The House met at 10 a.m. and was called to order by the Speaker pro tempore (MRS. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, November 3, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Lonnie Mitchell, Sr., Pastor, Bethel African Methodist Episcopal Church, Spokane, Washington, offered the following prayer:

God of mercy, God of grace, pour out Your spirit upon those who choose to conduct the business of this great Nation in this legislative body.

We come to You, Lord, with deep reverence and confidence in Your power to sustain equality and justice for all through those who swore to uphold the Constitution of the United States of America.

We commend to Your care and guidance each member of the executive, legislative, and judicial branches of our government. Order their steps in Your word of truth that You may accomplish Your will.

Lord, we pray for those who have lost their lives from war or natural disaster. We pray for poverty-stricken lives all over this world. We pray for all families affected by life’s calamities.

Lord, let freedom reign in the hearts and minds of our national leaders to bring about the ideology of the Founding Fathers: One Nation Under God.

Respectful of all faiths, I humbly ask this in the name of Jesus. Amen.

Pastor Mitchell and the Bethel AME family have recently stepped out again on a new mission to help the people of Spokane through the Emmanuel Family Life Center. This project will continue to help families and individuals receive the help they need to succeed and live freely.

In addition to being dedicated to his church family, Lonnie Mitchell is also a man devoted to his wife, Elisha, and his three children, L.J., ChaeAnna, and Camille.

Madam Speaker, I rise today to honor a man who is leading a church to reach out to those who need it most. I know Congresswoman MCMORRIS is honored to have Pastor Mitchell in her home district and to know that he will always be laboring to help and love others in their community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain additional 1-minute speeches, up to 10 per side.

JOURNALIST NEAL PIERCE

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

Mr. BLUMENAUER. Last night, friends and colleagues gathered to honor 30 years of outstanding journalistic accomplishments of Neal Pierce, a founder of the National Journal, editor of the Congressional Quarterly, a prolific writer on public affairs, a syndicated columnist, and author of a dozen books.

His most important contribution has been his keen observations about State and local governments, especially about America’s regions, our metropolitan areas that have been the location of the growth and cultural and economic progress that has made such an impact on America.
He has not merely chronicled these developments. His insightful analysis has helped make communities better. That is the ultimate role of the journalist and is deeply appreciated by his many friends, admirers, and readers, to say nothing of millions of Americans who have been elucidated from his analysis. We thank you, Neil.

STEPHEN F. AUSTIN, FATHER OF TEXAS

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

Mr. POE. Madam Speaker, on this day 212 years ago, the Father of Texas, Stephen F. Austin, was born. Austin, only 27 years of age, organized, financed, and led the first legal colony of Americans to settle a portion of Mexico called Tejas, or Texas as we call it.

In 1822, 300 families entered Texas, this fantastic frontier on the plains of civilization. Although the settlers were loyal to Mexico, a new Mexican Government soon began abolishing the civil rights of the colonists, so Austin went to Mexico to voice concerns over the abuses, but he was imprisoned for over 2 years.

After finally being released, Austin and other Texans decided to go their own way. Texas declared independence from Mexico. Thousands of well-trained Mexican troops poured into Texas to stop the rebellion. The outnumbered Texas volunteers and settlers fought and died at the brutal battles of Goliad and the Alamo, but ultimate victory occurred at the battle of San Jacinto in 1836. Austin and others, like Crockett, Travis, Bowie, and Houston, finally won the day for freedom. Texas was free, a new nation, a new republic. The rest, they say, is Texas history.

MISPLACED PRIORITIES

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, the world is much smaller today than it was; and when we particularly focus in on the Middle East, we need peace. However, I am deeply disturbed by the remarks of the new Iranian President, Mahmoud Ahmadinejad, when he was addressing 4,000 students, using the language of Ayatollah Khomeini, where he says and threatens: “Anybody who recognizes Israel will burn in the fire of the Islamic nation’s fury.”

Who is this guy? We cannot allow this kind of language to stand in this day and age. We must make sure that we condemn this kind of language and those kinds of acts. Here is a guy with a questionable background. Some of our hostages say that he is the individual who was there when they were held in Iran. The international community must come together and make sure that there are no nuclear reactors there. We must make sure that it is clear that we are going to stand by our friends and allies in Israel in this regard and that we are going to be the ones that are going to force peace to be in the Middle East and we are not going to have this kind of rhetoric language continuing. We cannot allow this.
In conclusion, I want to encourage all Americans to set aside time to have what may very well be one of the most important conversations that a family can have.

SUPPORT FOR THE WAR IN IRAQ

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

Mrs. BLACKBURN. Madam Speaker, tonight, as we watch the conflict in Iraq, it is important that we remember the sacrifices that have been made.

HONORING PLAYERS, STAFF AND PARENTS OF COUNCIL ROCK-NEWTOWN LITTLE LEAGUE TEAM

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

Mr. FITZPATRICK. Madam Speaker, it is my honor and privilege this week to host the players, staff and families of Bucks County, Pennsylvania’s own Council Rock-Newtown Little League team to our Nation’s Capital.

This past August, the CR-Newtown team defeated the Toms River American Little League team of Toms River, New Jersey to qualify for a seat at the 59th Little League World Series. Their victory marked the first mid-Atlantic championship for Pennsylvania since 1960, and their 20 post-season victories
the team through the series that led the team through the series that led the team through the series that led

Pennsylvania proud of their achievement.

I know that the team will remember this summer’s season for the rest of their lives. They put their all into their game plan and play-

ing the underdog. Every one of the players on the team has done a wonder-
ful job, and I am proud to acknowledge their achievement today.

Madam Speaker, I ask my colleagues to join me in congratulating them on their historic season.

AN OPPORTUNITY FOR APEC AND AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to re-

view and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, next week, President Bush will attend the Asia-Pacific Eco-
nomic Cooperation Forum in Pusan, Korea, with representatives from 21 other member governments. His at-
tendance at this forum will highlight the significance of the APEC region, which now accounts for nearly 40 per-
cent of the world’s population, over half of world trade, approximately 60 percent of the world’s gross domestic product and creates millions of American jobs.

By discussing his efforts to maintain a robust trade, security and global health agenda, President Bush will strengthen our valuable partnership with APEC countries.

As co-chair of the Mongolia Caucus, I am particularly proud that President Bush will be the first American Presi-
dent ever to visit the 800-year-old na-
tion of Mongolia, a true ally in the global war on terrorism. Mongolia has troops courageously serving in Iraq and Afghanistan. The President’s visit will be a fitting way to express our sincere appreciation for Mongolia’s partnership

for freedom.

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

IN SUPPORT OF JUDGE SAMUEL ALITO

(Ms. FOXX asked and was given per-
misson to address the House for 1 minute and to revise and extend her re-
marks.)

Ms. FOXX. Madam Speaker, I rise today in support of President Bush’s well-qualified Supreme Court nominee, Judge Samuel Alito.

Judge Alito has extensive experience in the American legal system. During nearly 30 years of public service, he has handled difficult and complex legal issues. He began his distinguished ca-

reer with 15 years of service at the U.S. Department of Justice, where he served as an Assistant U.S. Attorney and As-
sistant to the Solicitor General.

Judge Alito has argued 12 Supreme Court cases and argued at least two
dozen court of appeals cases. After being unanimously confirmed by the Senate, Judge Alito served on the Third Circuit Court of Appeals for 15 years. He is widely respected for his fairness and even temperament.

Judge Alito is committed to the rule of law and understands the “other role of a judge in our society.” His record as a Federal judge demonstrates that he strictly interprets the law and does not legislate from the bench or create new policies based on personal opinion.

Madam Speaker, Judge Alito has shown a deep commitment to justice and equality, a mastery of the law and strong personal character. I urge the Senate to study his record, hold fair hearings, and give him an up or down vote as soon as possible.

THE WAR IN IRAQ IS JUST

(Mr. PENCE asked and was given per-
misson to address the House for 1 minute and to revise and extend his re-
marks.)

Mr. PENCE. Madam Speaker, it has been an extraordinary series of days: closed door sessions in the United States Senate, accusations and re-

criminations by a former President of the United States.

President Jimmy Carter said in the last 24 hours that intelligence was “manipulated” in the runup to the war in Iraq. And yet, as the Wall Street Journal reports today, Madam Speak-
er, four separate independent inves-
tigations found otherwise.

Let me say from my heart, I was here

the night we voted to give the Presi-
dent the authority to go to war, and it was a combination: Saddam Hussein’s rejection of over a dozen United Na-
tions resolutions, an appalling record on human rights, and the complete agreement of every intelligence service in the western world that he possessed weapons of mass destruction, a con-
fidence that was derived from the fact

that he not only had possessed them but, Saddam Hussein had used weapons of mass destruction against his own people, killing thousands in the early 1990s.

There was no manipulation. The war in Iraq was just, is just, and the free-
dom of the teeming millions who estab-
lished a constitutional republic 1 week ago supports that conclusion.

PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as fol-

ows:

H. Res. 527

Resolved, That at any time after the adop-
tion of this resolution the Speaker may, pur-

pose of debate only, I yield the custo-

mary 30 minutes to the gentle-
man from Massachusetts (Mr. MCGOVERN), pending which I yield my-
self such time as I may consume. Dur-
ing consideration of this resolution, all

time yielded is for the purpose of de-
bate only.

Madam Speaker, House Resolution 527 is a structured rule. It provides 90 minutes of general debate, with 60 min-
utes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judi-
cracy and 30 minutes equally divided and controlled by the chairman and ranking member of the Committee on Agriculture.

It amends all points of order against consideration of the bill. It provides

that the amendment in the nature of a sub-
stitute recommended by the Com-
mittee on the Judiciary and now printed in the bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only by a Member designated in the report, may be offered only by a Member designated in the report, shall be debated and voted on in the time specified in the report equally divided and controlled by the pro-
ponent and an opponent, shall not be subject to amendment, and shall not be subject to a separate division in the House or in the Committee of the Whole. All

points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. A Member may demand a vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amend-
ments thereto to final passage without inter-
vironing motion except one motion to recom-
mit with or without instructions.

The SPEAKER pro tempore (Mrs. M""""ILLER of Michigan). The gentleman from Georgia (Mr. GINGREY) is recog-
nized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentle-
man from Massachusetts (Mr. MCGOVERN), pending which I yield my-
self such time as I may consume. Dur-
ing consideration of this resolution, all

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ments thereto to final passage without inter-
vironing motion except one motion to recom-
mit with or without instructions.
Committee report accompanying the resolution. It provides that the amendments printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, and shall be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. This resolution waives all points of order against the amendments printed in the report, and it provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in full support of House Resolution 527 and the underlying bill, H.R. 4128, the Private Property Rights Protection Act of 2005. I would like, first, to express my personal pleasure in seeing this important piece of legislation come before the Federation.

Since the Supreme Court’s now infamous Kelo decision, homes and small businesses across the country have been placed in grave jeopardy and threatened by the government wrecking ball.

Madam Speaker, I also want to take this opportunity to commend Representative SENSENBRENNER, the distinguished chairman of the Judiciary Committee and the author of this legislation; Ranking Member CONYERS; Representative GOODLATTE, the chairman of the Agriculture Committee; and Ranking Member PENCE, for their leadership on the underlying bill, but also for the thorough and expeditious way in which the committees have moved to legislatively address this Kelo decision.

With a margin of only one vote, a very divided Supreme Court struck down centuries’ worth of precedent and constitutional protections for property owners across this great Nation. In response to the deplorable Kelo decision, this body passed House Resolution 340 that I proudly sponsored along with 78 other Members from both sides of the aisle; and on June 30, 2005, we passed this resolution by a wide margin of 365 to 33.

Madam Speaker, the very last subparagraph of House Resolution 340 states: “Congress maintains the prerogative and reserves the right to address, through legislation, any abuses of eminent domain by State and local government in light of the ruling in Kelo, et al v. The City of New London, et al.”

Well, Madam Speaker, the day of reform is at hand, and this Congress has an excellent opportunity to set the record straight and to reaffirm the traditional meaning of the fifth amendment that guarantees no private property shall be taken without just compensation.

Accordingly, H.R. 4128 will prohibit State and local governments from taking property from one private party and giving it to another private party. If a court determines that a State or a local government violates this prohibition, that State or local government will become ineligible for Federal economic development funds for a period of 2 years.

Nevertheless, any government found in violation of this provision will have an opportunity to restore fully the private property it has seized to preserve Federal economic development dollars; and by “fully,” I mean completely restore to its original state prior to the government taking of this property. Additionally, this bill expressly prohibits the Federal Government from exercising its power of eminent domain for economic purposes. So not just the State and local governments, but the Federal Government, as well, is prohibited.

Madam Speaker, while the title of this bill, the Private Property Rights Protection Act, fits this legislation to a tee, one could also accurately call it the Private Property Rights Enhancement Act, for this bill will ensure that private property owners can take States and local governments to court in order to enforce the provisions of this act. And this bill also allows a prevailing property owner to recoup legal and expert fees for litigation involving the enforcement of this bill.

H.R. 4128 answers the call of almost every American and a diverse, expansive array of interest groups who have rallied against the Kelo decision and its judicial encroachment on our rights. Listen to these, Madam Speaker: the National Association For the Advancement of Colored People (NAACP); the American Association of Retired Persons (AARP); the American Farm Bureau; and various religious groups that include the Becket Fund for Religious Liberty are just a few of the organizations who stood up in the face of Kelo to fight for the rights of the disadvantaged who might lose their home, their business, or even house of worship to some well-connected developer’s sweetheart deal.

These organizations have stood up for the rights of rural America which grows our food and sustains our country. They have stood up for the rights of our houses of worship that should not have to fear because God does not pay enough in taxes. Madam Speaker, I am proud to say that today we in this House will ensure all of the above in defense of the private property rights of every American.

In closing, Madam Speaker, I want to again express my gratitude that this House has the opportunity to consider this important and fundamentally just piece of legislation. By a one-vote margin, the Kelo decision ripped from the Constitution the private property rights of the fifth amendment, and we are going to put them back. Madam Speaker, I look forward to the discussion of this rule, and I urge my colleagues to support it and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. MCGOVERN asked and was given permission to revise and extend his remarks.

Mr. MCGOVERN. Madam Speaker, today we in this Congress have an excellent opportunity to set the record straight and to reaffirm the traditional meaning of the fifth amendment that guarantees no private property shall be taken without just compensation.
must not grant State and local governments the power to take private prop-
erty away from one and give it to an-
other, all in the name of economic de-
velopment. Economic development takings are not necessarily in the es-
sence of public use and, therefore, do not constitute the use of eminent do-
main.
As Justice Sandra Day O’Connor wrote in her dissent in the case: “The specter of condemnation hangs over all property. Nothing is to prevent the States from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.”
Madam Speaker, as Members of Con-
gress, we all took oaths to uphold and defend the Constitution. By supporting this bill, Members are fulfilling their constitutional obligations.
This bill, Madam Speaker, is not per-
fected; but it is needed and it is nec-
essary. I am pleased that the Rules Committee made amendments by our colleagues, Congressman NADLER and Congressman WATT, in order. They and the other Members have real concerns with this bill, and their perspectives deserve to be debated and deserve an up-or-
down vote.
Madam Speaker, while I would prefer an open rule and I, quite frankly, can-
not understand why we do not have an open rule here, the Rules Committee did make all the germane amendments in order, so we are not going to object to this rule.
I have no further speakers. I urge my colleagues on both sides of the aisle to support the bill and to sup-
port the rule, and let us move on and get this thing done.
Madam Speaker, I yield back the bal-
ance of my time.
Mr. GINGREY. Madam Speaker, I will close the debate by again thanking both the Committees on the Judiciary and Agriculture for all the hard work in bringing this bill to the floor today. H.R. 4128 would restore the centuries-
old property protections is 4 months too long; and the underlying bill. The question is on the resolution.
The prior question was ordered. The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the resolution.
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
Mr. GINGREY. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chairman’s prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE
Mr. WALSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-
marks and include extraneous material on the motion to instruct on H.R. 2528.
The Speaker pro tempore. Is there objection to the request of the gen-
tleman from New York?
There was no objection.

MOTION TO GO TO CONFERENCE
ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AF-
FAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH. Madam Speaker, pursuant to clause 1 of rule XXII and by di-
rection of the Committee on Appropria-
tions, I move to take from the Speaker’s table the bill (H.R. 2528) making appropriations for military quality of life functions of the Depart-
ment of Defense, military construction, the Department of Veterans Af-
fares, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Senate amend-
ments, and agree to the con-
ference report. The motion was agreed to.

Mr. GINGREY. Madam Speaker, on demand of the yeas and nays.

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

Mr. WALSH. Madam Speaker, pursuant to clause 1 of rule XXII, the Cha-

tire recognizes the gentleman from Wisconsin, Mr. OBEY. Mr. OBEY. Madam Speaker, I yield myself 9 minutes.

Mr. OBEY. Madam Speaker, I yield no further speakers. I urge my colleagues on both sides of the aisle to support the bill and to sup-
port the rule, and let us move on and get this thing done.

Madam Speaker, I yield back the bal-
ance of my time.
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ference report. The motion was agreed to.

Mr. GINGREY. Madam Speaker, on demand of the yeas and nays.

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

Mr. WALSH. Madam Speaker, pursuant to clause 1 of rule XXII, the Cha-

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Second, earlier this year, the committee became aware of intelligence actions that the Department of Defense was taking, actions of an under-the-table nature, which a number of us felt were highly inappropriate and highly dangerous activities which cannot be discussed in public.

We tried to offer language to assure that in the future such actions would not be undertaken without proper notification to the Congress and to this committee. The fact is that when I offered language to try to do that, I received a phone call from Andy Card, the President’s Staff Chief, and in that phone call he told me that if I would withdraw that language he would assure me that this matter would be worked out to the satisfaction of both the executive and legislative branches.

In fact, while we have made some small progress in reaching an understanding with the administration, I suspect there are still two very important issues that have not been resolved, that the administration has not agreed to, and they are key issues, including whether or not this Congress will be informed of those activities in any way, shape or form lived up to its responsibilities, and, in my view, they have enabled the administration to continue to cover up its activities with respect to Iraq, its activities with respect to classification of the United States intelligence activities with respect to allowing agencies to engage in conduct not at all consistent with American values or American interests.

From the Washington Post, Nov. 3, 2005

REBELLION AGAINST ABUSE

Last month a prisoner at the Guantanamo Bay military base excused himself from a conversation with his lawyer and stepped into a cell, where he slashed his arm and hung himself. This desperate attempted suicide by a detainee held for four years without charge, trial or any clear prospect of release was not isolated. At least 13 Guantanamo prisoners have used a protest of indefinite confinement, and more than two dozen are being kept alive only by force-feeding. No wonder Defense Secretary Donald Rumsfeld has denied permission to U.N. human rights investigators to meet with detainees at Guantanamo:

Theirs would surely add to the dismally transparent attempts to preserve policies whose reversal ought to be an urgent priority.

Guantanamo, however, is not the worst problem. As The Post’s Dana Priest reported yesterday, the CIA has its own network of secret prisons, into which 100 or more terrorist suspects have “disappeared” as if they were victims of a Third World dictatorship. Some of the 30 most important prisoners are being held in secret facilities in Eastern European countries—which should shame democratic governments that only recently dismantled Soviet-era secret police apparatuses. Held in dark underground cells, the prisoners have no legal rights, no visitors from outside the CIA and no checks on their treatment, even by the International Red Cross. President Bush has authorized interrogators to subject these men to “cruel, inhuman and degrading” treatment that is illegal under U.N. law, and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws.

This shameful situation is the direct result of Mr. Bush’s decision in February 2002 to set aside the Geneva Conventions as well as U.S. regulations for the handling of detainees. Under the Geneva Conventions, all Qaeda militants could have been denied prisoner-of-war status and held indefinitely; they could have been interrogated and tried, either in U.S. courts or under the military system of justice. At the same time they would also have been protected by Geneva from torture and other cruel treatment. Had Mr. Bush followed that course, the abuse scandals at Guantanamo Bay and in Afghanistan would not have been caused to the United States, could have been averted. Key authors of the Sept. 11, 2001, attacks, such as Khalid Sheikh Mohammed and Ramzi Yousef, would not have been put on trial, with their crimes exposed to the world.

Instead, not a single al Qaeda leader has been prosecuted in the past four years. The Pentagon’s system of hearings on the status of Guantanamo detainees, introduced only after a unanimous ruling by the Supreme Court, has no way of resolving the long-term status of most detainees. The CIA has no long-term plan for its secret prisoners, whom one agency official described as “a horrible burden.”

For some time a revolt against this disastrous policy has been gathering steam inside the administration in and Senate; it is led by a bipartisan group of civilian political appointees—civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney. According to a report in the New York Times, military professionals want to restore Geneva’s protections against cruel treatment to the Pentagon’s official doctrine for handling detainees. Mr. McCain is seeking to ban “cruel, inhuman and degrading” treatment for all detainees held by the United States, including those in the CIA’s secret prisons.

There is no more important issue before the country or Congress. Yet the advocates of decency and common sense seem to have meager support from the Democratic Party. Some Democrats this week gave a belated, feeble and half-hearted stand on Tuesday intended to reopen—once again—the debate on prewar intelligence about Iraq.

They have taken no such dramatic stand against the CIA’s abuses of foreign prisoners; on a conference committee considering Mr. McCain’s amendment, Democratic support has faltering. While Democrats grandstand about a war debate that took place three years ago; the Bush administration’s champions of torture are quietly working to preserve policies whose reversal ought to be an urgent priority.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, addressing the substance of this motion, the House included $50 million in the military quality of life bill for overhead cover systems to support force protection in Iraq. This money provides additional construction funds for protecting soldiers from indirect fire attacks, such as mortars and rockets.

This funding, along with funding that was included in the supplemental bill passed earlier this year for the same purpose, provides the amount the Department of Defense says is needed for these activities.

Unfortunately, the other body did not see fit to include these funds. We still believe additional money is necessary, and we will go into conference supporting the House position.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. Holt).

Mr. HOLT. Mr. Speaker, I rise to support this amendment. Mr. Chairman and gentleman from Wisconsin in his effort to shed some light on a large array of questions that are before us.

This cover-up theme of the cover-up Congress is so pervasive, and it is not just in this body, it seems to be in the other body. The other body in fact released some parliamentary measures to force the issue, and some called it a gimmick. But it seemed to be the only way to break
through this cover-up, to get answers to questions that we have in our oversight role in the U.S. Congress, to provide a balance of power, to be able to serve the American people as we need to do.

For example, have introduced resolutions requesting information about the disclosure of identities of covert agents; and eight times in eight votes here in the House of Representatives those resolutions have been turned down in various committees. Eight times in eight separate votes in various committees, these efforts to get the information that we need in order to exert the oversight, to protect the men and women that we have asked to do dangerous jobs around the world.

Of course, some things clearly have to be kept quiet for the sake of the safety and effectiveness of our troops overseas and so forth. But Congress has a very important oversight role under the Constitution and in order to exert that role, we need information. I applaud the gentleman for doing all that he does to try to break through this cover-up theme.

Mr. WAXMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member on the Government Reform Committee.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, my colleagues, one of the most important jobs for Congress is not just to pass laws but to see how the laws are working. We need to do oversight and to have investigations. The Constitution envisioned we would do this when they had us as a separate branch, and this is a way to provide the checks and balances that our Government was supposed to have in order to avoid the concentration of power in any one branch of Government.

We have a legislative branch that wants to act as secretly as possible. They do not want openness. They do not want transparency. They do not even want to hear alternative points of view. I believe that the President of the United States surrounds himself with people who tell him exactly what he wants to hear, and the Republicans who run the Congress are abetting that. They are helping him avoid getting any discussion of the issues when Congress does not pursue oversight and investigations.

Now there are many things that this Congress has failed to do. They have failed to look at the manipulation of intelligence by the President and others working for him in the prelude to the war. We have not had any hearings on that.

They have failed to look at the issues of how much are spending the taxpayers’ money on contractors in Iraq, for Katrina and others. They really are not doing the diligent job that needs to be done.

The Congress of the United States has even refused to look at and find out why we were not given information from the executive branch about the costs of the Medicaid prescription drug bill. A civil service actuary in the administration would have given Congress that information. You would think that Democrats and Republicans would be outraged. Yet the Republicans who run the Congress refuse to hold hearings on this.

Oversight is very important, and it stands today in stark contrast to the way they are behaving with the way the Republicans handled oversight when President Clinton was in power. There was not an accusation too small for them to ignore. They ran and called hearings. They issued subpoenas. They brought people into a private room to take depositions. The Congress of the United States held more days, I believe it was over a week of public hearings, on whether President Clinton misled his Christmas card list for political purpose. Yet we cannot get them to hold a hearing on the manipulation of intelligence to get us into a war.

I think this Congress does not do its oversight, in effect what they are doing is covering things up. They are not letting the American people know what its government is doing. This is not the government of the Republican Party. This is not the government of President Clinton. It is a government that belongs to the people of the United States, and our democracy cannot work if there is no accountability and transparency.

We have never heard of anyone in this administration fired for doing a poor job. In fact, if they do a poor enough job, they get elevated. They even get a Medal of Freedom award. No one was held accountable for the failure to have accurate intelligence before we went into the war. No one has been fired for anything that was done improperly by this administration. It is as if it did not happen. I think the reason is if you do not have oversight, no one knows about the problem; therefore, the problem never existed. Well, I think it is wrong. We have a responsibility and it is time that we speak out loudly and clearly to insist that the Congress of the United States live up to that responsibility.

Mr. Speaker, I support the motion of the gentleman.

Mr. OBEE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, a moment ago I cited the Washington Post editorial which appeared in the paper today. I would like to read just a portion of that editorial. The editorial goes as follows:

As The Post’s Dana Priest reported yesterday, the CIA maintains its own network of secret prisons into which 100 or more terrorist suspects have ‘disappeared’ in the past two years.

When I see references to the disappearance of the President Pinochet in Chile and the ‘disappearance’ under his regime. And I wonder whether or not many Americans and many Members of this Congress are comfortable with our White House being tossed into the same terminology, into the same category as the outrageous conduct of the Chilean Government a number of years ago.

The editorial goes on to say that under the policies of the CIA with respect to these institutions ‘prisoners who should have legal rights from outside the CIA, and no checks on their treatment, even by the International Red Cross.’ … President Bush has authorized interrogators to subject these men to ‘cruel, inhumane and degrading’ treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws.

The editorial then goes on to say, ‘According to a report in the New York Times, the military professionals want to restore Geneva’s protections against cruel treatment to the Pentagon official doctrine for handling detainees. Mr. McCain is seeking to ban cruel, inhumane and degrading treatment for all detainees held by the United States, including those in the CIA secret prisons.’

So I would submit, Mr. Speaker, that in addition to passing this motion today, this House needs to stand as one very single voice that our House ought to be willing to support the retention of the McCain amendment on the defense appropriations bill. And I would hope that we would see this House finally face up to its obligations on that score.

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

Mr. OBEE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. WISCHER), the distinguished ranking member of the Armed Services Committee.

Mr. SKEEN. Mr. Speaker, I thank my friend for yielding. I rise in support of the motion.

Mr. Speaker, I left the Armed Services Committee hearing a moment ago and I heard Command Sergeant Major Citola in a very eloquent discussion of the troops in Iraq say that we are a Nation of laws. It was heartening to hear the troops in Iraq talk about the Constitution. It is heartening to hear the troops in Iraq talk about the Constitution.

Then the report from The Washington Post to which the gentleman from Wisconsin refers is a dagger in that thought.
Our men and women in uniform are serving with tremendous distinction around the world in Iraq, Afghanistan, the Horn of Africa, Korea, Germany, and many other places; and they deserve the best protection and support we can give them.

We in Congress are tasked with ensuring these troops and our veterans have all they need. They deserve the very best. Part of our job comes in providing them with the best equipment, training, and benefits. Another part is providing oversight of the policies of the administration. One of the questions that I had earlier was when the Armed Services Committee did not adopt a subcommittee on oversight or investigations.

Hearken back to the days when the Chairman of the Joint Chiefs of Staff, David Jones, raised the issue that the Joint Chiefs of Staff is not working well and that there is a lack of jointness within our military. It was the only investigations undertaken by the gentleman from Alabama, Bill Nichols, that worked for some 4 years and came up with the landmark law that we now call Goldwater-Nichols. That was oversight.

By oversight, we must ensure that our military forces are employed appropriately; when there are problems, that they are investigated fairly and properly, as they were in Chairman Nichols’ work.

I have supported calls for more vigorous investigations of the failure in prewar intelligence on weapons of mass destruction and for a likely post-war situation in Iraq. I have also supported a Truman-like commission to look at contracting problems in Iraq. Unfortunately, those efforts have not been undertaken; and they, sadly, fell on deaf ears.

In my own Armed Services Committee there have been many efforts that have undertaken in a bipartisan manner. This is good. A noble example is our joint effort to ensure that more up-armored Humvees and other force protection equipment reached the field despite the failure to plan adequately for their needs. That is a very positive step we did. Yet even in our committee, we need to do better when it comes to oversight in key areas of our policy relating to Iraq and the war on terror. Notably, I feel there must be additional policy and additional oversight, and the treatment of detainees in theaters around the world.

The question I have, Mr. Speaker, in regard to the article to which the gentleman from Wisconsin refers, was there any connection between what the allegations are by the CIA and the Department of Defense or anyone therein. That, I think, is a matter of oversight and one that we need to at least have a briefing or a hearing thereon.

Increased oversight will allow us both to understand the systematic causes of these cases of abuse, the right solutions to be enacted into law. That is our job. The Constitution charges the Congress with raising and maintaining the military; and you cannot raise and maintain unless you oversee, unless you understand the problems that we can cure by law. That is our job. And I think we could do a much, much better job.

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

Mr. Speaker, in keeping with the spirit of this motion to instruct, the gentleman from Wisconsin, Mr. OBEY, I want to simply say that no matter how hard we try, we are going to have a difficult time doing that unless we change some unpleasant facts on the ground in Iraq. When more than 80 percent of Iraqis respond to pollsters by saying that they believe that terrorist attacks on U.S. troops are justified, we have a serious problem.

In my view, we are not going to be able to turn that around until we make clear that our policies are consistent with our interests and our professed values. We need to get to the bottom of how we got into Iraq and how we are conducting this operation in Iraq now. We need to get to the bottom of that. We need to determine who is responsible for some of the stories that we have seen in the papers the past few days; and if we do not do that, we are going to continue to invite the kind of negative opinion around the world that is plaguing our ability to succeed in Iraq. I would hope that this House would recognize that responsibility.

Mr. WALSH. Mr. Speaker, as I stated at the outset, we believe that the House position to provide an additional $50 million in the Military Quality of Life Subcommittee appropriations bill to provide additional overhead cover system is essential. And we would go into the conference hoping that the Senate would see the wisdom of what the House has done and retain the House position.

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

Ms. PELOSI. Mr. Speaker, I yield myself 1 minute.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished minority leader, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding and for his leadership on this issue. I am pleased to join the gentleman from Missouri (Mr. SKELTON) in saluting our troops. Wherever they are serving, at home or abroad, we owe them a deep debt of gratitude for their courage, for their patriotism, for the sacrifices they are willing to make for our country. We are very, very proud of them, and when they come home, we want to honor their service by giving them what they need: body armor, and those needs will be large.

Mr. Speaker, I strongly support the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY). We must provide those we send in to fight in Iraq with everything they need to serve, to keep them safe and so that they can return as safe as possible.

It is tragic that more than 2½ years after the invasion of Iraq and more than a time, we are still encountering such appalling needs in the area of force protection. History will not treat kindly those who embarked on a war of choice without making sure that our troops were properly equipped. Not enough body armor, not enough jammers for protection against explosive devices, not enough armored vehicles, not enough overhead cover systems, the list goes on and on.

Once again, Congress must deal with the consequences of the Bush administration’s bad planning. We have had to do it before in the appropriations bills, and we are doing it here today with the gentleman from Wisconsin’s motion to instruct.

Congress has a responsibility to find out why so many things about Iraq have gone so terribly wrong. This Republican cover-up Congress has never lifted up to the oversight responsibility to ask the questions.

One of the essential elements of the force protection, for example, is good intelligence. Our Nation spends billions of dollars each year on intelligence programs and activities, and when they do not produce timely and reliable intelligence, we make the American people less safe, and Congress has a duty to find out why.

The intelligence used as the justification for the administration’s decision to go into war in Iraq was wrong. That Iraq possessed weapons of mass destruction, that was wrong. I said at the time that the intelligence did not support the threat that the administration was describing; but, nonetheless, the intelligence that they were using was wrong.

Given the enormous consequences of that decision, more than 2,000 American soldiers have been killed; more than 15,000 wounded, many of them permanently; more than a quarter of a trillion dollars spent; and enormous damage done to the reputation of the United States in the eyes of the world.

The cost of lives and limbs and taxpayer dollars and reputation is enormous.

Congress has an obligation to identify and correct the problems that led to the introduction of false intelligence. Our troops are at risk until that is done; and yet, as we address other force protection issues, there is no sense of urgency to undertake a thorough review of what went wrong with the intelligence. No member is more concerned about the quality of the intelligence nor the equally important issue of whether intelligence was politicized than I have been.

That is why shortly I will offer the House a chance to do more for force protection than provide the $50 million in this motion to instruct, as important as that money is.
Democrats have continually asked for investigation of pre-war intelligence, and those requests have been repeatedly denied. The same is true for requests to investigate the other matters related to the war in Iraq: The prison abuse scandal, the neo-Iraq Halliburton contract, the misuse of classified information to discredit administration critics.

Each of these matters has national security implications that need to be examined, particularly on the issue of going to war and the conduct of war. Congress has an obligation to make sure that decisions were made properly and that these decisions are based on truth and trust.

Until the Congress examines fully issues like whether intelligence was politicized, we have failed in a fundamental way to protect our troops and maintain a level of trust with the American people.

I urge the House to support both the Obey motion to instruct and my subsequent resolution on Iraq.

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

The motion was agreed to.

QUESTION OF PRIVILEGES OF THE HOUSE

Ms. PELOSI. Mr. Speaker, because the Republican-led Congress has not conducted any investigations of abuses by the Republican administration’s decision to go to war in Iraq, and because the over 2,000 American soldiers have lost their lives and more than 15,000 have been wounded, therefore, pursuant to rule IX, I rise in regard to a question of privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution. The question is on the motion to instruct.

The motion to instruct.

The SPEAKER pro tempore. The previous question is ordered on the motion to instruct.

The motion was agreed to.

PRIVILEGED RESOLUTION ON IRAQ

Whereas the war in Iraq has resulted in the loss of over 2,000 American lives and more than 15,000 wounded soldiers, and has cost the American people $190 billion dollars;

Whereas the basis for going to war was Iraq’s alleged possession of weapons of mass destruction (WMD) and the President made a series of misleading statements regarding threats posed by Iraq, but no weapons of mass destruction have been found;

Whereas Republican Leadership and Committee Chairmen have repeatedly denied requests by Democratic Members to complete an investigation of pre-war intelligence on Iraq and have ignored the question of whether that intelligence was manipulated for political purposes;

Whereas the Vice President’s Chief of Staff Lewis Libby was indicted on five counts of perjury, obstruction of justice, and making false statements in connection with the disclosure of the identity of a CIA operative, and that is part of a larger Administration efforts to discredit critics of the American war; Whereas four separate requests to hold hearings on the disclosure of the CIA operative were denied in the Government Reform Committee, and Resolutions of Inquiry were rejected in the Intelligence, Judiciary, Armed Services, and International Relations Committees;

Whereas the American people have spent $29.5 billion dollars to rebuild Iraq without much of the money squandered on no-bid contracts for Halliburton and other favored contractors;

Whereas Halliburton received a sole-source contract worth $7 billion to implement the restoration of Iraq’s oil infrastructure, and a senior Army Corps of Engineers official wrote that the project was “coordinated with the Vice President’s office”;

Whereas despite these revelations, on July 22, 2004, the Republican controlled Government Reform Committee voted to reject a subpoena by Democratic Members appropriately seeking information on communications of the Vice President’s office on awarding contracts to Halliburton;

Whereas prisoner abuses at Abu Ghraib prison in Iraq, Guantánamo, and Afghanistan have seriously damaged the reputation of the United States, and increased the danger to U.S. personnel serving in Iraq and abroad;

Whereas the Republican Leadership and Committee Chairmen have denied requests for hearings, defeated resolutions of inquiry for information, and failed to aggressively pursue the truth and holdHalliburton and others to account on how far up the chain of command the responsibility lies for the treatment of detainees;

Whereas the oversight of decisions and actions of other government is an established and fundamental responsibility of Congress;

Whereas the Republican Leadership and the Chairmen of the committees of jurisdiction have failed to undertake meaningful, substantive investigations of any of the abuses pertaining to the Iraq war, including the manipulation of pre-war intelligence, the public release of a covert operative’s name, the role of the Vice President in Iraqi reconstruction, and the Abu Ghraib prisoner abuse scandal. Therefore be it

Resolved, That the House calls upon the Republican Leadership and Chairmen of the committees of jurisdiction to comply with their oversight responsibilities, demands they conduct a thorough investigation of abuses relating to the Iraq War, and conveys its refusal to conduct oversight with an Executive Branch controlled by the same party, which is in contradiction to the established rules of standing committees and Congressional precedents.

The SPEAKER pro tempore. Does the minority leader wish to offer argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Ms. PELOSI. Yes, I do, Mr. Speaker. The gentlewoman from California (Ms. PELOSI) is recognized.

Ms. PELOSI. Mr. Speaker, I do not hear an objection to my motion.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) is recognized again.

Ms. PELOSI. Mr. Speaker, I will reiterate some of what I said in the motion to instruct.

For the past 2½ years since our country has gone to war, we have paid a big price for a bad policy based on faulty intelligence which was wrong, based on a false premise without proper planning and putting our young people at risk. In that period of time, that 2½ years, over 2,000 Americans have lost their lives. Every single one of them is precious to us, but, as the toll mounts, the grief does as well. Over 15,000 of our people have lost their limbs, 15,000 have been injured, many of them permanently, many with loss of limb and sight, at a cost of over $250 billion, a quarter of a trillion dollars, to the taxpayer and just blindness cost to our reputation in the world.

I think it begs the question, are we safer in America because of this war? What is this war doing to the preparedness of our troops? I think that the answer to both of those is negative, and I think it calls for an examination of what the intelligence was to get us there in the first place. Was it manipulated? Why was there no plan for us to go into Iraq, a post-war plan for after the fall of Iraq, as well as an exit strategy?

