also active as a Master Mason with a local lodge.

My condolences go out to his wife Rachel, his children, Robina and Kelvin, his three grandchildren, his sisters and brothers, and his nieces and nephews. Judge Gumbs' legacy of service to his community will be remembered for generations to come.

RECOGNIZING STUDENTS AND TEACHERS FROM THE UNIVERSITY OF WISCONSIN AT WHITEWATER’S SYMPHONIC WIND ENSEMBLE

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Ms. BALDWIN. Mr. Speaker, it is with great pride that I rise today to recognize a talented group of students and teachers from Wisconsin whom I am proud to represent. From Les Paul to Boz Scaggs, Wisconsin has a long history of producing diverse musicians of international acclaim. Continuing this legacy, the University of Wisconsin at Whitewater’s Symphonic Wind Ensemble always sets a high standard and soon it will set that standard on a much larger stage. On November 4–6, they will travel to England for the Royal Northern College of Music International Festival of Winds. The ensemble will perform at one of the most prestigious band conferences in the world.

In being invited to the festival, the ensemble will not only be representing Wisconsin but they will be the sole representative of the United States at the festival. The ensemble embodies the American values of hard work and dedication, which is a testament to their Director, Mr. Glenn Hayes. Fittingly, Wisconsin will recognize these students as Official Musical Ambassadors as they travel abroad.

While at the festival, they will receive the special privilege of instruction from faculty at the Royal Northern College. I applaud the University of Wisconsin at Whitewater’s Symphonic Wind Ensemble for their accomplishments and for their contributions both to Wisconsin and the United States.

IN HONOR AND REMEMBRANCE OF ANN CHUDNER

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Ann Chudner, devoted wife, mother, champion of social and civil rights, and friend and mentor to countless.

Mrs. Chudner was born and raised in New York City where she became actively involved in social causes when she was a young employee at Macy’s Department Store. While there, Mrs. Chudner joined the union movement and took part in the first major strike against the store. Her husband, Irving Chudner, was also involved in the union movement and became a union leader with Local 1250 at Ford’s Brook Park plant. She moved to Cleveland with her husband, where their focus on their son, Rick, and their dedication to causes of social justice never diminished.

Mr. and Mrs. Chudner and their son, Rick, who has followed the activism path of his parents, directed their spirit of activism throughout the City of Cleveland and the West Park community. Mrs. Chudner became deeply involved in social issues ranging from fighting against corporate tax abatement to working toward educational and recreational opportunities for youth, to supporting numerous candidates.

Mr. and Mrs. Chudner were immersed in the mayoral candidacy of Carl Stokes, helping him to win the election as the first African American mayor of a major American city. She was instrumental in the success of the grassroots campaign to save Cleveland’s municipal power company from takeover by the local monopoly private electric company when I was mayor of Cleveland. She was instrumental in working with Cleveland school officials to implement the Compu-Tech program, which introduced students to computers at a young age.

Mrs. Chudner also rallied against the closings of West Tech and John Adams high schools, and was a steadfast leader in the West Park Community Council, a social action group whose membership climbed to 300 during her tenure.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mrs. Ann Chudner, whose fearless advocacy on behalf of the people of her community was framed by courage, heart and unwavering conviction in the philosophy that a unified group can affect real change. I offer my deepest condolences to her husband, Irving; to her son, Rick; and to her extended family and many friends. Her journey through life has made our world a better place, and her legacy will forever live on in the West Park community and miles beyond.

RECOGNIZING THE CAMBRIDGE HIGH SCHOOL ENVIRONMENTAL CLUB

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Ms. BALDWIN. Mr. Speaker, for more than 10 years, the Cambridge High School Environmental Club has performed valuable community service. Their activities have ranged from collecting of old cell phones to be recycled to puppet shows that promote ecology lessons for children. The club’s recent research at Custer State Park in the Badlands of South Dakota is a fine example of their desire to be active at both the local and national level. They are a diverse group of “active environmentalists” whose lives and goals are as varied as the projects that they have taken on. Living together for 14 days, the club worked as an environmental research team at Custer State Park. The club, using the advanced protocols of a professional research team, performed chemical tests and journaled about their research at night. These students have experienced a life lesson that is of far greater value than anything that could be read in...
textbook. It is with great pride that I congratulate the Cambridge High School Environmental Club, and the leadership of their student advisor, Ed Grunden, for their commitment to environmental research and awareness.

GENESEE COUNTY MEDICAL SOCIETY

HON. DALE E. KILDEE
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. KILDEE. Mr. Speaker, I am pleased to rise before you to honor a dedicated group of men and women, the Genesee County Medical Society. On November 5, the members of this distinguished organization will gather to pay tribute to their history and the diversity of their membership at their Past Presidents Ball.

The Genesee County Medical Society was originally formed in the winter of 1841, when Drs. Robert D. Lamond, John Hoyes, John King, and George W. Fish, all natives of New York and graduates of Fairfield Medical College, met in an office in the tiny village of Flint, and drafted the constitution and bylaws for what was to be the region’s first medical society. On August 17, 1871, 14 physicians gathered to organize the Flint Academy of Medicine, the precursor to today’s Genesee County Medical Society. Over the years, thousands of doctors joined the society, addressing all public health issues, as well as working to improve the community and making it a safer and healthier place in which to live.

Today, the Genesee County Medical Society is home to an ever-increasing roster of health professionals, hailing from all four corners of the world. Society members, as well as their spouses and families, represent each continent and virtually every religion. The various cultures, languages, dialects, and customs exhibited by the men and women of the society, and experienced by all those they come in contact with, serve as a microcosm of our very Nation and what it stands for. Their celebration of diversity reminds us that we are “One Nation, under God.”

Mr. Speaker, as a Member of the House of Representatives, I consider it my duty and privilege to work to improve the quality of life for our citizens. I am grateful that the work performed by the members and staff of the Genesee County Medical Society helps make this task easier. Each member honors the spirit of the Society’s vision: leadership, advocacy, and service on behalf of its members, and their patients. I ask my colleagues in the 109th Congress to please join me in congratulating them on their tremendous work.

IN HONOR AND RECOGNITION OF CIVIL RIGHTS ACTIVIST ROSA PARKS

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Rosa Parks, a powerful woman, an American heroine, and a champion for all Americans.

The transformation of a young seamstress into an immortal heroine is a rare occurrence. Rosa Parks had a number of societal barriers working against her: she was an African American in the segregated South and a woman, with no political or social standing, emerging from humble parentage. Nonetheless, she conceived the stage for a movement for civil rights, and is forever an example for all of us.

Rosa Parks was born and raised in Alabama by a carpenter and a teacher. Brought into a world that degraded and intimidated her with its racism, Rosa Parks, along with many others, lived in submission and fear. By the age of 42, Rosa Parks was married and an active member in the NAACP. Her frustration with the intolerance around her led to an event that set the stage for the Montgomery Bus Boycott, and became a cornerstone in the Civil Rights Movement.

On December 1, 1955, Rosa Parks refused to surrender her bus seat to a white rider. This dignified pronouncement depicted to the country the injustice facing African Americans. Her simple action eventually led to a Supreme Court ruling that outlaws segregation on city buses. Not only did her effort lend support to America’s civil rights movement, but to civil rights movements worldwide.

The United States Congress calls Rosa Parks the “Mother of the Modern Day Civil Rights Movement.” Throughout her life she was the recipient of numerous awards and honors, including the Presidential Medal of Freedom, the NAACP’s Spingarn Medal, and the Congressional Gold Medal.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Rosa Parks, whose dedication to the pursuit of justice for all Americans will never be forgotten. Though she will be greatly missed, her legacy will be a constant reminder of how far we have come in ensuring civil and political rights to African Americans, and how much further remains to guarantee equality to every citizen of our country.