The American people love freedom for ourselves and for people throughout the world, but we have to examine what the cost of this war is and why the Republican Department of Defense has said—

Mr. YOUNG of Alaska. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair must ask the distinguished minority leader to confine her comments to the rule IX question.

Ms. PELOSI. Mr. Speaker, I thought there was no objection and that we were speaking just speaking on the motion. Is that a mistake? My impression from what you said when you yielded to me was that there was no objection, and did I wish to speak on the motion.

The SPEAKER pro tempore. The minority leader was recognized on the question of whether or not her resolution presents a question of the privileges of the House.

Ms. PELOSI. Mr. Speaker, then I will conclude by saying that the Chair please explain why it is not in order to discuss on the floor of this House, of this great democratic institution, a situation where our young people are in harm’s way, the death toll mounts, the injuries mount, the cost to the taxpayer mounts, the cost to our reputation mounts, and we have a cover-up Congress that will not investigate, will not ask any questions about the intelligence which was wrong, which got us into the first place and the lack of a plan providing for our troops, what they need to serve and to come home safely and soon? Why is that not in order on the floor of the House?

The SPEAKER pro tempore. The question is not whether such a debate is in order but whether the resolution is a question of privilege.

Under rule IX, questions of the privileges of the House are those ‘‘affecting the rights of the House collectively: its safety, its dignity, or the integrity of its proceedings.” A question of the privileges of the House may not be invoked to effect an interpretation of the
rules of the House, or to prescribe an order of business for the House, or to establish a norm for the conduct of business by the House or its committees.

In some circumstances, the manner in which business is conducted might properly be arranged by a question of the privileges of the House. But the Chair must maintain a distinction between, for example, an allegation of willful misfeasance by a Member, officer, committee, or committee of the House, on one hand, and an allegation that a Member, officer, employee, or committee of the House failed to follow a course of action that the proponent of the resolution or others consider advisable.

As Speaker pro temore Cox noted in the decision of September 28, 1888 (which is recorded in Hinds’ Precedents at volume 3, section 3001), there need be an allegation of, at least, impropriety.

Mr. OBEY. Mr. Speaker, I must confess I am confused about where we are at this point. I thought I heard the Speaker—The SPEAKER pro temore (Mr. Gingrey). The gentleman is not recognized for debate.

Ms. PELOSI. Mr. Speaker, is it not appropriate for a Member to speak on a point of order that the gentleman from Wisconsin to be recognized for debate.

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Ms. PELOSI. Mr. Speaker, I think it just heard you indicate that for the motion to be in order one of the questions that might have to be present was the question of the dignity of the House. When we are told that $100 million of taxpayers’ money has been slipped into an appropriation bill for an illegal purpose, is that not, in fact, a challenge to the dignity of the House?

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The result of the vote was as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. YOUNG of Georgia, Chairman of the Committee on Appropriations, the gentleman from Georgia (Mr. Young), would like to address the House.

Mr. YOUNG. Mr. Speaker, I move that the Committee on Appropriations be empowered to appoint the following conferees on H.R. 2528, the Military Quality of Life and Veterans Affairs Appropriations Act, 2006:

Mr. BERGNER.
Mr. SMITH of California.
Mr. WICKER.
Mr. BURR.
Mr. BOEHNER.
Mr. HULTHAN.
Mr. HUNTER.
Mr. ROBERTS of Tennessee.
Mr. STEIN.
Mr. MCCHESNEY.
Mr. ROGERS.

Mr. Speaker, this is a motion that has been co-sponsored by the gentleman from Texas (Mr. WARD), the gentleman from South Carolina (Mr. MEYERS), and the gentleman from Florida (Mr. MILLER).

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2528) to authorize appropriations for the Department of Defense for fiscal year 2007, and for other purposes, and to make technical corrections to various laws administered by the Department of Defense, and for other purposes, with a Senate amendment thereto, to disapprove the Senate amendment, and agree to the conference report.

The Clerk read the title of the bill.

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

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR. Mr. Speaker, I offer the following instructions to the conferees on H.R. 2528, the Military Quality of Life and Veterans Affairs Appropriations Act, 2006:

1. To include section 603 of the House bill.
2. To amend section 604 of the House bill to authorize appropriations for the Department of Defense, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference report.
3. To include technical corrections to various laws administered by the Department of Defense, and for other purposes, to be instructed to insist on section 603 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Georgia (Mr. Young) each will control 15 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, we will not take any extra time allotted. I will take a few moments to explain the motion which the gentleman from Georgia, the chairman of our committee, and I have discussed previously.

The subject of this motion is summed up by a committee hearing held earlier this year on the tragedy that occurred November 26, 2004, the Athos, 750-foot single-hull tank vessel, hit a submerged object in Delaware Bay just
south of Philadelphia, spilling 265,000 gallons of heavy crude oil.

In January of this year, our Subcommittee on Coast Guard and Maritime Transportation held a field hearing on this marine casualty in Philadelphia. The gentlewoman from Pennsylvania (Ms. SCHWARTZ), raised the concern that the costs of the vessel owner’s liability for response, cleanup, and restoration to the damages caused by this spill were relatively modest, set when the Oil Pollution Act of 1990 was enacted over 15 years ago. The Chairman and I both remember when we served on the Merchant Marine and Fisheries Committee, we were part of setting that oil pollution liability limit. We increased those limits since that time even though inflation has actually overtaken.

With the leadership of the chairman of the subcommittee and the gentlewoman from Philadelphia and to ensure that the limits do not again become out of date, Section 603 directs the President to adjust limits of liability. First, Section 603 directs the liability limits to account for the inflation of the past 15 years, since the Oil Pollution Act was enacted. Secondly, the provision requires that the President adjust these liability limits not less than every 3 years to reflect changes in the Consumer Price Index since the last adjustment.

I thank the chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Philadelphia (Ms. SCHWARTZ), and especially our chairman who has encouraged us to work together in crafting this language to ensure that the Coast Guard reauthorization bill includes this provision and the other provisions of H.R. 1412, the Delaware River Protection Act, which I introduced and which passed with unanimous support in the House. I thank Chairman YOUNG, and Ranking Member OBERSTAR for including the provisions of that bill as part of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

I thank the co-sponsors of the original legislation for their assistance in crafting this provision. Mr. SAXTON, Mr. CASTLE, Mr. ANDREWS, and Ms. SCHWARTZ, and I urge my colleagues to support the motion to instruct and the underlying bill as we move to conference with the Senate.

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

Mr. OBERSTAR. Mr. Speaker, there is no comparable provision that I am aware of, and that is why I think it is important for the House to insist on this language, a position that I know the Chairman will stoutly defend, and we will have unanimous support on our side. We will have a bipartisan position.

Mr. LOBIONDO. Mr. Speaker, I rise in strong support of the gentleman from Minnesota’s motion to instruct. As the gentleman knows, this provision was originally included in H.R. 1412, the Delaware River Protection Act, which I introduced and which passed with unanimous support in the House. I thank Chairman YOUNG, and Ranking Member OBERSTAR for including the provisions of that bill as part of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

I thank the co-sponsors of the original legislation for their assistance in crafting this provision. Mr. SAXTON, Mr. CASTLE, Mr. ANDREWS, and Ms. SCHWARTZ, and I urge my colleagues to support the motion to instruct and the underlying bill as we move to conference with the Senate.

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

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

There was no objection.

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

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conference at a later time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o’clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

1400

AFTER RECESS

The House having expired, the House was called to order by the Speaker pro tempore (Mr. DOOLITTLE) at 2 p.m. Permission for Committee on the Judiciary to File Supplemental Report on H.R. 4128, Private Property Rights Protection Act of 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be allowed to file a supplemental report to accompany H.R. 4128, the Private Property Rights Protection Act of 2005, prior to its passage today.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) “An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.”.

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 4128.

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

There was no objection.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 527 and rule XVIII, the Chair desires the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4128.

1402

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4128) to protect private property rights, with Mr. KLING in the chair.

The Clerk reads the title of the bill. The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman...
from Michigan (Mr. CONYERS) each will control 30 minutes and the gentleman from Minnesota (Mr. PETERSON) each will control 15 minutes.

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

Mr. Chairman, I rise in support of H.R. 4128, the Private Property Rights Restoration Act, overwhelmingly bipartisan legislation I introduced along with Agriculture Committee Chairman GOODLATTE and Judiciary Ranking Member CONYERS.

On June 28, the Supreme Court in a 5 to 4 decision in the case of Kelo v. City of New London transformed established constitutional principles when it held that the fifth amendment’s public use clause permitted government to seize the private property of one small homeowner and to give it to a large corporation for a private business use.

As the dissent in that case made clear, under the majority’s opinion: ‘Any property may now be taken for private uses, even if it is for the public economic good.’

Reaction to the Kelo decision has united strong opposition from across the political, ideological, and socioeconomic spectrum. The NAACP and the AARP faulted Kelo’s failing reasoning by stating: ‘Any property may now be taken for private use, so long as the government is the new owner, so long as the new owner will use the property in a way that the government deems more beneficial to the public.

In fact, in Detroit, Michigan, we have faced the same issues that prompted the Kelo decision. The infamous Poletown decision in the Michigan Supreme Court in 1981 allowed the City of Detroit to bulldoze an entire neighborhood, complete with 1,000 or more residences, 600 or more businesses, and numerous churches in order to give the land to General Motors for an automobile plant. This case set a precedent, both in Michigan and across the country, for widespread abuse of the power of eminent domain.

Fortunately, the Michigan Supreme Court reversed its decision. Citizens in most other States, though, have not been afforded the same protection and have witnessed an increase in takings for economic development that have been rationalized in Kelo. As a result, a Federal legislative response to Kelo is warranted; and today I am pleased to work with my colleagues on both sides of the aisle.

This act before us now will afford our citizens greater protections against governments’ forced takings for private development. First, the State and local government will not be able to use eminent domain for economic development that has been rationalized in Kelo. As a result, a Federal legislative response to Kelo is warranted; and today I am pleased to work with my colleagues on both sides of the aisle.

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Second, a more traditional view of public use is advanced so that we protect property interests as well as the public good. In low-income and often predominantly minority neighborhoods, and the need to stop it. I am also very mindful of the reasons of the property owner. The government shall not receive the compensation that could contribute to similarly abusive land grabs.

The legislation contains an express private right of action to make certain that those suffering injuries from a violation of the bill will be allowed to sue as the Congress Federal court to enforce its provisions and includes a fee-shifting provision, identical to those in other civil rights laws, that permits the recovery of attorney and other litigation fees toprevailing property owners. The legislation gives the States and localities the clear opportunity to cure any violation before they lose any economic development funds.

Finally, in order to facilitate State compliance with its terms, the bill will not become effective until the start of the first fiscal year following enactment of the legislation, nor would it apply to any project for which condemnation proceedings have begun prior to its enactment.

Mr. Chairman, I urge all of my colleagues to join me in supporting this vital bipartisan legislation that will protect the property rights of the most vulnerable in our society and limit the effect of the now notorious Kelo decision.

Mr. Chairman, I reserve the balance of my time.
Our measure before us is clear and states in no uncertain terms that State and local governments will lose economic development funding if they take someone’s home or business for private commercial development.

Homeowners can also bring suit against those States and cities that want to continue violating their property rights. We are making the financial gains that come with replacing residential areas with commercial districts less attractive.

This legislation advances a more traditional view of public use. By restricting the use of eminent domain powers for economic development, we reserve those powers for projects that have traditionally been considered public use.

We can justify a State or city’s takings when the taking is for a road, a school, a public utility, but we cannot agree with a State or city’s takings when it is done for private uses like condominums and shopping malls.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me time.

Mr. Chairman, I support the Private Property Rights Protection Act.

Two hundred years ago, our Founders wrote into the Bill of Rights a guarantee of the right to private property. Such a right lies at the foundation of a democracy where citizens have the freedom to buy, sell, exchange or make a profit on all forms of property.

In recent years, it has become more and more common for the government to seize private property under the guise of eminent domain for public use.

Last year, the Supreme Court gave landowners more reason to worry. They decided that State and local governments can take property from a private landowner in order to give or sell it to another private owner. This 5 to 4 decision in Kelo v. City of New London threatens the legitimate rights of landowners. We must act to protect those rights.

In the months following the Kelo decision, several different bills aimed at preventing eminent domain for public use were introduced. The Private Property Rights Protection Act is a fair and sensible combination of all of those bills.

It prevents States or localities that seize private property in order to transfer it to other private owners from receiving economic development funding from the Federal Government for 2 years. But the bill is not automatically applied. It gives a State or locality the opportunity to correct any abuse of power by returning all property to the owner or replacing any property that has been damaged. If the State or locality does so, they will still be allowed to obtain Federal funding.

Mr. Chairman, the right to private property ownership is one of the cornerstones on which this country was founded. H.R. 4128 will make sure that right continues to be protected.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to oppose the legislation, which is the congressional response to the Supreme Court decision Kelo v. City of New London. By enacting this legislation, we are undermining the States’ rights and assuming the role of a city council. We should not change Federal law every time Members of Congress disagree with the judgment of a locality when it uses eminent domain for the purpose of economic development. We were elected to the United States Congress, not to local city councils.

Mr. Chairman, it is impossible for Congress to draw a bright line principle separating those cases in which economic development is appropriate for a particular area and when it is not. The Constitution does require that the takings be for a public purpose. The city council to weigh the needs of a particular community and consider when the government should use eminent domain.

Sometimes that might mean taking property for the purpose of economic development. Sometimes it may not. Sometimes we will agree with the judgment of the locality. Sometimes we will disagree.

I cannot think of a more fitting example of the quagmire this bill presents than the situation we have right here in Washington, D.C., where they are trying to build a baseball stadium. I find it ironic that, at the same time we are marking up the bill, Washington, D.C., is using eminent domain to build a baseball stadium.

The debate on this bill has already exposed the shortcomings of the legislation. For example, we found that if a stadium were built and owned by the city at taxpayer expense, it would clearly be allowed under the bill. On the other hand, if the owner offered to build a stadium at his own expense, that might not be allowed.

The bill requires public access to the stadium ‘‘as a matter of right.’’ Does that mean that the skyboxes must be put to public auction, or can the owner pick and choose which businesses can acquire rights to skyboxes?

Anybody who surveys baseball or football stadiums around the country will find all kinds of public and private and joint public-private ownership combinations. Could some use eminent domain, while others be prohibited from using eminent domain based on the fact that they want to limit access to skyboxes? Or how the title of the stadium is held?

Mr. Chairman, the World Trade Center and Lincoln Center in New York, the Baltimore Inner Harbor, even President Bush’s baseball stadium in Houston, Texas, were all made possible by eminent domain takings for the purpose of economic development. And although we might agree or disagree with the wisdom of those projects, Congress agrees that they should not have been illegal. These are political decisions that ought to be left to the localities within the confines of their State legislature’s parameters.

Congress cannot limit eminent domain to the States, then we should focus on the real issues involved in eminent domain. We should require, for example, that just compensation should include replacement cost, not just technical appraisal value. We should require that relocation expenses be paid to owners and tenants.

As written, the bill does nothing to ensure that displaced individuals receive reasonable compensation for the replacement value and relocation expenses. The bill does measure compensation for loss of goodwill of a business, nothing to ensure that due consideration is given for the length of time a family or business has been at a particular location. Nothing in the bill deals with the fact that the poor and minorities are usually the victims of eminent domain abuses. Let us put some protections in the bill so that those who are relatively weak politically can be protected from unfair use of eminent domain.

Mr. Chairman, I would like to place in the RECORD at this point letters from the National League of Cities, the National Conference of State Legislatures and the National Association of Housing and Redevelopment Officials.

Mr. Chairman, I believe that the decision-making power of eminent domain should remain at the State and local level and that congressional attempts to define when eminent domain is permissible and the poor and minorities will cause more problems than they solve. Therefore, I urge my colleagues to oppose the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I reserve the balance of my time.
are of a national scope and scale that demand immediate federal action.

Despite fearful rhetoric in the press, the Supreme Court’s decision in Kelo v. City of New London did not expand the use of powers of eminent domain. The Kelo decision confirmed that eminent domain, a power derived from state law, is not a one-size-fits-all power available to all governments to take property for any purpose. One of the majority’s chief concerns was the manner in which the power was exercised in the sunshine of public scrutiny, with the majority focusing on just compensation and comprehensive planning process modifications. Since June 2005, Alabama, Texas, and Delaware enacted laws that tighten the application of eminent domain power in each state.

NLC urges Congress to let state governments act on their own eminent domain laws and not move forward with federal legislation. Many aspects of H.R. 4128, led by the proposed definition at Section 6 of “economic development,” trouble NLC. Economic development is a process, not the concrete act of taking private property from A and giving it to B for a “commercial enterprise carried on for profit.” The bill could have the unintended consequence of preventing hurricane-damaged communities from rebuilding. In those communities, eminent domain may be necessary for use by the general public or for public use by an entity that makes the property available for use by the general public, or as a public facility, or to remove harmful effects. This means that if a state or locality were to use the power of eminent domain for economic development purposes, even if such use would be within the state’s own statutes and land use development ordinance and regulations, the state could lose all applicable federal funding. This piece of legislation amounts to federal blackmail of states for using a completely constitutional and valid state power.

The power of eminent domain has always been a state power. The Kelo v. New London Supreme Court decision did not expand state authority to condemn private property for economic development. It merely applied the law to the subject. There is substantial Supreme Court case law dating as early as 1934 which upheld the power of state and local governments to take property, upon payment of just compensation, in order to promote economic development. It is also important to be aware that in the aftermath of the Kelo decision, twelve states—Alabama, California, Delaware, Illinois, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Texas—have already introduced bills, and three of these states—Alabama, Delaware, and Texas—have already enacted legislation in special session to address the power of eminent domain in their state. We expect to see many more states address the issue of eminent domain in their next legislative session. All of our state materials on eminent domain can be found on NCSL’s Web site: www.ncsl.org/programs/nlrs/EMINDOMAIN.htm

Again, we urge you to oppose H.R. 3315. If you have any questions, please contact Susan Pamas Frederick, Senior Committee Director at 202-624-3566, susan.frederick@ncsl.org. Thank you.

Representative JANICE L. PAULS,
Kansas House of Representatives, Chair,
NCSL Committee on Law & Criminal Justice.

NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,

DEAR MEMBER OF CONGRESS: I am writing to convey the position of the National Association of Housing and Redevelopment Officials (NAHRO’s) 2005 strong opposition to HR 4128, the “Private Property Rights Protection Act of 2005.”

NAHRO is the nation’s oldest and largest association of housing and community development professionals and the leading advocate for adequate and affordable housing and strong, viable communities for all Americans—particularly those with low- and moderate-incomes.

The bill in its current form is unacceptable to our membership. While NAHRO understands these three amendments we understand will be considered. First, within the context of this bill, Congressman Michael Turner’s proposed amendment would not provide an adequate and more reasonable scope of activities for which eminent domain takings would be appropriate. The bill in its current form is unacceptable to our membership. While NAHRO understands these three amendments we understand will be considered. First, within the context of this bill, Congressman Michael Turner’s proposed amendment would not provide an adequate and more reasonable scope of activities for which eminent domain takings would be appropriate.

Second, Congressman Jerrold Nadler’s amendment removes the bill’s unreasonable and disproportionate penalty provisions, which would lead to unprecedented financial insecurity for those states and local governments enforcing community revitalization efforts by providing the Congress with an opportunity to express its support for community revitalization under the constant threat of losing all Federal economic development funding. Third, Congressman Ray LaHood’s amendment would remove most of the bill’s objectionable content while still providing the Congress with an opportunity to express its support for community revitalization efforts by providing the Congress with an opportunity to express its support for community revitalization efforts by providing the Congress with an opportunity to express its support for community revitalization efforts by providing the Congress with an opportunity to express its support for community revitalization efforts by providing the Congress with an opportunity to express its support for community revitalization efforts by providing the Congress with an opportunity to express its support for community revitalization efforts.

NAHRO believes that these amendments improve the legislation to varying degrees. I want to make clear that HR 4128, if amended, would not remove the important community and economic development activities across the nation and should not be adopted.

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Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

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

Mr. Chairman, I first want to thank the chairman of the Judiciary Committee, the gentleman from Wisconsin, and also the ranking member, the gentleman from Michigan, for their leadership in this area. This is a very important issue before Congress, and I am very pleased that Congress is acting. The idea that a person’s home or business can be taken by the government and transferred to another private entity simply to allow the government to collect additional tax revenues is anathema to the values that Americans cherish. But the Supreme Court has now thrown its weight behind this distinctly un-American ideal by ruling that economic development can be a public use under the Fifth Amendment’s takings clause.

Few would question the Constitution provides a legitimate role for eminent domain when the purpose is a true public use and the property owner receives just compensation. That happens all of the time, and that is appropriate. Properly used, eminent domain should give communities an option of last resort to complete the development of roads and schools and utilities and other essential public infrastructure projects.

As a former Cincinnati city councilman and Hamilton County commissioner myself, I would be remiss if I did not mention my concern for some unintended consequences that congressional action seems to have on communities if we do not act carefully, and I think we have acted carefully in this bill, and I thank, again, the chairman and the ranking member for doing that.

We had testimony by the mayor of Indianapolis. I also want to commend the former mayor of Dayton, Congresswoman MIKE TURNER, who is the head of the Saving America’s Cities Working Group, who has worked diligently to try to make this a better bill as well. Many people have worked on this.

I am very pleased that Congress is going to take this action to make sure that eminent domain is not used in an inappropriate purpose. If Kelo was left as it was ruled by the Supreme Court, it could be used in a way that could be dangerous, that could be to the detriment of communities all around this country.

So I am very pleased that we are acting on this today, and again want to commend the chairman and Congress for acting.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman yielding me the time and permitting me to speak on this legislation.

Mr. Chairman, I understand the frustration that we have heard on the floor, the reaction to the Kelo decision which I personally looked at those circumstances, I was frustrated in terms of what was provided in that city.

But I am concerned that we have the big picture in mind, because we have been dealing with eminent domain for decades. We do not have a national crisis here. What we had was a State and local government that did not do their job appropriately.

The Supreme Court, appropriately, indicated that this was not a constitutional issue. There are tools. There are remedies.

I am a former local official. I dealt for years, as public works commissioner for the City of Portland, with things that dealt with redevelopment.

We rarely if ever used eminent domain. The fact that it was there made a difference in the area. The Supreme Court decision to overrule that. This was an area that for years was a center of violence and vice. Eminent domain was used to transform Times Square from being a drive with just a few stores, to a pluming and change the face of that area.

There are communities around the country where this has been done. Look at the Roxbury neighborhood in Boston or look out the door here of the Capitol at Pennsylvania Avenue, where eminent domain was used in the 1960s and 1970s to reformulate the face of it. I understand the sensitivity. We do not want it abused. But, for heavens sake, we should be careful before we rush in with a Federal solution which may have unintended consequences.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I so much appreciate the chairman and the proponents of this bill bringing it to the floor. What brings this about is one of the basic founding principles of the American ideal by ruling that economic development can be a public use under the Fifth Amendment’s takings clause.

That is what has been happening. There is no way to read this, “Nor shall private property be taken for public use without just compensation,” that is in the Fifth amendment without realizing that means public use. It does not mean taking property from someone who has lived there for generations or some farmer that has been farming the land, to give it over to some developer just because he is going to give a bigger kickback to the local government.

That goes back to the days of King George when he says, gee, you have been a good friend, you have paid taxes, but this guy over here has promised me a bigger kickback, so I am kicking you off your property. We had a revolution to try to stop that kind of thing.

Anyway, I just want to put this question to my friends across the aisle. I know I have heard them express their concerns about constituents and the poor and those who cannot help themselves, and we ought to be helping them. Or you really want to go back to your constituents, do you really want to tell voters that you support this ridiculous Supreme Court notion that a government can take their property, not property that is a threat to the community, not that it is blighted, but take their property against their will to give it over to someone richer who is going to pay more taxes, and that is the only reason?

That is not the American way. That is not what the supporters and proponents of this bill want to see happen. We are sending a loud message, that is not what the Constitution says, it is not what is intended. It is not what we fought revolution for, and it will not stand by and allow a ridiculous Supreme Court decision to overrule that.
to encourage capital and economic development for our communities, while still recognizing the intrinsic value of a family’s private property.

Mr. Chairman, I know that without a constitutional amendment our actions today must comport with our commitment to obey the Constitution. Although this bill addresses and puts in place compelling penalties to cities, counties, and States that violate private property rights, I realize that we must go further.

It is my hope that some day we can bring about stricter penalties to local governments who choose to run roughshod over the property rights of private landowners. I know that is what my grandfather would have expected of me, and I hope that is what we can expect of this Congress as we work to solidify the intrinsic value of people who own private property.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the fifth amendment to the Constitution states that “no person shall be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation.”

Thomas Jefferson said: “The true foundation of republican government is the equal right of every citizen in his person and property and in their management.”

However, that was then. We have heard a lot about the Founding Fathers; and they are not turning in their graves. Mr. Chairman, they are spining.

Jefferson warned: “A government big enough to give you everything you want is a government big enough to take away everything you have.”

It looks like we are at that stage. A school does not generate tax revenue; a church does not generate any tax revenue, but that does not mean that a school ought to become a Starbucks and that a church ought to become the next Costco.

Thanks to the recent Supreme Court decision on eminent domain, the fifth amendment has been vastly expanded. In the past, public use meant projects for the common good, not for the bottom line. With this decision, no citizen’s property is safe and the American dream of owning your own home is now at risk.

Private ownership of property is a pillar of our freedom and our prosperity.

The Private Property Rights Act, H.R. 4128, will begin to right the wrong that was wrought on our Nation this past June. I urge all Members of this House to support this important legislation.

Ms. WATERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in very strong support of H.R. 4128.

I was one of those individuals who was shocked at the Supreme Court decision. On June 23, 2005, Kelo v. The City of New London, the Supreme Court held in a 5 to 4 decision that the city’s use of eminent domain to implement its area’s redevelopment plan aimed at invigorating a depressed economy was satisfying the U.S. Constitution, even though the property would be turned over from private homeowners and businesses to private developers.

Never in my wildest imagination did I think there would be a Supreme Court ruling that would take private property and give it to private individuals for private use.

This decision was born out of what took place with the giant pharmaceutical company Pfizer. Pfizer built a plant next to an area called Fort Trumbull, and the city determined that someone else could make better use of the land than the people who actually lived there: the Fort Trumbull residents. The city handed over its property to Pfizer, that is, the ability to take private property for public use, to the New London Development Corporation, a private body; and that private body then exercised eminent domain to take the entire neighborhood for private development.

The Supreme Court decision is wrong, and I cannot see how any Member of the House of Representatives could support the taking of private property for private use. Someone spoke of this as being a pillar of democracy. It is a strong American value that we hold dear, and I do not think that we should not do something, exercise our power in this House to deny the Supreme Court decision to be used by all of these cities and redevelopment agencies and other entities. I believe that we have to protect the American people.

As a matter of fact, one Member came and said, well, you know, this is the isolated case. I gave over 125 cases throughout the United States where cities and other entities, community redevelopment agencies, in those cities where they can give the eminent domain rights to private developers, such as they did in this Kelo decision, are taking people’s private property.

What is more, many of these entities are trying to take private property, take homes and businesses to give over to the big-box developers who need a lot of land to put down these big-box shops.

I do not believe we can stand by and not do something. There are those who would argue that the Federal Government should not be involved. If not us, who will protect people? We know that you are getting lobbied, Members are getting lobbied by Members of city councils, even by mayors; but many of them are lying with these developers. They have relationships: money is changing hands. They are in bed with the very developers who want to take the private property for private development.

Again, we cannot afford to let this happen. What we do here today will help to slow down this taking of private property for private use. As far as I am concerned, the bill could have even been stronger because we have got a few exceptions in the bill that I question.

I wanted a pure bill with no exceptions. My chairman who worked so hard on this bill made a case for some takings for certain kinds of very, very important public use of private lands. And I thought as I heard the bill, I could support an even stronger bill because I think there should be no exceptions, none, zilch, zero, no exceptions. I do not believe in taking private property to give to someone else for private use to make money off of.

You will hear this described in any number of ways, the taking of private property to get rid of blight. Whose blight? By whose definition? The taking of private property by economic development. What kind of economic development? Who is going to make the money? Who is going to suffer?

Your home is your castle. And for those people who save their money and invest in their homes, raise their children, that home should be their castle in toto. That home should never be in jeopardy because some city government, some redevelopment agency decides that they want to take it. I do not care what for. The gentleman from Virginia (Mr. SCOTT) came and talked about the taking for ballparks. I disagree with that.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, while I do not have any problems with the bill at this time, there is some concern that the bill may adversely affect transportation projects, including those constructed under public and private partnerships.

There is also a concern that the bill may have unintentional effects on the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

I would like to thank the gentleman for including the language changes that we have suggested in the manager’s amendment to help fix these problems. These changes are meant to clarify that the bill does not have any adverse impacts on issues under the jurisdiction of the Transportation and Infrastructure Committee.

Mr. Chairman, I ask that if we discover any additional problems with this legislation for transportation projects, you will agree to work with me in conference on a mutually agreeable solution.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. If unintended transportation consequences...
are discovered, I would be happy to work with the gentleman from Alaska (Mr. Young) to fix them in conference.

Mr. YOUNG of Alaska. I agree with the gentleman’s goals and look forward to working with the entire delegation to meet the goals of this conference. I thank him for doing this.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. Poe).

Mr. POE. As a former judge, I want to thank the chairman for leading the fight to protect private property rights.

One reason we started this country was because back in the days of England, the king and the nobles owned all the land, and regular folks like us had to work the land, but we could never own the land. That is one reason this country got started, because of the desire to own private property.

John Locke, the great philosopher who was influential in much of the law that came into our Constitution, said that we are all born with the right of life, liberty, and property. And Thomas Jefferson incorporated that concept in the Declaration of Independence when he said that we are given by our creator life, liberty, and the pursuit of happiness. And then we put in our Constitution in the fifth amendment that basic right, that we all have life, liberty, and property and it will not be taken without due process of law.

That simple phrase is in that fifth amendment. That private property shall not be taken for public use without due compensation, it is the American dream to own a part of America, own a part of the land. More Americans own land and houses than ever before in our history. Then the Supreme Court came around and misinterpreted this very simple rule in our Constitution, allowing private property to be taken by local governments so they can give it to somebody else in the name of money. It is all about the money. It ought to be all about what is right.

This law will prevent government land-grabbing authorized by the Supreme Court. Their ruling was an error in judgment of constitutional proportions and hopefully the Supreme Court will find its way and reverse this absurd ruling.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. Moran).

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend, the gentlewoman from California (Ms. Waters).

I must rise to object to this bill. I think it is too broad. The period of time within which you can take legal action is too long, and in some specific cases it is too restrictive. It will be subject to the law of unintended consequences.

Ms. Waters, I have to acknowledge, are formed by having been mayor of Alexandria, Virginia. We did at times use the power of eminent domain primarily to help lower-income people to restore blighted areas of the city. In those situations, the improvement of those rundown areas could not have happened without government intervention because the private sector simply was not willing to make the investment.

We were able to achieve substantial economic improvements along the Alexandria waterfront which had been relegated to a place of neglect where only people in poverty could be lived. And now people of all incomes are able to take advantage of public use in these areas, and we have expanded the availability of affordable housing.

We could not have done it without this power. And, in fact, if our constituents did not like what we were doing, they had the ability to take us out of office through the normal democratic process. I understand that this is a power that can be abused, but that possibility does not warrant its elimination.

In fact, if you want it restricted, the proper place to do so is not at the Federal level. It is at the State and local level.

I have an amendment that will correct this bill so that it will not be subject to the law of unintended consequences. I intend to introduce that amendment shortly.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada (Mr. Gibbons).

Mr. GIBBONS. Mr. Chairman, I rise today in support of H.R. 4128, a bill that seeks to undo the damage wrought by one of the worst Supreme Court decisions in my memory.

The court in Kelo decided that the fifth amendment of the Constitution can be hijacked by a rogue, private developer to take homes or private property from hardworking Americans to build new shopping malls and luxury resorts in their place to increase tax revenues.

Our Constitution, which every Member of this body has sworn to uphold and protect, has, in essence, been changed by five people who are charged only with interpreting the Constitution, not rewriting it.

I am not sure how many ways there are to interpret the clause: “nor shall private property be taken for public use without just compensation.”

Mr. Chairman, it seems pretty clear to me that an office building owned by a private party that restricts its use to only those who pay rent is not a public use facility; or that a public use is a highway, not a high-rise; or that a public use is a park, not a private parking lot; or that a public use is a courthouse, not a condo.

A society that allows its big developers to take the private property of ordinary citizens in the name of economic development is not a free society.

The potential for greater profits and higher tax revenue is not what our Founding Fathers envisioned as public use.

Importantly, Mr. Chairman, one of those constitutional provisions is the protection of private property. The United States knows that a government that can take a citizen’s property on a whim is a government that can take away everything else as well.

H.R. 4128 offers a reasonable solution, and I urge my colleagues to support this bill.

Ms. WATERS. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. Hensarling).

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

Mr. Chairman, private property has been among the most sacred rights of the American people since our founding as a Nation. Likewise, the government’s duty to protect private property remains among its most sacred responsibilities.

John Adams once wrote, “The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.”

Well, Mr. Chairman, the recent Supreme Court decision in Kelo v. New London has commenced the tyranny. It is laying siege to the idea that a man’s home is his castle.

While it is true that the principle of eminent domain is established in our Constitution, it exists for an extremely limited purpose.

The dissenters in the Kelo case correctly note that the Court has abandoned a “long-held basic limitation on government power. Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner.”

The Court essentially now gives local governments the power to seize property to simply generate tax revenue. Under their ruling, your local city council can now take your home and give it to Starbucks so they can sell venti mocha lattes. Mr. Chairman, are we still in America?

By passing the Private Property Rights Protection Act, Congress can help secure this most sacred right. H.R. 4128 will rightfully increase the penalties for States. We should stand for freedom and private property and support this act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Virginia (Mrs. Drake).

Mrs. DRAKE. Mr. Chairman, I am proud to be a cosponsor of H.R. 4128, and I strongly urge my colleagues to support this bill on behalf of property owners across our Nation.
This legislation clearly prohibits economic development as a public use, period, with no room for misunderstanding. Eminent domain, for the purpose of economic development, is absolutely opposite our belief as Americans of our right to own private property.

Our Founding Fathers and the Constitution is to protect the public. We have a responsibility to use legislative powers to clearly define private property rights.

I would like to thank the sponsors of the bill, the chairman and committees that have worked on it, and I urge my colleagues to vote in favor of H.R. 4128.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, the power of eminent domain should never be abused to take private property for the private benefit of another, and I agree with the concept of the bill, but it is very poorly drafted. It goes too far and not far enough.

It will permit many of the abuses and injustices of the past, while bankrupting State and local governments. It would allow highways to cut through neighborhoods and all the other public projects that have historically fallen most heavily on the poor and powerless.

It does nothing to protect displaced renters. They get no compensation, no day in court, but absentee slumlords, they get their day in court.

It allows a taking to give property to a private party “as a common carrier,” that makes the property available for use by the general public as of right.

Does that mean a stadium? It seems to me that is privately owned. It is “available for use by the general public as of right” at least as much as a railroad; you can buy a seat. Does that mean the shopping center? You do not even need a ticket. So this would not even prevent the use of public domain, apparently, for sport stadiums and shopping centers.

The Trade Center, on the other hand, could not have been built under this law. It was publicly owned, but leased as office and retail space.

Affordable housing, like the Hope VI program would be prohibited.

Local governments under this bill would lose economic development funding for 2 years, even for unrelated projects. The financial cloud this would place over all cities would ensure that they could never issue a bond, for any purpose, and companies doing business with the city would face the threat of bankruptcy.

If we really want to help property owners, we should give them the right to stop the taking before it happens. This bill makes them wait until after the condemnation and offers them no damages. People do not want to bankrupt their communities. They want to keep their homes. This bill does not do that. I will offer an amendment that will at least change this part of the bill and solve that problem.

A bill to prevent takings for improper purposes makes sense. It does not make sense to say that if the government makes a mistake, instead of giving private injunction relief inadly, it coerces the property owner, you put a cloud on the future finance of the State or city as they can never issue bonds for any purpose.

Let us protect property owners but not destroy our communities. We should do this right.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill to the floor as chairwoman of the Judiciary Committee which I have the privilege of serving on.

I rise today to support the Private Property Rights Protection Act.

This spring, the Supreme Court put a “For Sale by Government” sign in front of every American home, farm and business. It does not matter how many coats of paint you put on your house or how much landscaping you do, no amount of your investment and upkeep can match the tax base provided by corporate America. If the government thinks that it can get more tax revenue from your property when put to a different use, a new factory, you are out of luck and out of your home.

We were taught as children and read in the Constitution that eminent domain meant that government could take property only for public use, like roads and railroads, but the 15 Connecticut citizens who had their homes and businesses taken away from them in the Kelo case found out that public use now means whatever the powerful want to do with your home, as long as it might bring in more tax dollars.

Whatever happened to our rights to life, liberty and property, which were the very rights so important to the people who founded this country?

Mr. Chairman, the Supreme Court took that right away. The Framers had no intention of allowing Federal judges to impart their wisdom on this issue. That is why they put the eminent domain clause directly into the Constitution by the Bill of Rights.

The Constitution here in my pocket says, “nor shall private property be taken for public use without just compensation.”

If we do not act today, the consequences of that Supreme Court decision will not be hard to foretell. The winners are those with great influence, wealth and power. What happens when the potential buyer of a property is a foreign-owned entity? Or if a Nevada church is bulldozed to make room for a bubble?

Americans will not stand for usurpation of their constitutional rights by the Court. Today, we have the opportunity to restore those rights that we fought so hard for. I urge my colleagues to support H.R. 4128.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank my colleagues, because not only is she supportive of this legislation but she has been speaking out consistently since the Kelo decision against that decision and the consequences.

Mr. Chairman, I have grown concerned with the increasing rate of eminent domain abuse cases across the country, so I appreciate that we will be able to vote on this bill today.

Many of us in Congress were shocked by the Supreme Court’s 5-4 decision in Kelo, allowing the town of New London, Connecticut, to seize 15 homes so a developer could build offices, a hotel and convention center. This set a disturbing precedent and raised serious concerns about whether there are any limits to the government’s power under the takings clause of the Constitution.

I believe the Private Property Rights Protection Act, this legislation, is a strong first step in the fight against eminent domain abuse. However, I think we can do better. I think we need to pass stronger legislation to ensure that we curb all abuses of eminent domain, not just those in areas where Federal funds are being used for a project.