IN HONOR OF ZETA EPSILON LAMBDA CHAPTER OF THE ALPHA PHI ALPHA FRATERNITY

HON. FRANK PALLONE, JR.
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the Zeta Epsilon Lambda alumni chapter of the Alpha Phi Alpha Fraternity in Red Bank, New Jersey for their fiftieth anniversary on November 5, 2005. The Zeta Epsilon Lambda chapter has been an active contributor in the community over the past 50 years.

Since 1998, the chapter has donated over $200,000 in scholarship money to approximately 150 local high school students in Monmouth and Ocean counties. A large number of these scholarship recipients have returned to Zeta Epsilon Lambda after receiving their degrees to assist in other community outreach programs.

Over the past 17 years, through Project Alpha, the fraternity has been educating young males on the prevention of teenage pregnancies. Thus far, they have provided meaningful guidance to over 700 elementary, middle, and high school students.

Further establishing themselves as mentors in the community, the Zeta Epsilon Lambda chapter of Alpha Phi Alpha has been in partnership with Big Brothers Big Sisters of Monmouth County since 2001. Through this partnership, the brothers of Zeta Epsilon Lambda have given valuable guidance to dozens of young boys each week from Asbury Park Middle School in Asbury Park, N.J. The chapter has also successfully assisted Big Brothers Big Sisters with obtaining a $222,000 grant from the Justice Department to organize a Juvenile Mentoring Program, which has already achieved great success.

Once again, I would like to congratulate the brothers of the Zeta Epsilon Lambda chapter of the Alpha Phi Alpha fraternity on their 50th anniversary and thank them for their continued spirit of contribution and service to the community.

COMMENDING MR. JOHN GABUSI

HON. RAÚL M. GRIJALVA
OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. GRIJALVA. Mr. Speaker, I rise today to commend Mr. John Gabusi, former Pima Community College Vice Chancellor.

Mr. John Gabusi retired from his position as Vice Chancellor for governmental and external relations at Pima Community College in Tucson, Arizona. He dedicated 14 years of service to the college, where he tirelessly worked to create Pima Community College’s first economic development office.

Mr. Gabusi has been credited with elevating the College’s national prestige by developing strategies to convince the Governor and State elected officials that the citizens of Arizona are deserving of a strong community college system.

His work helped to limit district wide budget reductions and to revive the marketing and advertising of Pima Community College. His help also played a vital role in a thirty percent increase in student enrollment from 1996–2002.

John Gabusi consistently strived to improve educational opportunities for the people of Tucson. Thanks to Mr. Gabusi’s ability to rally community support, Pima Community College was granted a $140 million dollar bond. He focused on providing students with an environment conducive to learning, and believed that the community is deserving of an excellent community college system.

Even before his work at Pima Community College, John Gabusi was committed to serving his community. Mr. Gabusi served as an assistant to former U.S. Congressman Morris K. Udall. He led four of Mr. Udall’s congressional campaigns as well as Mr. Udall’s 1976 presidential campaign. After serving under Congressman Udall, Mr. Gabusi went on to start his own marketing firm called DAC international and later presided over the Washington, DC based Procurement Assistant Corporation.
Mr. John Gabusi is an outstanding member of our community. His life-long commitment to serving his community is commendable. It is the drive of Mr. Gabusi that has kept him hard at work for others and although Mr. Gabusi has been battling cancer, he wishes he could continue his work at Pima Community College. Mr. Gabusi has served the community well, and his efforts have not gone unnoticed.

I would like to personally commend Mr. John Gabusi for his tireless commitment to our community. His life and work is an inspiration to us all.

NATIONAL FAMILY CAREGIVERS MONTH

HON. JIM McDERMOTT
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. McDERMOTT. Mr. Speaker, November is National Family Caregivers Month. This month we celebrate those who care for America’s vulnerable populations. As a physician, child psychiatrist, and the Ranking Member of the Human Resources subcommittee of the House Committee on Ways and Means, I have a particular interest in the way the Federal Government addresses the needs of abused and neglected children. There are abused and neglected children throughout our country. Sometimes we know who they are, but too often we don’t. They live in big cities, small towns, rural areas and every suburb in between. But always be too many abused children, and there will never be enough family caregivers who provide vulnerable children with the safety and stability they need to thrive.

Family caregivers open their hearts and homes to our most vulnerable populations, and they often do so knowing they will not be recognized for their efforts, nor provided Federal support. If the Congress is as committed to promoting family values as Members of Congress often say, then we should fulfill that commitment by really valuing families and providing Federal support to every foster child in family care. When a child is removed from a home because of neglect or abuse, the Federal Government should have an interest in ensuring the safety and well being of those children. But today the Federal Government is primarily interested in vulnerable children who live in the homes of strangers. We should strive to do better, Mr. Speaker.

In the meantime let us acknowledge and celebrate family caregivers around the Nation by using this month to draw attention to the many challenges that face them. Let us celebrate the hard work and commitment of those who care every day for vulnerable populations, our Nation’s family caregivers.

TRIBUTE TO THE SPINA BIFIDA COMMUNITY

HON. BART STUPAK
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the more than 250,000 Americans in the Spina Bifida Community. An estimated 70,000 people in the United States currently live with Spina Bifida, the most common permanently disabling birth defect. Each October we recognize these Americans during National Spina Bifida Awareness Month, but we must work year round to advance research and policies to meet the needs of this community.

As co-chair of the Congressional Spina Bifida Caucus, I’ve had the honor to work with the Spina Bifida Association of America, SBAA, to advance Spina Bifida awareness, research and public health efforts in Congress. For over 30 years, the SBAA has helped those living with and affected by this debilitating disease. Founded in 1973, the SBAA is the Nation’s only organization solely dedicated to advocating on behalf of the Spina Bifida community. Through their almost 60 chapters in more than 125 communities, the SBAA brings expectant parents together with those who have a child with Spina Bifida. This interaction helps her risk awareness and concerns, but most importantly it lends support and gives people essential information.

Together the SBAA, the West Michigan SBA, the SBA of the Upper Peninsula Michigan, and the SW Michigan Hydrocephalus Association work tirelessly to help the families of those living with Spina Bifida meet the challenges and enjoy the rewards of raising their children. I would like to thank the local chapters of SBAA in my State for their work in Michigan and other areas of the country. Michigan’s chapters are partners in the SB Hurricane Emergency Life Support Program to help bring vitally needed supplies to hurricane victims in the Gulf Region and to put families affected by Spina Bifida in touch with others who can help.

Mr. Speaker, Spina Bifida is a birth defect that can happen to anyone. We do not know the exact cause of Spina Bifida, but research shows that if a woman takes 400 mcg of folic acid every day before she becomes pregnant, she reduces her risk of having a baby with Spina Bifida or another neural tube defect by as much as 70 percent. The exact cause of the rest of the cases is unknown, but it is believed that genetics and environment may play a role. Spina Bifida is a neural tube defect that happens in the first month of pregnancy when the spinal column doesn’t close completely. There are 60 million women at risk of having a baby born with Spina Bifida. Every day, an average of eight babies are affected by Spina Bifida or similar birth defects of the brain and spine. Each year, about 3,000 pregnancies are affected by these birth defects. Spina Bifida is not one condition; it is a multitude of problems that affect the mind, the body and the spirit. No two cases of Spina Bifida are the same.