That is why I have introduced my own legislation to curb the inappropriate use of eminent domain. The Protect Our Homes Act simply states that there should be no taking of homes for economic development unless there are rare and exceptional circumstances involving a public health or safety crisis. This legislation applies to any State or local government that does otherwise ineligible for Federal financial assistance under any HUD program. It would also put in place appropriate safeguards to ensure that any eminent domain process is fair and transparent.

We have an obligation to protect our citizens as we revitalize our aging neighborhoods. We should not sit idly by and tolerate abuses of eminent domain in the name of economic revitalization. It is time to strengthen the Federal law to guarantee that homeowners throughout this great country are protected.

I am pleased to support the legislation before us which will send a strong message that taking private homes for questionable revenue is intolerable. There is still much more for Congress to do to prevent eminent domain abuse, however, and I look forward to this bill passing and to working with my colleagues on both sides of the aisle to that end.

It is very refreshing to see that this legislation has bipartisan support and that we are moving on this legislation today.
Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the question before us today is not really whether we agree or disagree with the Supreme Court’s interpretation of the term “public use,” but rather, who we stand with and what we stand for. Do we stand with large private developers or with ordinary private citizens? Do we stand for government assistance for the powerful economic interests, at the expense of ownership of small interests?

Let it be clear, this debate is about condemnation of property. Will we condemn our constituents by allowing their land to be taken without just cause? Will we condemn small business owners by allowing their stores to be removed simply because a big developer has a different idea for what the economy should look like? Or will we stand with our constituents and condemn their property and condemn the essence, a public entity sanctioned private use of property for economic development. In every sense, a public use.

The Supreme Court’s Kelo decision would limit the right to the pursuit of happiness to large corporate developers at the expense of small businesses and private citizens.

We must take a stand today and reaffirm the unalienable rights of citizens and stand for our constituents and declare that everyone has the right to pursue happiness, and we cannot and will not take that right away.

I urge my colleagues to join me in standing with our constituents to support this bill.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for his time.

I am very pleased to join my colleagues who are aware of the need to fix an issue that is broken. I join the chairman of this committee and thank the gentlewoman for her leadership, and I am glad to be an original cosponsor.

Mr. Chairman, the reason we are on the floor today is that the Supreme Court, some would say rightly so, relied upon State law in Connecticut that allowed for the taking of private property for economic development. In essence, a public entity sanctioned private developers in taking private property for an economic enhancement. I am here to say that the fifth amendment’s due process and the protection of property rights, to the extent that we protect those who cannot speak for themselves, should allow this Congress to fix this problem.

I am also concerned that this very tool will be utilized to go into communities, poor communities, and have them succumb, if you will, to untoward and unwelcomed investment or development without their input and without the opportunity to build communities that would embrace all economic levels.

The Kelo decision needs to be fixed by this Congress, and I welcome this legislation so that we can fix it and provide due process to all.

Mr. Chairman, I rise in support of the base bill before the Committee of the Whole today, H.R. 4128, the Private Property Rights Protection Act of 2005. It pleases me to join the Gentlemen, Chairman SENSENBRENNER and Ranking Member CONVERS in supporting this legislation, H.R. 4128, just as I was enthusiastic about co-sponsoring the resolution introduced by the Gentleman on the Floor of the House on June 30, 2005 that denounces the holding of the Supreme Court of the United States in Kelo v. City of New London.

The Supreme Court, with its five-member majority, made a wrong decision and ratified the unconstitutional acts of a local government. I am appalled that the Congress did not use its authority.

The bill before this body rejects the act of the Supreme Court majority in giving these elected officials carte blanche to abuse the rights of the property owners in that case. Our highest court should stop the violation of constitutional rights. Our job is to address whether or not government can decide that there is a public purpose for a taking of private property and thereby make it so. There should exist better protection for the individual with less economic power—the individual that has only one hand. I ask the Framers of the Constitution were careful in addressing that issue, careful in the sense they wanted to make sure that the ruling powers that be could not come in and say, “I am going to take your property.” That was not what the Framers envisioned free America.

A recently published law journal noted our dilemma quite well: “But still more unsettling to many than the notion that property might be taken for an obvious general public benefit is the suggestion that this power might be used for any other private owner’s profit, along with all the traditional rights that permit sale, use, rental, disposition, and other choices of fee simple ownership. Seemingly, if property can be forcibly passed from one private owner to another; ‘public use’ is a phrase with no meaning and no end.”

“If property can be forcibly passed from one private owner to another, ‘public use’ is a phrase with no meaning and no end.”

This legislation allows us as legislators to draw a thicker line of demarcation between private property and public property intended for public use. The threshold must be higher for the ownership rights of individuals to be usurped—when the underlying objective is merely to engage the pockets of developers. We would hope that my colleagues will support me in the land administration. The Rules Committee made in order Mr. Chairman, as No. 12. Kelo held “economic development” to be a “public use” under the Fifth Amendment’s Taking Clause. The Takings Clause states that “nor shall private property be taken for public use without just compensation.”

In the 1990’s, a state agency declared that New London, CT was a “distressed municipality” after its unemployment numbers hit double the rate in the rest of Connecticut. The holding by the Supreme Court purported to defer to the city’s judgment and that the development would be a “catalyst to the area’s rejuvenation.”

The land use situation in the areas most affected by the Hurricane Katrina disaster presents the situation that is most ripe for eminent domain takings under the guise of “economic development.” My amendment seeks to add the legislative intent to H.R. 4128 that the law seeks to put the people first even in the face of post-disaster reconstruction.

Mr. Chairman, of the Committee on the Judiciary for his support of this amendment. It is critical that we continue the spirit of bi-partisanship that was started with the resolution disapproving the Kelo decision, of which I was an original co-sponsor, the Private Property Rights Protection Act of 2005, H.R. 3155.

New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local governments’ ability to assemble properties to carry out their plans. Whether we agree or disagree with the decision, the rule of law should prevail.

My amendment seeks to clarify that, in redfining the boundaries of the federal government’s Taking power, unfair practices will not be tolerated and that the rights of property owners will be given the highest regard.

I thank the Chairman of the Committee on Transportation and Infrastructure, Chairman SENSENBRENNER and Ranking Member GINNIES, for their leadership, for their concern for the environment, for their concern for the communities, for their concern for the workers, for their concern for the ordinary people and the people who care about property rights, the people who respect homeownership, the people who believe that this is an important value we are standing up for the citizens of this country. Folks who believe that somehow the government has a right to take private property for private use are standing on the side of the developers.

Mr. Speaker, as you can see, this is not a Democrat-Republican issue. The people who care about property rights, the people who respect homeownership, the people who believe that this is an important value are standing up for the citizens of this country. Folks who believe that somewhat the government has a right to take private property for private use are standing on the side of the developers.

While I respect Members on both sides of the aisle, I have had some Members on this side of the aisle talk about what they have done for poor people, and you will hear people talk about what they do for minorities, that they are doing this to get rid of blight, to create better communities. Well, on this one, I would like to say to all of my friends from both sides of the aisle who are helping poor communities and minority communities, we do not need you on this one.

We need you to respect the right of those minorities and those poor people to hold on to whatever it is they own, whether it is a little, small business or whether it is a two-room shack or a one-room shack or whatever it is. It is theirs. They have a right to it. And no one, no mayor, no city council member, no one has the right to take their property from them. That is not just compensation. In the 1990’s, a state agency declared that New London, CT was a “distressed municipality” after its unemployment numbers hit double the rate in the rest of Connecticut. The holding by the Supreme Court purported to defer to the city’s judgment and that the development would be a “catalyst to the area’s rejuvenation.”

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Mr. Chairman, I yield the balance of my time to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentlewoman from California for being so gracious in yielding me this time.

Mr. Chairman, our Nation’s eminent domain laws exist to help our communities, not to deprive Americans of their businesses and homes. For 11 years, Harry Pappas and his family battled to win back property taken from them in downtown Las Vegas, property which they rightfully owned and that was home to seven shops the family leased to other businesses for more than 40 years. This was a 40-year old business in Las Vegas. In 1994, the Las Vegas Redevelopment Agency notified Mrs. Pappas that they were condemning her property. At a hearing only 7 days later, it was decided that the agency would seek immediate possession of the property, and the family business promptly demolished.

The Pappas’ dreams were torn down with the building they lost that day, as their dignity was taken from them as they were forced to watch as a for-profit parking garage was built on their family property.

The Pappas family took their case all the way to the United States Supreme Court, voting to limit the use of eminent domain for economic development would restore the rightful limits on this power that have been eroded by time. It is time to protect the Harry Pappas of the world.

MR. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I rise to engage in a colloquy with the chairman.

As the chairman knows, I have offered an amendment in the Rules Committee to address the problem of legal fees for property owners faced with the exercise of eminent domain by State and local governments. Homeowners in particular do not have the money to pay lawyers. Their main asset is tied up in a legal fight, so they cannot afford a challenge to the taking itself.

In addition, most eminent domain lawyers operate on contingency for a percentage of the eventual price of the property condemned, so it is hard to get anybody to challenge the taking, and you certainly cannot get it without paying.

The whole idea of the amendment is that owners are supposed to be no worse off after the condemnation than they were before. But if they have to pay their lawyer, whether by the hour or as a percentage of the sale price, they will always be worse off.

Would the chairman be willing to work with me on this issue in conference in a way to address the needs of private property owners without encouraging frivolous lawsuits?

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

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

Mr. SENSENBRENNER. The answer is absolutely.

Mr. FLAKE. I thank the chairman.

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

Mr. Chairman, very briefly, this bill attempts to do what the Federal Government can to reverse the impact of the Kelo decision, and the heart of this bill is to deny Federal economic development funds for 2 years to any States or localities that attempt to use its condemnation power to take private property for essentially a nonpublic use purpose and to turn around and resell it to another private developer who will bring in more tax revenue.

We have heard time and time and time again on this floor during the last hour that this is wrong. But the Supreme Court has said that it is not wrong if a developer can convince a majority of one on a city council or local governing board to authorize the local attorney to go and commence condemnation actions. That is true if somebody has lived in a house for all their life and the city council puts them in the cross hairs; it is true for a church that has got a prime piece of property on the corner of a busy intersection that a developer wants to build a strip mall on; and it is true for someone who has run a small business in a prime area of town and has made a lot of money but does not pay a lot of property taxes because they have a small shop, and they can get out of the business even for a competition that wants to have a larger and, thus, more tax-yielding facility on that piece of property.

Everything I have said is wrong, and everything I have said can be done with the use of Federal economic development funds under the Kelo decision. What we need to do now is pass this bill to right this wrong.

And I would just remind the membership, Mr. Chairman, that the author of the Kelo decision, Justice John Paul Stevens, recently spoke to a local bar association in Nevada and said that if he was a legislator rather than a justice of the United States Supreme Court, he would have ruled the other way. So if Justice Stevens were sitting here as a representative in Congress today, he would be supporting this bill, too, and I think that is the reason why this bill should receive overwhelming support. We all should vote for it.

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

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate by the Committee on the Judiciary has expired. It is now in order for general debate by the Committee on Agriculture, 30 minutes equally divided.

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

Mr. Chairman, I rise in strong support of this important piece of legislation. I want to thank Chairman SENSENBRENNER for his leadership on this issue. I also appreciate the hard work of Congressman HENRY BONILLA, who introduced the STOPP Act, legislation that passed out of the Agriculture Committee, and Ranking Member PETE RSON on the Agriculture Committee, as well as Ranking Member CONYERS on the Judiciary Committee.

I especially want to thank my colleagues from South Dakota (Ms. HERSETH) who was the first Democrat to take a leadership role on this issue. I also appreciate the hard work of Congressman HENRY BONILLA, who introduced the STOPP Act, legislation that passed out of the Agriculture Committee, and Ranking Member PETE RSON on the Agriculture Committee, as well as Ranking Member CONYERS on the Judiciary Committee.

I am voting in strong support of the STOPP Act because we must ensure that local and State governments cannot take property from one private individual and give it to another private entity.

Private ownership of property is vital to our freedom and our prosperity, and it is one of the most fundamental principles embedded in our Constitution. The Founders realized the importance of property rights when they codified the takings clause of the fifth amendment to the Constitution, which requires that private property shall not be taken for public use without just compensation.

This clause created two conditions to the government taking private property: that the subsequent use of the property is for the public and that the government gives the property owners just compensation.

However, the Supreme Court’s recent 5-4 decision in Kelo v. City of New London is a step in the opposite direction. The controversial Kelo decision reverses the ability of State and local governments to exercise eminent domain powers to seize properties under the guise of economic development when the public use is as incidental as generating tax revenues or creating jobs, even in situations where the development increases tax revenues or creating jobs, even in situations where the development increases tax revenues or creating jobs.

Everything I have said is wrong, and everything I have said can be done with the use of Federal economic development funds under the Kelo decision. What we need to do now is pass this bill to right this wrong.

And I would just remind the membership, Mr. Chairman, that the author of the Kelo decision, Justice John Paul Stevens, recently spoke to a local bar association in Nevada and said that if he was a legislator rather than a justice of the United States Supreme Court, he would have ruled the other way. So if Justice Stevens were sitting here as a representative in Congress today, he would be supporting this bill, too, and I think that is the reason why this bill should receive overwhelming support. We all should vote for it.

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

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate by the Committee on Agriculture, 30 minutes equally divided.

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

Mr. Chairman, I rise in strong support of this important piece of legislation. I want to thank Chairman SENSENBRENNER for his leadership on this issue. I also appreciate the hard work of Congressman HENRY BONILLA, who introduced the STOPP Act, legislation that passed out of the Agriculture Committee, and Ranking Member PETE RSON on the Agriculture Committee, as well as Ranking Member CONYERS on the Judiciary Committee.

I especially want to thank my colleagues from South Dakota (Ms. HERSETH) who was the first Democrat to take a leadership role on this issue. I also appreciate the hard work of Congressman HENRY BONILLA, who introduced the STOPP Act, legislation that passed out of the Agriculture Committee, and Ranking Member PETE RSON on the Agriculture Committee, as well as Ranking Member CONYERS on the Judiciary Committee.

I am voting in strong support of the STOPP Act because we must ensure that local and State governments cannot take property from one private individual and give it to another private entity.

Private ownership of property is vital to our freedom and our prosperity, and it is one of the most fundamental principles embedded in our Constitution. The Founders realized the importance of property rights when they codified the takings clause of the fifth amendment to the Constitution, which requires that private property shall not be taken for public use without just compensation.

This clause created two conditions to the government taking private property: that the subsequent use of the property is for the public and that the government gives the property owners just compensation.

However, the Supreme Court’s recent 5-4 decision in Kelo v. City of New London is a step in the opposite direction. The controversial Kelo decision reverses the ability of State and local governments to exercise eminent domain powers to seize properties under the guise of economic development when the public use is as incidental as generating tax revenues or creating jobs, even in situations where the development increases tax revenues or creating jobs, even in situations where the development increases tax revenues or creating jobs.
I am extremely pleased that the Agriculture Committee acted swiftly on the legislation originally introduced by the gentleman from Texas (Mr. Bonilla) and myself, the Strengthening the Ownership of Private Property (STOPP) Act, and that Chairman Goodlatte made a report out the bill from the Agriculture Committee a priority.

I am equally pleased by the determined, thoughtful attention demonstrated by the Judiciary Committee and Ranking Member Peterson, as we put together the Private Property Rights Protection Act. It is important, commonsense legislation that deserves our attention.

As my colleagues know, the Supreme Court’s decision in Kelo v. City of New London dealt a serious blow to the fundamental rights of property owners in the United States. The House overwhelmingly expressed its disapproval shortly after the decision by a vote of 365 to 33. This court ruling allows governments to take private property from one landowner and give it to another private entity. In addition, this new legislation would allow State and local governments to cure violations of the property back to the original owner. Furthermore, this bill specifically grants adversely affected landowners the right to use appropriate legal remedies to enforce the provisions of the bill.

H.R. 4128 also includes a carefully crafted definition of economic development that protects traditional uses of eminent domain, such as taking land for public uses like roads, while prohibiting abuses of eminent domain powers.

No one should have to live in fear of having the government snatch up their home, farm, or business; and the Private Property Rights Protection Act will help to create the incentives to ensure that these abuses do not occur in the future. I urge my colleagues to support this important piece of legislation.

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

Ms. Herseth. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of the Private Property Rights Protection Act of 2005. I want to thank the Judiciary Chairman Sensenbrenner and Ranking Member Conyers, as well as Agriculture Chairman Goodlatte and Ranking Member Peterson, for their hard work in moving this legislation to the floor today.

I would also like to acknowledge and thank the Agriculture Appropriations Subcommittee Chairman Henry Bonilla for his strong leadership on this very important issue as well as the work of Chairman Pombo and Congresswoman Waters who have been steadfast in their advocacy for private property rights in light of the threat posed by the Supreme Court’s Kelo decision.

This legislation is a priority for farmers and ranchers and landowners across my home State of South Dakota. I am extremely pleased that the Agriculture Committee acted swiftly on the legislation originally introduced by the gentleman from Texas (Mr. Bonilla) and myself, the Strengthening the Ownership of Private Property (STOPP) Act, and that Chairman Goodlatte made a report out the bill from the Agriculture Committee a priority.

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I have been impressed by the widespread support for my position that this decision requires prompt congressional action.

As I have said before, South Dakotans from all walks of life are outraged about the Supreme Court’s Kelo decision. As I have repeatedly noted in previous discussions of the case and as noted by Chairman Sensenbrenner earlier today, even Justice John Paul Stevens, the author of the Kelo decision, has expressed the feeling that the use of eminent domain by the City of New London was worse as a matter of policy. And I agree.

I am pleased to have been part of the effort to craft a good bipartisan response that addresses these policy shortcomings by discouraging State and local governments from arbitrarily taking land from private landowners and giving that land to another private party. I felt compelled to take a lead in this process because of the people I represent and my roots on my family’s farm in South Dakota. South Dakota is a rural State, and our population’s livelihood is deeply tied to the land. This is true for virtually all of the State’s citizens, whether they live in town or whether they live on the farm. Because of this, the belief in private property rights runs strong and deep, and everyone I have talked to back home on this matter has delivered the same message: Landowners should not be vulnerable to the whims of a government that decides to take their land and offer their lives and livelihood to someone else who the government decides would deliver more in tax revenues. I am pleased to say that many of my colleagues agree with this, which is why in the short term since its introduction, this act and other initiatives have garnered broad bipartisan support, because the legislation makes sense.

Many of you know and as Chairman Goodlatte was discussing, Chairman Bonilla and I, along with Chairman Goodlatte, drafted H.R. 3405 to provide a strong response to the Kelo decision. At the time we introduced the STOPP Act, other legislation which was proposed to curtail the Kelo decision by withholding some Federal funds when eminent domain is used to facilitate a private-to-private transfer of property for economic development purposes left open the possibility that a creative community or State could essentially shift funds within its budget to render the Federal response less effective.

In the words of Bob Stallman, president of the American Farm Bureau, in his testimony before the Agriculture Committee: “All of the Federal bills introduced thus far take this approach. The differences among them are the degree to which such funding is withheld. While we support all the approaches taken in these bills, H.R. 3405 seems to offer the most effective deterrent to abuses of eminent domain.”

The Private Property Rights Protection Act of 2005 incorporates the core components of the STOPP Act, namely, the withholding of all Federal economic development assistance for 2 years if communities choose to use eminent domain to take private property from one landowner and give it to another private individual for the purposes of economic development.

I think this development is a testament to the hard work of individuals like Chairman Bonilla, Chairman Goodlatte, Congresswoman Waters, Chairman Pombo, and others to define, develop, refine, and promote a strong commonsense approach to the situation presented by the Kelo decision.

As I have said, I am happy to have been a part of these important efforts, and I encourage my colleagues to join with me today in passing this important bill.

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

Mr. Goodlatte. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. Bonilla), the chairman of the Agriculture Appropriations Subcommittee, and the author of the STOPP Act, which was passed out of the Committee on Agriculture.

Mr. Bonilla. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, this is a rare moment in this town when we have a major issue that has widespread bipartisan support. I want to thank the gentlewoman from South Dakota, my original partner in this cause, who just spoke about this and gave a little history as to how we got this bill rolling several months ago; and also Chairman Goodlatte under whose jurisdiction
Mr. GOODLATTE. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska (Mr. OSBORNE). 

Mr. OSBORNE. Mr. Chairman, I rise in support of H.R. 4128, the Private Property Rights Protection Act. The Supreme Court decision of Kelo v. City of New London is one of the most unpopular decisions ever rendered. I believe more than 90 percent of United States citizens oppose this ruling, and it may be that the other 10 percent do not understand it. So it has been certainly roundly denounced.

The Court states that "any property may now be taken for the benefit of another private property." So if one party has a project that will yield more tax revenue than is currently provided by a piece of property, that property may be taken. This gives local governments broad powers. This creates great concern in the Agriculture Committee, as has already been noticed. Farm and ranch land can be taken very easily because a golf course, a shopping mall, an amusement park can easily be classified as being more important as far as economic development than agricultural land. Nonprofits, such as churches, salvation army, goodwill industries, shelters, are very vulnerable. They generate little or no tax revenue. So almost any project can supersede them in this regard.

Small businesses are very vulnerable. I had a farmer athlete who played for me who had worked very hard to develop a small business in an old building, a restaurant, and a new hotel was coming into the area. The local city council was thinking about shutting him down, destroying the building, opening a new hotel, which would be economic development. And this person was essentially very vulnerable. His whole life savings, his whole investment was going to be gone. So this bill would prevent that.

H.R. 4128 prevents States and local governments from receiving Federal economic development funds if they abuse their powers of eminent domain. These are important protections.

I urge my colleagues to join me in supporting this measure; and I thank Chairman SENSENBRENNER, Ranking Member CONYERS, Chairman BONILLA, and Congresswoman HERSETH for their dedication to preserving and protecting property rights.

The right to own property is a fundamental right of this country, and I will do whatever I can to ensure that it is preserved.

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Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentlewoman from South Dakota for yielding me this time. It is so important to work with and hear from our constituents, and I appreciate the opportunity to speak on this important issue on the House floor today.

As we all know, on June 23, 2005, the Supreme Court handed down its decision in the Kelo v. The City of New London. In Kelo, the Court addressed the city’s condemnation of private property to implement its redevelopment plan aimed at invigorating a depressed economy. By a 5-4 decision, the Court held that the condemnation satisfied the fifth amendment requirement that property condemnations be for a “public use,” notwithstanding that the property, as part of the plan, might be turned over to private developers.

The Supreme Court decision was indeed a wake-up call, Mr. Chairman, for many communities; and I have heard loud and clear from my own constituents in Georgia that they are worried that their property rights are in jeopardy today. We are going to remedy this wrongful application of the law of eminent domain and restore important property rights to private citizens. This is very important, Mr. Chairman, what we are doing today. And as a co-sponsor of H.R. 4128, the Private Property Rights Protection Act, I believe that passage of this legislation will ensure that no Federal dollars will be used to unjustly take any property at the local and State levels. In addition, I will continue to support efforts to curtail the power of eminent domain in an effort to protect private property rights.

H.R. 4128 is important, and I support it because it prohibits State and local governments from using eminent domain to seize land for economic development purposes, except for the construction of public facilities such as hospitals or military bases, and for use by a public utility, aqueduct, or a pipeline.

In conclusion, Mr. Chairman, the States and local governments that take lands for private development could not receive Federal economic development funds from using eminent domain to seize land for economic development purposes, except for the construction of public facilities such as hospitals or military bases, and for use by a public utility, aqueduct, or a pipeline.

Ms. HERSETH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am proud to be a co-sponsor of H.R. 4128 and glad to rise in support of it. The Private Property Rights Protection Act prohibits States and localities from using eminent domain powers for economic development purposes if the State or local government jurisdiction received Federal economic development funds during the same year.

In the past, governments were only able to acquire property from private owners if the property was going to be used for real public use, highways, roads, schools, parks, or to eliminate that property from endangering the public. This has typically not occurred when the government buys a property by the power of eminent domain from a private owner and then sells the property to a different private owner under the premise that the property would benefit the community with increased economic development.

We all support economic development, but if a community wants to do that, they need to go to that individual landowner and say, this is what we want, we want to buy your property, and this is what we are going to do with it. We should not take it under the cloud of eminent domain.

The fifth amendment to the Constitution states that “private property shall not be taken for public use without just compensation.” This did not seem to matter when the Kelo decision was made.

The Kelo ruling has essentially stripped the public of the constitutional right to own that property if someone thought they had a better use for it than they did. I think that is what bothers so many people on a bipartisan basis, rural and urban. The fact that a small business or home can be taken away from a private citizen simply to increase tax revenues is disturbing and shows a blatant disregard for the constitutional rights of our citizens.

In Texas, our State legislature has already taken steps to correct the decision, at least under State law, by passing legislation that would prohibit the local government or private entity from taking private property through eminent domain for private benefit or economic development purposes, and we should do the same, at least as much as we can do under our Federal laws.

So this bill does give us that opportunity to defend our fundamental constitutional rights of our constituents.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX), another member of the House Agriculture Committee.

Ms. FOXX. Mr. Chairman, Mr. GOODLATTE and Chairman SENSENBRENNER are to be applauded for the excellent, prompt work they have done on this outstanding bill.

Fundamentally, this bill is truly one of the most important pieces of legislation that this Congress has or will consider. The Supreme Court’s eminent domain decision contradicts the very ideas of liberty and property rights that have for 229 years defined the greatest form of government the world has ever known.
Property rights are a hallmark of what separates America from nations whose citizens live in fear of their own government. In fact, property rights and the opportunity for homeownership are principal reasons that citizens come from other nations desperately to America. As a result of the atrocious decision made by the Supreme Court, those exact rights became jeopardized.

As Members of Congress, we have a responsibility to uphold the Constitution and protect the rights of our constituents. We also have the responsibility to carefully monitor the actions of the judicial branch.

The bipartisan support this bill has both in Congress and in our districts loudly proclaims the widely held opposition to the Supreme Court’s un-American eminent domain decision. I am proud to help ensure that such an appalling ruling will not be made again.

I urge all my colleagues to support this bill.

Ms. HERSETH. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield the balance of my time to the gentlewoman from Ohio (Mrs. SCHMIDT), the newest Member of Congress, who is standing up on this important issue.

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

Mrs. SCHMIDT. Mr. Chairman, I rise today in strong support of H.R. 4128, of which I am a cosponsor, legislation to protect private property of all Americans. I am honored to introduce the London Supreme Court decision in June, Kan-sans have voiced their strong opposition to this ruling.

I agree fully with my constituents that governments should not be given the authority to transfer private land from one owner to another for economic development purposes. Securing the right of individuals to own and manage their own property is provided for in the U.S. Constitution. The Fifth Amendment states, “nor shall private property be taken for public use without just Compensation.”

Every constituent who talks with me about this issue strongly believes the Supreme Court decision in Kelo v. City of New London Supreme Court decision in June, Kan-

The Private Property Rights Protection Act of 2005, H.R. 4128, would deny federal economic development assistance to any State or local government that chooses to use the power of eminent domain for economic development purposes.

I strongly support H.R. 4128 and congratulate Chairman SENSENBRENNER for his leadership on this important land-rights issue. I support the bill’s passage and am hopeful the Senate will act quickly so we can get it to the President for his signature.

Americans have relied on constitutional protection against abusive land transfers from one person to another for more than two centuries. History reminds us that nations that disregard the rights associated with private property have often diserved other fundamental rights of the citizenry.

We have recognized there are times when governments need to purchase private land to build a road or construct a school for use by the general public. Occasionally, this has to be done against a landowner’s wishes. But our Founding fathers believed under extreme circumstances property should be taken from a land owner for the greater public good. The idea that a government would use its eminent domain power to take land from one private owner and transfer it to another land owner for economic development is an abuse of the public good definition.

H.R. 4128 will prohibit States and local governments from exercising eminent domain for
economic development, or for property that is subsequently used for economic development, if the State is a recipient of Federal economic development funds that fiscal year. If a State or local government is in violation of this provision, it would be ineligible for Federal economic development assistance for 2 fiscal years following judgment.

Many farmers in my district have expressed particularly how harmful this court ruling could be to them if a local government wants to take their land for development. Many farms have been in the same family for generations. Under the court's ruling, a government could forcefully take all or a portion of the family farm so more tax revenue could be generated by a developer. This scenario is a real possibility that demands the Congress take action to prevent such an unjust land grab.

The same situation could arise for a house of worship or other non-profit organization. Entities that do not generate tax revenue are particularly vulnerable to land grabs by government interested in generating more tax dollars.

Small businesses are also in support of this bill because it protects their property from being handed over to a larger company, even a competitor. Small shop owners that may be struggling to survive would be an easy target for a local government. It is our job to pass legislation that helps protect small businesses. H.R. 4128 does just that by alleviating the threat a local body could pose to small businesses when it comes to supposed economic development.

I look forward to seeing this bill passed and signed into law. Support for this bill is support for home owners, small businesses, farmers, ranchers, houses of worship and anyone who believes in private property rights.

Ms. WOOLSEY. Mr. Chairman, today the House passed H.R. 4128, a bill that makes states and local governments ineligible for Federal economic development funds for 2 years if they exercise eminent domain in the name of economic development.

Protecting the rights of individual property owners is of the utmost importance. However, there are certain circumstances when the best interest of a town is served by the responsible use of eminent domain. As a former City Council Member, I know how effective this tool can be when it is used judiciously. In my State of California there are restrictions on local governments’ use of eminent domain to ensure that situations like that of Kelo v. City of New London do not happen.

We have to trust local authorities to use this power responsibly and respectfully and only when the community at large and when property owners are fairly compensated. By restricting the use of eminent domain, we take away our local governments’ ability to serve and improve their jurisdictions. As the leaders of our neighborhoods and towns, we must trust them to know best how to use the resources and assets that are available.

Mr. Chairman, by restricting the use of eminent domain we have in fact impeded our local governments’ ability to make necessary progress.

Mr. BLUMENAUER. Mr. Chairman, the Supreme Court Ruling in Kelo v New London sparked many fears among citizens that their property was at risk of being taken away by the government. These fears, however, are unwarranted and stem from a fundamental misunderstanding of eminent domain.

Eminent domain is a power granted local governments by the Fifth Amendment. The Supreme Court decision in no way precluded the exercise of this power or the restrictions on eminent domain and to more narrowly define public use. The court leaves these rights to local officials and citizens for public debate. In my experience as a local elected official, eminent domain was the absolute last resort, but it was an important tool to have if it was absolutely necessary.

In the discussion on the House floor today, my colleagues failed to recognize the many benefits we experience thanks to eminent domain. Twenty years ago, Times Square was a notoriously dangerous neighborhood in New York City. Eminent domain was used to take 13 acres of land, condemning 56 lots and moving 404 tenants. The public-private redevelopment included a highly successful mixture of for-profit and non-profit theaters, retail facilities, hotels, and office buildings. What was once an notorious dangerous neighborhood is now a safe and vibrant city center.

Connecting the U.S. Capitol and the White House, Pennsylvania Avenue is one of this country’s most important thoroughfares. Fifty years ago, however, it was a street bordered by blighted, unsafe neighborhoods that significantly detracted from its role in the life of Washington, D.C. and America. In 1972, Congress created the Pennsylvania Avenue Development Corporation, which in turn exercised the power of eminent domain to revitalize this important American institution. This bill is a hasty political response to a narrow Supreme Court decision. I am concerned that it is overly broad and will have many unintended consequences for our States and communities and hamper their ability to build safer, healthier and economically secure neighborhoods. I urge my colleagues to defeat this bill and allow local governments to reform eminent domain laws in manners consistent with their communities’ needs.

Miss McMORRIS. Mr. Chairman, I rise today to support H.R. 4128 the Private Property Rights Protection Act of 2005. I am pleased the House of Representatives recognizes the importance of protecting private property rights, and clarifying legitimate takings by the Federal Government and discouraging takings for private development. Without a doubt, I am a strong defender of private property rights. Uncompensated regulatory takings of private property have become an immense problem across our Nation. As Federal, State, and local regulations have intruded upon and expanded the reach and scope, property owners have increasingly found themselves unable to use their property and unable to recover the losses that result.

In Kelo v. City of New London, decided June 23, 2005, the Supreme Court ruled 5-4 that the city’s condemnation of private property, if it implemented its area redevelopment plan aimed at invigorating a depressed economy, was a “public use” satisfying the U.S. Constitution—even though the property might be turned over to private developers. The majority opinion was grounded on Supreme Court decisions holding that “public use” must be read broadly to mean “for a public purpose.” This decision does not take into sufficient account the distinction between projects where economic development is only an instrumental or secondary aspect of the project, and those where economic development is the primary interest. I am concerned by this decision.

Our founding fathers believed so much in the sanctity and importance of private property that they felt it needed to be protected in the Constitution. However, due to the recent ruling, government officials can confiscate private property if they simply argue the local community will receive an economic benefit to do so. In fact, the Institute for Justice estimates that over 10,000 homes nationwide are in danger of being destroyed by aggressive local governments. Now officials can seize the homes of private citizens to generate more tax income to fuel big government spending programs.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today in support of this bill, H.R. 4128. What we witnessed as a result of the Supreme Court’s ruling in Kelo vs. City of New London was unfortunate. What we saw was that across the country local governments are looking for ways to revitalize their communities. I believe these efforts are important and necessary to help their neighborhoods and families thrive, however, I believe that the City of New London acted inappropriately.

The Supreme Court’s ruling in the case went too far and made governments’ eminent domain powers too broad. I am extremely concerned with the apparent disregard by a majority of the Supreme Court regarding the purpose of the Takings Clause under the Fifth Amendment. The Kelo ruling would allow the taking of private property for the benefit of another private entity.

When I was County Administrator, I put forward a plan to use eminent domain for the purpose of public safety although there were private entities that would have benefited. My goal was to revitalize a deteriorating community and I felt that eminent domain was a tool I needed to address revitalization of an area with high levels of poverty and a high crime rate.

As a consequence of the public debate on that experience, I have come to believe better appreciation of our free use of our own property is needed in our communities.

By prohibiting the Federal Government from using strictly economic development as a justification for condemnation of private property;
and by prohibiting States and local governments that receive Federal economic development funds from taking private property for strictly economic development purposes, the supporters of this legislation hope to prevent another New London.

This legislation would not prevent the Federal, State or local governments from exercising eminent domain for public facilities or other uses defined as public use.

It is vital that we protect the property rights of all Americans from arbitrary application of eminent domain. Passing this legislation—

I urge my colleagues to support the bill.

Mr. MURPHY. Mr. Chairman, the Private Property Rights Protection Act would hopefully, once and for all, prohibit Federal, State and local use of eminent domain to take private property for economic development.

The Fourteenth Amendment’s due process clause gives eminent domain authority to States and localities if seizing property for a “public use.” However, in the Kelo decision, the Supreme Court ruled that New London, Connecticut’s redevelopment plan was constitutionally and, in fact, for a “public use”—largely ignoring the reality that the property, as part of the plan, would be turned over to private developers.

The Fourteenth Amendment also contains what’s known as the equal protection clause, which states that “no State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.” But the Kelo ruling deliberately declares that heretofore, certain persons and their property will in fact be protected UNEqually. Or, in Kelo’s mind, not at all.

In addition to prohibiting any level of government from using economic development as a reason for exercising its power of eminent domain, H.R. 4128 would also provide assurances that those who are victimized by eminent domain property seizures will get their day in court. Eminent domain victims suffering injuries from a violation of the protections in H.R. 4128 will be allowed access to State or Federal court to enforce its provisions.

Mr. Chairman, the home ownership rate is at the highest level in our Nation’s history. Owning one’s home and property is the cornerstone of the American Dream. The Kelo decision sets a precedent that can turn the American Dream into a nightmare for victims of eminent domain.

I am proud to support Chairman SENSENBRENNER and Chairman SMITH of the Judiciary Committee and Chairman GOODLATE of the Agriculture Committee for developing this strong, bipartisan legislative defense of private citizens. I am proud to cosponsor the legislation, and urge all of my colleagues to support this legislation.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 4128, which bars local governments from using eminent domain for economic development.

The urban renewal of the last decade has benefited even the smallest of the country and many cities like the 13th Congressional District. The very purpose of government is to make tough decisions that benefit the community, and I cannot support Congress taking away this essential government function.

This bill would also expand the Federal Government’s role further into matters in which it doesn’t belong—in this case—real estate planning and development. City councils are elected and empowered to make the difficult choice when private property should be utilized for the good of the community. Congress cannot and should not tie the hands of locally elected leaders to do what they believe is in the best interest of their communities. If those local officials make the wrong choices, voters will no doubt respond.

Mr. LEVIN. Mr. Chairman, the bill before the House today is a good example of a legislative cure that is worse than the underlying disease.

I want to say at the outset that there have been some very questionable uses of eminent domain. The fifth amendment to the Constitution clearly states that private property may not be taken except for public use, and then only after just compensation has been paid to the property owner. In many cases, the use of eminent domain is justified, but it is invariably controversial. I remember the controversy that attended the construction of the Walter Reuther Freeway in my home State during the 1960s and 1970s. Some communities were furious, but the people were not in anyone’s mind that the road served a clear public use.

Other uses of eminent domain are much more questionable. In Washington, as in so many other cities, a decision has been made to spend hundreds of taxpayer dollars to build a new stadium for the benefit of Major League Baseball and the future owner of the Washington Nationals. Indeed, the District Government filed court papers the other day to seize $84 million worth of property from its current owners. Are stadium deals like this and others like them the only way to address urban blight or, instead, a gross abuse of the Constitution’s takings clause? The Kemper Development Company filed court papers the other day to seize $84 million worth of property from its current owners. Are stadium deals like this or a legitimate public use? Evidently, they must be since the legislation before the House contains an exception that would seem to allow the use of eminent domain to build such facilities.

While lucrative stadium deals apparently enjoy protection under this bill, there is a blanket prohibition placed on the use of eminent domain to take property for area economic development and condominiums. Other uses of eminent domain are much more questionable. While eminent domain has been used successfully throughout our history to advance important public projects, it should never be manipulated to solely support the interests of private developers.

Increasingly, local governments are exploiting eminent domain powers to take property for retail, office or residential development. In my State of New Jersey, some localities have abusing eminent domain so that beachfront homes can be replaced by luxury townhouses and condominiums.

That is why I support H.R. 4128, the Private Property Rights Protection Act. This legislation would deny States and localities from receiving any Federal economic development funds if they abuse their eminent domain power. H.R. 4128 also bars the Federal Government from exercising eminent domain for economic development.