Today, approximately 90 percent of all babies diagnosed with Spina Bifida live into adulthood, approximately 80 percent have normal IQ’s, and approximately 75 percent participate in sports and other recreational activities. With proper care and family care these people can live productive full lives with the help of braces and/or a wheelchair. There are breakthroughs every year that benefit the quality of life for those living with Spina Bifida. One of the keys to a better life for the 70,000 Americans living with Spina Bifida is research. Our goals are to develop better treatment, better understanding of causes and new ways to prevent Spina Bifida.

I am proud to be the co-chair of the Congressional Spina Bifida Caucus with Congressman Chris Smith and hope that all of my colleagues will join me to spread awareness about this disease. Together we can improve the quality of life of those living with Spina Bifida. I encourage my colleagues to join the caucus, which has 52 members from both sides of the aisle.

I again wish to thank the SBAA and its chapters for all of their hard work to prevent and reduce suffering for those 70,000 individuals living with Spina Bifida throughout this Nation. We owe all a great debt to the SBAA for what they have accomplished.

HONORING THE 50TH WEDDING ANNIVERSARY OF ED AND HARRIET NIEMIEC

HON. DANIEL LIPINSKI
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Ed and Harriet Niemiec on their 50th Wedding Anniversary.

Ed and Harriet both grew up in the Back of the Yards neighborhood in Chicago. They knew each other as kids, even though they attended different schools. Eventually Ed and Harriet became engaged and then married on November 6, 1955. They had their only child, Ed, Jr. in August of 1956.

Following in his parent’s footsteps, Ed, Jr. and his wife Maria have been married for 27 years. They have two children, Mark and Christina.

Ed besides an active involvement with their family, Ed and Harriet have many hobbies. Ed spends a lot of time taking care of his yard and tending to his flowers. According to his son, one would be hard pressed to find a blade of grass out of place or a visible weed. Harriet is a consummate volunteer and organizer. Her philanthropies stand while she was working at Dry Storage where running the football pools spilled over into organizing senior trips, church functions and working at Christ Hospital as a “Pink Lady.”

Ed and Harriet are fine examples of parents and are wonderful role models as grandparents. I would like to extend my best wishes to Ed and Harriet as they and their family celebrate their 50th Wedding Anniversary.

PERSONAL EXPLANATION

HON. XAVIER BECERRA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Mr. BECERRA. Mr. Speaker, on Friday, October 28, 2005, I was unable to cast my floor vote on rollcall Nos. 555 and 556. The votes I missed included agreeing to the Conference Report on the Agriculture, Rural Development, Food and Drug Administration, and Related Appropriations Act of 2006 and agreeing to the resolution condemning Iranian President Mahmoud Ahmadinejad’s threats against Israel.

Had I been present for these votes, I would have voted “yea” on rollcall No. 555 and “nay” on rollcall No. 556.
CONGRATULATIONS TO ALTICOR INCORPORATED

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Alticor Incorporated, on being honored with the 2005 Secretary of Defense Employer Support Freedom Award. This is an honor bestowed to employers who have gone above and beyond in supporting their National Guard and Reserve employees.

Alticor’s communication with its military employees when in action, covering pay differential during deployments and their Military Leave Program are just a few of the many ways the company has demonstrated support for the Guard and Reserves. Alticor has also donated numerous products which have been distributed to deployed units worldwide.

I commend Alticor’s contribution to military families. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Alticor Incorporated, for being honored with the 2005 Secretary of Defense Employer Support Freedom Award.

THANKS TO THOMAS DILENGE

HON. PETER T. KING
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. KING of New York. Mr. Speaker, I rise today to give thanks to Thomas DiLenge, Chief Counsel DiLenge, Chief Counsel and Policy Director of the Committee on Homeland Security.

Tom has been a dedicated and accomplished public servant throughout his 9 years on Capitol Hill—2 years in his current position, and 7 years before that on the House Energy and Commerce Committee. Tom has had a truly impressive career of government service. Most recently, he managed the successful House passage of major legislation to reform the 2005 Secretary of Defense Employer Support Freedom Award.

In the House, the Energy and Commerce Committee, Tom led numerous successful investigations and legislative efforts to protect and homeland security legislation, including the Homeland Security Act of 2002, which created the Department of Homeland Security.

Tom was an invaluable and talented member of the Energy and Commerce Committee’s oversight and investigations staff, and played a key role in landmark Congressional investigations. In 2000, Bridgestone/Firestone announced a voluntary recall of 14.4 million tires following an investigation by the National Highway Traffic Safety Administration (NHTSA), spurred on by reports and complaints of tread separation of certain tire models, mostly on Ford Explorers. Approximately 271 fatalities and more than 800 injuries were linked to tread separation and rollover incidents involving under-inflated Firestone tires and Ford vehicles. Tom’s tireless work during this Congressional investigation, and the nationally-recognized hearings he organized on this topic, uncovered the extent to which Firestone and Ford knew of these safety problems and kept them hidden from the public and from Federal regulators. This investigation also highlighted serious deficiencies in NHTSA’s ability to adequately detect and investigate safety-related defects in motor vehicles and related equipment.

The Ford-Firestone investigation led to swift Congressional legislative action to protect American motorists. The Transportation Recall Enhancement, Accountability, and Documentation Act (TREAD) Act became law in the Fall of 2000. The legislation required that auto and tire makers promptly report serious safety concerns with their products, and gave NHTSA new authority to require improvements in auto and tire safety, including the tire pressure monitoring systems that many new vehicles now have. Tom’s work on this investigation that resulted in the TREAD Act undoubtedly improved public safety on our roads and highways.

Tom also played a lead part in the Committee’s vital investigation of the Enron and Arthur Andersen corporate fraud and accounting scandal, including the controversy surrounding the accounting firm’s shredding of relevant documents as just as government investigations got underway. Through a comprehensive investigation and series of public hearings, the Committee revealed a web of corporate fraud aided and abetted by auditors too willing to look the other way. The astonishing discoveries contributed to Andersen’s indictment on federal felony charges, and led to Congressional passage of the Sarbanes-Oxley Act—the single most important piece of legislation affecting corporate governance, financial disclosure, and the practice of public accounting since the U.S. securities laws of the early 1930s. The Act helps to protect average investors and shareholders, and ensure the independence of auditors on which they rely.

Even before the terrorist attacks of September 11, 2001, Tom took a keen interest in homeland security issues. In 1999, he led an investigation into the lack of security controls on the possession and use of deadly biological agents in legitimate research. Shortly thereafter, he was called upon again to lead the effort to draft and enact President Bush’s signature initiative to combat bioterrorism, the Project BioShield Act. This Act, which passed in 2004, aims to spur the development and availability of new generation countermeasures against biological, chemical, nuclear, and radiological weapons.

As the President noted at the bill’s Rose Garden signing ceremony, “America is stronger and better as a result of the BioShield law.”

No man stands alone, and Tom would be the first to acknowledge that his many accomplishments and success is the result of the teamwork of many people. Ask anyone on the Hill about Tom, however, and you will hear a unanimous opinion attesting to Tom’s intellect, photographic memory, leadership, and ability to build strong teams and find consensus.

On behalf of the Committee, I want to thank Tom’s wife of 12 years, Linda, and his three children, Madison (7), Maguire (5), and Donovan (2), for all the hours Tom spent away from them. Clearly, they are Tom’s inspiration, and his success is their success. Finally, I want to thank Tom for his hard work, tireless service, and steadfast determination. We will miss Tom. He helped to build the Committee on Homeland Security. He now leaves it a stronger and better place than when he arrived. And his efforts have helped make America a more safe and secure place for us all.

IN MEMORY OF DAN JOSEPH PICKARD

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. SESSIONS. Mr. Speaker, I rise today in memory of Dr. Dan Joseph Pickard who passed away on Thursday the 20th of October. I was greatly saddened to hear the news that Dr. Pickard had passed, and we will be keeping his wife, Patty, and surviving family members in my prayers during this very difficult time for the Pickard family.
Dr. Pickard led an accomplished life and was a community leader in Dallas, Texas. At the age of 15, Dan became an Eagle Scout. He and I would often talk of our shared experiences in Scouting and care for the young boys who grow and prosper through the program. Upon earning his Doctor of Optometry degree from Indiana University, Dan and Betty moved to Dallas in 1981 to start their professional careers. Dan served as the President of the Dallas Society of Optometrists, and was a valued community leader whom I enjoyed working with on a variety of issues.

I knew Dr. Pickard best as the Optometrist for my family, who always had a kind word and the best interests of his patients at the forefront of his priorities. Additionally, Dr. Pickard served on the Board of Directors during my term as Chairman of the Board of the Dallas Northeast Chamber of Commerce. Throughout his 5 years affected by Multiple Systems Atrophy, Dan continued to lead a life of support for others, and now he has passed away with dignity and peace in his heart.

Dr. Pickard’s compassionate professionalism, enthusiasm for life, and sincere friendship will be greatly missed, yet his legacy lives on in the hearts and minds of the many people touched by his life. My wife, Nete, and I mourn his passing, and we honor the memory of his vibrant and inspiring life. May God bless the Pickard family during this time of great loss.

HONORING THE SCHOOL OF SCIENCE AND ENGINEERING, RECIPIENT OF THE U.S. DEPARTMENT OF EDUCATION NO CHILD LEFT BEHIND BLUE RIBBON SCHOOLS AWARD FOR 2005

HON. EDDIE BERNICE JOHNSON OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, an exceptional education serves as the foundation for exceptional opportunities in life. When an institution of learning goes the extra mile to help its students reach their full potential, the institution deserves recognition for its achievement.

On November 10–11, 2005, the U.S. Department of Education will present a coveted No Child Left Behind Blue Ribbon Schools Award. Blue Ribbon Schools are those whose students achieve in the top 10 percent on State tests or schools where at least 40 percent of students from disadvantaged backgrounds sharply improve their performance on state tests.

The 30th Congressional District of the State of Texas is home to several such schools. On this momentous occasion, I would like to extend warm congratulations to the School of Science and Engineering on being named a 2005 Blue Ribbon School. This institution has enabled its students to reach a standard of achievement that is exceptional. I honor the dedication of administrators, teachers and students required to capture this award and send best wishes in future endeavors.
The boycott led to a court ruling desegregating public transportation in Montgomery, but it wasn’t until the 1964 Civil Rights Act that all public accommodations nationwide were desegregated.

Facing regular threats and having lost her department store job because of her activism, Parks moved from Alabama to Detroit in 1957. She worked on his staff for U.S. Rep. John Conyers, a Michigan Democrat.

Conyers, who first met Parks during the early days of the civil rights struggle, recalled how she worked on his initial congressional staff when he first was elected to the House of Representatives in 1964.

“I think that she, as the mother of the new civil rights movement, has left an impact not just on the Nation, but on the world,” he told CNN in a telephone interview. “She was a real apostle of the nonviolence movement.”

He remembered her as someone who never raised her voice—an eloquent voice of the civil rights movement.

“You treated her with deference because she was so quiet, so serene—just a very special person,” he said, adding that “there was only one” Rosa Parks.

Gregory Reed, a longtime friend and attorney, said Parks died between 7 p.m. and 8 p.m. of natural causes. He called Parks “a lady of great courage.”

Parks co-founded the Rosa and Raymond Parks Institute for Self Development to help young people overcome educational opportunities, get them registered to vote and work toward racial peace.

“As long as there is unemployment, war, crime, that goes to the infection of man’s inhumanity to man, regardless—there is much to be done, and people need to work together,” she once said.

Even after she was active on the lecture circuit, speaking at civil rights groups and accepting awards, including the Presidential Medal of Freedom in 1996 and the Congressional Gold Medal in 1999.

“This medal is encouragement for all of us to continue until all have rights,” she said at the June 1999 ceremony for the latter medal.

Parks was the subject of the documentary “Mighty Times: The Legacy of Rosa Parks,” which received a 2002 Oscar nomination for best documentary short.

In April, Parks and rap duo OutKast set a lawsuit over the use of her name on a CD released in 1998.

**Boycott**

She was born Rosa Louise McCauley in Tuskegee, Alabama, on February 4, 1913. Her father, James McCauley, was a carpenter, and her mother, Leona Edwards McCauley, a teacher.

Before her arrest in 1955, Parks was active in the Montgomery movement and with the National Association for the Advancement of Colored People, where she also worked as a secretary in 1943.

At the time of her arrest, Parks was 42 and on her way home from work as a seamstress. She took a seat in the front of the black section of a city bus in Montgomery. The bus filled up and the bus driver demanded that she move so a white male passenger could have her seat. “The driver wanted us to stand up, the four of us. We didn’t move at the bus driver’s command. He started to go, he says, ‘Let me have these seats.’ And the other three people moved, but I didn’t,” she once said. When Parks refused to give up her seat, a police officer who was the officer took her away, she recalled that she asked, “Why do you push us around?” The officer’s response:

“I don’t know, but the law’s the law, and you’re under arrest.” She added, “I only knew that, as I was being arrested, that it was the very last time that I would ever ride in humiliation and with my eyes closed.”

Four days later, Parks was convicted of disorderly conduct and fined $14. That same day, a group of blacks founded the Montgomery Improvement Association and named King, the young pastor of Dexter Avenue Baptist Church, as its leader, and the bus boycott began.

For the next 381 days, blacks—who according to Time magazine had comprised two-thirds of Montgomery bus riders—boycotted public transportation to protest Parks’ arrest and in turn the city’s Jim Crow segregation laws. Black people walked, rode taxis and used carpools in an effort that severely damaged the transit company’s finances. The mass movement marked one of the largest and most successful challenges of segregation and helped catapult King to the forefront of the civil rights movement.

The boycott ended on November 13, 1956, after the U.S. Supreme Court upheld a lower court ruling that Montgomery’s segregated bus service was unconstitutional.

Parks’ act of defiance came one year after the Supreme Court’s Brown v. Board of Education decision that led to the end of racial segregation in public schools.

As long as there is unemployment, war, crime, I think that she, as the mother of the new age, and most successful challenges of segregation and helped catapult King to the forefront of the civil rights movement.

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As Mr. Aaron can attest, playing golf and being skilled at golf are two very different things. Which is why I rise today—to note the accomplishment of six young women in my District who attend Penn High School in Mishawaka, Indiana.

These six young women—seniors Julie Potter, Ann Ormson, Courtney Jelinski, and freshman Anne Ormson—recently won their second consecutive championship at the 33rd Annual Indiana High School Athletic Association Girls Golf State Finals tournament.

The 2-day tournament was held at the Legends of Indiana Golf Course in Franklin, Indiana, where the Penn Kingsmen finished first among a field of nine talented golf teams.

And they did so in dramatic fashion. The team set Indiana State finals records for their 18-hole and 36-hole leads, ultimately defeating runner-up Noblesville by 32 strokes.