Mr. Chairman, over 200 years ago, James Madison said that “Government is instituted to protect property of every sort . . .” This being the end of government, that alone is a just government which impartially secures to every man, whatever is his own.”
November 3, 2005

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That is why this bill is so needed. I urge my colleagues to support H.R. 4128 to not only protect homeowners, but to also ensure that homeownership remains the hallmark of American life.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today to share the concerns of my colleagues about the dangerous expansion of the eminent domain power and the Supreme Court’s decision in Kelo v. City of New London. I firmly believe there need to be safeguards against the excessive and unfair use of the government’s eminent domain power. Governing legislatures across the country, including those in my home State of Connecticut, are currently grappling with this important issue. As a former State legislator, I understand that these issues are best reviewed and addressed at the local level. The Federal approach is overly broad and although well intentioned, falls short of protecting the communities it purports to protect.

Let me make my position clear, private property is one of the most fundamental rights our founding fathers safeguarded in the Constitution. It is a protection from governmental intrusion. As a constitutionalist, Property rights deserve the utmost respect and addressed at the local level. The Federal approach is overly broad and although well intentioned, falls short of protecting the communities it purports to protect.

Mr. HEFLEY. Mr. Chairman, this bill attempts to right a great wrong.

The Supreme Court’s June 23 ruling in the case of Kelo v. the City of New London struck at the heart of American liberties, effectively eliminating the pursuit of happiness or property— as a basic unalienable right. I think events since then have proven that the Court was wrong, at least in the eyes of the American people.

According the Institute for Justice, eminent domain reform legislation will be considered in 36 states over the next year. Justice John Paul Stevens, who wrote an opinion in favor of the Kelo decision, recently said he was troubled by the policy implications of the ruling and that, if he were a legislator, he would work to change it.

In a final stroke of justice, New London City Council recently fired the New London Development Corporation that was at the heart of American liberties, effectively eliminating the pursuit of happiness or property— as a basic unalienable right.

And, in a final stroke of justice, New London City Council recently fired the New London Development Corporation that was at the heart of the Kelo case. Unfortunately, this action came after $73 million in public dollars were spent and after it had razed virtually the entire Fort Trumbull neighborhood.

Akhil Reed Amar, a Yale law professor and author of the book America’s Constitution, recently observed that the Supreme Court’s exalted status as the infallible interpreter of the Constitution is a fairly recent phenomenon and that the Court has been proven wrong before. He pointed to the Dred Scott decision as one example.

This is another.

And when the Supreme Court is wrong, it is the duty of this body, the Congress, to correct it.

This bill goes a long way toward doing that. I’d like to see it go further. Because while I am a supporter of States’ rights, I do not know whether individual States have the right to abrogate basic freedoms.

But I’ll settle for this. We all took an oath to defend the Constitution and that’s what this bill tries to do. Therefore, I urge its support.
Mr. WELDON of Florida. Mr. Chairman, I rise today in strong support of H.R. 4128, legislation to address the U.S. Supreme Court’s June 23, 2005, decision in Kelo v. City of New London. This ruling by the Court deeply concerns me, and that is why I rise in strong support of this bill.

It has long been established that the United States may invoke its power of eminent domain to take private property if it is for “public use.” However, in its Kelo decision, the U.S. Supreme Court has broken dangerous, new ground by redefining public use. Under Kelo, no longer limited to its acquisition of private property to the creation of roads, military bases, parks, and so forth. Instead, the takings clause has been reinterpreted to allow a government to seize private property from one individual and give it to another private individual, if the local government deems that such condemnation and transfer of property serves a public purpose.

The result of such a decision played out to its logical extreme was seen days after the ruling, when Logan Clements took initial steps to seize the Weah, NH, home of Supreme Court Justice, Justice Antonin Scalia. On that site, he hopes to build “The Lost Liberty Hotel,” which would leave copies of Ayn Rand’s Atlas Shrugged in each room, and have a museum exhibit on the loss of freedom in America.

While this may have been done more to make a point than with serious intent or concern for the economic development of Weah, NH, it does illustrate the dangers of the Kelo decision. There is nothing to prevent a local planning board from seizing homes, businesses, churches, or other property if, in the opinion of this more economically productive purpose for that land may be pursued. Private property rights are drastically eroded by Kelo and they must be restored.

Government should not be permitted to take property from one individual and give it to another. Thanks to the precedent of Kelo, the private property guarantee the Founders placed in the U.S. Constitution is no more. Legislation, like H.R. 4128, is needed to protect private property from one individual and give it to another individual, if the local government deems that such condemnation and transfer of property serves a public purpose.

I request that you include this letter in the Congressional Record during consideration of H.R. 4128. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

DEAR MR. CHAIRMAN: Congratulations on your successful markup of H.R. 4128, the Private Property Rights Protection Act of 2005, to the House floor. I appreciate your willingness to waive further consideration of the legislation, and acknowledge the Committee on Energy and Commerce’s jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Energy and Commerce does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support representation from the Committee on Energy and Commerce for provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.
DEAR CHAIRMAN YOUNG: Thank you for your letter and this response in the CONGRESSIONAL RECORD during floor consideration of H.R. 4128, the Private Property Rights Protection Act. This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered reported H.R. 4128, the Private Property Rights Protection Act, on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Transportation’s jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Transportation does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support the provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr., Chairman.

DEAR CHAIRMAN OXLEY: Thank you for your recent letter concerning the Committee on Transportation’s jurisdictional interest in H.R. 4128, the “Private Property Rights Protection Act.” This legislation was introduced on October 25, 2005, and referred solely to the Committee on the Judiciary. The Committee on the Judiciary conducted a mark up and ordered reported on October 27, 2005. I appreciate your willingness to waive further consideration of H.R. 4128 to expedite consideration of the legislation, and acknowledge the Committee on Transportation’s jurisdictional interest in the legislation.

I agree that by foregoing consideration of H.R. 4128, the Committee on Transportation does not waive any jurisdiction it may have had over subject matter contained in this legislation. In addition, I agree to support the provisions of H.R. 4128 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr., Chairman.

Mr. CANNON. Mr. Chairman, I rise today in support of H.R. 4128, legislation that would prohibit State and local governments that exercise eminent domain for economic development purposes from receiving federal funds. John Adams once said “Property must be secured or liberty cannot exist.” I join my colleagues in taking action to secure private property rights.

The recent Supreme Court decision Kelo v. City of New London eviscerated one of our most fundamental constitutional rights. This case dealt a serious blow to property rights and it is incumbent upon us, as a co-equal branch of government, to remedy this erroneous decision.

Eminent domain, or the “despot power,” as Justice William Patterson called it in 1795, is the power to force citizens from their homes and their livelihood and part of our national heritage, and the Kelo decision woke America up to the fact that over time, our property rights have quietly been eroded like a stream of water slowly eros its bank. Fortunately, this erosion has not gone unnoticed by west- erners or those they’ve sent to Washington to represent them.

Private property rights have long been held dear to the heart by families and landowners in the Western United States and for good reason. Their farms and ranches have been their livelihood and part of our national heritage, and the Kelo decision woke America up to the fact that over time, our property rights have quietly been eroded like a stream of water slowly eros its bank. Fortunately, this erosion has not gone unnoticed by westerners or those they’ve sent to Washington to represent them.

This legislation effectively took the matter out of the courts by placing a higher value on the private property rights of individuals than a city’s desire to increase tax revenues.

Just as this legislation served as a wake-up call to redevelopment agencies throughout Utah, I believe the Kelo decision woke America up to the fact that over time, our property rights have quietly been eroded like a stream of water slowly eros its bank. Fortunately, this erosion has not gone unnoticed by westerners or those they’ve sent to Washington to represent them.

Private property rights have long been held close to the heart by families and landowners in the Western United States and for good reason. Their farms and ranches have been their livelihood and part of our national heritage, and the Kelo decision woke America up to the fact that over time, our property rights have quietly been eroded like a stream of water slowly eros its bank. Fortunately, this erosion has not gone unnoticed by westerners or those they’ve sent to Washington to represent them.

Private property rights have long been held close to the heart by families and landowners in the Western United States and for good reason. Their farms and ranches have been their livelihood and part of our national heritage, and the Kelo decision woke America up to the fact that over time, our property rights have quietly been eroded like a stream of water slowly eros its bank. Fortunately, this erosion has not gone unnoticed by westerners or those they’ve sent to Washington to represent them.

I am Chairman of the Congressional Western Caucus, and one of our core principles is “the necessity to protect private property.” It is the Caucus’ position that property rights are the foundation of a free society; that landowners should be compensated when their land is taken or when regulations deprive them of the use of their property.

In H.R. 4128, Chairman SENSENBRENNER and the Committee have produced a bill that represents an important step towards revitalizing basic property rights in this country.

I also believe there is more that can be done to help stem the long-term trend away from property right protections. I, along with my western colleagues, plan to introduce a broad, comprehensive piece of property rights legislation in the near future that will restore much of what has been lost. We believe this bill, in addition to H.R. 4128, will help breathe life into the property rights movement.

Property rights issues is not a class issue. It’s not a partisan issue. It’s an issue that concerns every property owner in the United States. As Justice Sandra Day O’Connor said in her dissent, “The specter of condemnation hangs over all property, nothing is to prevent the State from replacing any property owner’s home with a shopping mall, or any farm with a factory.”

I urge my colleagues to join me in supporting H.R. 4128 to prevent further abuse of government power.

Mr. Chairman, I rise in support of the Eminent Domain Property Act offered by my colleague from Wisconsin, Chairman SENSENBRENNER. This bipartisan-supported bill was introduced in response to the Supreme Court's recent decision in Kelo v. City of New London. The Kelo decision has raised serious concerns about the protection of private property rights. The Kelo decision has eviscerated the Fifth Amendment’s protection against the taking of private property for public use without just compensation.

The Kelo decision has been widely criticized for its expansion of eminent domain power, which has allowed local governments to take private property for economic development purposes, often at the expense of individuals’ property rights. This expansion has raised concerns about the erosion of private property rights and the potential for abuse of eminent domain.

The Eminent Domain Property Act is a critical response to the Kelo decision. It would prevent the State from taking private property for economic development purposes without just compensation. The bill would also provide a mechanism for property owners to challenge the taking of their property.

As a member of the Western Caucus, I am committed to protecting property rights and ensuring that individuals are fairly compensated for their property. The Eminent Domain Property Act is a key step in addressing these concerns and ensuring that private property rights are protected.

I urge my colleagues to support the Eminent Domain Property Act and to work together to ensure that private property rights are protected for future generations.
Court's 5–4 decision in Kelo vs. City of New London, which condoned the use of eminent domain to take private property and transfer it to another private entity for the stated purpose of economic development.

Mr. Chairman, the Kelo decision put home-owners, owners of farmland, owners of small businesses all across the country at risk of losing their property to this expansion of the government's eminent domain powers.

The Fifth Amendment of the U.S. Constitution allows local government to use eminent domain to condemn property, but only for public use. The only requirement is that owners are given "just compensation" and that the land in question goes to a "public use." Traditionally, the "public use" requirement in eminent domain cases allowed the local government to condemn property to build railroads, or bridges, or highways. But in a 1954 case, Berman v. Parker, the Supreme Court found that "public use" could include condemning blighted neighborhoods to build better ones as a means to raise more tax revenue. But, whereas the Berman case was predicated on the property being used for public amenities, it opened the door to condemnation of land to build down the slippery slope and rests solely on whether the condemnation would improve tax revenues.

I would assert, as Justice Scalia did in the Kelo case, that any conceivable commercial development that will benefit the local government and further their agenda is a "public use." That is why I strongly believe Congress must act to limit States' eminent domain actions.

Property rights are the heart of the individual freedom and the foundation for all other civil rights guaranteed to Americans by the Constitution. Without the freedom to acquire, possess and defend property, all other guaranteed rights are merely words on a page.

The Fifth Amendment holds that private property shall not be taken by the government for public use without compensation. These safeguards have been under assault for decades and until now, the typical victims were family farmers and ranchers in the West.

The Eminent Domain Property Act of 2005 will prohibit the Federal Government from using eminent domain for private economic development and also prohibits States from using eminent domain for private economic development if the State receives any Federal economic development funding. A violation by any State will result with the State being ineligible for a Federal economic development for two years. By denying municipalities all Federal economic development funds when they abuse their eminent domain authority, H.R. 4128 provides a strong economic disincentive to prevent municipalities and local governments from taking private property for the purpose of private economic development.

Lastly, Mr. Chairman, my district in western Wisconsin is largely rural and dependent on the agricultural economy of its many small family farmers. As the sense of Congress portion of this legislation points out, the unfortunate truth is that agricultural lands are particularly vulnerable to the abuse of eminent domain powers, and rural lands tend to have a lower fair market value than surrounding commercial and residential properties, making them a prime target for growing communities.

It is hard enough, for our struggling farmers who are facing soften commodity prices and weather related disasters, to have to contend with losing their way of life so that others can have yet another shopping mall.

Mr. Chairman, I commend my colleague, Chairman SENSENIBRENNER on crafting this bipartisan legislation and I urge it's adoption and support.

Mr. COSTELLO. Mr. Chairman, today I rise in strong support of H.R. 4128, the Private Property Rights Protection Act. The bill is in response to the recent Supreme Court decision, Kelo v. City of New London, which condoned the use of eminent domain to take private property and transfer it to another private entity for the stated purpose of economic development. This decision puts all property owners at risk. In rural communities and in urban communities alike, deeply rooted to the land and our belief in private property rights, runs strong and deep. Landowners should not be vulnerable to the whims of a government that decides to take their land away.

I am opposed to the ruling because it threatens to make all private property subject to the highest bidder. In response to the Supreme Court decision, I am pleased to lend my support to this legislation because it protects Americans' constitutional rights and punishes those who abuse those rights.

The bill does not change state law, nor does it affect the traditional use of eminent domain for the construction of roads, military bases, hospitals, or other truly public uses. Rather, H.R. 4128 provides an effective deterrent to federal eminent domain abuses to protect private economic development funding. I urge my colleagues to support its passage.

I want to thank Chairman SENSENIBRENNER for his leadership on this issue and look forward to working with him and others to see this bill as it moves through the House and Senate.

The Supreme Court decision in the Kelo case was predicated on the property being used for public amenities. I am sure the court can find a counter suit to condemn property to build railroads, or bridges, or hospitals, or other truly public uses. Rather, H.R. 4128 provides an effective deterrent to federal eminent domain abuses to protect private economic development funds. However, many States and local communities alike are recognizing the importance of private property rights and beginning to act to protect themselves from this decision. This will assist their efforts.

On the other hand, I do believe this legislation can be improved. Under this bill, if a State or locality takes property in violation of this legislation, they will not be eligible for distribution of economic development funds. That is not enough. We need to hold States and localities to a higher standard. By withholding Federal economic development funds for a longer period of time, we can be sure States and localities will rethink the taking of private property, or remedy their previous egregious actions. They need to know there will be consequences. By withholding these funds for an extended period of time, if not indefinitely, they will understand the seriousness of their intentions.

We have a chance at real reform here and this legislation should be passed. Again, I would like to thank Chairman SENSENIBRENNER for bringing this to the Floor as quickly as you did and I look forward to working with you in every step of the process to see this commendable legislation enacted. I have been fighting these injustices since before I was elected to this body and will continue to do so in the future.

Mr. BOEHNER. Mr. Chairman, I rise today in support of H.R. 4128, the Private Property Rights Protection Act of 2005.

I was alarmed by the United States Supreme Court's 5–4 decision to allow private property to be seized for "economic development." On June 23, 2005, the Court ruled that the City of New London, Connecticut could seize a series of privately owned homes, offer the homeowners "just compensation" and re-sell those properties to private entrepreneurs as part of a city-approved plan aimed at raising the land value and increasing the city's tax base. The court justified the ruling by arguing that the city had the right to seize the private property under the "public use" clause of the United States Constitution's 5th Amendment. The 5th Amendment reads as follows:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militias, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
No one has ever denied the fact that in certain rare cases, a government (federal, state, or local) must exercise its Constitutionally limited power to seize land in order to complete a public project like a road, school, military base, or court house. That power is known as “eminent domain”. Four Founding Fathers acknowledged it as an unfortunate, but sometimes necessary, evil and it has historically been pursued in America with great reservation. According to a majority of the Court however, seizing private property in the name of “public use” does not necessarily mean that the property seized must be used for the public. Instead, the land seized could merely be used in the name of a “public purpose.” While the concurring justices never actually define what constitutes a “public purpose,” they write that the elected politicians on the local, state, and federal level are more than capable of making such determinations on their own. In this particular case, the “public purpose” happened to be a pharmaceutical research facility, a waterfront hotel, and a series of new commercial and residential buildings.

As a result of the Court’s 5–4 ruling, any government body (city council, state assembly, Congress) with a good enough lawyer or simply a one vote majority can now take any citizen’s private property, offer “just compensation,” and dispense with it as it sees fit. In other words, this is now our property so long as the government wants it to be.

John Adams once said, “The moment that the idea is admitted into society, that property is not holy property but is a creation of government, then the tiller of the soil, the laborer who is supported by the turf he tills, and the merchant who is supported by the stock of his store, and the manufacturer who is supported by the results of his factory, and the landlord who is supported by the rent of his land, may bid farewell to their existence.” Property must be sacred or liberty cannot exist.” Allowing a man’s property to be so easily taken at the whim of a legislative body represents a complete departure from the very core value upon which America was founded—your natural human right to your property. America’s Founding Fathers considered property to be the one sacred right above all others. They knew that true freedom came not from the promise but from the ability of each and every United States citizen, the Constitution is the written law that is the Constitution. The regulatory takings that have been plaguing America’s family farmers and ranchers have now spread to suburban neighborhoods, as the decision in the Kelo v. City of New London made absolutely clear. Congress has an inherent responsibility to uphold the Constitution, and on the property rights of United States citizens, the Constitution is clear. The need for H.R. 4128 has never been greater.

Mr. GOODLATTE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate has expired. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4128

Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled. SECTION 1. SHORT TITLE. This Act may be cited as the “Private Property Rights Protection Act of 2005”.

SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

(a) IN GENERAL.—No State or political subdivision shall exercise its power of eminent domain, or allow the exercise of such power by any political subdivision, in a manner which such power has been delegated, over property to be used for economic development or over property that is subsequently used for economic development, if that property or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal Government funds to which such State or political subdivision shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) OPPORTUNITY TO CURE VIOLATION.—A State or political subdivision is not ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation.

SECTION 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain to be used for economic development.

SEC. 4. PRIVATE RIGHT OF ACTION.

(a) CAUSE OF ACTION.—Any owner of private property who suffers injury as a result of a violation of any provision of this Act may bring an action to enforce any provision of this Act in the appropriate Federal or State court, and a prevailing plaintiff shall be entitled to recover a reasonable attorney’s fee as part of the costs, and include expert fees as part of the attorneys’ fee.

(b) LIMITATION ON BRINGING ACTION.—An action brought under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the private property of such property owner, but shall not be brought later than seven years following the conclusion of any such proceedings. The only effective way to stop these abuses of power is for every American citizen to remain vigilant in observing that every government official that has sworn an allegiance to uphold the written law governing best is that which governs by the rule of the written law that is the Constitution. The only truly effective way to stop these abuses of power is for every American citizen to remain vigilant in observing that every government official that has sworn an allegiance to uphold the written law governing best is that which governs by the rule of the written law that is the Constitution.
Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this Act and a description of the rights of property owners under this Act.

SEC. 6. REPORT.

Not later than 1 year after the date of enactment of this Act, and every subsequent year thereafter, the Attorney General shall transmit to the Judiciary of the Senate and the Chair of the Committee on the Judiciary of the House of Representatives a report identifying States or political subdivisions that have used eminent domain in violation of this Act to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate, the report shall—

(1) identify all private rights of action brought as a result of a State's or political subdivision's violation of this Act;

(2) notify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this Act, as well as describe the type and amount of Federal economic development funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds;

(3) discuss all instances in which a State or political subdivision cured a violation as described in section 2(c) of this Act.

SEC. 7. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) FINDINGS.—The Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Constitution, which requires that private property be respected and the economy of the United States. The use of eminent domain to take property, without the consent of the owner, and condemn or remove private property from their land in order to develop rural land into industrial and commercial properties constitutes an immediate threat to public health and safety.

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments, and land and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in Kelo v. City of New London, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of rural Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. Americans should not have to fear the government's taking of homes, or businesses forced to hire other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 8. DEFINITIONS.

In this Act the following definitions apply:

(a) CONVEYING PRIVATE PROPERTY TO PUBLIC OWNERSHIP.—The term ‘‘conveying private property to public ownership, such as for a road, hospital, or military base, or to an entity, such as a common carrier, that makes the property available for use by the general public as of, such as a road or right of way or means, open to the public for transportation, whether free or by toll;’’

(b) RIGHTS OF ALL PRIVATE PROPERTY OWNERS, INCLUDING.—The term ‘‘rights of all private property owners, including the culture industry, which continues to be one of’’.

(c) RELOCATION COSTS.—The term ‘‘relocation costs of those adversely affected by the Federal Government to pay the displacement costs of those adversely affected by the Federal Government’s use of eminent domain,’’

(d) UNIFORM RELocation Assistance Act.—The term ‘‘Uniform Relocation Act of 1970 (42 U.S.C. 4601 et seq.)’’.

Nothing in this Act may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the manager's amendment simply makes clear that private roads and those that are open to the public, free or by toll, and flood control facilities are covered under the exceptions of the bill. It also includes a savings clause making clear that nothing in the legislation shall be construed to affect the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which requires the Federal Government to pay the displacement costs of those adversely affected by the Federal Government's use of eminent domain.

The manager's amendment also incorporates into the bill's sense of congress section some language provided by the Resources Committee regarding the effect of the abuse of eminent domain on irrigation and reclamation projects and on public lands.

I urge my colleagues to support the improvements made by this manager's amendment.

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

Mr. WATERS. Mr. Chairman, I am not opposed to the amendment, and I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin.
This amendment does not change the bill in any substantive way. Rather, this amendment seeks to clarify some of the exceptions that provide for the use of eminent domain for those uses that have traditionally been considered for a public purpose.

This amendment also enhances the sense of congress provision and points out that the bill does nothing to restrict the Federal Government from fulfilling its obligation under current law when it exercises eminent domain. Moreover, this amendment serves to reflect the bipartisan interests of the various committees that have been at the forefront of this issue. Agriculture, Resources and Judiciary. I am pleased that we have been able to work together on what I feel is an appropriate response to the Kelo decision.

I just want to say to Chairman SENSENBRENNER, you know how strongly I feel about this issue. And while I offered some amendments in committee so that there would be absolutely no exceptions, I think that if we are able to pass this bill today we will have taken a giant step to stop what I think is a wrongheaded decision by the Supreme Court. So I am willing to certainly support the chairman’s amendment, and if we have to continue to work on this issue to get to where I want to be with no exceptions, then I will look forward to working with the gentleman in the future on it.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-206 offered by Mr. NADLER:

Page 2, line 8, strike “(a)” and insert “(c)”.

Page 2, strike line 16 and all that follows through line 17 on page 3.

Page 4, beginning in line 1, strike “(c)” and insert “(b)”.

Page 4, beginning in line 6, strike “Any” and all that follows through line 16.

Page 4, line 17, strike “(c)” and insert “(b)”.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very straightforward and, in my opinion, will better protect the rights of property owners than the way the bill is designed.

Under the bill, if the government takes your property for a prohibited purpose, you could sue, and if you win your lawyers get paid and your town gets bankrupt and if you think the town will bulldoze the new downtown and rebuild your house, you are fooling yourself.

Instead, you should have the right, and my amendment grants you the right, to go to court and stop the government in the first place dead in its tracks. Americans do not want to bankrupt their towns; they want to keep their homes.

Keep in mind the economic threat the penalties of this bill would pose to every single State and local government in the country.

Any property owner under this bill could sue for 7 years after the conclusion of the condemnation proceeding, or at any time in the future if a public facility is later used for a private purpose.

This is an open-ended and catastrophic threat. No financial institution would underwrite a bond or extend any financing to a city or State because the risk is too great. No private company would take a public contract because the city could lose 2 years’ funding in the future. If the current city administration does not want to use eminent domain for any improper purpose or, for that matter, any proper purpose, it will still have trouble floating bonds because maybe its successor 10 years from now will use eminent domain improperly, they will lose 2 years of all the Federal revenue, and they will not be able to repay the bonds. Therefore, the bond counsel now will instruct the people not to lend to the city. No bank will do business with a public contractor for the same reason.

This is absurd. We should protect our homes. The way to do that is to establish in this bill, as does a substantive right not to have eminent domain used against your home or property for the prohibited purposes, and then give you the right to enforce that by an injunction, with attorneys’ fees paid in advance, that stops it. You do not need the ability of someone in the Justice Department to go to court and punish the city which does not even get the property owner help.

So my amendment would say no penalty for the State or city later, that is unnecessary, because we are granting you the right to get an injunction, a permanent injunction to stop the taking in the first place. That is the proper protection.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman this is a gutting amendment. It is a gutting amendment because it removes the constitutional hook that this Congress and the Federal Government have to prevent the abuses that have been sanctioned by Kelo, and that is the Federal funds that have been used for economic development.

The amendment strikes out all the government officials from abusing eminent domain. No penalty, no tap on the wrist. We say you should not do it; but if you go ahead and do it, then you are going to be penalized. Without these penalties in the bill, the government could take private property from one person and simply give it to a wealthy corporation. Because this amendment guts the entire bill, it ought to be opposed.

Under this legislation, there is a clear connection between the Federal funds that would be denied and the abuse that Congress is intending to prevent. The policy is that States and localities that abuse their eminent domain do not receive by using economic development as a rationale for a taking should not be trusted with Federal economic development funds that could contribute to similarly abusive land grabs.

There is an entirely appropriate connection in the base bill between the Federal policy of protecting private property rights from eminent domain abuse and making sure that the Federal Government does not subsidize eminent domain abusers. The amendment should be defeated for these reasons.

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

Mr. NADLER. Mr. Chairman, I offer myself such time as I may consume.

Mr. Chairman, this is not a gutting amendment. The constitutional basis for granting the injunction against the taking is the fact that the State is accepting Federal funds. The bill, on lines 12 through 15 on page 2, says clearly: “if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.” That is the constitutional basis for saying, you cannot do certain kinds of takings as this bill prohibits and, if you do, you can establish penalties or injunctive relief.

All I am saying is, we are using the Federal jurisdictional hook that the chairman mentioned and instead of penalizing later, which does not help the homeowner who has lost his home, you say you can stop it now, get an injunction for stopping it now, because the State has agreed not to use its power in this way as a condition of taking Federal funds. There is well-established constitutional law that we can condition Federal funds on that.

That being the case, you can go into Federal or State court and get an injunction if you do my amendment. With the injunction penalized. Without the taking, you do not have to worry about punishing anybody 10 years later, because there is no taking in the
first place. It is a much better protection for the property owner. We prohibit the taking. The court says you cannot do it. There is no constitutional problem with that.

It does not gut the bill because it says you do not have to punish what cannot have occurred. It cannot have occurred because the bill would now say you may not do it; and if you may not do it, the court will prohibit you from doing it, because we are establishing the right to go into court in advance and get an injunction against the city later. You do not have it in the first place. It is a much better protection for the property owner to get an injunction against the city than to say you may not do it; and if you may do it, the court will prohibit you from doing it, because we are establishing the right to go into court in advance and get an injunction against the city later. You do not have it in the first place. It is a much better protection for the property owner.

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

Mr. SENSBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Mr. SENSENBRENNER. Mr. Chairman, I respectfully offer this statement against the amendment offered by the gentleman from New York. Essentially, this amendment eliminates the teeth of this bill: the denial of Federal funds for 20 years to those States and cities that have violated this act. The denial of Federal economic development funds should serve as a real deterrent for those States and cities that want to exercise eminent domain for economic development, that is, the taking of private property for private use. Without this provision, this bill will not be taken seriously, and the eminent domain abuses that many in this country are complaining about will continue.

I just waved before my colleagues a list of over 125 cases of the taking of private land for private use, or attempts to do that; and I think the bill that we have before us today will stop this kind of abuse of eminent domain.

Mr. NADLER. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the fact is, this does not gut the bill, as the gentlewoman from California said. It takes out the penalty, but you do not need the penalty to establish the right of the court and the duty of the court to stop it in the first place. There will be no private taking for the prohibited use because you give the rights to the landowner to get an injunction against it in the first place. It is a much better protection for the property owner. It cannot have occurred because the bill would now say you may not do it; and if you may not do it, the court will prohibit you from doing it, because we are establishing the right to go into court in advance and get an injunction against the city later. You do not have it in the first place. It is a much better protection for the property owner.

Mr. SENSBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we do not know if the gentleman from New York’s approach is constitutional. That has not been tried before, and it would be a case of first impression in the courts.

We know that the provision of denying Federal funds in the base bill is constitutional, because it was done by this Congress 20 years ago where we denied States transportation funds that did not raise the drinking age to 21. So the constitutional precedent was set 20 years ago in the transportation area. The base bill does that. The gentleman’s amendment does not. That is why it ought to be rejected.

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. SODREL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-266 offered by Mr. SODREL:

Page 4, line 6, after “jurisdiction.” insert ‘In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development.’

The Acting CHAIRMAN. Pursuant to House Resolution 227, the gentleman from Indiana (Mr. SODREL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SODREL. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman and ranking member for bringing this bill forward, a bill that I was proud to cosponsor.

H.R. 4128 is a good bill. It addresses a new-found power of government that frightens every homeowner and small businessman, the possibility of having their home or business involuntarily taken to be given to someone else to build some other business or development that government may prefer.

Common sense and economic common sense, the fear of having to go to court and pay to prove that the government violated the provisions of this bill, having to pay a lawyer and possibly hire experts to prove that the taking of their property is for economic development in violation of the act.

My amendment clarifies that the government entity that initiated the proceedings on the amendment, even though I am not opposed. The average poor person certainly cannot. So you are right, let us put it on the entity that is trying to pull these tricks in the first place to take these properties away from the poor people.

Mr. SENSBRENNER. Mr. Chairman, I yield back the balance of my time.

Mr. Moran of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SODREL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109-266 offered by Mr. MORAN of Virginia:

Page 8, strike line 17 and all that follows through line 19 on page 9 and insert the following:

ECONOMIC DEVELOPMENT.—The term ‘economic development’ means taking private property, without the consent of the owner, and conveying or leasing such property to another private person or entity, or from such private person or entity to another private person or entity, where the grantee or lessee person or entity is to use the property for commercial enterprise carried on for profit, or where the conveying or leasing is for the primary purpose of increasing tax revenue, tax base, employment, or general economic activity, except that such term shall not include—

(A) conveying private property for a public use, such as—

(i) for a road, hospital, or military base;
(ii) for use by the general public as of right, such as a railroad or public facility; or
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...for use as a right of way, aqueduct, pipeline, utility or similar use;
(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;
(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;
(D) acquiring abandoned property; and
(E) clearing defective chains of title.

Page 4, beginning in line 15, strike

Well, here we have those folks who are considered to be on the far left and those on the far right and those just left of center and those just right of center; everybody agrees that this bill may need to do even though that might not be the primary purpose of the taking.

So the bill has the potential of prohibiting virtually every taking which occurs as part of public-private partnerships that are not for economic development purposes at all, for example, the conveyance or lease of condemned property as part of a public-private partnership to a private entity that could be used for a waste-to-energy facility, which will create unintended consequences for the community.

Mr. Chairman, this bill needs additional clarification and the amendment I am going to suggest two changes that will be achieved by my amendment. They address the two major deficiencies of this bill: first, it is much too broad; and, secondly, the period of time within which a government can be sued is much too long.

The broad definition of "economic development" in section 8 includes a conveyance or lease of property that is "to increase tax revenue, tax base employment, or general economic health."

Unfortunately, practically every conveyance of condemned property can have at least an incidental or secondary purpose and effect of increasing taxes, creating jobs, or otherwise producing economic impact. Virtually everything that a local government may need to do even though that might not be the primary purpose of the taking.

So the bill has the potential of prohibiting virtually every taking which occurs as part of public-private partnerships that are not for economic development purposes at all, for example, the conveyance or lease of condemned property as part of a public-private partnership to a private entity that could be used for a waste-to-energy facility, which will create unintended consequences for the community.

The processing of solid waste would be prohibited under this. Delivering recreational services in a public area, a public park. Supplying affordable housing. I could give you any number of examples of condemned property that is prohibited under this. Providing a parking facility in a downtown that is desperately needed in many communities.

These projects may well produce tax revenues, new jobs, a healthier economy, but that is not the primary purpose of these projects. Their primary purpose is simply to deliver a service that the local community needs and to do so by partnering with a private for-profit entity. Yet the broad language of the bill would prohibit virtually all such public-private partnerships.

My amendment addresses this problem by making clear that the bill reaches the conveyance or lease of condemned property definition only when the primary purpose of the transaction is the increase of taxes, jobs or economic benefits. That is a change that is very much needed to this legislation.

Secondly, the time to file suit under the bill is much too long. Under the bill, a user has 20 years to bring an action; no later than 7 years following the conclusion of condemnation proceedings and the subsequent use of such condemned property for economic development. So where you have a property that was condemned, say, next year, in 2006, and the owner believes its economic development use begins in 2011, and the owner believes its economic development use begins in 2011, the owner has until 2018, 12 years after the property's condemnation, to challenge its validity. In many cases, the statute would extend the right to sue for generations to come.

There is no need or reason to provide such a lengthy statute of limitations. The validity of a condemnation action has to be put to rest in some reasonable time; and the Judiciary Committee has, in other contexts, agreed with that principle.

The 7 years should be measured from the conclusion of the condemnation proceeding. At this time, a property owner knows whether his or her property has been taken, knows the reasons for the taking, and can judge whether the taking is subject to the bill's prohibition. My amendment would reduce the statute of limitations to 7 years from the end of the condemnation proceeding, not 7 years after the property's economic development.

Mr. Chairman, this bill needs additional clarification, and I do think this amendment would provide it. I have substantial problems with this bill. So I am reluctant to fix it, but I know it is going to pass. If it passes, it should be a bill that does not cause the kind of unintended consequences this bill will impose on every locally elected government.

Third, the bill defines "economic development" as conveying or leasing condemned property from one private party to another private party—but not from the condemning government to a private party. However, in the real world, many economic development projects involve the conveyance of condemned property from the condemning authority to a private person or entity—a project the bill does not reach. For instance, the bill would not reach the conveyance by a city or county of 10 acres of taken property to, say, the Marriott Corporation for the use as a convention center, even though the primary purpose of the conveyance is the production of increased tax revenue and jobs.

The amendment addresses this problem by including in the definition of "economic development" conveyances and leases from the condemning government to a private party. In addition, the bill makes some corresponding technical changes to the definition of economic development in light of the other changes I have just explained.

Mr. Chairman, to conclude, this bill is too broad, too unclear, and overreaching. I urge you to adopt this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, unlike the characterization that my friend from Virginia has made in this bill, this is a bill that is supported by the mainstream of Members of Congress. And how many times in anybody's congressional career would you see Jim Sensenbrenner and Maxine Waters supporting the same bill? That means that we have a very, very big tent of people who are supporting it, because it is the right thing to do.

The amendment should be defeated because it would gut the bill. Because it completely goes back to the definition of public purpose that the Supreme Court allowed this terrible mischaracterization of justice to occur in the Kelo case.

The Kelo decision held that the term public use could actually mean a private use such that the government can take perfectly fine property from one person just to give it to another wealthier person. And the amendment would put back into the bill an exception for any public use, I would submit, as defined by a majority vote of the city council, which is in the wake of the Kelo decision.

This amendment would put property owners everywhere back to where they were before the Kelo decision, and that is way behind the eight ball, subject to the mercy of a majority vote of their city council. The whole point of this legislation is to counter the Supreme Court's reading of public use in a way that includes private use as well, and the amendment guts the bill by allowing exceptions for private uses as well. Because this amendment is a giant step backwards in the protection of property rights, it should be soundly defeated.
With respect to the comments the gentleman made on the statute of limitations, yes, it is a long statute of limitations. Because the city has the time and the money to wait out the property owner simply by putting it on the shelf until the time expires. And we would have a longer statute of limitation, rather than a shorter one, so that the city cannot be tempted by the siren song of using its power and using its money to run roughshod over the owner of private property.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I respectfully this statement against the amendment offered by the gentleman from Virginia (Mr. MORAN).

Mr. Chairman, this amendment seeks to prohibit a taking of private property only when the taking’s primary purpose is economic development, and we should vote against this Act, by arguing that the economic benefits of the taking were incidental rather than primary.

Also, this amendment seeks to confine property owners to a 7-year period in which they must bring a suit under this Act. This means that an owner who has had his or her property taken better hope that the State or the city puts the property to use in 7 years. If a State or city takes property for a public purpose, sit it for 8 years and then puts it to use for economic development, the owner has no recourse.

Mr. Chairman, I do not think that you can argue that the statute of limitations is too long. These people, citizens, often have to live in them for life. They do not expect someone to come along and say that we have decided that this is going to give it to someone else, a developer to develop for private purposes to make money.

So I would ask my colleagues to reject this amendment.

Mr. SENSENBRUNNER. Mr. Chairman, I yield myself such time as I may have to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I would say very quickly to the gentleman from Virginia, the majority that we are about trying to address here today. The specificity in the bill is superior to the gentleman’s amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. TURNER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109-266 offered by Mr. TURNER:

Page 9, beginning in line 8, strike “providing,” and insert “, including a property or prepotent declaration of properties which constitute a threat to public health and safety by reason of dilapidation, obsolescence; overcrowding, lack of ventilation, light, and sanitary facilities; excessive land coverage, deleterious land use, obsolete subdivisions, or because it constituted a public nuisance or was defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9001(b));”.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Ohio (Mr. TURNER) and the gentleman from Wisconsin (Mr. SENSENBRUNNER) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Supreme Court in Kelo v. City of New London went too far in allowing the taking of private property for private development. Congress must take action to protect property rights of individuals. However, we must be careful not to prohibit traditional pre-Kelo justifications for eminent domain.

Mr. Chairman, my amendment enumerates harmful effects which constitute a threat to public health and safety. These harmful effects are traditional justifications for cities, municipalities and other governmental entities to acquire property to protect public health and safety. In fact, the list of harmful effects in my amendment includes elements from several State laws.

The amendment is derived from the State definitions from Wisconsin, the home of Chairman SENSENBRUNNER; Texas, the home of our President; Illinois, the home of our Speaker; Missouri, the home of Majority Leader BLUNT; and Virginia, the home of Chairman GOODLATTE.

I have also included an exception for brownfields in my amendment. Brownfields, which are contaminated properties, are a dangerous problem for cities and must be redeveloped to protect the current residents of these communities and also bring people back into our cities.

This amendment, in order to protect public health and safety, has been endorsed by the National Association of Home Builders, the International Council of Shopping Centers, the National Association of Industrial and Office Properties, the International Economic Development Council, the Building Owners and Management Association International, the Real Estate Roundtable, the American Institute of Architects, the National Association of City-County Management, the United States Conference of Mayors, the National League of Cities, and the National League of Cities.

This amendment, Mr. Chairman, is necessary. Without this amendment, our States will lose their pre-Kelo authority.

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

Mr. SENSENBRUNNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment must be defeated because it uses undefined terms that would gut this vital legislation designed to protect the property rights of all Americans from abuse of Government land grants.

The list of organizations that the gentleman from Ohio read off in support of his amendment shows why it ought to be defeated, if we want to stand up for the property rights of individual landowners.

The terms used in this amendment are broad in their scope, and, consequently, the amendment would subject just about any property owner in America to the threat of having their property taken by a government official willing to abuse the power of eminent domain to take property from one American citizen and give it to another wealthier developer.

The amendment would allow the taking of property for “excessive land coverage,” “lack of ventilation,” “lack of light,” and “obsolescence,” just to name a few. None of these terms are defined in the amendment, and each would be subject to tremendous abuse. No home in the country would be safe if the government official were allowed to use those concepts to take private property.

If a government bureaucrat thinks your porch is too big, they can take your whole house and all of your land under the amendment. If your barn has only one light bulb in it or no artificial light at all, then your barn would be subject to tremendous abuse. If your barn has only one light bulb in it or no artificial light at all, then your barn would be subject to tremendous abuse. If a government bureaucrat thinks your barn has only one light bulb in it or no artificial light at all, then your barn would be subject to tremendous abuse.

If a government bureaucrat thinks your porch is too big, they can take your whole house and all of your land under the amendment. If your barn has only one light bulb in it or no artificial light at all, then your barn would be subject to tremendous abuse. If a government bureaucrat thinks your barn has only one light bulb in it or no artificial light at all, then your barn would be subject to tremendous abuse.
The base bill already includes a reasonable exception that allows the government to take property when property is being used in a way that imposes an immediate threat to the public health and safety. And the base bill does absolutely nothing, absolutely nothing that prevents States and localities from enforcing public nuisance laws under its police powers and tearing down an unsafe building.

But the amendment goes much further in a way that threatens low-income communities. And for that reason I join the NAACP in opposing this amendment. Listen to what actual practitioners in the field have to say about it. This is from the Institute for Justice, the public interest law firm that represented Suzette Kelo and the other New London homeowners who took their fight to keep their homes from being taken for private commercial development all the way to the Supreme Court.

The Institute for Justice states, "In our experience litigating eminent domain cases all over the country, we have seen each of the terms in the amendment applied in such a way as to allow the use of eminent domain on properties that are next to abandoned factories and blight-ridden residential and business neighborhoods. Dilapidation can mean that a building has chipped moron or needs a new handrail. Obsolescence can be a single-family home that lacks three bedrooms, two full bathrooms and a two-car attached garage. These are not terms of burned-out light bulbs. These are issues where there rise to the level of a safety and health threat to the individuals of the communities, of the people whose properties are next to them. It is not Kelo.

We all believe that Kelo has gone too far and that an individual's property rights of his home should be protected. But similarly, the home that stands next to a property that is abandoned and is a health threat or the property that is next to a factory for which there are health and safety issues for a community needs to be addressed. Forty-nine States have passed legislation permitting eminent domain in public health and safety threats. Certainly we should acknowledge this and not take away from these communities the pre-Kelo rights of eminent domain.

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

Mr. SENSENBRUNNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio (Mr. TURNER). This is the most dangerous of all the amendments that have been offered today.

We take up the Private Property Rights Protection Act today in an effort to provide all property owners with greater protections. The Turner amendment will essentially create a blight exception. By prohibiting the use of eminent domain for economic development in almost all instances except blight, we make blighted communities an easy target for States and cities.

This is why the NAACP supports this bill also. Too many of our communities, the minority, the elderly and the low-income have witnessed an abuse of eminent domain powers. Given this history of abuse, we would like all legislative responses to Kelo to be sensitive to that.

Historically and today, it has been too easy to characterize minority, elderly or low-income communities as blighted for eminent domain purposes and subject them to the will of the government. If legislative proposals contain language that could potentially exclude these communities from protection against eminent domain abuses, we have failed to be sensitive to the interests of this constituency.

These communities should be afforded the same rights and protections all homeowners, business owners, and other property owners will be afforded in a Federal policy response to Kelo.

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Ohio has 1 minute remaining.

Mr. TURNER. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I have mixed emotions about this bill, but I see it as an environmental bill. This is a great bill. This stops growth, particularly the section of the sense of Congress on the use of eminent domain funds to take farmland or other real property for economic development. It just says you cannot do that.

But what really bothers me in this bill is the fact that the terms of Federal economic development means any Federal funds distributed to or through States or political subdivision of the States under Federal laws designed to improve or increase the size of economies of the State or political subdivisions.

As I look at it, those laws mean all the BRAC money that comes to reuse of military bases. It means transportation monies. It means sewer and water monies. It essentially is a no-growth bill. For those on the environmental side this is good. For those who want to see some economic development, we need this amendment.

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

Mr. Chairman, in communities all across this country, there are buildings that represent a public health and safety threat to a community. Many times people drive by these buildings and they say to their elected officials, someone ought to do something about that. It is not a Kelo decision of saying we ought to have something better. It is saying that there is something damaging to our community and damaging to our neighborhoods.

The Acting CHAIRMAN. The question was taken; and the Acting Chairman announced that the noes appeared to have it.

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report No. 109-266 offered by Mr. Gary G. Miller of California:

Page 9, line 17, strike "and".

Page 9, line 19, strike the period and insert "and".

Page 9, after line 19, insert the following:

(G) redeveloping of a brownfield site as defined in the Small Business Liability Relief
I rise today to offer a modest amendment to ensure the Federal Government continues to work with local communities to promote and encourage Brownfields redevelopment in America. I support the adoption of the amendment and commend the gentleman from California for introducing it.

Mr. Chairman, I thank the gentleman for yielding.

The amendment would simply make an exception for the taking of property that is categorized as a brownfield under Federal law, meaning it is a site that may be perceived to contain hazardous contaminants. I support the oversight by adding Brownfields redevelopment into the Small Business Liability Relief and Brownfield Revitalization Act of 2001. Owners of brownfield sites are frequently unwilling to sell them for fear of cleanup costs and contamination. Eminent domain can often help break through legal and procedural barriers to the sale of the land.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I claim some time to raise some concerns about the amendment offered by the gentleman from California. I believe the gentleman from California and the gentlewoman from Texas have a sincere interest in furthering this Nation’s development of brownfields, land that is difficult to expand because of environmental contamination. However, I believe that such development is already protected under the bill.

First, this bill will provide an exception for removing harmful uses of land costs of any contamination found. Eminent domain can often help break through legal and procedural barriers to the sale of the land.

To address this, local governments can take advantage of the liability protections in CERCLA for acquiring potentially contaminated properties. Through the exercise of eminent domain authority by purchase or condemnation.” Without using eminent domain as provided for in CERCLA, a local government would be held strictly liable for all costs of cleaning up polluted land as an “owner or operator” of the site. As a result, local governments would be less likely to redevelop a Brownfield site.

For introducing it.

Mr. GARY G. MILLER of California.

The Acting CHAIRMAN. Pursuant to the gentleman from California. I believe the gentleman from California and the gentlewoman from Texas have a sincere interest in furthering this Nation’s development of brownfields, land that is difficult to expand because of environmental contamination. However, I believe that such development is already protected under the bill.

First, this bill will provide an exception for removing harmful uses of land.
provided such uses constitute an immediate threat to health and safety. If land truly constitutes a brownfield, then it meets this exception.

Second, brownfields are often acquired by clearing title on, for example, old industrial property where contamination management is ongoing without proper recording. The bill creates an exception for clearing defective claims of title; and, again, brownfields would be protected.

Brownfields are also protected under the abandoned property exception that is in the bill. Owners often abandon these properties to escape liability. I am confident that there are sufficient protections in this bill for brownfields in question if an additional exception needs to be created.

We do not want cities to now use the brownfields label as an excuse to take private property and turn it over to a private business or developer. Worse yet, we do not want brownfields to become a way to blight residential properties. You can see that we have heard requests for any number of exceptions, and if we stayed on this floor for 24 hours or 48 hours, more Members, perhaps, could think of reasons why you should take this private land for private use. I maintain that if you want to package land or you want to acquire land, you have to work within the marketplace to do it. You have to go out, you have to find the owners, you have to negotiate. You have to convince people it is for good uses. You have to work. And you have to engage in order to acquire land. You cannot simply come up with every excuse that is convenient to mayors and city council members and to developers to take people's private land.

If it is private, if it is owned, whether it is residence or business or “vacant” land, whatever, it belongs to somebody, somebody paid for it. They have a right to it. But does not have the right to take it. And so I would simply be opposed to yet another request for an exception to this very good bill that is put forth to protect the citizens of the States.

I commend the chairman and those of us on both sides of the aisle for stepping forward in the manner that we have in a timely fashion to say no.

I have often criticized my friends on the opposite side of the aisle for accusing courts and the Supreme Court of creating law, of creating legislation. They did it on this one. They absolutely did. The Constitution simply says that you must compensate for the taking of land for public use.

We are not opposed to eminent domain for public use. I question it from time to time, but that is not what this is all about. This is about the taking of private land for private use.

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

Mr. GARY G. MILLER of California. Mr. Chairman, I yield 2 1/2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I proudly join the gentleman from California in supporting this amendment.

I appreciate the response that H.R. 4128 is attempting to convey. We just feel that there is a possibility that it might have some unintended consequences.

In 2002, President Bush signed the Small Business Liability Relief and Brownfields Revitalization Act, and that bill allocated $200 million annually for Federal assistance to States and local communities to assess brownfield sites and to conduct cleanup where the assessment indicates the cleanup was warranted.

The measure represented the centerpiece of the administration's environmental agenda. It was widely praised and received broad bipartisan support, and rightfully so. According to the Government Accountability Office, there are well over 500,000 brownfields throughout the country; and brownfields represent the economic opportunity wherever they exist.

These abandoned and underused industrial sites pose heavy economic, financial, and social burdens on the community. These burdens include land, pollution, and increased sprawl as individuals and families and businesses relocate to the suburbs, farmland, and open space.

Over the past decade, communities across the country have realized that responsible brownfield redevelopment can transform environmentally impaired property into productive property and positively impact distressed communities.

The city of Dallas that I represent was designated as a brownfield showcase community by the Environmental Protection Agency. Dallas has used assessment and remediation grant programs to redevelop 35 sites in the core of the city.

Although the city has not used eminent domain to date in its brownfield redevelopment projects, they have shared with me that they certainly can anticipate perhaps a situation where the city might want to do this to acquire property. I fully and strongly support the amendment.

Ms. WATERS. Mr. Chairman, I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself the balance of my time.

The gentlewoman from California said a few things that I think I have to address. She said she believed this is included within the bill. It is not. The other thing she said is that the cities should work within the marketplace to acquire these properties.

The problem you have with cities doing that is without eminent domain that is provided for in CERCLA, a local government would be held strictly liable for all costs of cleanup of the polluted land as the owner-operator of the site. That is a complete different liability that the city would accept through eminent domain.

In creating eminent domain through CERCLA, a city then would not want to have a piece of property that was a brownfield because they then are accepting the total liability of the owner. This is going to shut down development in local communities. The problem we have with the bill, there is no immediate threat to health because, as you know, brownfields are usually fenced in. They are sites that are not being used. The owners generally do not want to know if they are contaminated because then they have to accept liability.

It is a reasonable amendment. I thank the chairman for accepting it.

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

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

I respect the gentleman's request for yet another exception, but I oppose it. I think that the chairman and the framers of this legislation have been very responsible in the way that we have tried to advance a piece of legislation to protect the citizens of the Nation from a bad Supreme Court decision.

A lot of people may be inconvenienced by our bill, people who want to acquire property, people who want to take private property for a development, people who want to make money, people who will use any means necessary by which to gain property that they think will help to bring them additional profits. There are a lot of reasons why people will be inconvenienced by this bill.

The bottom line is we do not wish to continue to abuse and inconvenience, marginalize and deny property owners of this country. We feel that our number one responsibility is to the property owners. We are elected to represent our citizens in the best way possible. There is no better way to represent citizens than to say we stand with you in the ownership of the land that you have bought, that you have inherited, that you have invested in.

We know a lot of people may not like it. It may inconvenience some people. You may not be able to build that parking lot, you may not be able to develop that shopping center, but we stand with the people against these kind of inconveniences. We ask for a "no" on the gentleman's amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.
The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109-266 offered by Mr. Gingrey:

Add the following section:

SEC. 12. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) Prohibition on States.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over religious or nonprofit organizations by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) Ineligibility for Federal Funds.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) Prohibition on Federal Government.—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property held by religious or nonprofit organizations by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

The Acting CHAIRMAN. Pursuant to a previous direction, the gentleman from Georgia (Mr. Gingrey) and a Member opposed each will control 5 minutes.

Mr. Gingrey. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of this amendment I have offered to H.R. 4128, the Private Property Rights Protection Act of 2005.

Mr. Chairman, from Matthew 22:17, we know that the Pharisees tried to trap Jesus regarding allegiance to the Roman government; and, of course, Jesus said, Render unto Caesar the things that are Caesar’s but render to God the things that are God’s.

Mr. Chairman, for over 2,000 years God has owed no taxes to the government, but that all changed on June 23, 2005.

Mr. Chairman, my amendment would add an additional section to this bill to ensure that our houses of worship and other nonprofit organizations are not penalized because they are tax-exempt and, therefore, provide no revenue to the treasuries of State and local governments. Thus, they became low-hanging fruit for the takings clause.

In the wake of the Kelo decision that gutted the property protections of the fifth amendment, the properties of religious organizations and other nonprofits have indeed become potential prime targets for the government wrecking ball.

State and local governments should never target, or even contemplate targeting, our houses of worship or nonprofit organizations simply because another use of the property would almost certainly build up their tax base.

Mr. Chairman, I believe my amendment turns this unique vulnerability into an asset for our houses of worship, and, in particular, the situation in Colorado.

Mr. Chairman, I want to encourage my colleagues on both sides of the aisle to support my amendment and the overall bill to strengthen private property rights for the sake of all Americans.

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

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

Mr. SENSENBERN. Mr. Chairman, I thank the gentleman from Georgia for yielding.

What the Kelo decision has said is that the land that the house of God is built on belongs to Caesar and Caesar can go condemn the land that the house of God is built on to turn it into a strip mall or hotel or whatever will bring in more tax base, and that is wrong.

The amendment that the gentleman from Georgia has offered simply states that the tax-exempt status of a religious or nonprofit organization cannot be used for a taking under the Kelo case. The amendment is a good one. It ought to be supported, and I am happy that he offered it.

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

Mr. Gingrey. I yield to the gentleman from Virginia.

Mr. Goodlatte. Mr. Chairman, I thank the gentleman for yielding, and I am going to acquiesce with the chairman on the amendment, but I want to express some reservations.

It appears that it is the author’s intention that nonprofit and religious organizations not be singled out by local governments due to their tax-exempt status alone. Is that correct?

Mr. Gingrey. That is correct.

Mr. Goodlatte. Mr. Chairman, is it also the gentleman’s intention that this provision would not trump the other provisions of the bill that provide additional protections to nonprofits by prohibiting takings from private entities for other economic development reasons to give to other private entities?

Mr. Gingrey. That is correct. The gentleman is correct.

Mr. Goodlatte. Mr. Chairman, to the extent that the language in the bill could be confusing in the amendment, would the gentleman be willing to work with the chairman of the Judiciary Committee and myself and others to ensure in conference that the intentions are accurately reflected in the amendment language?

Mr. Gingrey. Mr. Chairman, certainly, I would be willing to work with both chairmen in regard to that in the conference if there is any confusion regarding the amendment.

Mr. Goodlatte. Mr. Chairman, with the indulgence of the chairman of the Judiciary Committee, I yield 1 minute to the gentleman from Maryland (Mr. Bartlett), who has asked for time on this amendment.

Mr. Bartlett of Maryland. Mr. Chairman, I urge my colleagues to support the Gingrey amendment.

Before Kelo, a Christian church, after spending 5 years acquiring property, had the city intercede when it learned there would be a church built on the property. The city initiated eminent domain to give the land to Costco. The church prevailed, but that was before Kelo.

In Justice O’Connor’s Kelo dissent, she warned that in expanding the definition of “public use,” the majority had come close to embracing “the absurd argument that any church might be replaced with a retail store.” She continued to state that this “is inher- ently harmful to society.”

Because of Kelo in general and in this situation in particular, the fifth amendment takings clause has been stretched beyond the bounds that the Framers intended. By expanding the fifth amendment’s definition of “public use,” it could limit the scope of the “free exercise” of religion guaranteed in the first amendment.

Kelo shattered or private property rights. Today, by passing H.R. 4128, Congress will help pick up the pieces. Congress must act to prevent the demoli- tion of our rights, our homes, our businesses and our religious freedom.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Gingrey).

The amendment was agreed to.

Amendment No. 9 offered by Mr. Cuello:

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 13. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this Act, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the effect of that department or agency to bring its rules, regulations and procedures into compliance with this Act.
The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas, Mr. CUELLAR. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I thank the gentleman from Wisconsin and the gentlewoman from California for this opportunity to present this amendment. I believe this amendment is acceptable to the chairman and the gentlewoman from California.

Chairman SENSENBRENNER and Congresswoman WATERS, thank you for this opportunity to present my amendment to H.R. 4128, the Private Property Rights Protection Act of 2005. I will not spend much time describing my amendment, which is acceptable to the Chairman and Congresswoman WATERS, because the concept is simple. My amendment will require all Federal agencies and departments to verify all rules, regulations, and procedures of that agency are in compliance with the provisions of H.R. 4128.

There is a saying in business: “what gets measured gets done.” H.R. 4128 is an important amendment, and it will do a great deal to help protect private property rights in this country. My amendment will strengthen H.R. 4128, by making sure that the practices and procedures of Federal agencies are quickly and uniformly brought into compliance with the new law.

My amendment will require all Federal agencies and departments to review their practices with regard to eminent domain, and to submit a report to the Attorney General verifying that all rules, regulations, and procedures of that agency are in compliance with the provisions of H.R. 4128. This amendment will help to make the transition clearer, and will introduce an added dimension of accountability into the process.

As a believer in responsible government, I always have and will continue to hold our bureaucracy accountable for knowing the law and following it correctly. This simple reporting requirement will ensure that it is done in a timely fashion. H.R. 4128 is a good bill, and my amendment will help to ensure that it is enforced quickly, uniformly, and fairly.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I am happy to accept the amendment that amends the sense of Congress section of the bill that says that victims of Hurricane Katrina cannot have their property condemned simply because it was damaged by the hurricane. Unless the amendment is adopted, then victims of Hurricane Katrina end up getting penalized twice. That is twice too many times. We can take away one of those times by adopting the amendment, and I urge the House to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I cannot thank you enough, and I would ask your kind indulgence if I could reclaim my time to put these items in the RECORD, and I would like to yield a moment to the gentlewoman from California, but let me just say this.

The chairman is so very right. Let me make these points. It is legislation to, in fact, make a very pronounced statement that we are very much watching and seeking to protect the Hurricane Katrina survivors from unreasonable taking of property away from them for economic development or for private use.

Let me make this paragraph: New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local government’s ability to assemble properties to carry out their plans, whether residents like it or not.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109-266 offered by Ms. JACKSON-LEE of Texas: Add at the end the following:

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the government to avoid the unfair taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas, Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I might consume.

Might I just for my colleagues read very briefly the language of this amendment, and I hope that we can join in a bipartisan manner in the spirit of this underlying legislation.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding.

I am happy to accept this amendment that amends the sense of Congress section of the bill that says that victims of Hurricane Katrina cannot have their property condemned simply because it was damaged by the hurricane. Unless the amendment is adopted, then victims of Hurricane Katrina end up getting penalized twice. That is twice too many times. We can take away one of those times by adopting the amendment, and I urge the House to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I cannot thank you enough, and I would ask your kind indulgence if I could reclaim my time to put these items in the RECORD, and I would like to yield a moment to the gentlewoman from California, but let me just say this.

The chairman is so very right. Let me make these points. It is legislation to, in fact, make a very pronounced statement that we are very much watching and seeking to protect the Hurricane Katrina survivors from unreasonable taking of property away from them for economic development or for private use.

Let me make this paragraph: New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local government’s ability to assemble properties to carry out their plans, whether residents like it or not.

The NAACP, which the chairman cited in another debate, stated that the eminent domain process mostly targets, in many instances, racial and ethnic minorities because cities often want to redevelop areas with low property values because minorities have less political clout and are less able to fight back. That is one aspect, but the rural community and the surrounding areas in New Orleans and other areas are equally victims, and so this amendment speaks to the whole area of the region that will be under attack for economic development.

Might I close by these words: “South-of-Boston residents, especially those in coastal towns, need to understand the nasty implications of the recent Supreme Court decision in a post-Katrina era. If a Category 5 hurricane wipes houses from Houghs Neck, Minot, Humarock, Marion, or Mattapoisett, might not the remaining citizens take kindly to an offer to replace the houses with a resort hotel?”

I want to remind my colleagues that the eminent domain theory came when the British soldiers wanted to place their soldiers in American colonial homes, and so this has the underpinnings of a long history. This is an important step for us to take for the Katrina survivors, and I thank the chairman for supporting it.

Mr. Chairman, I have an amendment to H.R. 4128, the Private Property Rights Protection Act of 2005, that has been reported by the Committee on Rules, #12 as printed in the Congressional Record and captioned as Jackso.177. This legislation seeks to curtail the decision handed down by the U.S. Supreme Court in Kelo v. City of New London on June 23, 2005. Kelo held “economic development” to be a “public use” under the Fifth Amendment’s Taking Clause. The Takings Clause states that “nor shall private property be taken for public use without just compensation.”

In the 1990’s, a state agency declared that New London, CT was a “distressed municipality” after its unemployment numbers hit double the rate in the rest of Connecticut. The holding by the Supreme Court purported to refer to the city’s judgment and that the development would be a “catalyst to the area’s rejuvenation.” To lay the foundation for the relevance of my amendment, I cite an article in the Tulsa World:

The situation in New London is a time-extended version of the crisis in New Orleans. New Orleans saw its demise in the course of days, not decades. There was no choice but to create a package of initiatives that would bring the private sector in on the rebuilding effort. In some areas, eminent domain may be the only answer. The urgency of government planning, however, is offset by the fact that the first contracts have gone out to some of the usual suspects—namely, corporations with strong ties to the administration in Washington.

The land use situation in the area most affected by Hurricane Katrina presents the situation that is most ripe for eminent domain takings under the guise of “economic development.” My amendment adds to that by providing a legislative intent to H.R. 4128 that the law seeks to put the people first even in the face of post-disaster reconstruction.
I thank the Chairman of the Committee on the Judiciary for his support of this amendment. It is critical that we continue the spirit of bi-partisanship that was started with the resolution disapproving the Kelo decision, of which I was an original co-sponsor, the Private Property Rights Protection Act of 2005, H.R. 3135.

New Orleans will be the center of a reconstruction project that will have a price tag in excess of $200 billion. Eminent domain will play a major role in the local governments’ ability to assemble properties to carry out their plans. Whether the residents like it or not. NAACP representative Hillary Shelton stated that “the eminent domain process mostly targets racial and ethnic minorities because cities often want to redevelop areas with low property values and because minorities have less political clout and are less able to fight back.”

My amendment seeks to clarify that, in redefining the boundaries of the federal government’s Taking power, unfair practices will not be tolerated and that the rights of property owners will be given the highest regard.

Mr. Chairman, I ask that my colleagues support this amendment.

Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California (Ms. Waters).

Ms. WATERS. Mr. Chairman, I would first like to thank Chairman Sensenbrenner for accepting the gentlewoman’s amendment, and I would like to thank her for this very timely amendment.

While we began to work on this simply because of the Supreme Court decision and the danger that American citizens’ homes and lands were placed in with this decision, the gentlewoman is absolutely right: We have to take another step to protect those victims of Katrina.

There has been a lot of discussion from homeowners and others who are observing what is going on and what could possibly happen, wondering if there are not schemes already going on that would deny these homeowners who have lost their homes the ability to hold on to that land, whether or not the speculators are cooking up schemes with those in local government even. So this amendment would protect the victims of Katrina, and they will be very grateful for this, and they will be very, very thankful that the gentlewoman provided the leadership in thinking about this legislation was winding its way through the government of the United States of America.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask my colleagues to support this amendment, and it lays further precedent for the victims of Hurricanes Rita and Wilma. I thank the chairman for accepting it, and I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. Jackson-Lee).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WATT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109-266 offered by Mr. Watt. Page 2, strike line 3 and all that follows through line 25 on page 6. Page 8, strike line 15 and all that follows through line 4 on page 9. Page 7, strike line 1 and insert the following:

SECTION 1. SENSE OF CONGRESS.

The Acting CHAIRMAN. Pursuant to House Resolution 527, the gentleman from North Carolina (Mr. Watt) and the gentleman from Wisconsin (Mr. Sensenbrenner) each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I yield myself 1 minute.

First of all, I am fully aware that it is a dangerous combination to be opposing both the chairman of the full Judiciary Committee and the gentlewoman from California (Ms. Waters), but I simply think this bill is an overreaction.

This amendment would strike all the provisions of the bill except the sense of Congress which I believe adequately conveys the legitimate concerns with the decision of the Supreme Court in Kelo and does what we should appropriately do, express our concern about it and any possible abuse of it but not go so overboard as this bill does in my opinion.

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

Mr. SENSENBERN. Mr. Chairman, I yield myself 15 seconds.

The amendment guts the bill by striking out every provision of it except the sense of Congress and the report requirement. If we are for the bill, we ought to vote against the amendment.

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

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. Blumenauer).

Mr. BLUMENAUER. Mr. Chairman, we can all agree that Federal powers should not be used to enrich the powerful and the wealthy, but the first response to Kelo should be from responsible local and State governments, not the United States Congress. One narrow Supreme Court decision should not be the basis for an overbroad Federal amendment that will have many unintended consequences.

Earlier I asked what would be the impact if this legislation had been passed for the revitalization of Times Square, where eminent domain transformed one of the most notorious places in America or the Dudley Street neighborhood initiative in the Roxbury-Dorchester area in Boston or just outside our window where we have had Pennsylvania Avenue restored using eminent domain.

I would just point out that apparently after this bill is passed, if it is passed, a local government, a State government could still condemn blighted property. The problem now is that it would just have to sit there vacant with nothing developed on it, otherwise they would be in violation of the provisions of this bill if there were any kind of private development, even a public-private partnership.

So I think we are going too far and we need to take a giant step back, take a deep breath, and pass the sense of

approach is a more reasonable and prudent one. We do not have a crisis at this point. State and local governments should be dealing with this in an appropriate fashion. We should not have overbroad legislation that could have negative unintended consequences.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to thank the gentlewoman from Oregon for his thoughtful approach to this and express my desire to have all of the Members of the Congress have an equally thoughtful approach to it.

The Kelo decision was met with a tremendous uproar, with many echoing the view that all private property is now vulnerable to condemnation as long as the new use of the land will produce additional tax revenue. While I appreciate that concern and share the view that private property should not be taken solely for the purpose of increasing State coffers or local coffers there is a difference. I do not believe that the Court’s decision leads to that result.

What is even more important is I do not believe that this bill does much, if anything, to address that concern even if we do that. It is down to a definition of what removal of blight is, and this bill does nothing to do that. Local communities are still going to be able to condemn property, as they should, for public purposes. There really is nothing inconsistent with that in the Kelo decision.

Flexibility by local communities in determining whether the public use requirement has been served by ensuring that condemned property creates a public benefit or advantage has long existed, and I believe should continue to exist, as the gentleman from Oregon (Mr. Blumenauer) has so eloquently stated, I feel like State and local officials have as much intellect and discretion and are as accountable, probably even more so, to their constituents than Members of Congress; and they should be answering to their constituents on these issues.

Again, while I believe that the power of eminent domain must be exercised judiciously, I think this bill goes too far in limiting the power of States and local governments. In addition, the punitive measures included in the bill will visit additional harms on the very distressed communities that are often the target of eminent domain proceedings.

I would just point out that apparently after this bill is passed, if it is passed, a local government, a State government could still condemn blighted property. The problem now is that it would just have to sit there vacant with nothing developed on it, otherwise they would be in violation of the provisions of this bill if there were any kind of private development, even a public-private partnership.
Congress part of this resolution expressing our concern, but not the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONTERS), the ranking member of the Judiciary Committee.

Mr. CONyers. Mr. Chairman, I thank the chairman of the committee for yielding me this time.

This is an unusual note to end the debate on a very important subject like this, because the last amendment from my friend from North Carolina is to strike everything in the bill except the sense of Congress provisions expressing support for property rights. Well, that is a vote on the bill. Why do we not just have a vote on final passage and skip this? Because that is what this is.

And I would like to emphasize the fact that the people, the citizens, are in support of this amendment. I am proud that we have the civil rights organizations supporting me and not my friend from North Carolina. The NAACP is not known to take issues against the NAACP in everything. Here is the point. The NAACP in everything. Here is the point. The NAACP was not known to take issues against the NAACP. The NAACP is not known to take issues against the NAACP. The NAACP is not known to take issues against the NAACP.

Mr. WATT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

Mr. CONYERS. Mr. Chairman, re-

Mr. WATT. Mr. Chairman, will the body mostly agree with this in

Mr. WATT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. NADLER of New York.

Amendment No. 5 by Mr. MORAN of Virginia.

Amendment No. 6 by Mr. TURNER of Ohio.

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

Amendment No. 2 OFFERED BY MR. NADLER

The Acting CHAIRMAN. The pending business of the day is a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

The vote was taken by electronic device, and there were—ayes 63, noes 355, not voting 15, as follows:

Ayes—63

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Matsen

McCollum (MN)

Mikær

Mikulski (MD)

Miller, George

Morgan (VA)

Neal (GA)

Neal (MS)

Neal (OK)

Oberstar

Akin

Alexander

Allen

Andrews

Baca

Bachus

Baker

Baldwin

Beaker

Berkley

Berman

Berry

Burgert

Butler (MD)

Buxton

Bueno

Bonneau

Boorah

Boozman

Brady (NJ)

Brady (PA)

Brady (TX)

Burns (IN)

Butler (MS)

Calvert

Camp

Carroll

Cardoza

Cardin

Carr

Carter

Castle

Chabot

Chandler

Chocola

Clay

Clyburn

Coelho

Cole

Coley

Conaway

Conyers

Cooper

Costello

Cramer

Cubin

Culver

Culverton

Cummings

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Mr. BAIRD and Mr. ENGLE changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DAVIS of Kentucky. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TURNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Recorded Vote

The Acting CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 357, not voting 20, as follows:

[Roll No. 566]

AYES—56


[8195]
So the amendment was rejected.

The result of the vote was announced as above.

The amendment prevailed by voice vote.

The Acting CHAIRMAN. The pending vote has been demanded. So the amendment was rejected.

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The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment from North Carolina (Mr. Watt) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.
The SPEAKER pro tempore. The question is on the passage of the bill. The result of the vote was announced as above recorded.

The Acting CHAIRMAN. Under the rule, the Committee rises. Accordingly, the Committee rose; and the SPEAKER pro tempore (Mr. TERRY) having assumed the chair, Mr. DAVIS of Kentucky, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that Committee, having had under consideration the bill (H.R. 4128) to protect private property rights, pursuant to House Resolution 527, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.
November 3, 2005

CONGRESSIONAL RECORD — HOUSE

H9605

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, I was unavoid-
ably detained during rollcall 568. Had I been
present I would have voted "yea."

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to business in
my district, I was unable to vote during the fol-
lowing rollcall votes. Had I been present, I
would have voted as indicated below.

Rolcall No. 564: "No."
Rolcall No. 565: "No."
Rolcall No. 566: "No."
Rolcall No. 567: "No."
Rolcall No. 568: "Yes."

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on November 3,
I was unavoidably detained and missed rollcall
vote Nos. 562, 563, 564, 565, 566, 567 and
568.

Rolcall vote No. 562 was on the motion to
table the appeal of the ruling of the Chair. Had
I been present, I would have voted "yea."

Rolcall vote No. 563 was on agreeing to the
resolution H. Res. 527. Had I been present, I
would have voted "yea."

Rolcall vote No. 564 was on agreeing to the
Nader amendment. Had I been present, I
would have voted "no."

Rolcall vote No. 565 was on agreeing to the
Moran (VA) amendment. Had I been present, I
would have voted "no."

Rolcall vote No. 566 was on agreeing to the
Tumer amendment. Had I been present, I
would have voted "no."

Rolcall vote No. 567 was on agreeing to the
Watt amendment. Had I been present, I
would have voted "no."

Rolcall vote No. 568 was on final passage of
H.R. 4128. Had I been present, I would have
voted "yea."

PRIVILEGED REPORT ON RESOLU-
TION OF INQUIRY TO THE PRESI-
DENT

Mr. YOUNG of Alaska, from the Com-
mmittee on Transportation and Infra-
structure, submitted a privileged re-
port (Rept. No. 109-269) on the resolu-
tion (H. Res. 498) requesting that the
President transmit to the House of Repre-
sentatives information in his pos-
session relating to contracts for serv-
ices or construction related to Hurri-
cane Katrina recovery, which was re-
f erred to the House Calendar and or-
dered to be printed.

REPORT ON RESOLUTION WAIVING
POINTS OF ORDER AGAINST CON-
FERENCE REPORT ON H.R. 3057,
FOREIGN OPERATIONS, EXPORT
FINANCING, AND RELATED PRO-
GRAMS APPROPRIATIONS ACT,
2006

Mr. LINCOLN DIAZ-BALART of Flori-
da, from the Committee on Rules,
submitted a privileged report (Rept.
No. 109-270) on the resolution (H. Res.
532) waiving points of order against the
conference report to accompany the
bill (H.R. 3057) making appropriations
for foreign operations, export financ-
ing, and related programs for the fiscal
year ending September 30, 2006, and for
other purposes, which was referred to
the House Calendar and ordered to be
printed.

APPOINTMENT OF CONFEREES ON
H.R. 689, COAST GUARD AND
MARITIME TRANSPORTATION
ACT OF 2005

The SPEAKER pro tempore, Without
objection, the Chair appoints the fol-
lowing conferees:

From the Committee on Transpor-
tation and Infrastructure, for consider-
avation of the House bill and the Senate
amendment, and modifications com-
mitt ed to conference: Messrs. YOUNG
of Alaska, LOBIONDO, COBLE, HOEKSTRA,
SIMMONS, MARIO DIAZ-BALART of Flori-
da, BOUSTANY, OBESTAR, PILNER,
TAYLOR of Mississippi, HIGGINS, and
Ms. SCHWARTZ of Pennsylvania.

From the Committee on Energy and
Commerce, for consideration of section
408 of the House bill, and modifications
committed to conference: Messrs. BAR-
TON of Texas, GILLMOR, and DINGELL.

From the Committee on Homeland
Security, for consideration of sections
101, 404, 413, and 424 of the House bill,
and sections 202, 207, 215, and 302 of
the Senate amendment, and modifications
committed to conference: Messrs. DAN-
IEL E. LUNGEN of California, REICHERT,
and THOMPSON of Mis-
issippi.

From the Committee on Resources,
for consideration of sections 426, 427,
and title V of the House bill, and modi-
fications committed to conference:
Messrs. POMBO, JONES of North Caro-
olina, and PALLONE.

There was no objection.

BUDGET CUTS

(Mr. CONYERS asked and was given
permission to address the House for 1
minute and to revise and extend his re-
marks.)

Mr. CONYERS. Mr. Speaker, the gen-
tlewoman from California (Ms. WOOL-
SEY) encouraged that we take a minute
to speak today about the draconian
budget cuts that are coming out of the
Budget Committee recommendation.

I am going to include in my state-
ment that of the gentleman from Texas
(Mr. EDWARDS) who did what I think
was so very appropriate and timely. He
pledged that the gentleman from Texas
is the most?

Where is the compassion?

If this is compassionate conservatism,
where is the compassion?

If this is a faith-based program, what
major religion preaches the values of taking
the most from those who have the least
while asking nothing from those who have
the most?

This budget makes a mockery of the Amer-
ican values of fairness and shared sacrifice
during time of war.

Rosa Parks understood that actions speak
far louder than words. We in Congress should
truly honor her life and spirit by standing up
against this bill.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 4011

Mr. TOWNS. Mr. Speaker, I ask
unanimous consent to have my name
removed as a cosponsor of H.R. 4011.

The SPEAKER pro tempore (Mr.
REICHERT, and T HOMPSON of Mis-
issippi).

IMPENDING REPUBLICAN BUDGET
CUTS COMPOUND HARDSHIP FOR
AMERICA’S IMPOVERISHED CHIL-
DREN AND FAMILIES

(Ms. WOOLSEY asked and was given
permission to address the House for 1
minute and to revise and extend her re-
marks.)

Ms. WOOLSEY. Mr. Speaker, the Re-
publican’s budget priorities are clear,
and they are shameful. To provide $70
to $100 billion in new tax cuts for the
powerful and the privileged, they are
going after every single mother and
their children in this country, every
single mom and her kids.

Instead of these new tax cuts, we
should provide an estimated 11.5 million
Head Start slots for eligible children
who cannot get into a Head Start pro-
gram and health care for more than
52 million American children and families
who receive marginal health care or
none at all.

Another $500 million in Republican
cuts will leave 250,000 children without
quality child care.

They are even slashing funding for
child support enforcement. $4.9 billion
in Republican cuts will let deadbeat
Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to address the House regarding the proposed $70 billion cuts.