This was the team’s third State title in 4 years under Coach Jim Garrett, with three team members—Julie Potter, Anne Ormson, and Laura Ormson—finishing among the top nine individual golfers in the entire State.

Mr. Speaker, former President Gerald Ford once expressed this sentiment on golf: “The put on the back, the arm around the shoulder, the praise for what was done right and the sympathetic nod for what wasn’t.”

I couldn’t agree more. And I’m sure the parents of these six young women agree that the character building lessons they learned on the golf course will benefit them throughout their lives.

On behalf of the constituents of the Second District of Indiana, I would like to express our heartfelt congratulations to the Penn High School girls golf team for winning the 2005 State title.

**CONGRATULATING THE PENN HIGH SCHOOL GIRLS GOLF TEAM ON ITS SECOND CONSECUTIVE STATE CHAMPIONSHIP**

**HON. CHRIS CHOCOLA**

**OF INDIANA**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, November 1, 2005**

Mr. CHOCOLA. Mr. Speaker, Hank Aaron, baseball’s all-time home run champion, once said, “It took me seventeen years to get 3,000 hits in baseball. I did it in one afternoon on the golf course.”

As Mr. Aaron can attest, playing golf and being skilled at golf are two very different things. Which is why I rise today—to note the accomplishment of six young women in my District who attend Penn High School in Mishawaka, Indiana.

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**60TH ANNIVERSARY AND CELEBRATION OF UNITED NATIONS DAY**

**HON. CHRISTOPHER SHAYS**

**OF CONNECTICUT**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, November 1, 2005**

Mr. SHAYS. Mr. Speaker, the United Nations celebrated its 60th Anniversary last week. It seems appropriate to me that in reaching this landmark, the world body can reflect upon both its significant accomplishments over the years, as well as how it must improve in order to be a more effective actor in global interests. While we must continue examined its operations and demanding operational improvements, the United Nations also deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving towards democracy.

In recognition of the 60th Anniversary and celebration of United Nations Day, Under-Secretary General of the United Nations, Ambassador Joseph Verner Reed, gave an address at the Hall of the House of Representatives in the Connecticut State Capitol. I submit the text of Mr. Reed’s address to be entered into the Record.

**REMARKS BY AMBASSADOR JOSEPH VERNER REED, UNDER-SECRETARY-GENERAL OF THE UNITED NATIONS**

Governor Rell, Speaker of the House Amann, Mr. Stolberg, President, United Nations Association of the United States of America Connecticut Chapter, Distinguished Members of the Government of the State of Connecticut, ladies and gentlemen, it is an honor and privilege as a life long citizen of the State of Connecticut to be present at the Hall of the House of Representatives to celebrate the 60th Anniversary of the founding of the United Nations.

The Secretary General, Kofi Annan has sent to the people of Connecticut a message on the occasion of United Nations Day:

“I send my greetings to the people of Connecticut on the 60th anniversary of the entry into force of the United Nations Charter. As you mark this historic occasion and reflect on the Organization’s many accomplishments, I encourage you also to look to the future.

The Secretary General’s words are very different from that of our founders. The United Nations must reflect this new age, and respond to its challenges—including, first and foremost, the challenge that hundreds of millions of people are left defenseless against hunger, disease and environmental degradation, even
though the world has the means to rescue them.

Last month, world leaders met in New York to try and forge a common response to these challenges. Leaders of both rich and poor countries committed themselves to detailed policies which, if fully implemented, could lead to poverty reduction by the end of the next ten years. They decided to create new UN bodies for promoting human rights and building lasting peace in war-torn countries. They promised to fight terrorism in all its forms, and to take collective action, when needed, to save populations from genocide and other heinous crimes. They decided to consolidate the work of the UN Secretariat. But on climate change and Security Council reform they could make only weak statements. And on nuclear proliferation and disarmament they could not agree at all.

They have left us a great deal of work to do. Today, as we mark the 60th anniversary of our indispensable institution, I promise you that I will do my part, and that I will be working with Member States to help them do theirs. I am glad the United Nations can count on the continued support and commitment of you all as we pursue our shared mission.

That concludes the message from the Secretary-General.

Ladies and gentlemen, “the time to reform the United Nations is now. And we must seize this moment together.” Those are the words from Secretary of State Condelezza Rice in her first speech before the United Nations General Assembly in September.

The Summit lived up to being a once-in-a-generation event for the United Nations. With breakthroughs in adopting strategies to fight poverty and disease, creating momentum to win the peace in war-torn countries, and pledging collective action to prevent genocide, progress was made across a broader front than on any other occasion in the 60 year history of the organization. Major advancements were made on terrorism, human rights, democracy, management of the Secretariat, peacekeeping and humanitarian response. And doors were opened to further action on global public health, global warming and migration.

Now, member states will turn to the tough task of implementing what was agreed, and to continue work on the critical differences that remain. Many items must be completed during the 60th session of the General Assembly, ending next September. With so much to do in such a short period of time, civil servants will be essential to keeping tabs on progress and keeping all parties involved accountable. While the Summit has come and gone, the hard work is just beginning.

First, on management reform, world leaders committed to reviewing extensive management reforms to make the Secretariat more efficient, more effective and more accountable. This will include a review by the Secretary-General of all ongoing mandates in the first 55 years of the organization, as well as an assessment of the organization’s antiquated human resources and budget rules. The Secretary-General is moving forward expeditiously on his own authority to establish an independent ethics office, which will protect whistleblowers and ensure more extensive financial disclosure.

Second, leaders agreed to strengthen the organization’s human rights machinery across the board. The High Commissioner for Human Rights is moving ahead to implement her plan of action supported by the Summit’s commitment to double the office’s regular budget. Building on the groundbreaking agreement to create a new Human Rights Council of the General Assembly, the UN will soon begin conducting negotiations to finalize agreement on important details.

Third, progress must continue on terrorism. The Summit outcome produced for the first time, an unequivocal condemnation of terrorism “in all its forms and manifestations committed by whomever and for whatever purposes.” The work in the coming months will be to build on that simple statement to complete a comprehensive convention against terrorism by the end of September, and forge a global counter-terrorism strategy that weakens terrorists and strengthens the international community.

Fourth, the Secretary-General must be locked down on the Peace-building Commission to get it up and running by the end of the year. Almost all the key details have now been agreed, and this will be critical to operationalizing the commission. The Secretariat is already moving forward to set up a support office and a standing fund to support the commission.

Fifth, with an ambitious commitment to add $50 billion a year for development, the Summit removed any doubt about the global support for the Millennium Development Goals. Every developing country is now pledged to formulate and implement a national strategy bold enough to achieve those development objectives by 2015. For their part, developed countries must now deliver on their pledges to boost financing for development and relieve debt.

With each passing week it becomes dramatically clearer how much the world’s leaders agreed to at the Summit. This is equally true about the agreements made today. Every effort must be made to see the promise outlined by world leaders fulfilled. If we do that, we will help save millions of lives, and give hope to billions of people—a fitting achievement to mark the 60th anniversary of the United Nations, and a platform from which to do even more in the years ahead.

Let us celebrate United Nations Day.

TRIBUTE TO STEPHEN MOSELEY
ON 35 YEARS WITH AED

HON. EARL POMEROY
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. POMEROY. Mr. Speaker, today I rise to recognize the remarkable service of a remarkable man, Stephen Moseley, on the occasion of his 35th anniversary with the Academy for Educational Development.