Let me just say that this weekend I went to the Florida-Georgia game, and it was a real tough game, but at that game was the head of the Police Athletic League who had just read an article in the Times Union, which is one of the most conservative papers in the United States. It talked about the proposed cuts in the food stamp program, and he was appalled that we are going to cut programs for school lunch and senior citizens programs while we are trying to give tax breaks to the rich. I mean, just picture this. The head of the Police Athletic League, conservative group, giving me the going over. I told him, you know what, you are singing to the choir. I do not support these cuts. You need to talk to the people on the other side of the aisle, the people that you play golf with, the people that you spend time with. These are the ones that are planning on doing these cuts, and I recommend that you talk with them and let them know that you do not support those cuts.

**BUDGET RECONCILIATION PROPOSAL**

(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 think the American people should be told why so many of us are rising to the floor even before the budget reconciliation proposal comes to this floor. It is because, what is the choice or the choice that is being made by Republicans? Is it that they are willing to give a $70 billion tax cut, rather than spend dollars on education, rather than spend dollars on health care, rather than spend dollars on easing the pain of senior citizens? The interesting aspect that I would like to bring to the attention of my colleagues is that there is a pending possibility of a veto because our colleagues in the Senate have been able to find some relief for the $30 billion Medicaid cut. Their proposal has to do with taking away the $30 billion cushion that has been established by the Medicare drug law. They want to take those dollars and have it to pay for the large cut of $10 or $11 billion that is coming out of this budget, out of Medicaid.

Is it not ridiculous to spend $70 billion on tax cuts, borrowing from Peter to pay Paul, and we are going to get a veto by the President of the United States if we try to save the $30 billion for those seniors who need the money in Medicaid?

Vote against the budget reconciliation when it comes to the floor.

**SPECIAL ORDERS**

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

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

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. McHenry).

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

There was no objection.

**EVERYDAY HEROES**

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

Mr. BISHOP of Utah. Mr. Speaker, Senator Orrin Hatch of my State has penned words to a song entitled, "Everyday Heroes." The lyrics in part read:

*"Some people have helping hands that go a second mile.

"They're willing to love and lift a brother for a while.

"Everyday Heroes live in every neighborhood.

"Everyday Heroes, helping in the way a neighbor should.

"Giving just a little time; sharing just a little love.

"God bless each one of those everyday heroes."

Mr. Speaker, I wish to introduce this body to an everyday hero whose efforts make the world a better place to live. If you think about that in that respect, it is actually quite spectacular. This hero is an outstanding educator at Box Elder High School in Brigham City, Utah; and I had the opportunity of teaching alongside him before I came to Congress. I know from personal experience the dedication he brings to his job, and I know how he helps kids every day.

At Box Elder High School is a charismatic head wrestling coach by the name of Mike Ripplinger. He was recently named the Class 4A Coach of the Year, shortly after leading his team to the fourth State title in 6 years, his fifth overall. That goes along with a record 18 region championships in the 20 years he has been a head coach. In a sport like wrestling, which is very competitive in Utah, that is indeed quite an accomplishment.

The measure of a coach, as our good Speaker well knows, is not based on his success and the wins and losses but the quality of the students with whom he works. More impressive than any
championship title is the impact Mike has had on the wrestlers off the mat, as he has produced not only outstanding athletes but also gentlemen.

On the occasion of hosting the 20th Richardson Memorial Tournament in his tenure, Mike’s athletes returned from Tennessee with a record of 0-1. I wish to review some of those tributes myself.

One of these young wrestlers noted that when he was a junior he broke his sternum not once, but twice. It was very difficult for him to just sit on the sidelines and cheer on his teammates, realizing he could not contribute to the success of the team. Most kids would have just dropped out at that point. Coach Ripplinger, realizing the pain of lack of participation, gave an extra effort to include this kid as part of the team. Through his encouragement, this young student learned how to persevere and, as he later noted, he made many successes in preparation for life that year even though he had no activity on the mat.

Another former student said that the coach expected us to live with dignity, honor and respect for others.

Another admitted that, when they were disciplined, the toughest thing was feeling like we had disappointed the coach because we had all the respect for him as a person and as a leader. All teachers seek respect. Very few of us actually earn it the way Mike Ripplinger has.

Those lessons were as important to the student athletes as the trophies that they earned.

When Mike was hired, his principal said, I wanted a coach who could build a strong wrestling program but an individual who could also build young men. He said this is one of the best hires he ever made. “On a personal note,” he also wrote, “my son Joseph, who has found success in his personal life as an orthopedic surgeon, found out what life was all about from you and your program.” Even though a three-sport athlete, he had little wrestling skill. Through his program, he found out what it was like to rise above losing. He found the encouragement and desire to keep picking himself up and going on, and from people like you he found out how to succeed.

Sometimes in our environment today we actually do not want people to display any outward religious conviction, but through Mike’s demonstration he showed his goodwill, his strong moral character and his relationship with his God.

At one point, when one of his students seriously injured an arm by sticking it through a glass window, one of his other students noted that he admired a coach who was not afraid to have a team prayer for the cut student.

Mike Ripplinger is to be commended for not being afraid to help his students become better people, as well as better wrestlers.

Students of Mike recognize that he has a rare ability to make each individual student feel like he or she is important, has value, has someone who cares. Every year, Mike helps students mature and learn. Every month, Mike gives himself to others. Every week, Mike creates a learning environment in which kids want to participate. Every day, Mike has made the world a better place. Mike Ripplinger is one of our everyday heroes.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order out of order.

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

There was no objection.

IRAQ AND LIBBY’S SUCCESSFUL COVER-UP

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

Ms. WOOLSEY. Mr. Speaker, Scooter Libby may have been a wimp, but he had much more integrity as an academic and a journalist than his current self-portrayal permits. The Bush administration’s much anticipated demonstration he gave an extra effort to include this kid as part of the team. Through his encouragement, this young student learned how to persevere and, as he later noted, he made many successes in preparation for life that year even though he had no activity on the mat.

Another former student said that the coach expected us to live with dignity, honor and respect for others.

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Ms. WOOLSEY. Mr. Speaker, Scooter Libby was arraigned this morning, and the Bush administration defenders continue to insist that the administration of the CIA leak was “much ado about nothing.” They say that the crime of perjury and obstruction of justice are mere technicalities, nothing to worry our heads over. Ha.

Let us leave aside the obvious hypocrisy. We all know that there was quite a hue and cry over perjury in this town 7 years ago when the President’s party was on the outside of the White House looking in. Dare I say, the underlying issue at that time was just a little more frivolous than the matters of life, death and war that are at the heart of the current episode.

More importantly, of course, Scooter Libby’s lies matter. Libby’s lies are exactly what it means to know the truth about the original crime, the outing of a covert CIA operative as part of a campaign to scare the Nation into a war based on the lie that Saddam Hussein was poised to use nuclear weapons on the United States.

Columnist E.J. Dionne makes the important and distressing point: the Scooter Libby cover-up was successful.

You see, 1 year and 1 day ago, the President was reelected by a narrow margin. Why does that matter? Because Libby’s lies matter. Libby’s lies are exactly what it means to know the truth about the original crime, the outing of a covert CIA operative as part of a campaign to scare the Nation into a war based on the lie that Saddam Hussein was poised to use nuclear weapons on the United States.

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PENTAGON PROGRAM COSTING TAXPAYER MILLIONS IN INFLATED PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.
Mr. JONES of North Carolina. Mr. Speaker, on October 23, the Knight-Rider newspaper had a headline that said, “Pentagon Program Costing Taxpayers Millions in Inflated Prices.” I want to give a few examples, because, as we talk about budget resolution, budget controls to increase, is a very real problem to ask our executive to get together the chairman and the Speaker of the House to please look into this on behalf of the taxpayers of America.

As I close, Mr. Speaker, always on the floor of this House I ask God to please bless our men and women in uniform, to please bless their families and hold in his loving arms the families who have given a child to die for freedom, and I ask God to please continue to bless America.

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

ENERGY

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, middle-class families in this Nation are struggling to make ends meet. While housing and education prices are skyrocketing, wages have been held stagnant for the last 3 years. Now families can add energy to the list of out-of-control costs to their family budget.

Gas is around 3 bucks a gallon. Utilities are now predicting families could pay as much as 70 percent more to heat their homes this winter. Natural gas prices are so high the Energy Department estimates families in this Nation will pay $350 more this winter than last winter. Home heating oil, used by many in the Northeast and Midwest, is skyrocketing.

But while American families struggle with sky-high energy bills, oil and gas companies face a totally different problem: too much cash. For example, Exxon Mobil recently reported their earnings were up. B.P. Amoco, 34 percent rise in quarterly earnings. Phillips, 89 percent; Shell Oil, earnings up 68 percent. Their competitors have given them $14 billion more this winter than last winter. Home heating oil, used by many in the Northeast and Midwest, is skyrocketing.

When the Speaker says, “You have got to let the marketplace work.” I agree with the executive from Exxon Mobil. Let the marketplace work.

But here is where we disagree. When they had an energy bill down on this floor, the oil companies got a $14 billion giveaway to do oil and gas drilling around this country. They got $14 billion for companies making record profits.

That is what we call corporate welfare. If they want the marketplace to work, the taxpayers should get their $14 billion. We should not be subsidizing their business plans. Taxpayers are not in the business of helping companies making revenue runs at $100 billion a quarter where profits are up 89 percent. In Congress, not the Republicans in Congress, are cutting college loans by $14 billion, they are cutting nutritional programs for 40,000 kids, and they are cutting kids health care. Yet what have they sacrosanct? $14 billion to Exxon Mobil. My view is what corporate America needs in the energy business is a little free market medicine.

We have seen nothing but corporate welfare around here in subsidizing the energy industry, and it is high time they get off the dole and started running their own business plan and stop asking the taxpayers to fund them. The only reason they do that around here is because, since 1980, the big oil companies have contributed $250 million to campaigns of the Senate, the Congress, the Presidency, and their party. They have gotten a $14 billion return. You cannot get an investment return like that on Wall Street. It is 200 percent on their investment that they have gotten.

This Congress has given big oil $14 billion in tax subsidies. If that is not bad enough, there is a refinery bill where we ended up giving them another $2 billion that they did not even ask for. So with oil running at basically $3 a gallon at the gas pump, not only do consumers have to pay inflated prices to big oil at the gas pump, but on April 15 they get a bill because they have given them $14 billion in taxpayer-funded corporate welfare. They can do one thing: execute their business plans.

Well, I am suggesting they start doing a little more free enterprise in executing their business plans and stop relying on the taxpayers of America, who are struggling with sky-high energy prices, sky-high health care costs, and sky-high college tuition costs, just trying to struggle to make ends meet.

What Congress would actually cut high carbon assimilation to our most needy citizens yet give Exxon Mobil and the other big energy companies $16 million? A Republican Congress, but, of course, this should make sense to all of us who have seen what goes on around here.

When the Speaker’s gavel comes down, that gavel is intended to open the people’s House, not the auction house. What has happened around here lately when it comes to big oil companies is we auction off the American people and their future. When it comes to the pharmaceutical companies, who got $132 million, they ended up with $135 billion in additional profit when...
we did the prescription drug bill. When we had a $5 billion problem to fix with Europe on the corporate trade tax issue, what did this Republican Congress do? Of course, $150 billion tax giveaway to corporate America to solve a $5 billion problem. Only using their type of math do you work like that.

Pharmaceutical companies. Big oil companies. Corporate special interests. Selling away America. The Speaker's gavel is intended to open the people's House, but the United States Congress had better start acting like the people's House, because lately we are giving Christie's a run for its money around here.

You cannot give out money fast enough to the energy companies, who are making massive profits, and on the other hand cut those who are most needy. You cannot have a policy in the country that says to oil companies, who are reaping huge profits, and that is their business, but we should not subsidize their business, we are going to give you more while cutting those who are struggling. These are not the values of this country, these are not the values of the Democratic party, and, they are not the values of the American people.

We need a change. We need new priorities that focus on America's future. We can do better, and it is high time we turn the people's House back to the American people.

THE ECONOMY

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. I know get a big kick, Mr. Speaker, out of listening to my colleagues come down here and talk about the sky falling. After 9/11 we had an economic downturn and terrorism suffered and all the ancillary industries suffered, airlines suffered and the economy started going down. We had scandals on Wall Street, and those scandals led to further economic problems. President Bush suggested to the Congress that the way to stimulate economic recovery and growth was the same thing that President John F. Kennedy did back in the 1960s, and that was to cut taxes. And so we cut taxes.

And because we cut taxes, there has been growth in the economy for the past several years. The unemployment rate has been down. The economy has been growing. Everything has been going well.

Now we have been hit with some other things that are very, very disconcerting. We had the Katrina hurricane, and we had another hurricane that hit Florida recently. These hurricanes are going to cost a lot of money. So people think it will cost $50, $70, or $50 billion before it is over. It will not be the $250 billion that was talked about, but it will be around $50, $60, or $70 billion at least.

Now I would like to say to my Demo- crat colleagues, for whom I have great respect, to join with us in the next few days in passing a cost-savings bill, a cost-savings bill that will cut about $50 billion out of spending. That $50 billion can be used to offset some of the costs for the Katrina disasters and the other disasters we have experienced recently.

I know it is going to involve some hard decisions. I heard one of my Demo- crat colleagues just a few minutes ago come down and start talking about some of the decisions that are going to have to be cut. And I admit there will be difficult choices to be made, but that is what we are all about around here, making difficult choices, difficult decisions. It is extremely important that we make the hard choices so we control spending and make sure we do the right things for economic growth in this country.

The way to do that is when we have this cost-savings bill come before the body in the next few days, my Demo- cratic colleagues who are concerned about the deficit, who are concerned about spending, who are concerned about Katrina and the costs involved, join with us in this cost-savings bill to save about $50 or $60 billion in rescis- sions and across-the-board spending cuts. Because if you do that, we can keep this country on an even keel. So please join with us when this bill comes to the floor.

Mr. McCARTHY. Mrs. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Is there objection to the request of the gentlewoman from New York?

There was no objection.

ORDER OF BUSINESS

Mrs. McCARTHY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Under a previous order of the House, the gentle- woman from New York (Mrs. MCCAR- THY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, last week the Washington Times ran an editorial stating that people who advocate responsible gun laws are disappointed that there has not been an increase in killings since the assault weapons ban expired last year.

In fact, nothing could be further from the truth. That the crime rate has not increased dramatically with the end of the ban is not a surprise. Nobody thought the end of the assault weapons ban would create new criminals, but we feared it would give existing criminals better tools to do their jobs. The fact that sales of these weapons are not skyrocketing does not surprise me ei- ther. Law-abiding gun owners have no practical need for these weapons. Why would a responsible gun owner want an AK-47 or an Uzi? They cannot hunt with them. There would not be much animal left after one pull of the trig- ger.

Assault weapons are not even prac- tical for self-defense. Innocent bystanders would be injured or killed by the spray of the bullets released. I want to reduce gun violence in this country, not to keep the status quo. The Washington Times might be satisfied with 30,000 Americans dying from gun-related deaths every year. I am not. The Washington Times might think it is acceptable that 5,200 Amer- ican kids die because of gun violence each year. I think it is deplorable.

But I am a realist; and I know that this Congress, this Congress, will not reinstate the assault weapons ban. But we can make it more difficult for criminals and terrorists to get their weapons.

As we continue to weaken our guns laws, we increasingly rely on the Na- tional Instant Background Check System to ensure that guns do not fall into the wrong hands. However, the NICS database is dangerously incom- plete. For example, all 50 States have entered less than 60 percent of their convicted felons into the NICS system. Thirteen States have failed to enter the subjects of restraining orders stemming from domestic violence into the NICS system. And, of course, in all 50 States, people who are listed on ter- rorist watch lists certainly can go out and still buy a gun.

The same people whom we do not trust to board a plane can buy one of those AK–47s or Uzis the Washington Times editorial page raves about. This defies common sense.

I have introduced H.R. 1415, legisla- tion that will require that States enter in all NICS information as quickly as possible. My bill will also provide grants to States to make sure that their databases are kept up to date.

This legislation poses no restrictions on law-abiding and responsible gun owners. It poses no infringement on law-abiding and responsible gun owners. It poses no infringement on second amendment rights. In fact, it passed the House during the 107th Con- gress via voice vote. Unfortunately, time ran out before the other body could take up the bill.

But the bill had the support of sev- eral Senators on the other side who are known strongly for their support of gun rights. Nobody believes criminals and terrorists should be allowed to leg- ally buy guns in this country.

So before the Washington Times and others begin to celebrate maintaining the status quo for gun-related deaths, let us pass legislation to enforce the gun laws on the books.

Nobody wants to see crime reduced more than I do. H.R. 1415 can fix the problems in our background checks. Thirty thousand deaths a year is noth- ing to turn a blind eye to no matter what the Washington Times says.

We can do better, Mr. Speaker.
ORDER OF BUSINESS

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Ros-Lehtinen) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to voice my strong support for both the men and women of our Armed Forces and the American civilians serving in Iraq through the Department of State and other U.S. agencies. I thank them for their courage and the dedication that they have so bravely displayed in carrying out their noble mission of liberating and securing Iraq from tyranny and terrorism.

Mr. Speaker, I have witnessed such dedication in conversations with a former staffer of mine who returned from a recent summer and from one of my former interns who served with the United States Army in Iraq. I have frequently discussed the situation in Iraq with my husband, Dexter, a decorated Vietnam veteran who was wounded in combat and was awarded a Purple Heart.

However, it has been my talks with my stepson Dougle, a first lieutenant in the U.S. Marine Corps who is currently serving in Iraq, which has helped me the most and has had the most profound effect on me and helped me to fully comprehend the importance of the mission that our men and women in the Armed Forces are embarking upon in Iraq. To him it is not an obligation, it is an honor and a privilege to have the opportunity to serve our country; to contribute to the freedom of the Iraqi people; to confront the terrorists; and perhaps most importantly, to fight tyranny, as the Greatest Generation did during World War II.

Our mission is just. It has far-reaching, longstanding, strategic, and political ramifications. It is helping to create a new and effective political and security institutions in Iraq takes time. The task before us is not easy, but if we rush, we do risk failure for lack of persistence. The continuing presence of U.S. and coalition forces must be determined by the achievement of concrete objectives. We cannot send a message to the terrorists that our wagon of attachment is succeeding and that we are weakening in our resolve to win.

The Iraqi people have not weakened their resolve, and they have clearly demonstrated their commitment to both the establishment and solidification of a democratic political culture through their January 30 election, through the October 15 referendum on their Constitution, and their preparations for the December 15 elections.

Our men and women in uniform are not and have not weakened their resolve. Let us not weaken our resolve in the United States Congress. Let us not waver in our commitment to our mission, our very important and noble cause in Iraq.

GAS AND OIL COMPANY PROFITEERING

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

Mr. STUPAK. Mr. Speaker, every day now we see headlines in the newspaper much like this one here from the USA Today last week entitled: "Staying Warm To Cost up to 90 Percent More This Year,;" as energy costs have just skyrocketed in this country. Our constituents are bracing for a similar rise, and they deserve answers from their elected officials. What we have seen are a lot of demands from our constituents to do something, but nothing is really being done.

In this Congress here a few weeks ago, we did try to pass an energy bill to try to address price gouging, market manipulation, and bring some transparency to how a gallon of gas or a barrel of oil is priced when we go to use it. Unfortunately, that bill, which passed the House here, was such a poor bill that the other body took one look at it and they said they were not even going to take it up.

So there was an alternative bill that never had a chance to have an up-or-down vote. It was called the FREE bill, free from energy manipulation by the oil companies. That was the Democratic bill. And what we did in our bill was this, and let me just show this chart here: Why are energy costs so high? This was from September, 2004, to September of this year. The crude oil out of the ground or out of the gulf, wherever they get it, was an increase of 46 percent in the last 12 months, 46 percent. After the oil is taken out of the ground, it goes to the refineries. The refiners increased their costs and their prices 25 percent in the last 12 months. And then when it is distributed from the refinery to the gas stations, to the retailers, or to the oil companies to heat our homes this year, the cost is only 5 percent.

So the bill we had before us approximately 2 weeks ago put forth by the majority party, instead of targeting the people who have increased their prices 25 percent over the last 12 months, they targeted the poor distributors and the gas station owners and the gas station operators. They targeted the people who made 5 percent in the last year. They targeted the wrong people. Plus the Republican bill that did target 5 percent in natural gas, Thirdly, the only time the Republican bill would kick in was when there is a natural disaster.
In the Democratic bill, on the other hand, Mr. Speaker, we targeted all parts of the oil supply chain, from the crude producer, to the refiner, to the distributor. We said if they engage in excessive profits, like 250 percent over the last 2 months, we are going to go after their profits. That is price gouging, market manipulation, geographic price arrangements that they make from the refinery. And those excessive profits, and I think people would agree with me that 255 percent is excessive, would then be put into a fund to help the Low Income Heating Energy Assistance Program, LIHEAP as we call it.

So we take the extra money and put it in there to help people heat their homes. We finally, for once, give the FTC, the Federal Trade Commission, the authority to stop price gouging. We allow the State attorneys general to enforce Federal law, and we maintain environmental standards.

So this bill is back. We as a party, Democrats, are asking for a clean up-or-down vote on our bill. Let us put forth our bill, which is to stop the price gouging, market manipulation, the excessive regional pricing that goes on, and let us have a clean up-or-down vote on it.

In the meantime, the Democratic Party is also asking, and, in fact, the letter is being circulated today, that we bring in the oil executives and ask them to explain to us how do they justify a 255 percent increase. Even a 46 percent increase is a tremendous amount of increase in the last 12 months when inflation is running at about 3 to 4 percent. So these are the questions we have, and we would like a free, clean up-or-down vote.

As high gas prices persist, hard-working Americans are preparing for a cold winter. And with it they will likely face a doubling of home heating costs. These serious concerns underscore the need for this Congress to work together in a bipartisan manner. Let us investigate and crack down on the price gouging, market manipulation, and then maybe we will not see the headlines that we have seen in the past where the headlines that we have seen in the last week about what the oil companies have made in the third quarter. The third quarter goes from, of course, July, August, September. In those 90 days, July, August, September, Exxon-Mobil’s profit was $9.92 billion.

That is the largest amount ever by a U.S. company, and 75 percent more in profits than they made last year.

Shell Oil Company, they generated $9 billion in the third quarter, an increase of 68 percent from last year. These are excessive profits.

Conoco Phillips generated $3.8 billion in the third quarter, an 89 percent increase from last year.

Again, we do not mind anyone making a profit. Inflation is running 3, 4, 5 percent. But 89 percent over one year?

British Petroleum generated $6.53 billion in the third quarter. These are excessive profits. That is after paying for everything else. They cannot say it costs more. But these are profits, over and above.

And Chevron generated $3.6 billion. The earnings of the world’s five largest publicly traded oil companies this quarter have put them on track to earn $100 billion this year.

Mr. Speaker, I hope this Congress can work together and pass a real energy program to help all Americans.

SUPPORT FOR ALITO NOMINATION

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, these are historic and great days in America because President George W. Bush has nominated Judge Samuel Alito to the United States Supreme Court.

Mr. Speaker, this is a man of outstanding character and one who has more experience as a sitting judge than any nominee for the Supreme Court in the last 50 years. The left wing extremists on the left are viciously attacking this highly qualified nominee because he shares a judicial philosophy with this duly elected President.

Mr. Speaker, what is at stake here with these deliberations is the Constitution itself, that miraculous document by which we guard our God-given rights in this country; and what is also at risk is keeping secure the American dream for future generations.

In this day, we sometimes forget that the American dream is actually about human dignity and freedom and self-governance. It is not about the left’s moral relativism, which means that those without conscience have a license to do anything without consequence, regardless of its harm to others.

True freedom actually means having a system of self-government that protects the rights of innocent people to live and to be free and to pursue their dreams in their own way, as long as they do not debase the lives and rights of others. The choice that faces us in these pivotal times is whether or not we as a people are still capable of understanding and guarding the fundamental rights that undergird our freedom.

Mr. Speaker, I have great hope that we still are. Liberal activists on the courts have been undermining the Constitution and America’s fundamental rights of liberty and life and property for decades.

Just yesterday, the liberal Ninth Circuit Court of Appeals ruled, “There is no fundamental right of parents to be the exclusive provider of information regarding their children. Parents have no due process or privacy right to override the determinations of public schools as to the information to which their children will be exposed while enrolled as students.”

Mr. Speaker, for these liberal judges to say that parents have no right to determine what their children are taught about sex, or anything else, for that matter, is outrageous. Mr. Alito rejected this sort of bankrupt, liberal extremism at the ballot, and now the left is desperately trying to hold on to the courts to force this extremist agenda down the throats of all Americans.

The liberal, secular, they really wish to take the words “under God” out of the Pledge of Allegiance. They want to completely dismantle marriage and family. They want to end voluntary prayer, any kind of traditional voluntary religious expression in public places.

They teach your children in school that it is “mainstream” in America to use abortion and even partial-birth abortion as a means of birth control. They are saying to the parents of America that if your underage daughter is impregnated by a man, he should be able to take her to have an abortion without your knowledge or permission, that it is none of your business.

Mr. Speaker, those attacking Judge Alito are so far to the left that they cannot even see the majority of us here in America, and it is so important that the people of this country understand what the left means when they say “mainstream” — that Judge Alito is out of the mainstream.

They are talking about his rulings in cases where the overwhelming majority of Americans agree with him. That is the very definition of “mainstream.”

Mr. Speaker, for the sake of this Republic, we must invite those leftists who insist on smearing Judge Alito’s reputation to step into open debate where the bright light of truth can shine on their ideology and expose to the people of America exactly how far out of the mainstream they really are.

Mr. Speaker, it is time for this debate. It is long overdue. The future of the American people living in freedom depends on it.

CAMPAIGN TO MINIMIZE LIES THAT LED TO IRAQ WAR

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

Mr. McDERMOTT. Mr. Speaker, I rise to support the minority leader’s attempt to get oversight. She stood here today and asked in a resolution, which was not voted on by the House, was not allowed to be discussed by the House, that the Republican leadership conduct oversight of an executive branch controlled by the same party which is in contradiction to the establishment of congressional committees and the congressional precedent.

It is time for this House to begin an investigation of the executive branch.
They are now saying, and some of the other newspapers, to if you look in the Wall Street Journal why is that? Well, there is a massive

Why is the Vice President's office know what was happening. In September, David S. Addington, who was then Cheney's general counsel, and former Cheney aide I. Lewis Libby did their best to veto the initiative.

Cheney and Addington (and Libby) believe that there should be no limit on the presidential power to detain suspected terrorists. The Office of the Vice President is contemptuous of the British and other European allies, who have been reluctant to turn over to the United States because of what they see as Washington's lawless approach.

Does the White Office think about adopting a Geneva-friendly detainee policy? So far, there is no evidence that President George W. Bush has weighed in directly since February 2002 on applying Geneva's protections to the detainees. At that point, he said that al-Qaeda and Taliban fighters would not have prisoner-of-war status but would nonetheless be treated "humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva Conventions.

Today we found out in the newspapers that we have secret prisons. We do not know where they are. Some people speculate they are in Poland, some say they are in Romania. We know we have secret prisons. We have bases in other places. And we are unclear about how those people are to be treated.

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vicious and violent abuses of civil rights, that is in counties and cities where African Americans are a majority, black Georgians are the leaders of those local communities. African Americans hold a significant portion of the seats in the Georgia legislature, where many have held positions of great influence. Nine of our 34 Statewide elected posts are held by African Americans, a percentage that comes close to mirroring their proportionate population.

Georgia Attorney General Thurbert Baker is an African American who has twice won Statewide election to that post. Our Statewide elected labor commissioner is black, as are three justices on our State Supreme Court. Four African Americans hold seats in our 13 member House delegation. Two of those black members defeated white candidates in majority white districts.

African Americans have exercised their electoral muscle for decades now in Georgia. In Georgia have higher levels of voter registration and participation than do whites. In fact, blacks in Georgia have higher registration rates than do most blacks outside the South.

Furthermore, black and white candidates for public office draw comparable support from white voters. In other words, black and white candidates of the same party win or lose at the polls with similar vote percentages. No longer will Georgians vote against a black candidate simply because he or she is black.

With these facts in mind, I call on Congress to let Section 5 of the Voting Rights Act expire. Section 5 was implemented as a temporary statute to correct a specific problem. In the late 1960s, the Supreme Court ruled that Section 5 was constitutional only because it was narrowly tailored and temporary. Mr. Speaker, I would suggest to my colleagues here in the House that 40 years is more than temporary.

Now Congress is considering extending Section 5 for another 25 years, to 2030, without giving any consideration to the changes that have occurred since 1982. Blacks in Georgia have made tremendous progress in the past 40 years to heal the wounds and have we progressed tremendously. Black Georgians today are equal partners, not only in access to the voting booth but also to elected positions of power.

In the past, the Georgia legislature has fulfilled the vision of the Voting Rights Act and should be treated as the same as every other State.

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, earlier today I was proud to cast a firm vote in support of the Private Property Rights Protection Act. While this measure will not reverse the Supreme Court’s mind-boggling 5–4 decision in the Kelo v. New London case, it will ensure that American taxpayers will not have their hard-earned dollars used in its support.

No State or locality shall be permitted to employ the power of eminent domain to seize private property in the name of economic development. In addition, the bill will grant appropriate access to State and Federal courts for those who seek justice and remedy for any nonmeritorious seizure of their property.

There is no question that Americans do not wish to shirk their responsibility to take care of their community through support for measures which serve the public good. However, most do not view fulfillment of this obligation as necessitating a forfeiture of their fundamental rights. Few rights are as central to the foundation of our great Nation as is the right of control over one’s private property.

As James Madison laid out in the Federalist Papers, private property rights lie at the foundation of our Constitution: “Government is instituted not less for the protection of property than of the persons of individuals.”

Madison’s declaration was echoed by Justice William Paterson in Vanhorn’s Lessee v. Dorrance (1798) when he asserted: “The right of acquiring and possessing private property and having it protected is one of the most natural, inherent, and inalienable rights of man.”

This does not require one to have expertise in constitutional law to conclude from these statements that the Framers did not intend for citizens to cede their “natural, inherent, and inalienable rights” in the name of expanding the local tax base or in the development of our favorite Starbucks or Wal-Marts.

As Justice Clarence Thomas noted in his dissent, the text of the fifth amendment permits the taking of property “only if in the public right to employ it.”

In response to the public concern of the Kelo decision, the Ohio State legislature recently passed a measure prohibiting cities from seizing unblighted land for economic development in 2006. And Ohio is not alone. Excluding bills prefilled for the 2006 legislative session, the National Council of State Legislatures found that 12 States have already taken legislative steps with prohibitions in some form or fashion of the use of eminent domain in private property seizure.

Today, we join in the fight on behalf of all Americans who own or aspire to own their small piece of paradise and, more importantly, to own it without fear from unwarranted, unjustified, and unconstitutional seizure.

The THE TRUTH ABOUT THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentlewoman from Virginia (Mrs. DRAKE) is recognized for 60 minutes as the designee of the majority leader.

Mrs. DRAKE. Mr. Speaker, it is my honor to be here tonight, along with fellow colleagues and the chairman of the House Armed Services Committee, Duncan Hunter, to talk to you about the war in Iraq.

During my recent visit to Iraq, it was clear to me that our brave military men and women know what they are doing, why they are doing it, the progress they are making, and the threat to our world and our way of life if they fail. They see the big picture: Iraq is a key piece in a region-wide and worldwide struggle.

What they wanted to know was what were the American people saying and thinking, and they wanted to know why their stories are not being told, and why their successes are not being told.

Mr. Speaker, recently there was a New York Times article that included this quote. It says: “I kind of predicted this. A third time just seems like I am running in my church yard.”

Mr. Speaker, that was a much longer quote that I would like for you to see and I would like for you to hear. What that quote said was: “Obviously, if you’re reading this, then I have died in Iraq. I kind of predicted this. That is why I am writing this in November. A third time just seemed like I am pushing my chances. I don’t regret going. Everybody dies, but few get to do it for something as important as freedom. It may seem confusing why we are in Iraq. It’s not to me. I am here helping these people so that they can live the way that we live, not have to worry about tyrants or vicious dictators, to do what they want to do with their lives. To me, that is why I died. Others have died for my freedom. Now this is my mark.” Corporal Jeffrey B. Starr.

We would all like to thank Corporal Starr for his service, to tell him and his family that America mourns their great loss, and to say that he is a true American hero.

We are here tonight to tell his story and to tell the story of the very brave
men and women who are serving to keep us free. First, I would like to start by recognizing Congressman Dan Burton from Indiana. Mr. Burton of Indiana. Mr. Speaker, first of all, I would like to make a comment about what you just said about the New York Times article. When you see what was said at the beginning there, written in the New York Times, you immediately feel like, well, this young man was saying, you know, this is not right; I should do the opposite of what I am doing, and I am just putting my chances. But when you read the whole article, it is clear that he thought the life that he was giving for the freedom of those people was worth it.

Mr. Speaker, he said in the last part there: “To me, that is why I died. Others have died for my freedom. Now this is my mark.”

I mean, I cannot believe that there are distortions like that in the media. It makes me wonder where the young men and women pay a price like that and write to their loved ones why they are doing it and why it was so important that they made that sacrifice and then have them be mischaracterized by a newspaper that has a preconceived idea of what they should be doing over there. It really, really bothers me.

Mr. Speaker, in addition to that, my colleague, Duncan Hunter, who is the chairman of the Armed Services Committee, gave me this Congressional Medal of Honor awarded to Sergeant First Class Paul R. Smith of the United States Army. I was reading this and I was thinking about the sacrifices that these young men and women have made to protect people and to make sure that these people get the freedoms that we have enjoyed for so long. It says: “Sergeant First Class Smith braved hostile enemy fire to personally engage the enemy with hand grenades and anti-tank weapons and organized the evacuation of three wounded soldiers from an armored personnel carrier struck by rocket-propelled grenades and a 16-millimeter mortar rounds. Fearing the enemy would overrun their defenses, Sergeant First Class Smith moved under withering enemy fire to man a 50-caliber machine gun mounted on a damaged armored personnel carrier. In total disregard for his own life, he maintained his exposed position in order to engage the attacking enemy force. During this action, he was mortally wounded. His courageous actions helped defeat the enemy force. During this action, he was mortally wounded. His courageous actions helped defeat the enemy force.”

Mr. Speaker, I would like to quote from Mr. Speaker, I yield to the gentleman from Texas.

Mr. Speaker, I have had the great honor on two occasions since I have been in Congress to go to Iraq and Afghanistan. I went early in November of 2003 and then again back in March of this year. What those months have made. One of the things that I was awestruck by was the amount of progress that has been made in the country of Iraq since the beginning of the war when we overthrew Saddam Hussein.

One of the things that I am puzzled by is that, when I go back to the district and start talking about how things are going in Iraq, my fellow Texans say, “Randi, why do we not ever have to talk about that when we watch the news?”

You know, that is a really good question. One of the things that I think is
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important for the American people to realize is the amount of progress that we have made over there. In a very short period of time, we have liberated Iraq from a terrible dictator, a killer, a murderer, and that country is moving forward to install a democratic government that is happening. They have met every deadline that they have established for themselves.

In December, they will have a very important democratic election to elect their new parliament. And one of the things that is going on that is so important is that the Iraqi people are participating in a major portion of the defense of their country. That is an important part of our strategy.

Our strategy is two-fold, to help the Iraqi people to learn to be able to defend their country themselves and also to help them move in a way to establish this democratic government.

I wish to call tribute to our men and women that, just the other day, 63 percent of the Iraqi people turned out to vote. I wish in some of our elections 63 percent of Americans turned out.

You have to understand the conditions that these people turned out. Sixty-three million people turned out to vote in conditions where it was not snowing or raining, but they were risking their lives; and over 78 percent of those people so far have supported this new constitution.

On a recent trip back from Iraq we stopped in Amman, Jordan, where about 120 or 130 Iraqi women had risked their lives and driven to Amman, Jordan, to participate in a conference to learn how to participate in this new democracy that they are about to inherit.

And one of the things was I was sitting at the table with some of those women at lunch, and we were discussing different things about their coming and risking their lives to come to that. And I asked them, I said some people back home asked if the Iraqi people appreciate what the Americans have done for them, and the allied forces.

This one lady, I will never forget, with tears streaming down her eyes, she said, “Mr. Congressman, you have to understand. We are mothers. We are wives. We are sisters. We are aunts. And we understand the huge price that mothers and sisters and wives and Americans have paid for our freedom. And we shall never forget.”

And it is important that America not forget the tremendous contribution that our young men and women are making. As I go around, I always take an opportunity to thank the families, because, right along with our men and women that are in harm’s way, those families serve right beside them. They are back home holding down the fort, making sure the kids get to school, making sure the car gets fixed and the house is in repair. We cannot forget them.

On Saturday, unfortunately, I had the opportunity to have to go to a funeral in Dimmit, Texas, for Jacob Dones. J.J. he is called by his friends. But you know what? It was an opportunity to go and be a part to celebrate the life of a young hero.

As I went forth to Iraq, one of the things that I am awestruck about is the enthusiasm and the dedication and the commitment that our young men and women have to the job that they are doing over there; and I always take a message that you want me to take back home? And they say, “Congressman, tell the folks back home what a great job we are doing and how important it is that we finish this job.”

To get back to Lubbock, Texas, and back into District 19 each week, I travel and I stop at DFW airport. There are always young men and women going and coming from the battlefield, and I always take an opportunity to say thank you for tonight. And they say, “Thank you.”

And one of the things that they start, without me even asking them, they say, “Congressman, it is important that we finish this job.” I wish you could see the children that are going to school, that get to school now, and the fact that electricity is on in parts of the country that in the past it was not and that water systems are in place and that an economy is beginning to emerge in Iraq.

So, as I close and thank the gentlewoman for this opportunity, I want to say to our young men and women, thank you again. We pray for you. We are glad you are doing the job you are doing. We are proud of you. And to those families we say thank you, also.

So God bless them, and God bless America.

Mrs. DRAKE, Congressman, I would like to tell you two stories about the Iraqi people. On my trip, I was quite amazed, flying from Baghdad to Balad in a black Army helicopter, very low and very fast over agricultural fields; and the people working the fields were waving at the helicopter. When we got to Balad, commented, only to be told they always wave at us.

The second story was in Arizona this summer I went out for a congressional meeting. Turned out my cab driver was from Iraq. He has been here 16 years. Still going strong in Iraq. And he goes to Iraq on a contract working with the Iraqi troops.

When he realized I was a Member of Congress, he stopped the cab, turned around and said, “I would like for you to thank the American people for me for what you have done.” He said, “When I go over there, it is like I am on vacation. There is only a few places where there are problems.” He said, “You people work so hard and so long. I do not think that you ever sleep, and you do it all for us.”

Mr. NEUGEBAUER. It is very humbling, and as we sit and participated with those Iraqi women and talked about, you know, how they began to participate in this democracy and whether it is at the local level or at the state level or at the parliament, but the commitment and the courage that they had already shown.

I think, as you have heard this story before, if you have been to the theater, about the fact that the insurgents are now targeting the Iraqi people because they realize what is going on over there, that the Iraqi people have a hunger for this new gift that we have given them.

And one of the things I am awestruck by is that our young men and women are targeting these recruiting stations where some people were killed maybe the day before, and the very next day there will be long lines of young Iraqi men and women coming forth to serve.

It is very encouraging. I want the American people to know that they can be very proud of their soldiers.

I want to thank Chairman Hunter for arranging this Special Order Hour tonight as well as all of my colleagues who are taking the opportunity tonight to honor our troops and show support for the brave Iraqi people.

Two and a half years ago, the United States military and its allies embarked on a difficult, yet noble mission: Rid the world of a murderous, lying, and unpredictable dictator and, allow the people of Iraq to have a say so long under the shadow of totalitarianism to experience the light of freedom.

Our troops and the Iraqi people have risen to each challenge in front of them. Establishing democracy takes persistence and the world and the American people continue to prove that they are capable of this tremendous task by meeting each deadline on the way to democracy.

Much progress has been made over the past 17 months on the political front. In June of 2004, the Coalition Forces handed over control of the country to Iraqis. A date of January 30, 2005, was set to hold democratic elections for a transitional government.

Despite the threats of terrorists attacking voters at the ballot box, millions of Iraqis turned out on January 30 for a historic democratic election.

This newly elected government was tasked with drafting a constitution and putting it up for a national referendum in October. Right on schedule, on October 15, millions of citizens from Iraq’s eighteen provinces stood together to vote on a document that will guarantee and protect their rights and serve as a blueprint for their nation’s future.

In this latest vote, 63 percent of Iraq’s 15.5 million registered voters once again defied the threat of terrorist attacks to vote. The result: 78 percent of voters backed the constitution.

And the role of women in establishing this fledgling democracy should not be overlooked.

In April, I took a trip to the Middle East, including Iraq. While on the trip I attended the Iraqi Women’s Democratic Conference and the Women’s Democratic Conference held in Jordan. At this conference, women came from all parts of Iraq. Many of the women tell me they were threatened because of their desire to come to the meeting. Several report that they were shot at. In total, about 15 women were in attendance.

These women were thankful. I told them that the folks back home want to know if the Iraqis appreciate what America has done.
They do, and they also realize the price that many Americans have paid. They said that they are mothers and wives themselves, and they know that mothers in America have lost sons, and wives have lost husbands.

The military has seen its share of successes as well. The military’s removal of Saddam Hussein from power and his ensuing capture, and have continued throughout the creation of Iraqi security forces. One by one, Iraqi Army battalions have stood up and joined the fight to defend their homeland. By the end of October, a total of 206,500 Iraqi Security Forces have been trained and equipped.

Parts of the country that a few months ago were hotbeds of insurgency are now controlled by Iraqi forces. Our military is now fighting shoulder-to-shoulder with their Iraqi counterparts to track down terrorists every day. Top al-Qaeda leaders have been caught or killed. Stockpiles of weapons and ammunition are being uncovered.

Tough times—both politically and militarily—may still lie ahead for this young democracy. The terrorists will undoubtedly attempt to thwart the will of free people. And Iraqis will need to return to the polls in December to elect a full-term parliament.

However, the Iraqi people have met their challenge and overcome obstacles at each step along the way. I am confident that as long as Iraq and its allies continue to stand up against terrorism, I am optimistic that more successes lie ahead.

The mainstream media has a habit of only reporting the bad news coming out of Iraq. So it can be tough for some Americans to remain optimistic about our efforts in Iraq. This would not be the case if everyone had the chance to talk with many of the brave men and women who are serving in Iraq.

Since the War began in 2003, I have visited Iraq twice. On each trip, I have had the opportunity to talk with our troops on the ground.

Let there be no misunderstanding: our troops are proud of their accomplishments. We should be too.

Because of our troops and the bravery and fortitude of the Iraqi people, young Iraqi boys and girls are attending schools.

Electricity is being restored to all parts of the country, not just the regions favored by a dictator. Iraqis are beginning to protect Iraqis. Men and women are participating in the democratic process.

And, most importantly, a ruthless dictator who terrorized his own people and his neighbors, and who had shown a willingness to obtain and use the worst weapons known to man, no longer in power and will stand trial for his crimes.

Let me end with this message to our troops tonight for my colleagues, because I really compliment the gentlewoman from Virginia (Mrs. DRAKE) for leading this team and for the gentleman from California (Mr. HUNTER) and my other colleagues that we have heard from and others who are going to speak. I am proud to be a part of this.

Mrs. DRAKE. Congresswoman, thank you for coming and being with us. I am sure on your trip that it was just like on mine, I realized immediately these are people who have chosen to be here. It is an all-volunteer military, whether you are active duty, Guard or Reserve; and I have seen them all in the theatre of operations at the tip of the spear. We owe them so much, and I am proud to stand up here as part of this team tonight.

Mr. HUNTER. Mr. Speaker, I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman from Virginia (Mrs. DRAKE) for doing such a wonderful job in hosting this. I thank our chairman, the gentleman from California (Mr. Hunter), for the excellent job that he does in providing leadership for the House Committee on Armed Services. I think we also thank the family of Corporal Starr for their sacrifice, and we hope that they know we join them in their sorrow.

Mrs. DRAKE. And for their willingness to share that that was wrong and to share the real quote, something that personal.
Mrs. BLACKBURN. That is so very true, and I thank the gentlewoman for noting that, for setting the record straight.

As the gentlewoman was talking about some of her experiences, meeting a taxi driver who was from Iraq and knowing how he stopped to say thank you, I was reading some things from my news clips.

Here is an article out of the Nashville Tennessean, today’s paper, November 3, and a column written by Jonathan Gurwit who is a columnist for the San Antonio Express News. He is recounting a conversation and a visit with a Dr. Najmaldin Karim who is Kurdish and the headline is “Why this war?” Ask someone who is Kurdish.

I was so touched by your examples that, Mr. Speaker, I wanted to share a quote in this. I think it is so relevant to the discussion that we are having tonight. And I am quoting this Dr. Karim: “The suggestion that Saddam Hussein’s dictatorship was a ‘stable’ form of government is outrageous to Iraqis, not on the ideological fringe, especially the Kurds. The war in Iraq didn’t begin in 2003. For the previous 35 years Kurds, Shiites and anyone else who threatened the oligarchy fought against the suppression of their very existence.”

Mr. Speaker, you know, this morning I spoke on the floor about what we are doing right to win the war on terror and that we are making in the battle in Iraq. And it seemed that the minute I started talking there was some conversation across the aisle. And one of my colleagues from the left got upset, and then sure enough a Democrat Member follows me to the well during 1-minutes to speak against the positive changes that are going on in Iraq.

You see, I think that the left in this country has to undermine this war and undermine of the American people in order to try to win elections next November. They have got to make you and me and every single one of us forget the bigger picture in this war on terror. They want us focused on the casualties and on the setbacks. And, yes, we take one step forward, we take two steps back. It is going to be a long war, but we are making progress.

They do not want us to ask what sort of damage will result from withdrawing from Iraq. They do not want us to ask whether we would be better off with a free Iraq. They simply want to point out all the negatives and demand withdrawal in order to declare America’s defeat, and then they believe they will win elections.

Unfortunately, the national media, one would believe for all intents and purposes, is the public relations wing of the left on this subject. Day after day the major newspapers editorialize in both their articles and on the op-ed pages against our efforts in Iraq. They give extensive coverage to casualties and claim they do it to honor those lost. But they do not cover the things these men and women did to change this world.

They do not cover the moments of pure courage, pure courage and strength that these men and women and their colleagues committed and that are happening in this world. They only cover their deaths, and that is a tragedy, Mr. Speaker, because it was not in their deaths that they became heroes. It was in the day-to-day work on behalf of this country that they gave their lives for something they believed in. They were heroes long before the tragedy of their death. We remember those lost not because they died but because they lived and how they lived in putting others before themselves.

Mr. Speaker, I cannot say that I do not stop and wonder if these losses would be for naught; but when I am doubting and if I am unsure, I talk with some of those who have served in Afghanistan and in Iraq, and I talk to them about their service to the country. I am overcome with a shadow of a doubt that we can win this because they know that we can win it. And, Mr. Speaker, they are living it; they are seeing it firsthand every single day.

When I visit Fort Campbell in my district or spend time with our National Guard and Reserves, I see the spirit of America and I see the commitment and the drive to succeed. They settle any doubts. They restore my confidence. They are the pure inspiration in this battle. So tonight, despite watching Democrats come to the floor and beat the drums of retreat in the war on terror, I want to recognize those men and women in uniform who we see in the progress, in the change in that region of the world.

Let me just read a list of some of the accomplishments so that America, those watching and those listening and our constituents, will understand the great deeds of these men and women, our heroes who are in uniform.

As of October 24, 2005, a total of 206,500 Iraqi security forces have been trained and equipped with the assistance of the U.S. military. On election day in October, as our colleague from Texas previously mentioned, 78 percent of voters backed the charter Constitution, 78 percent of those who went to the polls voted for freedom, voted for democracy. And as our colleague from Texas mentioned, 15% of the Iraqi million voters, cast their ballot. They took their life in their hands to cast that ballot. The Iraqi Constitution guarantees the rights of all its citizens and enshrines the rule of law. A new parliament will be voted on in December and will form a 4-year term to govern the country to take office by December 31, 2005.

Who would have thought that that was possible? Iraqis appear to be spending more money, sign that consumer confidence is improving. As the gentlewoman from Virginia (Mrs. DRAKE) mentioned, things are turning green in Iraq. You see the fields that they have planted. My first visit there, I said Iraq is a khaki-colored country. It was covered with dust.

Over 15,650 houses have recently been connected to the Baghdad water distribution system by USAID. In all, nearly 100 kilometers of mainline pipe have been installed in the Baghdad area.

Mr. Speaker, I could go on and on. We know America is once again engaged in a great struggle that will in no uncertain terms decide what kind of world our children are going to inherit. I want our men and women in Iraq to know we believe in them. We believe in what they are doing, and we know that this is going to improve the national security for generations to come. It is going to help preserve freedom.

Our military’s cause in Iraq is a noble one, despite what some in this body would have you believe. Sure that you know that give you a quote, a part from Ronald Reagan’s speech on the 40th anniversary of D-Day. He said this to the World War II veterans who were gathered with him at Normandy: “You all knew that some things are worth dying for. One’s country is worth dying for, and democracy is worth dying for, because it is the most deeply honorable form of government ever devised by man. All others are1/2. All others are of no account. All of you were willing to fight tyr- anny, and you knew the people of our country were behind you.”

Mr. Speaker, I hope my colleagues across the aisle will join us in letting everyone and every family know this country is behind them. I thank the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. As the gentlewoman was speaking, I thought I need to make sure that you know that give you a quote, a part from Ronald Reagan’s speech on the 40th anniversary of D-Day. He said this to the World War II veterans who were gathered with him at Normandy: “You all knew that some things are worth dying for. One’s country is worth dying for, and democracy is worth dying for, because it is the most deeply honorable form of government ever devised by man. All others are of no account. All others are of no account. And that is exactly what you have said to us and you have said this is where we are; this is what we have done. We may go back a step, but we go forward two or three more. We honor those who have served and died, thereby remembering that there is no other option. And that is exactly what you have said to us and you have said this is where we are; this is what we have done. We may go back a step, but we go forward two or three more. We honor those who have served and died, thereby remembering that there is no other option. And that is exactly what you have said to us and you have said this is where we are; this is what we have done. We may go back a step, but we go forward two or three more.

You also said very clearly who would have ever thought there would be a Constitution in Iraq; who would have ever thought there would be a National Assembly in Iraq. It is a huge success story. I think it is a miracle. I thank the gentlewoman for being here and sharing this with us.

Mr. Speaker, I would like to call on to our friend, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank the gentlewoman for yielding to me, and I thank the gentleman from California (Mr. HUNTER) for putting together this opportunity to honor those who serve our Nation in the war on ter-
I am up here speaking for the people of the 31st Congressional District of Texas. How does the 31st Congressional District of Texas have credibility to speak on behalf of these efforts in Iraq and Afghanistan? I would like to tell you a little about our credibility in this war.

The first American soldier killed in combat in the war on terror is from Georgetown, Texas, which is 5 miles from my home; and every death in this war is absolutely critical to Americans. So counting numbers, every number counts. But this 2,000th death that took place, this famous 2,000th death that everybody in the press was just salivating to see happen, it seemed to me, he was also from the 31st district, Killeen, Texas. The people of the 31st district, from Stevesville, Texas to Round Rock, Texas, support our war, support our troops, and support our efforts in the war on terror.

The people of the 31st district know we were attacked in the most vicious attack that has ever been done on the homeland in the history of the United States in our country, and we have retaliated in force and effectively and done our job. And who has done that job? Our 31st district’s III Corps went over there, and the Fourth Infantry Division went over there and captured Saddam Hussein. The First Cavalry Division went over and ran a perfect election and protected people as they went out and, as we have heard tonight, exercised their right to vote.

We have committed two full divisions to this war, and the Fourth ID is on its way back right now as we speak. I have been able to go over when both my divisions have been over there, and I promised General Thurmond and the that guys I talked to about 2 months ago, I am coming back just as quick as I can get over there right after the first of the year, because these are the finest human beings that have ever taken up arms on behalf of our country.

For those people to talk about cutting and running, Americans do not cut and run. You know, this House has a shame on it when they turn on our soldiers in Vietnam, and I take that position and I am not backing off of it. The liberal press shamed a great general in a convoy. They made the mistake of thinking and running, Americans do not cut and run.

When you talk to these kids, I talked to a 20-year-old African American kid. We were having supper. He was from my district, and we have got a lot of them from my district. And I said, "Son, have you had any hot spots that you have been in over here?" And he said, "Yeah, yesterday we were in a convoy. They made the mistake of shooting at us."

"They will not make that mistake again, sir." He said, "When they stand and fight, they lose ..."

Our young men and women are doing a fabulous job, and there is shame on anyone in this country who turns on these noble people who are standing up for the freedom of the people in Iraq and Afghanistan and the freedom of the United States of America. They are heroes.

Today, I am very proud to say that one of the first people in my district to be wounded, seriously wounded, Allen Babin, he has undergone close to 200 surgeries from a round that he took, winning the Bronze Star for pulling another wounded soldier off a bridge in the second day in Baghdad. Today, he flew back home; and he is on his way to full recovery because of the great work of the Army, Navy, and Air Force in getting him to the right kind of treatment.

Everybody is working the right way in this job, and we bring shame upon ourselves, and those who would criticize these young men and women and the job that they are doing, I bring shame upon themselves, and I am sorry for it. We in America must remember: If we do not fight tyranny wherever tyranny exists, we have learned this lesson over and over and in American history, and if we do not support those who fight tyranny wherever tyranny exists, then tyranny will take over that map until tyranny controls the world. There will not just be no freedom in Iraq, but no freedom in Afghanistan. There will not be any freedom anywhere. Not even in the cradle of American liberty will there be freedom.

What this is about, Mr. Speaker, is the ability of Americans and others in the world who lived on this earth and who want to live, to raise their kids, go to bed at night without fearing somebody blowing them up, walk the streets. It is for all the world that we stand in the gap, not just for Americans, not just for Afghans, not just for Iraqis or others in the Middle East. It is for the world that these young men and women stand in the gap.

I am very proud on behalf of the people of the 31st Congressional District of Texas to tell you that we stand tall on behalf of our soldiers. We know they are the best of the best, and they will win the war on terror because it is the right thing to do.

We pray God’s blessing on each and every one of them and each and every family that is also courageously allowing their family member to do the job that has to be done to keep freedom alive and well in this magnificent country. So this is all about us. It is all about the best of the best. God bless every one of them.

Mrs. DRAKE. Congressman, thank you for that. That was very moving to hear about your district and their commitment to our great Nation.

I would like to explain this map to you, though. Because if you will look in the center of the map where it is green, including the Horn of Africa and up through the Middle East, that is the current goal of the terrorists. This is from their Web site. Is it not an amazing world we live in that terrorists have Web sites? That is their goal, that everything colored in in green be controlled by them short term. If you will look in the far corner over there, that is their 100-year goal. If you will notice, everything colored in in green is our entire world. I think it is important for the public to know this is not Thelma Drake saying this. This is from their Web site and their goal, and this tells you what those very brave men and women who you have just spoke so eloquently about, they know this and they know the threat to our Nation.

I also wanted to share with you a quote from a letter that I brought with me tonight to talk about dated October 11, 2005, from al-Zawahiri to al-Zarqawi. The quote is, because you mentioned Vietnam and I think this is important for us to remember: Things may move faster than we imagine. The aftermath of the collapse of American power in Vietnam and how they ran and left their agents is noteworthy.
So do not think they do not know and they are not watching.

Next, I would like to recognize Congresswoman Geoff Davis from Kentucky. I thank him for being here.

Mr. Speaker, I want to take a moment to share a perspective that I think is often lost in the freedoms we enjoy, the freedom to meet in this Chamber, the freedom to reflect upon the great decisions that have come through the generations. The decision to enter into a war, to provide freedom and the maintenance of our union, the decision to free peoples in Europe and ultimately preserve our security at home.

On December 7, 1941, President Roosevelt stood in this Chamber and declared that December 7 was a day of infamy. He shared that this unprovoked attack which moved the United States to war, eventually into Europe as well. In the Kennedys, we see the price of Communism aggression. In Vietnam, the American people responded. During Operation Desert Storm, the American people responded.

In this Chamber in September of 2001, President Bush responded to an attack that was not brought about, my friends, by some nebulous global war on terror. I think it is important that we understand this war is not about some nebulous terrorist concept. This is about Islamic extremism that chooses to impose itself on the world. These people who largely act as agents of states, these non-state actors do not follow the teachings that they purport.

Yet if we look more deeply, we see that they are seeking to be true to their interpretation of that religion.

In every generation there is a call upon that generation to defend the freedoms that have been purchased at such a tremendously high price. To maintain the union of our country and to free those who were enslaved cost 600,000 soldiers. In World War II, 444,000 soldiers gave their lives to provide freedom. America was engaged in a great struggle, a generational struggle that has been imposed upon us.

I think that it is important that we understand that the freedom that our minority leader had today to say, frankly, entirely inappropriate things about our national leadership, the freedom that all of us have to disagree, the freedom that all of us have to offer alternatives, the freedom that all of us have to protest, the freedom that allows you sometimes to distort the truth and, in fact, in many cases do not even report the truth but fabricate it, all comes down to the men and women who have answered the call to duty.

It is true. It is always the minority in the country that does that. Those who believe that there is something bigger in this country than individual selfishness and covetousness of the moment, that there is something worth risking all to protect because of those who are behind us, because they understand they are part of something bigger than themselves, bonded to something of greatness.

I want to thank tonight those Marines of the Second Marine Expeditionary Force, the soldiers of the Third Infantry Division, the soldiers of the 101st Infantry Division, of the 173rd Airborne Brigade in Afghanistan, of the Tennessee and Louisiana National Guards who are deployed to the United States, and all of those soldiers who are moving in and out, the Marines who are moving in and out, our airmen and sailors who support this effort, because you understand that you have answered the generations that is so important that many people do not realize.

The freedom we enjoy in this Chamber was brought to us by 10 percent of the population of this country who chose to rebel against tyranny and stand for a principle that was higher than dignity of the individual, the rights and freedom of the individual, and that was purchased not simply in a declaration, but to get to the Constitution that gives us the government we have today was purchased in a great price in blood.

I am convinced that if today's cynical media had to cover the Normandy invasion, the greatest invasion in history that defeated the greatest tyranny in history up to that point, had it been reported by today's media, today's cynical media, today's profit-driven media, Mr. Speaker, I believe we would have lost that war. Because the Nation was南山 to pullout because there was risk associated with that, because things did not seem to go well. Because when unforeseen circumstances that always come up in war, and anybody who has served in the military, let alone in this Chamber, unexpected things happen.

I find those who have not served who are the great experts on military history do not really understand what they are talking about. Rather than commending our soldiers who have adapted to a fluid situation and the great things that have been done to support them, they provide criticism of why could that not have been anticipated?

It is simple, my friends. We are fighting an adaptive and motivated and, frankly, evil enemy that has a religious doctrine that stands and flies in the face of everything on which this country was founded, on which the Constitution was based respects the rights of the individual, the dignity of a man, the dignity of a woman to pursue opportunities in the way in which they define. And when somebody wants to impose an attack upon this Nation, and one that was planned long before September 11, and attempts that were made long before September 11, we have no choice but to respond to, and we have responded.

Comments that have been made by my colleagues on the other side that talk about the idea of not speaking with some authority on that issue, having buried some of my friends. I find it interesting that they want to talk about numbers, which dishonors those who serve. I did not see any of my colleagues who talk about these numbers standing with me as I buried a friend of a friend who was killed in Al Qayyim in June over at Arlington Cemetery. They were back here at PAC fund-raising to help us to come up with pointless statements in this Chamber about things they know nothing about.

More than that, I would suggest to you that these same people who want to talk about numbers and these liberal reporters who do not care about this Nation, who do not care about the price that was paid for the freedoms that they enjoy, where were you for the last 25 years? Where were you when 16,000 American soldiers died between 1983 and 1996 in service to this Nation? Where were you when 24,000 American men and women gave their lives between 1980 and 2004? Your comments, frankly, are despicable, dishonorable, uninformed, unhistorical, anti-intellectual, frankly, too. But I respect your freedom to make those statements, because they were purchased with the blood of all of those who served.

I would suggest that in this body that the liberal reporters who watch and our enemies who watch and the soldiers who watch and those who want to speak against this from their positions of ignorance and political convenience, who use our soldiers: You learned your lessons during the Vietnam War. Now you use our soldiers in a dishonorable way as human shields to advance an idea that stands in contravention to the freedoms that have been purchased at such a high price.

I ask my colleagues on the other side of the aisle who have been here for many years and like to speak with false authority: Where were you when my friend Ken Maddock was killed from Task Force 190? Where were you when my classmate from West Point, Richard Harington, died? Where were you when Lee Border died or Brian Haller died in the 101st Airborne Division? I saw no requiems in this Chamber. I saw no requiems on television. For them, it was not politically expedient.

But now you disagree with the policy when our Nation is threatened by extremists, and soldiers and Marines and airmen and sailors have responded to that call, and you sit here mouting your empty words. Casualties are always a great tragedy. I think the one thing that was most poignant to me as I visited my old Airborne Unit, I deployed to the Middle East with the task force of the 1/508th running aviation operations in support of them, and I went and visited that unit today in Paktika Province in Afghanistan.

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A CNN reporter came to one of the forward operating bases. There had been an attack on that base earlier in their deployment as they were clearing out the enemies of freedom, and not
simply ending a military operation but bringing order and civil government and roads and sewers and the fact that the government can be good and the people can be helped and they can be part of something bigger than themselves, which is not a tyranny, an ideological tyranny. That reporter was looking for bad stories and refused to cover the reenlistment of every soldier in the 1/508 on that forward operating base who was up for reenlistment. That is a tragedy, and that is unfortunate. "To me, I think the lesson that we have to ask ourselves is how do we get around this, how do we avoid this problem. Well, the media is not going to be helpful to this country because I think they have lost their connection with the heartland of this Nation, with the people who have borne the burden of the price of freedom through the generations."

Every generation of my family has served in the Armed Forces, not in glorious ranks of generals and admirals, but in the enlisted ranks, carrying the rifles and manning the ships that provided the freedom for the people in this body to say the things that they have said. And I would say this, Mr. Speaker, I put the meaning of what we need to do is allow these soldiers and these marines to go into every editorial board, into every Rotary Club and chamber in this Nation and let them tell their story. Let them tell their story in the courthouses and in the fiscal courts. Let them tell their stories in the courthouses and on the street corners, and I guarantee you that these people who purport to be experts on things they know nothing about will be discredited and things will be shown for what they are. Because you cannot refute a 100 percent reenlistment rate in units where these soldiers have borne this burden and they go back over and over again. "To me, I think the lesson that we have to ask ourselves is how do we get around this, how do we avoid this problem. Well, the media is not going to be helpful to this country because I think they have lost their connection with the heartland of this Nation, with the people who have borne the burden of the price of freedom through the generations."

The Military"...
So I thank my colleague very much for allowing me to thank our veterans for their service to our country; and with that, I yield back to the gentleman from Florida.

Mr. MEEEK of Florida. I just want to say we have both of our colleagues from Florida that it is so important that we recognize not only veterans, but we recognize celebrations that hold our veterans up. The Tuskegee Airmen had a very hard time in their day to even climb into an aircraft, let alone go into a battle of battle, and it is good for our country to be able to recognize past sacrifice and commitment. I know all veterans shoulder to shoulder today know that every American fights for the freedom of this country and countries that are in our coalition in the civilized world.

I can share with my colleagues that I have many Tuskegee Airmen living in my district in Florida. They come out with their red coats on, and it is so great to see them stand up with their chest up. As you know, the NFL has built a very strong relationship with the Tuskegee Airmen. They appear at a number of the NFL, National Football League, half-time shows. I need to see some of these guys when our sheros while they are here, and not just look in a book and say, it was once, not only with the Tuskegee Airmen but veterans in general who come out.

Mr. Speaker, I want to thank both of my colleagues for bringing this to the floor tonight and putting it in the Congressional Record, because I think every time we have an opportunity to celebrate those who have allowed us to salute one flag, we need to take that opportunity at the highest levels.

Mr. Speaker, with that, I might mention that my colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), has just joined us; and we recognize another of our special guests with us, and I will leave it up to my colleague to recognize him.

Mr. RYAN of Ohio. Well, my two mentors in Congress. Really, just to see you two standing next to each other puts a little lump in the throat. The good gentleman from Massachusetts, who we have been getting e-mails about from folks that say they just love the accent from Boston.

Mr. DELAHUNT. Well, I cannot understand why anyone would ask about my accent, because I would submit that I am the only person in this Chamber tonight that does not have an accent.

Mr. RYAN of Ohio. I would also like to welcome to good friend and my colleague, the gentleman from Ohio (Mr. STRICKLAND), who has been a voice for the underprivileged for the past 10 years in Congress. Prior to that, he was a psychologist in prisons, a very dangerous job; and he had many other careers coming to the United States Congress.

So we have a heavy bunch here, along with our good friend, the gentlewoman
from Florida (Ms. Wasserman Schultz), who keeps us all together and brings a little class and elegance to the whole operation and some sense and some civility and a little bit of grace.

Ms. Wasserman Schultz. Thanks.

Mr. MEEK of Florida. Well, without her, I do not know where we would be as relates to being able to deliver a clear, crisp message that people can understand. She is our translator. She translates from Washington talk to everyday talk so that even some Members can understand and the American people.

With that, since we are talking about those who are underprivileged, and those that are trying to, hopefully, be a part of our workforce in the future, there is an awful lot to talk about, a lot of ground to cover tonight, so we are going to try to cover it real quickly.

A lot of action here under the dome today. The Budget Committee met. We are talking about those that play fiscal conscription on television and on the airwaves and those that are actually looking out for the financial well-being of our country. I might just say that as the 30-Something Working Group looks at issues that are facing young people and parents that have children that they want to be able to go to college, Mr. Speaker, and receive a higher education, there are a number of things that we have to cover.

I want to bring a quick point just up for tonight. Some might run around and say, what is the Democratic position? Well, the Democratic position is making sure that the everyday American does not end up paying the bill for billionaires, billionaires, not everyday Americans, but billionaires. They may give everyday Americans a little tax cut, just a little one.

Meanwhile, back at the ranch, we have Katrina, which was a catastrophic storm that took our life. We had Rita that also hit the gulf coast, and we have Wilma that we are going to talk about in a minute that also hit south Florida. And we have this thing we call a war in Iraq and Afghanistan that we need money for.

I am saying this to make this point and then we are going to go to the next level here: the President of the United States and this Congress, Mr. Speaker, have borrowed more than 42 Presidents combined. Since the Republic started, this President has outsourced from foreign nations. In the 224 years, from 1776 to the year 2000, the U.S. Presidents borrowed a combined $1 trillion from foreign governments and financial institutions, according to the U.S. Department of the Treasury. In the past 4 years alone, President Bush and the majority of this Congress have authorized and then passed a program to borrow $1.6 trillion, just in 4 years.

Folks come to the floor and they are dazzled on the other side. Why are they talking about all of these things? And we come to this floor night after night and they say, you know something. Something is really wrong going on here, and we need to bring this to the attention of the American people.

I have a little chart here that I just want to get out of the way right now. We will pull it up. Forty-two Presidents, Republican and Democrat, 42, not 10, not 20, not 25, not even 30, but 42 Presidents. One President, one President outsourced 42 Presidents from foreign countries.

What has happened here, Mr. Speaker, is that the country is now depending on foreign governments to run our government. Some folks may ask why are we talking about the billionaire tax cuts. We are talking about those tax cuts because it is weakening a country, bottom line. That is all that is happening here.
Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am champing at the bit here because absolutely right here are one of the things I want to emphasize, because I think in the last few nights we have not gotten this point across to the Speaker and to the folks who might be hearing this conversation this evening, the purpose of the 30-something Group, the main purpose, is for us to help get some understanding out to our generation about the issues that we are debating in this Congress and how it affects them. And the student aid cuts that the gentleman was talking about just a few minutes ago, more than any other issue almost, is the easiest for folks in our generation to understand how it impacts them.

What maybe is not so obvious is what Congress was just talking about a minute ago. The Republican leadership, our friends on the other side of the aisle, will try, as they put forth this reconciliation act, AKA budget cuts, because reconciliation and other words that are used inside this Chamber of the Capitol, that the Washington speak for budget cuts, the budget cuts that they are saying they are going to have to put forward to address the deficit and to address the out-of-control spending that they have engaged in, were an answer to Katrina relief and not being put forward so that we can pay for Katrina and for the aftermath of Katrina. They are so that they can preserve the $70 billion in tax cuts that they have put forward.

Let us boil this down to its simplest terms. They will represent and have been representing that they have to do these cuts because the impact from Katrina is so significant and we have got to do something. We have got to get a handle on the spending. Why do we need to get a handle on the spending? Because they are saying that there are not being put forward so that we can pay for Katrina and for the aftermath of Katrina. They are so that they can preserve the $70 billion in tax cuts that they have put forward.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman from Florida will continue to yield, I think it is quite interesting too that our good friend Jim Wallace, an evangelical preacher, and several others from religious organizations and young people are putting pressure the Republican Party, who have called themselves Christians and who have utilized the Christian right and the label of the Christian Coalition and yet in the very next breath they cut poverty programs, cut programs for average people. I find that horribly hypocritical.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I wanted to be even more specific, because he is absolutely right. The groups that are out there trying to help those in need are opposing these cuts. Every major religious institution has sent letters to our Speaker, to this Republican leadership, asking them not to do what they are trying to do, not to harm people who are most in need, particularly in exchange for preserving tax cuts for our wealthiest citizens.

Just in student aid alone, they are proposing a cut of more than $4 billion from the student programs, which is the largest cut in history to Federal student loan programs. On top of that, it increases the cost for student borrowers who are already saddled with about $17,500 in debt. They will be forced to pay more for their college loans. In my community that is really real money.

Mr. RYAN of Ohio. That is a lot of money.

Ms. WASSERMAN SCHULTZ. That is real money. I do not know a lot of people who can just reach into their pocket or go down to their local bank branch and yank out $5,800.

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

Mr. MEEK of Florida. I yield to the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Speaker, I am not part of the 30-something Group, but I was about 20 years ago.

Ms. BERKLEY. Mr. Speaker, I am not part of the 30-something Group, but I was about 20 years ago.

Mr. BERKLEY. Gentlemen are now.

Ms. BERKLEY. I thank the gentleman. I have to tell my colleagues here that I have been watching them speak up about the things that I care very passionately about, and I thought it was about time that I came down here and lent my support and my voice because they should not be carrying the burden for the rest of us.

When they talk about student loans, I went through college and law school on student loans. My dad was a waiter when I was growing up, and there was not very much money, and no one had gone to college in my family until I went to college. And without those student loans, I guarantee I would not be standing here today. So I put myself in the place of thousands and thousands of Nevadans and millions of Americans that are depending on those student loans to make a difference in their lives. And getting that college education does not change only one’s life. It changes the entire direction of one’s family. It is an investment in our future.

And I wanted to share with my colleagues that a couple of days ago when Senator Reid took to the floor of the United States a fellow Nevadan, I do not think I have ever been as proud of him as I was a couple of days ago, and I have been pretty proud of that man for a number of years. But I think he gave us all a voice. And what he said that we wanted to give the Members back to the American people. The American people are entitled to know what went on in the decision-making process to take this country to war.

This, to me, is absolutely an affront to what it is to be an American. We have an obligation to our fellow citizens, and I am afraid and I am embarrassed that we are not living up to our obligations.

But we are in the minority. We cannot get anything done in this body. It is the leadership of this body in particular that has to do what is right by the American people.

As the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) said, why would we be giving more tax cuts to the wealthiest people in this country...
and taking it from the backs of people that cannot possibly afford to pay for these things? Why would we take student loans away from youngsters? Why would we take quality health care away from children? Why would we take the opportunity to get your deadbeat dad to pay you the money he is supposed to pay their child support, why would you take that away from people?

This is foolish and shortsighted, and it is desperate, and the reason we are desperate is because of that war and the money that we have spent on it. This administration had better come clean. We owe it to the American people. This stonewalling truly has to end. It is an embarrassment, but it is bad for this county.

That is the main reason why I am standing here today, because I care enough about the American people. I care enough about my constituents. My constituents are going to be hurt very badly. Two hundred thousand of my constituents are going to be cut away without health care if they cut that Medicaid. I have got 18,000 students that are going to be cut away from that student loan program. Over the next 5 years, funding for that child support going to be cut by $60 million. We should not be doing that.

I am here to share these statistics with you so you know how devastated the State of Nevada would be if this Republican reconciliation plan goes through.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield further, if I can just say one thing, first of all, it is such a pleasure to see you and have you join us tonight. The gentlewoman from Nevada (Ms. BERKLEY) has been an amazing advocate for the people who are on this floor tonight championing their cause. Those of us in the 30-something generation have had an opportunity to stand on your shoulders, and the years you have been in Congress and been in the legislature in the State of Nevada fighting for the people that have no voice. That is really why we are here. We are so glad and privileged to have you join us tonight to take up this fight.

Ms. BERKLEY. Mr. Speaker, if the gentleman will yield further, I think the gentlewoman is being overly gracious in her compliments. I appreciate it, and I want to return them by telling you how very proud I have been of the three days I have been here every night in the well of the House telling the American people the truth. That, unfortunately, has become a rare commodity in this House.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield, I am just so impressed with my friend from Nevada, and I really do mean that so sincerely, to come here and to acknowledge that the vote that was taken 3 years ago was a mistake because the American people and members of Congress were misled. It is that simple.

Ms. BERKLEY. If the gentleman will yield further, if I could chime in a minute, I think what hurts me and offends me the most is that I took this information. I went back to the people I represent. I was on every television show, I was on every radio program, and I shared with them the information that I received, and I defended my position. Why did I defend it? I was an advocate for it. If it was wrong and based on faulty information, I owe it to my constituents to let them know that.

Mr. DELAHUNT. Members should be aware of the fact that the Republican chairwoman of the Senate Intelligence Committee, PAT ROBERTS, it was reported, recently said that if the information had been available, he doubted that the resolution authorizing the invasion into Iraq would have passed the United States Senate. That, to me, really spoke volumes.

But if I could just for one moment get back to a point that was raised by the gentlewoman from Florida (Mr. MEEK) earlier, and I think that chart to our friends and colleagues.

Let us just read the title again. “President Bush does in 4 years what 42 presidents managed in 224 years,” and that is borrowing from foreign government, borrow from foreign governments the moneys needed to finance the war and finance a tax cut that is primarily created to benefit 1 percent of the American people. Now, this gentleman speaks of an “ownership society.” We have heard that term before. I think it was interpreted by most of the American people that they would have the American dream realized for themselves and their children. But what is happening is America is being mortgaged. America is being sold.

Mr. Speaker, I know that you are aware of this and many of our colleagues, that when debt issues from the Treasury Department, who is purchasing that debt? It is the Chinese Central Bank, the Japanese Central Bank, the Korean Central Bank, individuals and governments in the Middle East. We are being bought by foreign governments that do not share our values.

So not only are we becoming economically dependent on this debt that is being purchased by, in some cases, potential adversaries, but we are eroding our own national security. What if we had any political differences with any of these nations?

We constantly hear from the Republicans a concern about Taiwan and what the Chinese are doing in the Formosa Straits. There is a lot of chest-thumping about we cannot let that happen. But if we get right down to it, we are beholden to the Chinese Central Bank. We are selling our country to foreign interests. That is why this is so shocking. Now it is something that I dare say most Americans do not understand, but it is the reality.

If the Chinese wish to leverage our economic decisions, all they have to do is say, “We are not going to continue to finance your debt, the debt that you used to give tax cuts that benefited in a disproportionate way to the billionaires, the 1 percent of Americans.”

Mr. MEEK of Florida. Mr. Speaker, remaining my time, if my distinguished colleague is hitting it right on the head. We talked about the carpenter hitting the nail right on the head the other night. I can tell you that, even now as we speak, in committee today a budget passed out of the committee on partisan lines that is going to be voted on by the Democratic, voting with the Democrats to stop this madness.

One day, if this continues, if this continues, let me just say, in all fairness to President Bush, he did not do it alone. The majority had to be along with him on this. The majority Senate had to endorse this, that it is okay for you to knock on the door of the Bank of China and say, and when I say China, I knew the gentleman from Ohio (Mr. RYAN) was going to get excited, but knock on the door and say we need more money. If this continues, one day one of these countries is going to rise up and say “we own you” on behalf of the majority.

Mr. RYAN of OHIO. If the gentleman will yield, the Republican Party has been in charge of this Chamber since 1994. They have had control of the Senate for a number of years. They have had the Presidency since 2000. They have, through their policies, are incapable of governing this country.

We have poverty rates up, we are cutting programs that are investments into the United States of America, and we have borrowed over $1 trillion in just 4 years from foreign countries, and the national debt is above $8 trillion. That is not governing. That is not providing a bright future for the country.