In 1987, AED promoted Steve Moseley to his present position as President and CEO. Since assuming these responsibilities, he continues to provide dynamic, forward-thinking direction to AED, an organization whose global impact has grown beyond measure under Steve Moseley’s leadership.

The reach of AED’s mission is incredible. They are operating more than 250 programs in more than 150 countries in Africa, Asia, Europe, Latin America, the Near East and North America.

Their programs address development of human capacity and opportunity, focused on expanding and improving education, health care, and poverty reduction.

Indeed, education has always been Mr. Moseley’s passion. He has devoted himself to increasing access to education for the world’s poorest children, strongly supporting Education for All initiatives to get all children into school and serving as the founding chairman of the Basic Education Coalition.

I will never forget the chance I had to accompany Steve Moseley into the countries of Mali and Ghana to observe the girls’ basic education program that AED ran in those countries.

Even as I learned of the substance and success of the programs, I closely watched how Steve interacted with the children whose lives were being uplifted and changed at the chance for schooling AED was providing. The gleam in his eye and the beaming smile on his face conveyed the true personal depth and commitment Steve has brought to this mission.

One village elder described the importance of the AED girls’ education program as “bringing light into a dark room.” The same could be said for the life work of Steve Moseley. He has brought the light of hope and opportunity to thousands of deserving souls in every corner of this world.

Here in the United States, Mr. Moseley has been dedicated to improving educational quality from preschool through college. He has nurtured efforts to improve Migrant Head Start programs, middle-grade education through the Middle Start project, high schools through the Schools for a New Society project, and teacher training through the Teachers for a New Era initiative.

He is very active in the development community, serving on the boards of InterAction, the U.S. Global Leadership Campaign, the Coalition for American Leadership Against, and is a member of the steering committee of the International Educational Training Coalition.

A past president of the Washington Chapter of the Society for International Development, Mr. Moseley now sits on the organization’s International Governing Council and serves as its treasurer.

Mr. Moseley graduated with a B.A. in English from the University of Hartford in 1967. In 1989 he was awarded a Doctor of Humane Letters, Honorary Degree, by his alma mater, and in 1997 he was elected to the University of Hartford’s Board of Regents.

I am pleased to be able to recognize Steve on this milestone and to honor him for a truly remarkable career with the Academy for Educational Development.

PERSONAL EXPLANATION

HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. JONES of North Carolina. Mr. Speaker, on Friday, October 28, 2005, I had an engagement in North Carolina and missed two rollcall votes. I ask that my absence be excused, and that the CONGRESSIONAL RECORD show that I was present.

For rollcall No. 555, I would have voted “no”; and for rollcall No. 566, I would have voted “aye.”

RECOGNITION OF ATOMIC AND DEPLETED URANIUM VETERANS

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 1, 2005

Mr. FILNER. Mr. Speaker, I urge support for two bills I have just introduced, H.R. 4183, the
“Recognition of Forgotten Atomic Veterans and their Surviving Spouses Act” and “H.R. 4184, the “You Were There, You Get Care Act.”

In the preparation of these bills, I am indebted to Earl J. Lee, member of the National Association of Atomic Veterans (NAAV) and National District VI Chairman of the AMVETS RECA (Radiation Exposure Compensation Act) Program. Resolutions supporting the provisions in these bills have been passed by the National AMVETS.

For too long, many Atomic Veterans and veterans exposed to Depleted Uranium have been on the outside looking in and wondering why? Were they not loyal and faithful in their military service? Do they not deserve compensation or care for their illnesses?

H.R. 4183, the “Recognition of Forgotten Atomic Veterans and their Surviving Spouses Act”, directs the Department of Justice to obtain the records of all Atomic Veterans from the Department of Energy Operations Office in Nevada. Using these records, they are to locate and advise all veterans or their surviving widows of their rights under RECA and guide them in filing a claim for the compensation that is due them.

RECA is the program passed by Congress in 1990 (P.L. 101-426) that provides compassionate payments to individuals who contract cancers and other serious diseases as a result of their exposure to radiation from above ground tests of nuclear weapons or from employment in underground uranium mines.

Because the VA did not provide medical care to Atomic Veterans in many cases, many died at an early age. So there are thousands of widows, many on fixed incomes, who have never heard of RECA and do not know that they may be eligible for compensation. My bill will help them apply and receive substantial compassionate payments to ease their burden.

Depleted uranium is an incredibly effective weapon, but its residue has a half-life of 4 billion years and many believe that it is a carcinogen. We simply cannot allow another generation of veterans to be treated as were the Atomic Veterans! H.R. 4184, the “You Were There, You Get Care Act”, ensures that veterans who served in the 1991 Gulf War and subsequent conflicts will be considered “service-connected disabled” for any illnesses currently covered by RECA and other diseases found by the Veterans’ Affairs Secretary to result from DU exposure.

For example, veterans serving in the 1991 Gulf War or those providing clean-up or servicing of vehicles or equipment that had been in the Persian Gulf, shall be considered as exposed and if they are ill, their illnesses shall be deemed “service-connected” with the accompanying VA health care and VA compensation provided.

In addition, this bill calls for an in-depth medical study to be conducted by independent civilian medical entities, independent of the Departments of Defense and Veterans Affairs, to determine other diseases that may result from exposure to depleted uranium. A copy of the study will be sent to the Senate and House Veterans’ Affairs Committees.

We need to ensure that veterans from the Gulf War and all wars waged since will not die an early and painful death without the health care and compensation they need and deserve.

Taken together, H.R. 4183, and H.R. 4184 makes a bold statement—that when young men and women volunteer for service, they can count on their government to compensate them and care for them if their service lends to illnesses. These assurances are so important and so necessary and should aid in the recruitment and retention of military personnel.

HONORING MAJOR GENERAL TERRY TUCKER

HON. RON LEWIS
OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 1, 2005

Mr. LEWIS of Kentucky, Mr. Speaker, I rise today to pay public tribute to a remarkable soldier and citizen from my home state. Major General Terry Tucker recently relinquished command of the Fort Knox or School, bringing to a close a 3-year tenure marked by unprecedented growth and change at one of America’s most important military installations.

General Tucker joined the Army in 1972, signing in at the same building at Fort Knox where, 31 years later, he would take full installation command. Raised on a dirt farm in West Virginia, General Tucker, with the help of an Army scholarship was the first member of his family to graduate from college. After completing his initial 4-year obligation to the Army, General Tucker and his wife Patti went on to fulfill a wide variety of military assignments at home and abroad throughout their 33 years of service to our country.

Upon his return to Fort Knox, first as Deputy Commanding General in 2000, then as Commanding General in 2003, General Tucker presided over a wide scope of critical responsibilities. Along with managing on-base training, he was authorized to develop and implement training for the entire United States Mounted Force, changing the way soldiers are trained to meet a new wartime mission. General Tucker successfully matched this training with a strong focus on improved combat systems and equipment, such as the Abrams tank and the Bradley IFV, to meet new and emerging threats.

During his time at Fort Knox, General Tucker’s leadership inspired officers and civilians to be good neighbors, making Fort Knox and its surrounding communities a better place to live and work. In this capacity, General Tucker worked hard to build partnerships with community organizations to support Fort Knox Soldiers and their families. General Tucker also oversaw critical improvements to the Garrison and IMA, modernizing facilities to enhance Fort Knox’s future viability.

Perhaps General Tucker’s most enduring legacy to the citizens of my congressional district will be his tireless promotion of Fort Knox’s military value during Base Realignment and Closure proceedings this year. Because of his efforts, Fort Knox remains open, adapting to a new mission as a vital multi-functional home to operational army forces and various administrative commands.

It is my great privilege to recognize Major General Terry Tucker today, before the entire U.S. House of Representatives, for his lifelong example of leadership and service. I would like to thank him personally for his exemplary stewardship at Fort Knox during a time of war and administrative transition. His unique achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.
Tuesday, November 1, 2005

Daily Digest

HIGHLIGHTS
See Résumé of Congressional Activity.

Senate

Chamber Action
Routine Proceedings, pages S12079–S12148

Measures Introduced: Nine bills were introduced, as follows: S. 1942–1950.

Measures Passed:

Rosa Parks Federal Building: Senate passed H.R. 2967, to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building", clearing the measure for the President.

Festival of China: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 56, expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center, and the resolution was then agreed to.

Budget Reconciliation: Senate continued consideration of S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), taking action on the following amendments proposed thereto:

Pending:
Gregg (for Frist/Gregg) Amendment No. 2347, to provide amounts to address influenza and newly emerging pandemics.

Conrad Amendment No. 2351, to fully reinstate the pay-as-you-go requirement through 2010.

Enzi Modified Amendment No. 2352, to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina and to lower origination fees.

Lincoln Amendment No. 2356, to provide emergency health care and other relief for survivors of Hurricane Katrina.

Inhofe/Chambliss Amendment No. 2355, to cap non-defense, non-trust-fund, discretionary spending at the previous fiscal year’s level, beginning with fiscal year 2007.

Nelson (FL) Amendment No. 2357, to hold Medicare beneficiaries harmless for the increase in the 2007 Medicare monthly part B premium that would otherwise occur because of the 2006 increase in payments under the physician fee schedule.

Pursuant to the order of Thursday, October 27, 2005, Senate will continue consideration of the bill at 8:30 a.m., on Wednesday, November 2, 2005.

Agriculture Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing that at a time determined by the Majority Leader in consultation with the Democratic Leader, Senate begin consideration of the conference report to accompany H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006; that there be two hours of debate divided equally between the majority and minority, and that upon the use, or yielding back of time, Senate vote on adoption of the conference report.

Closed Session: During today’s proceedings, a motion was made, in accordance with Rule 21 of the Standing Rules of the Senate, for the Senate to go into a closed session.

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Sudan; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–29)

Nominations Received: Senate received the following nominations:
Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2006.

Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

Steven Alan Browning, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic Uganda.

Jeanine E. Jackson, of Wyoming, to be Ambassador to Burkina Faso.

1 Coast Guard nomination in the rank of admiral.

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006, which was sent to the Senate on January 4, 2005.

Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006, which was sent to the Senate on February 14, 2005.

NATIONAL PARK SERVICE MANAGEMENT POLICIES

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded an oversight hearing to examine the National Park Service’s Draft Management Policies, including potential impact of the policies on park operations, park resources, interaction with gateway communities, and solicitation and collection of donations, after receiving testimony from Stephen P. Martin, Deputy Director, National Park Service, and William P. Horn, former Assistant Secretary for Fish and Wildlife and Parks, both of the Department of the Interior; Denis P. Galvin, McLean, Virginia, on behalf of the National Parks Conservation Association; and Don H. Castleberry, Little Rock Arkansas, on behalf of the Coalition of National Park Service Retirees.

NOMINATIONS:

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Eric Nicholas Vitaliano and Joseph Frank Bianco, each to be a United States District Judge for the Eastern District of New York, who were introduced by Senators Schumer and Clinton, Gregory F. Van Tatenhove, to be United States District Judge for the Eastern District of Kentucky, who was introduced by Senator Bunning, and Timothy Mark Burgess, to be United States District Judge for the District of Alaska, who was introduced by Senators Stevens and Murkowski, after the nominees testified and answered questions in their own behalf.

Committee Meetings

IMPROVISED EXPLOSIVE DEVICES

Committee on Armed Services: Committee met in closed session to receive a briefing on the progress of the Joint Improvised Explosive Devices (IED) Task Force from Brigadier General Joseph L. Votel, USA, Director, Joint IED Task Force.
House of Representatives

Chapter Action
Public Bills and Resolutions Introduced: 13 public bills, H.R. 4183–4195; and 1 resolution, H. Res. 526 were introduced.

Additional Cosponsors: Pages H9472–73

Reports Filed: Reports were filed today as follows:
H.R. 3665, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, with amendments (H. Rept. 109–263).

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

Recess: The House recessed at 12:55 p.m. and reconvened at 2 p.m.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on tomorrow, Wednesday, November 2nd.

Suspensions: The House agreed to suspend the rules and pass the following measures:


Lillian McKay Post Office Building Designation Act: H.R. 2413, to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the “Lillian McKay Post Office Building”; and

Albert Harold Quie Post Office Designation Act: H.R. 3989, amended, to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the “Albert H. Quie Post Office.”

Agreed to amend the title so as to read: “A bill to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the Albert H. Quie Post Office.”

Presidential Message: Read a message from the President wherein he notified Congress of the continuation of the national emergency with respect to Sudan and is to continue in effect beyond November 3, 2005—referred to the Committee on International Relations and ordered printed (H. Doc. 109–66).

Recess: The House recessed at 2:50 p.m. and reconvened at 6:30 p.m.

Senate Message: Messages received from the Senate today appears on pages H9440, and H9447.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H9446–47, and H9447–48. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:58 p.m.

Committee Meetings

SPACE SECURITY
Committee on Armed Services: Asymmetric and Unconventional Threats Gap Panel held a hearing on space security. Testimony was heard from public witnesses.

SICK CRIME: COUNTERFEIT DRUGS IN THE UNITED STATES
Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled “Sick Crime: Counterfeit Drugs in the United States.” Testimony was heard from Randall W. Lutter, Acting Associate Commissioner, Policy and Planning, FDA, Department of Health and Human Services; Jim Dahl, former Assistant Director, Investigations, Office of Criminal Investigations, FDA, Department of Health and Human Services; and public witnesses.

HISTORIC PRESERVATION—KATRINA AND RITA
Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing on Historic Preservation vs. Katrina and Rita: What Role Should Federal, State and Local Governments Play in Preserving Historic Properties Affected by this Catastrophic Storm? Testimony was heard from Janet Matthews, Associate Director, Cultural Resources, National Park Service, Department of the Interior; Mitchell J. Landrieu, Louisiana Governor; Department of Louisiana; H.T. Holmes, Director, Department of Archives and History, State of Mississippi; and public witnesses.
REFORMING HAZMAT TRUCKING SECURITY

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled “Reforming HAZMAT Trucking Security.” Testimony was heard from Justin Oberman, Assistant Director, Transportation Threat Assessment and Credentialing, Transportation Security Administration, Department of Homeland Security; Robert McGuire, Associate Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Transportation; and public witnesses.

SUDAN: LOSING GROUND ON PEACE

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Sudan: Losing Ground on Peace? Testimony was heard from Jendayi Frazer, Assistant Secretary, Bureau of African Affairs, Department of State.

ADMINISTRATIVE LAW, PROCESS AND PROCEDURE PROJECT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing entitled “Administrative Law, Process and Procedure Project.” Testimony was heard from J. Christopher Mihm, Managing Director, Strategic Issues, GAO; Morton Rosenberg, Specialist in American Public Law, American Law Division, CRS, Library of Congress; and public witnesses.

OVERSIGHT—VOTING RIGHTS ACT

Committee on the judiciary: Subcommittee on the Constitution held an oversight hearing entitled “The Voting Rights Act: Section 5—Preclearance Standards.” Testimony was heard from public witnesses.

PAIN OF THE UNBORN

Committee on the Judiciary: Subcommittee on the Constitution an oversight hearing entitled “Pain of the Unborn.” Testimony was heard from public witnesses.

PROMOTING PRIVATE SECTOR EMERGENCY PREPAREDNESS

Committee on Small Business: Held a hearing entitled “Promoting Private Sector Emergency Preparedness.” Testimony was heard from public witnesses.

SOCIAL SECURITY NUMBER HIGH RISK ISSUES

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security Number High Risk Issues. Testimony was heard from the following officials of the SSA: Frederick G. Streckewald, Assistant Deputy Commissioner, Disability and Income Security Programs; and James A. Kissko, Deputy Inspector General.

Joint Meetings

APPROPRIATIONS: FOREIGN OPERATIONS

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 3057, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006.

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 2, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine funding needs for pandemic influenza preparedness, 9 a.m., SD–124.

Committee on Commerce, Science, and Transportation: business meeting to consider the nominations of Mark V. Rosenker, of Maryland, and Kathryn Higgins, of South Dakota, each to be a Member of the National Transportation Safety Board, and Shana L. Dale, of Georgia, to be Deputy Administrator of the National Aeronautics and Space Administration, and other pending calendar business, 2:30 p.m., SH–216.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1541, to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, S. 1552, to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and S. 405, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport, 2 p.m., SD–366.

Committee on Environment and Public Works: to resume hearings to examine the response to Hurricane Katrina, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine security and nonproliferation implications relating to U.S.-Indian nuclear energy cooperation, 3 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine why the levees failed relating to Hurricane Katrina, 9:30 a.m., SD–342.
Committee on Indian Affairs: to hold an oversight hearing to examine In Re Tribal Lobbying Matters, Et Al, 9:30 a.m., SH–216.

Committee on the Judiciary: Subcommittee on Constitution, Civil Rights and Property Rights, business meeting to mark up S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage, 2:30 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to review Agricultural Negotiations in the Doha Development Round, 1:30 p.m., 1300 Longworth.

Committee on Appropriations, to approve the Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2006, 11 a.m., 2359 Rayburn.

Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, hearing on Pandemic Influenza, 1:30 p.m., 2358 Rayburn.

Committee on Armed Services, hearing on acquisition reform, 12 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled “Natural Gas and Heating Oil for American Homes,” 1 p.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to consider a motion for the issuance of subpoenas in the silicosis investigation, 5:30 p.m., 2322 Rayburn.

Committee on International Relations, Subcommittee on the Western Hemisphere, to mark up the following: a measure Mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and communities; H. Con. Res. 90, Conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes; and H. Res. 458, Remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980, 3:30 p.m., 2200 Rayburn.

Committee on Rules, to consider H.R. 4128, Private Property Rights Prevention Act of 2005, 5 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Energy, hearing on Winning Teams and Innovation Technologies from the 2005 Solar Decathlon, 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to consider H. Res. 488, Requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery, 1:30 p.m., 2167 Rayburn.

Committee on Ways and Means, to consider the draft implementing proposal on the United States-Bahrain Free Trade Agreement Implementation Act, 6 p.m., 1100 Longworth.

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, hearing entitled “Hurricane Katrina: The Federal Government’s Use of Contractors to Prepare and Respond,” 1 p.m., 2154 Rayburn.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED NINTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

**January 4 through October 31, 2005**

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<td>Measures reported, total</td>
<td>218</td>
<td>248</td>
<td>466</td>
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<tr>
<td>Senate bills</td>
<td>174</td>
<td>3</td>
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<tr>
<td>House bills</td>
<td>21</td>
<td>155</td>
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</tr>
<tr>
<td>Senate joint resolutions</td>
<td>2</td>
<td>.</td>
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<tr>
<td>House joint resolutions</td>
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<tr>
<td>Senate concurrent resolutions</td>
<td>1</td>
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<td>House concurrent resolutions</td>
<td>.</td>
<td>5</td>
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<tr>
<td>Simple resolutions</td>
<td>20</td>
<td>102</td>
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</tr>
<tr>
<td>Special reports</td>
<td>11</td>
<td>6</td>
<td></td>
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<tr>
<td>Conference reports</td>
<td>.</td>
<td>8</td>
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<tr>
<td>Measures pending on calendar</td>
<td>170</td>
<td>76</td>
<td></td>
</tr>
<tr>
<td>Measures introduced, total</td>
<td>2,313</td>
<td>5,064</td>
<td>7,377</td>
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<tr>
<td>Bills</td>
<td>1,934</td>
<td>4,182</td>
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<tr>
<td>Joint resolutions</td>
<td>27</td>
<td>70</td>
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</tr>
<tr>
<td>Concurrent resolutions</td>
<td>61</td>
<td>287</td>
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</tr>
<tr>
<td>Simple resolutions</td>
<td>291</td>
<td>525</td>
<td></td>
</tr>
<tr>
<td>Quorum calls</td>
<td>3</td>
<td>1</td>
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<tr>
<td>Yea-and-nay votes</td>
<td>281</td>
<td>271</td>
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<tr>
<td>Recorded votes</td>
<td>.</td>
<td>284</td>
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<tr>
<td>Bills vetoed</td>
<td>.</td>
<td>.</td>
<td>.</td>
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<tr>
<td>Vetoes overridden</td>
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</table>

### DISPOSITION OF EXECUTIVE NOMINATIONS

**January 4 through October 31, 2005**

<table>
<thead>
<tr>
<th>Category</th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian nominations, totaling 442, disposed of as follows:</td>
<td>268</td>
<td>161</td>
<td></td>
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<tr>
<td>Confirmed</td>
<td>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>.</td>
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<tr>
<td>Withdrawn</td>
<td>11</td>
<td></td>
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</tr>
<tr>
<td>Returned to White House</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>Other Civilian nominations, totaling 1,890, disposed of as follows:</td>
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<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>.</td>
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<tr>
<td>Air Force nominations, totaling 9,760, disposed of as follows:</td>
<td>3,797</td>
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</tr>
<tr>
<td>Confirmed</td>
<td>5,963</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Army nominations, totaling 6,891, disposed of as follows:</td>
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<td></td>
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<tr>
<td>Confirmed</td>
<td>6,777</td>
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<td></td>
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<tr>
<td>Unconfirmed</td>
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<tr>
<td>Navy nominations, totaling 4,545, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>4,538</td>
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<tr>
<td>Unconfirmed</td>
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<td></td>
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<tr>
<td>Marine Corps nominations, totaling 1,380, disposed of as follows:</td>
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</tr>
<tr>
<td>Confirmed</td>
<td>1,378</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>.</td>
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</tr>
<tr>
<td>Total nominations carried over from the First Session</td>
<td>0</td>
<td></td>
<td></td>
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<tr>
<td>Total nominations received this Session</td>
<td>24,908</td>
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<td></td>
</tr>
<tr>
<td>Total confirmed</td>
<td>20,294</td>
<td></td>
<td></td>
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<tr>
<td>Total unconfirmed</td>
<td>4,601</td>
<td></td>
<td></td>
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<tr>
<td>Total withdrawn</td>
<td>11</td>
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</tr>
<tr>
<td>Total returned to the White House</td>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*These figures include all measures reported, even if there was no accompanying report. A total of 173 reports have been filed in the Senate, a total of 262 reports have been filed in the House.*
Program for Wednesday: Senate will continue consideration of S. 1932, Budget Reconciliation.

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