Talk about reducing the tax burden. The burden on average people is higher than ever before, we are cutting these kids, also cutting their student loans and health care for are the same kids that are going to have to pay the interest on the money we are borrowing, which never seems to be recognized by our friends.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, $8 trillion is a really, really big number, a difficult number for a lot of people to get their minds around in terms of a concept. Tell us, how much money does that translate per man, woman and child in America?

Mr. RYAN of Ohio. That is $27,000 for each person. So if you are a baby born today, right now, my nephew, Nicholas, born 3 weeks ago, he owes $27,000 to pay for the debt.

Now as we look at the numbers, as the gentlewoman stated earlier, he is going to go to college and have to borrow money, $17,000, $18,000, now an additional $6,000. So this kid before he even gets out into the workforce to have a full-time job is going to owe $27,000 on the debt and $23,000 on student loans. That is $50,000. Run that.
out 22 years, plus the additional burden we are putting on this young fellow, and what kind of future are we leaving to this kid?

Mr. MEEK of Florida. He is not even walking yet.

Mr. RYAN of OHIO. He is still sleeping 23 hours a day.

Mr. MEEK of Florida. They cannot get out of the hospital, and they already owe the Federal Government, and we owe foreign countries all kinds of money.

Mr. RYAN of OHIO. Is that an ownership society?

Mr. DELAHUNT. He is going to own that interest rate, too, because that is interest rate is going up.

Mr. MEEK of Florida. Let me tell my good friend, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), it starts right here. We talk about third-party validators, and we believe in that in our working group we have here.

I hold in my hand here from the Republican Study Committee, which it seems like the majority is following the lead of this group, and they have said originally in this report that they wanted $35 billion in cuts. Let us talk about those cuts.

Let us talk about those cuts: $35 billion in cuts, and all of this is on the table and a majority of it is in this budget, Mr. Speaker, that was passed by the Republican majority out of committee today. Cuts to Medicare, cuts to Medicaid, cuts to the Social Security, and according to the report, we talked about that: food stamps, school lunches. But not a mumbling word, not a mumbling word about taking back tax cuts from billionaires. Not a mumbling word about taking back those cuts.

Mr. DELAHUNT. Mr. Speaker, could I just for a moment speak on behalf of those who have white hair and are looking towards receiving Medicare.

Mr. Speaker, the United States is spending, is spending over a budget to this body, and there will be a so-called conference committee that will reconcile the differences; and in that Senate budget is, for the first time in my experience, and I have been here 11 years, a significant cut not in Medicare, but in Medicaid.

If my colleagues remember, there was a former Speaker of this body by the name of Newt Gingrich. He would come to this floor frequently at this hour of the evening, and the conversations that were noted by the American people, and he talked on one occasion about beginning to reduce Medicare and allowing it to wither on the vine.

Well, every American who shares the color of my hair ought to be aware of what has happened in the other branch, in the Senate, in terms of Medicare, because I do not want to say it is the beginning of the initiative or the concept of allowing Medicare to wither on the vine, but every American should be aware that there is a connection to that particular program that has saved the lives and extended the lives of millions of elderly Americans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am also going to speak up on behalf of those of my colleagues who have never given anything. As a matter of fact, I do not blame them. I go back to not blaming the billionaires. We never asked them, we never told them that they need to do something. Let us just keep it going.

This is the document. I want to make sure that the Members who did not see this document, they can go online to www.john.shadegg.house.gov/rsc/, that is www.john.shadegg.house.gov/rsc/. Do not take it from me. Go find it for yourselves.

So how do we get to the point where we are?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I think we should put a link on the 30-something Web site.

Mr. MEEK of Florida. Yes, why do we not do that? We are going to get staff to put this on the Web site, because this does not fall out of the sky. This does not just fall out of the sky. The President cannot do it by himself. Take it from me, he cannot. He has to have his Republican majority, he has to have a majority, obviously who is in the Senate to do it; and he cannot do it by himself.

So folks start talking about what is going on here. Why are these foreign countries owning our debt? Why are they owning our debt? Why are we taxing our students? This budget that was passed through the Budget Committee on a partisan vote, with the exception of one Republican, and I am going to write the man in tomorrow, but the bottom line is $14 billion and a tax on students. Not just students, but parents who have to take up the cause because the kids can no longer try to pay for their own college or the majority of college. If parents have a college fund going now, they go back and talk to their financial adviser and put some more money into it, because if this Republican majority continues to go out of control, there will not be any assistance for your child. That is not just me presenting a budget. You can go online and see this for yourselves.

Mr. DELAHUNT. Mr. Speaker, could I just for a moment speak on behalf of those who have white hair and are looking towards receiving Medicare.

Ms. WASSERMAN SCHULTZ. Yes, these people in this picture, this picture of a community, in the constituents of mine, they live in a condominium in my district where I just went door to door giving out self-heating meals. These are people who are frail. They were told that they had to keep their homes. Many of the apartments in this condominium complex alone are being condemned after the rain because there are gaping holes in the roof. And on top of that, with thousands of people now, thousands of people in Palm Beach, Broward, and Miami-Dade counties who were hit by Wilma and whose homes are being condemned, there are numbers in the thousands, and that is just after this week’s rain, we expect more rain in the future; and they are not even done counting the number of buildings that have been affected.

This budget reconciliation, these budget cuts cut housing vouchers, cut senior citizens’ ability to afford housing, in almost every major city in America, it has become virtually out of reach. The average price of a house in just my county is $340,000, the average price of a house. Now, that is not an attainable price for an average middle-class person, never mind somebody who is on the lower end of the socioeconomic spectrum.

But let us talk about senior citizens. Let us talk about those folks who are living on fixed incomes. And then, let us turn to the people who are in our community, in south Florida, who just got hit by a category 3 storm who, right after the manmade disaster of this budget cut, these budget cuts that will force the manmade disaster of this budget cut, these budget cuts that will force the manmade disaster of this budget cut, these budget cuts that will force the manmade disaster of this budget cut, these budget cuts that will force even more people out of their homes.

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Mr. RYAN of Ohio. Wow.

Mr. DELAHUNT. Not a bad quarter. In one quarter, Exxon-Mobile had a net profit of $10 billion. Simultaneously, today in the Budget Committee, there was motion, a motion to increase the so-called LIHEAP program.

Mr. RYAN of Ohio. Mr. Speaker, can the gentleman explain who offered that motion, what party?

Mr. DELAHUNT. It was a Democratic motion. It would have increased the funding for that particular program, which allows low-income people, primarily elderly people, to benefit from a purchase of discounted energy, whether it be oil or gas, but primarily oil.

While Exxon-Mobile is making $10 million in the Budget Committee today, Mr. Speaker, the Republican majority said, no, we are not going to increase that program. And, by the way, the chairman of the Energy and Commerce Committee said no to any rescission of the $16 billion that this Republican-controlled Congress passed in the form of subsidies for Big Oil this year. If you are investing in oil this year, it was reminiscent of the gold rush of 1849. You really scored well. Now, is that what we are about as a people? Are we not violating a social compact, a covenant, where we all come together and get through the hard times?

Mr. RYAN of Ohio. Mr. Speaker, there is a certain amount of corruption within the system, is there not, when that happens? There is just a certain amount of corruption and incompetence in the system.

Now I know our friends, they like to say, well, all the Democrats, all they want to do is spend, spend, spend. But they have borrowed and spent over $1 trillion just in the last 4 years from foreign countries, more than the past 42 Presidents.

Mr. MEEK of Florida. Record-breaking spending, record-breaking deficits. The party of fiscal conservatism has become a subcategory of itself. It has become a caricature of itself.

Here is a conservative that we may disagree with on many, many issues, Cal Thomas of the Washington Times, a conservative newspaper, a conservative columnist, one of the most conservative in this country who tried to provide a little advice to the Republican majority: “Here is a suggestion on your budget cuts: Don’t start with the poor, start with the rich.”

Mr. DELAHUNT. The oil companies are a good place to begin.

Mr. RYAN of Ohio. A good first step, $16 billion in subsidies to them. They have not done anything with trying to reduce the cost of prescription drugs, allow for reimportation, allow the Secretary of Health and Human Services to negotiate down the drug prices of a $700 billion bill that we were told that night was $400 billion.

Mr. RYAN of Ohio. Mr. Speaker, I think the Republican Party, after they give the $16 billion in subsidies, will head out to shakedown street, K Street, where all the lobbyists are, and they will say, hey, we just gave you $16 billion in public taxpayer money, and average people, middle-class people, people who need LIHEAP, who have high heating costs and everything else, they took that public money, they gave it to the oil companies, the oil companies are going to make tremendous profits and have made tremendous contributions to the Republican Party.

Mr. MEEK of Florida. I want to say quickly just today, news flash from the Budget Committee, happened over there in the Cannon Building, really nice building named after Speaker Cannon, who used to walk around here smoke cigars and all and is well known.

But I can tell you this. There is a heating program that is out there to help poor people. Since we are talking about these big companies that are making all of these big profits, it would have increased the funding to provide for the Low Income Home Energy Assistance Program from $1 billion to $3.093 billion. That would impose a temporary windfall profits tax on the oil companies to assure that the amendment is deficit neutral.

Now I am going to tell you something. You want to talk about this budget is keeping not only everyday Americans in the cold but is definitely keeping poor people in the cold.

But I cannot tell you, when you say, can you explain it to me, well, I cannot explain to you the reason why we have CIA agents being outed, not only one but a number of them.

I cannot explain to you the reason why we still have Michael Brown on the Federal taxpayer dollars, on the dole, at the same salary he was making pre-Hurricane Katrina, and why the Secretary of Homeland Security extended not only the 60-day contract they had with him but another 30 days, saying we have to learn something from him.

I cannot explain to you why the majority side puts together a report talking about cutting, and I am going to tell you, we gave the Web site out earlier. This is third-party validators, cuts to Medicare, cuts to Medicaid, cuts to student loans, cuts to food stamps, cuts to school lunches for poor kids, I cannot explain to you why.

I cannot explain to you why veterans have to wait so long for assistance. I was not able to explain to you why that was the case.

I cannot explain to you why this administration, after this Congress acted, with many Members on this side pushing for military families to be reimbursed for equipment they had to buy for their loved ones while they were in theater to save their lives, to give them the Kevarl and the vests that they needed, I cannot explain to you why the Defense Department waited for the regs for that program for them to even get the money back, back in February. Senator Dodd from Connecticut had to write the Defense Department, who is a Democrat, had to threaten them to write the regs, and they finally wrote it. I cannot explain to you why.

This is to reimburse military families for equipment they bought, husband, wives, what have you. I cannot explain to you why.

Now the thing that I can tell you, that it is important that we illuminate these issues so not only the Members know that we know what they are doing on the majority side but the American people know.

Now I am going to say back for the one Republican that voted with Democrats on this budget, on the backs of the American working class, on the backs of retirees, on the backs of those that wake up every day and try to provide for their children, provide for their family, I am glad that he voted with us. Maybe, just maybe, this hour is working on the conscience of some.

Real quick, since we are going out of time, you want to give the site out? Then we can close out.

Mr. RYAN of Ohio.

Mr. MEEK of Florida. Mr. Speaker, with that, we would like to yield back the balance of our time and thank the Democratic leader for the time.

GENERAL LEAVE

Mr. KING of Iowa. 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 special order of the gentlewoman of Virginia (Mrs. Drake) given earlier this evening.

The SPEAKER pro tempore (Mr. Ingalls of South Carolina). Is there objection to the request of the gentleman from Iowa?

There was no objection.
Indeed, there are fundamentally different ways to address the challenges we confront. My friends on the left honestly and sincerely believe that Government is the answer; and though their rhetoric is devoid of it, they seem to be concerned with budgets that affect the care and feeding and the propagation of Washington bureaucrats and the employees' unions they engender rather than solving real problems affecting real people.

It is somewhat mind-boggling to hear the same old charges; and it is interesting, the selective memory of those on the left. For it was one of their celebrated leaders, John F. Kennedy, who said a rising tide lifts all boats, who said that by reducing taxation across the board and allowing the American people to save, spend and invest their own money economic prosperity can result.

And that is not a partisan argument, nor was it the sole domain of Jack Kennedy. Indeed whether it was Calvin Coolidge or Jack Kennedy or Ronald Reagan or, more recently, George W. Bush, working with this governing majority in Congress, letting the American people have and keep more of their own money economic prosperity can result.

The American economy continues to grow. Are there challenges? You bet. Are there challenges we confront in energy? Absolutely. But the key is, as I was happy to offer, tax credits for solar energy in our sweeping energy bill, as many of us have embraced and asked us to take a look at new technologies, neither do we abandon the notion of maximizing existing supplies, using rational conservation and moving forward.

Of course, it cannot begin to compare with what we are currently experiencing. This gets to the crux of the challenge. We have an awesome responsibility. It is to help govern this country. Our friends on the left, be they 30-something, or 40-something or 50-something, or 60-something, choose not to join us in governing. They choose to carp and complain and issue malicious and libelous charges. They offer no plan. They offer complaints.

In stark contrast, our governing majority has a plan to bring budget reform that results in real savings. And yet, even as they decry what they call fiscal irresponsibility, they attack the reform process that results in real savings.

One note about the incorrect information on student loans. We actually increased money taken from the American people to go to Washington bureaucrats; and I believe, regardless of the age, regardless of the time, that is precisely the wrong formula. Just as they mistakenly address compassion by the number of people on welfare. No, true compassion is the number of people who leave the welfare rolls and go to work.

And for those who cite curious cases piled up in the dominant media culture about CIA agents who send spouses on trips around the world to offer talking points in a partisan campaign and somehow defend that and seem to act as if there is no connection between the former, thank goodness, the former dictator of Iraq who now sits in a prison cell awaiting trial and other perpetrators of islamofascism, for those who would so readily forget the lessons of 9/11, we say to the American people, yes, the challenges are grave. We live in challenging times. But we dare not shrink from the challenge and make the curious divorce of, oh, yes, we support our troops but not the conflict.

As one observer explained, that is like saying, gee, I support a football team. I just do not want them to win the game.

Were it so simple to compare war to a game, but we know something far more serious is at stake. We know very national survival is at stake; and we believe that we should support our troops, yes, and work for an outcome that results in victory.

That brings us to the subject at hand tonight, our border security and our security. And despite the prattlings of the preceding hour, in many ways our Commander in Chief has answered the call in the wake of 9/11.

But when it comes to the border issues, the fact is the record is troubling, and it results in constructive criticism. Just as many within our party offered constructive criticism about the selection of a Supreme Court judge, reasonable people can offer constructive criticism.

Item. Congress Daily, this morning, Thursday, November 3, Homeland Security Secretary Chertoff Wednesday rolled out a multi-year plan to secure the Nation's border and reduce illegal immigration, dubbing the proposal as the, quote, enforcement complement to President Bush's temporary guest worker program.
security is synonymous with national security.

The other troubling aspect of the dispatch in this morning’s Congress Daily, the enforcement complement to President Bush’s temporary guest worker program.

Mr. Speaker, I have introduced, and my colleagues who join me tonight on this floor have sponsored, the Enforcement First Initiative. The American people demand enforcement first. Call it a patch before the horse, but those who talk about a guest worker program have it exactly backwards. What we should do is enforce existing laws, close loopholes and then and only then engage in a debate about guest worker programs.

Indeed, this debate about border security, national security, illegal immigration, and the euphemism that accompanies it of undocumented workers, an Orwellian turn of phrase if there ever was one because many of these undocumented have documents galore, and should we also point out that under the existing framework we have visa programs literally from A to Z under the existing legal framework, but again back to the situation at hand.

A fair question could be posed in this fashion: If people are not obeying existing laws, what makes us think they would obey any new laws? So Enforcement First offers a comprehensive approach that this government shall enforce existing law and that we shall work to eliminate loopholes that exist that result in the gaming of our system, that result in the drain on taxpayers and that deny this fundamental truth that even those who may profoundly disagree with us who preceded us here in the well certainly have to embrace and that is that this is a Nation of laws.

Therefore, if we are a Nation of laws and a Nation of immigrants, immigration should occur within a legal framework, not through the machinations of illegal schemes and scams that threaten our national security.

Why do I say that? Well, one need look only so far as the testimony in open session in the other body from our former colleague Porter Goss, now Director of the Central Intelligence Agency, joined by others, who offered the testimony that their major concern is that the funding to do harm to this Nation might utilize our porous southern border.

Indeed, we have seen other reports that al Qaeda operatives and others who embrace Islamofascism have instructed their minions on a mission in this hemisphere to seek to gain entry to the United States through our porous southern border.

The Director of the Federal Bureau of Investigation in testimony before a House subcommittee before the House, a friend, the gentleman from Texas (Mr. Culberson), confirmed the gentleman from Texas’s (Mr. Culberson) assertion that illegals who come from nations—states—embracing Islamofascism have attempted to gain entry to our country by blending into the mass exodus north of illegals and utilizing Hispanic surnames.

Mr. Speaker, I offer these words not to sow panic, but instead to offer a renewal of a sense of purpose in the wake of 9/11, mindful of the challenges a sovereign Nation of laws confronts. We must have heightened border security. It leads to greater national security. There must be internal enforcement and closing of loopholes, and that is the idea behind the notion of Enforcement First.

So, Mr. Speaker, I say respectfully and diplomatically to the Secretary of Homeland Security, enforcement is not a commitment to a guest worker program. Enforcement is the long overdue step to protect our Nation from external threats in a time of war. And then once we do that, we can effectively discuss a guest worker program.

My theory was that was very gracious to yield time. I will remain, but I want to yield back to him because other friends join us tonight during this hour.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for his eloquent presentation on a lot of things that all us that we heard about here tonight and also the border control and the immigration issue and the future of our country.

As I listen to that group that comes here nearly every night, and it was interesting to see the gray hair amongst the 30-somethings that we had, it is extraordinarily depressing to hear that viewpoint. I happened to at random bounce across some Web pages that must be the perpetrators of that kind of thought process because it just does not connect with the rational reality of what is going on here with our authority having the appropriations bills, the responsibility that we have, the fiscal responsibility, the vision we have for America. And I do not think that you could read the facts and connect the lingo that is coming from the other side and measure the two together. But it is depressing and I think sometimes that if I felt like that I do not think I could get out of bed every morning and go to work in this place and drag every body else down when we are trying to lift this country up.

Their vision seems to be, I will say, surrender and get out of Iraq, turn that over to Zarqawi, let that be a terrorist center for the world. Let them come in here and attack us whenever they want. Do not take away self-defense mechanism. Soak the rich. Starve the businesses. Get rid of the jobs. And the list goes on and on and on of the lamentations that we heard.

We are an optimistic party. Even though when they say the name of our party it comes off as negative, it really is an optimistic party. We have always reached for the stars and brought this country forward. The tax cuts that we did turn this economy around from the depths of September 11’s trough and, in fact, this year we have $274 billion in additional revenue beyond what was calculated by CBO and anticipated because of the tax cuts that we provided, and we need to make them permanent.

On the immigration issue, which is our subject here tonight, that is important to our national security issues, the issue of the citizenship and immigration services and that they are supposed to be doing and the great difficulty they have in carrying out that task, the internal problems that they have, we have the gentleman on my left from Virginia (Mr. Goode), and I would be happy to yield to him.

Mr. GOODE. Mr. Speaker, I thank the gentleman from Iowa (Mr. King), and I thank the gentleman from Arizona (Mr. Hayworth) for their comments here tonight. I certainly learned a lot from both gentlemen and appreciate the thoughtful comments made particularly on the immigration issue.

I want to talk a little bit before talking about illegal immigration about something that occurred just the other day in the Rayburn Building. We had a meeting of the Inform Caucus, and both the gentleman from Arizona (Mr. Hayworth) and the gentleman from Iowa (Mr. King) are members of that and it is chaired by the gentleman from Colorado (Mr. Tipton), who has done yeoman’s work on behalf of that group.

We were anticipating hearing from someone from the U.S. Citizen and Immigration Services. Now, as you know, the Department of Homeland Security is the secretarial agency, and underneath that agency is the U.S. Citizenship and Immigration Services. And they are charged with doing a number of different programs, one program of which is the FAST program. And that is involving temporary adjudicators that have been hired to make citizenship and permanent residency decisions. And I agree that the backlog is long and needs to be addressed. But I want to emphasize, I think it is better to take extra time, make sure the investigations are done, have law enforcement personnel there with the investigations to make sure no criminals or terrorists or others that would do us harm come through one of these programs.

Another program is the Focus program, and that involves segregating and reviewing hundreds of pending applications for immigration benefits where there are specific concerns about potential ties to terrorists or terrorist organizations. And this gets us to what occurred in the House office buildings just the other day.

I was coming to the Immigration Reform Caucus meeting anticipating hearing from a law enforcement officer at that meeting and voicing his opinions and letting us have the opportunity to ask questions about the agency and about how they handle these
programs where they make decisions on permanency, residency, citizenship, and granting decisions for these persons who want to come to the United States of America. The handlers of that person would not let us ask questions.

I hope that situation can be rectified and that the Immigration Reform Caucus and other members on different committees will have the opportunity to ask the questions that we want to ask, because, while illegal immigration is problem number one, posing the serious threat to the United States of America, we need to be sure that legal immigration is handled in the appropriate way and that programs like FAST and programs like Focus have the appropriate oversight and that the right questions are asked.

I would like to take a few minutes now to focus on the illegal immigration problem. I want to thank, again, the gentleman from Iowa (Mr. King) and the gentleman from Arizona (Mr. CULBERSON), the gentleman from Oklahoma (Mr. SULLIVAN), the gentleman from Georgia (Mr. DEAL), the gentleman from Texas (Mr. CULBERSON), the gentleman from Colorado (Mr. TANCREDO), the gentleman from Georgia (Mr. DEAL), and others for their efforts against illegal immigration. But our focus today was on a fence all along the southern border.

We have a fence now between California and Mexico south of the city of San Diego. That fence has provided a great barrier to drug smuggling, to terrorists coming into this country, and to stopping the illegal crossing.

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We were able to see a picture of pre-fence days and then see a picture of post-fence days. The fence has improved the environment significantly in the San Diego area, and it has enhanced our border security.

What we need to do now is extend the fence from San Diego to Brownsville. There would be port of entries along the border. If we do this, the security that the gentleman from Arizona (Mr. HAYWORTH) talks about that we need in this country would be significantly enhanced.

There were a number of other aspects of this legislation. Currently, we have a policy by the Department of Homeland Security and its immigration services of basically one of catch-and-release. That means if you catch some-
Mr. HAYWORTH. Mr. Speaker, I thank my friend from Iowa, and I look forward to hearing from our colleague from Pennsylvania who, again in stark contrast to those who preceded us in the well, takes a thoughtful look at the challenges we confront and offers practical, commonsense solutions, especially in the realm of natural gas and where we are headed as a Nation in terms of energy exploration for existing technologies and, quite frankly, bringing on-line new technologies to deal with energy security.

But as I heard both my colleague from Virginia and my colleague from Iowa talk about the spectacle that occurred in the hallway of the Rayburn House Office Building yesterday, I was astonished by the seeming triumph of the bureaucracy over the Justice Department and theINSAPM. But as I understand it, they have visited totalitarian nations where there are minders who follow us, some very cleverly concealed, some as hotel personnel, but to see that spectacle in this grand republic and see it utilized really as a period of time and very real threat to the legitimate questions of constitutional officers was very disappointing.

I would echo, Mr. Speaker, the words of my colleague from Iowa, there will be oversight. Count on it. The Congress will be looking out for the constitutional responsibilities. I will put those Washington bureaucrats on notice, those who believe they can get in the way of constitutional officers doing their jobs, that the people will demand answers through their constitutional representatives. But we understand the answer, in summation to our challenge for national security and border security, it is enforcement first. It is not amnesty. It is not the embrace of putting illegals in the back of the line and making a mockery of an orderly, lawful, immigration process.

Borders are necessary. There is graffiti written in Spanish on one of the borders adjoining my State which reads, Borders are scars upon the earth. Mr. Speaker, borders are not scars upon the earth. Borders are reasonable and necessary to maintain the sovereignty of nation states; and, as the poet wrote, good fences make good neighbors.

I salute the gentleman from Virginia joining with the chairman of the House Armed Services Committee with the True legislation today. I am pleased to be a cosponsor. I thank my friends from Virginia and from Iowa, others with the true constitutional resolve. I thank them for the time, and I look forward with interest to hearing from our colleague from Pennsylvania with references to the challenges we confront here early in the 21st century for this Nation's energy needs.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona and the gentleman from Virginia on this enlightening discussion we have had on immigration. I am quite pleased that an individual from Arizona would have the phrase, good fences make good neighbors. I thought that was an Iowa phrase.

I want to point out, too, that when you build a fence or a wall to contain people, if you do that to keep them from leaving a place like it might have been East Germany, then that is wrong from a philosophical standpoint. If you have a place that is such an attraction that you bring them right back out, that is a moral thing to do. There is a big difference.

So, the fence in Israel, for example, between the West Bank and Israel proper, that is a fence to protect the people from the folks on the other side that want to come across with bombs. It is not immoral to build a fence to protect yourself from people that are assaulting.

In fact, the southern border in the last year over 1,159,000 illegals that were collared at the border, so to speak. We heard T.J. Bonner, a border patrol, say here a couple of days ago that approximately 4 million came across the southern border during that period of time and we collared 1,159,000. Of those 1,159,000, all but 1,640 of them promised to go back. We cannot verify that any of them went back, but we did actually adjudicate 1,640 of the 1,159,000 to go back to their home country. So we were about a very small percentage here. The catch-and-release program is real. I got into a little buy-in when I made that statement that it was a seven times catch-and-release program before they were adjudicated for deportation. Some of the bureaucrats took issue with that and wanted to have a meeting. So they brought eight of their people into the room, and the first statement was I am wrong, we need to retract the statement. An hour and a half later, they admitted that, even though that was not the written policy, it was the practice, and in fact, it might be more than seven times catch-and-release. That is how bad it is.

I want to say just a couple of words about the new IDEA bill that the gentleman from Virginia (Mr. GOODE) mentioned that I have drafted and that we have significant cosponsors on.

It is clear for us, build a fence on the border, build a wall, but if we need domestic enforcement. We know that the administration has not sanctioned a single employer for hiring illegals in the last year. That is an issue that needs to be enforced as well. But, on top of that, how do we dry up the jobsraham? How do we get a policy in place and get some administration agency that actually is willing to enforce that policy?

So I looked around the country, and I thought who really are the junkyard dogs of bureaucracy? Who likes to go back again. Because what are they going to do if they cannot get employment here? It is a jobs magnet.

New ideas. It is one piece of many things, as Mr. GOODE spoke about and Mr. KING of Iowa did. So I might as well pay the bill. So I might as well pay it, no, that $10 an hour is not a deduction. We are going to tax that at 31 percent, and we are going to add the interest and penalty on there. Now that becomes about a $6 an hour penalty on the $10 an hour person, so now the illegals cost you $16 an hour. In theory, a least, a legal employee that you could hire for $16 an hour becomes a rational decision.

As that happens, then the illegals that are here working at this discount rate because it is rational for employers to hire the illegals, they are cheaper for a lot of reasons, it becomes rational to say, no, sorry, I cannot put you to work because the IRS sometime in the next 6 years can come back and audit me and I will have to pay the bill. So I might as well pay it to somebody who is here legally for the right reason.

This changes this great migration of four million people pouring across our southern border, and it sends the message, and this Congress needs to stand here with it. If we have any more ideas, I want to hear them all. We need them from the American people. The American people are the ones who will move this Congress, so they need to write letters and send their message, and this Congress will hear you.

So I thank the gentleman on the immigration issue tonight. I also had two
subjects in mind that I feel is important to bring up, and energy is the other one.

As we listened to the minority party on the other side do their 60 minutes of nightly lamentations, we heard about the cost of energy, the cost of oil. I did make a few remarks about how we can help that cause. But I would point out that I represent maybe the number one corn-producing congressional district in America. If you are going to raise anything, you have to have nitrogen fertilizer. All corn needs nitrogen. About 90 percent of the cost of nitrogen fertilizer is the cost of natural gas.

Natural gas has gone up 400 to 500 percent over the last 3 years, and we see the cost of natural gas going in the area of $14.50 per million BTUs. We look around the world, and Mr. Peterson will give us more details on this in a moment, and we see not far away, natural gas coming out of Venezuela of $1.60 compared to the U.S. at $14.50. The other day they said they were going to go ahead and build the natural gas pipeline from Alaska down to the lower 48 States. It is 4,700 some miles from the north slope down to Kansas City. Venezuela, for example, there is 38 trillion cubic feet of natural gas that we know of. There is probably more in ANWR that we will open up, and hopefully we will drill there for oil as well. So, 4,700 some miles from the north slope down to Kansas City. Build the pipeline down to the lower 48, and we can get 38 trillion cubic feet of natural gas.

Venezuela is making fertilizer and selling it to us now off of gas that costs about $1.60. Russia is doing the same thing off of natural gas that costs us 95 cents. We are losing our fertilizer industry in America. It does not take very much to control food production if you have control of the fertilizer itself. You have been a great friend to that great area, that Gulf of Mexico area, for example, all that gas in Venezuela. Venezuela is 2,700 miles from Kansas City, for example. So that gas is closer. But closer than that yet is all of this natural gas that we have on the Outer Continental Shelf of America, with 290 miles, 406 trillion cubic feet of natural gas.

Now, tell me, would you go to Alaska for 38 trillion cubic feet of natural gas and build a 4,000-some mile pipeline to get it down to the lower 48? Would you go to Venezuela and ship that gas in as liquified gas and go through the exchange process and the plants at the terminals that it takes to handle that? Or would you just go down there nice and close, where we already have a system all set up, and plug right into that existing massive quantity of 406 trillion cubic feet of natural gas that we have on the Outer Continental Shelf?

To continue to be hostage to energy prices at $14.50 per million BTUs when the rest of the world is getting along on numbers like 95 cents or $1.60, China is up to about $4 something. But we are at a great disadvantage. And if we only open up this natural gas, marginally, we will only lower the price marginally and we will still pay a great price economically, because we know that energy is the price of everything else we have. And it has been run by the fuel.

Having said that, Mr. Speaker, I would be happy to yield to the gentleman from Pennsylvania (Mr. Peterson), who is really the lead on this issue, and I am very happy and proud that he has taken this issue to this Congress.

Mr. Peterson of Pennsylvania. Mr. Speaker, I thank the gentleman from Iowa, the gentleman from Virginia, and the gentleman from Arizona for the good job they did bringing up the security issue of this country. The number one issue is immigration enforcement, protecting our borders, and handling that issue in a much better way than we have historically done in this country.

But the economic issue facing this country is the price of energy and the availability of energy. Natural gas is the clean fuel. It is almost the perfect fuel. It is what we heat our homes with. It is what we heat most of our schools, our hospitals, YMCAs, our churches, our colleges, our universities. Most of our small businesses and mostly all commercial businesses run on that. Many, many industries use it in many, many ways. So 25 percent of the energy in this country is natural gas.

We have heard a lot of discussion about oil and gasoline prices. In fact, on the evening news the American public understands the issue pretty well because it is reported well. But natural gas is not reported well. It is not talked about and not understood much. Gasoline prices were double, they were at their peak after Katrina. Natural gas prices were 700 percent what they were in 1997 when they hit just a huge increase. A gallon of milk would be $28. I think we would have panic in this country if a gallon of milk were at $28. Yet there is no panic in the country because it is reported well. But natural gas is not reported well.

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We just heard my friend from Iowa talking about the fertilizer industry and the tremendous amount of energy they use to make fertilizers. Petrochemical is one of the best-paying industries we have left in America. All the chemicals we buy at the hardware and grocery store, all the chemicals we use in the manufacturing process, one of the basic ingredients is natural gas. Plus, natural gas is used to heat those products and make them in the first place. Most petrochemicals, 40 to 50 percent of the cost of production is natural gas, thus putting them at a huge competitive disadvantage compared to the rest of the world.

Polymer and plastics. We all know how polymers and plastics are such a major part of our life. Almost everything we touch has polymers and plastics as a part of it. Even for you ladies, skin softeners and makeup, the basic ingredient for skin softeners is a product derived out of natural gas.

Why is natural gas such an issue? Is it not a world price. When we pay $60 in this country for oil, the whole world does. When we pay $65, the whole world does. But when we pay $14.50, we are at 12-something today, we are an island to ourselves. The rest of the world is much cheaper. Europe is under half what we pay. Now, our big competitors, they are a third of what we pay. When you add cheap labor to those countries and the ability to engineer, they are bright countries, very sophisticated countries, they have learned from us. When you add them another 20 years of experience, they can use the energy they make products, and especially products that consume a lot of natural gas, they can give us and energy advantage that is huge.

The rest of the world is under 2. As my colleague said, Russia is 95 cents, and I think North Africa is 80 cents. How can our employers and our companies compete when energy is a large part of their cost and they have to compete with other countries? They cannot. Our large employers are hanging on hoping government will do something about this crisis, and something major, not tinker, but something major, and soon. No, not now. I thank Representative Pearce said a few weeks ago here on the floor that we are going to solve this, that we are going to change this, and we can do it now and save a million or two jobs in this country, some of those best jobs we can do it later and hope we can recover, and many of those jobs we will never get back.

How did this happen? Well, for decades, natural gas was two bucks. Oil was $10. Nothing could compete with that. Renewables could not really grow because those prices were so cheap that nothing could compete. That went on for decades.

Ten years ago, a major shift in policy also happened. Congress legislatively for a time permitted natural gas unlimitedly to be used to make electricity. We used to use make about 6 to 7 percent of our electricity with natural gas. We used to use more electricity than we normally do. You can turn a gas plant on and off, but you cannot do that with coal and nuclear. So gas was allowed to be used for peak power.

Well, they took the prohibition away about 10 years ago; and now 25 percent
of the electricity in this country is made with natural gas. Well, there were those who predicted that if we did not open up supply that would cause a shortage down the road. And when a few years went by, that is exactly what has happened, because we have it locked up.

How did it get locked up? Well, there was a moratorium many years ago, about 25 years ago, put on by President Bush. It was supposed to be a temporary one where we would have an inventory and that inventory would take a few years. But then he did not win reelection. President Clinton came in, and he extended the moratorium through 2012, and our current President has not touched it.

Shortly thereafter, Congress placed a moratorium on the OCS. So now we have a Presidential moratorium and we have a legislative moratorium that has been preventing the production of natural gas on the Outer Continental Shelf for about 30 years.

Now, what is the Continental Shelf? Well, the first three miles of our offshore is owned by the States and then from 3 to 200 miles is owned by the Federal Government. So 200 miles is what is called the Continental Shelf, and that is where many countries produce a huge amount of their energy because there is lots of it there.

Now many feel that that 400 trillion cubic feet that was mentioned is way underestimated. Because the work that was done was over 30 years ago, and the measuring devices we have today, the seismographic instruments, are so much more accurate. But government has prevented that from being done.

We actually had a bill that the State of Florida prevented from passing so we could not measure. In fact, the current energy bill had a measurement in there but did not have funding in it, so it was a paper measurement, which I do not know what to do with that. We were going to be able to spend any money. But they are protesting that measurements not be done today, the State of Florida.

Now Canada, a very environmentally sensitive country, the U.K., Belgium, Norway, Sweden, Denmark, New Zealand and Australia, they all produce both gas and oil. We are only talking about natural gas, but they produce both gas and oil on their Continental Shelf, and that is really where most of the world does it.

Now what is the advantage of that? I think my friend from Iowa said that very well. It is where the population is. As you go up and down our coastlines, and 85 percent of our coastline today is part of the moratorium. We only have 15 percent we produce in. That is where the population is. We do not have to build 5,000 mile high-pressure expensive lines. You just hook into the cities where the population is and then hook into that. We have serving them that comes in from Texas and Oklahoma and the gulf, and the system is hooked together. It is by far, by far the best place we can produce and produce quickly.

Now why are we doing that? Well, number one, it is the Florida federation; and the government of Florida has had a huge influence in this body. They have actually prevented it, and there is a lot of pressure to open up any measures to open up the Outer Continental Shelf.

We have the Peterson-Abercrombie plan, and I think my friend from Iowa is a sponsor of that; and what we want to do is move the moratorium. We want to give the States control of the first 20 miles. You can only see production for about 12 miles. So, after 12 miles, even from a tall building, you cannot see it. So we will say, all right, States can control 20 miles, both gas and oil. From 20 miles out, gas will be open for production in all the Outer Continental Shelf. And Florida will be included. They should help out, too. And then oil would be left up to the State of Florida. The Department of the Interior to remove the moratorium on oil if they so chose to.

That gives us a huge opportunity to produce the gas that is needed, in my view, to give our industries and give our citizens the ability to have affordable natural gas to heat our homes, to run our businesses and fuel the big industries that are going to leave this country.

There has never been a natural gas production that has been harmed by the beach or that has ever been a problem even on land. A natural gas well is a six-inch hole in the ground. You put a steel casing in cement at the bottom and at the top, and you let gas out into a pipeline.

This is not a threat to any environment. It is not a threat to creatures. In fact, in the gulf, the best fishing is where we produce both oil and gas, and all the fishermen will tell you that.

I keep hearing about all this potential pollution. Someone said the other day in a debate it would be 7 to 10 years before we could get production. It will take a few years, but it will not take 7 to 10 years. That was a very inaccurate statement.

Now, what is interesting about Florida, which is really the opposition here, they use 233 times more natural gas, they are huge users, than they produce; and they sit in the best, most fertile fields of the country. All around them are huge fields of natural gas and some of the best natural gas, and they are not only not wanting us to produce it, but they have actually prevented us from leasing tract 181, which was not under moratorium and that was scheduled to be released under the Clinton administration to be leased and has not been leased today due to much of the protesting of Florida. And that is unfair to the rest of us.

I love my friends from Florida who are here. They are great people. But the Florida government leadership, the Florida State government leadership, in my view, has been very wrong on this issue and has not only prevented production off their shores but has really prevented production that was very vital to this country’s economic future and prevented us from having the energy that we need.

I have a bus system in State College, Pennsylvania that is all natural gas. Today there are paying a premium to do that. In all the cities all of our buses, all of our school buses, our transit systems, all of our taxi cabs, our short-haul vehicles, our service trucks could all be on natural gas, and we would have cleaner air in the cities, and some of those cities could reach clean air attainment.

Natural gas can be the bridge to our future. It can be the bridge to renewables or a bigger part of our energy needs. There are many ways natural gas can displace other fuels, especially oil and our need for oil. It can displace the need for more refineries if we fuel part of our transportation system with clean burning natural gas.

And one other fact on Florida, 75 percent of the electricity they use is generated by natural gas, and that is because just recently they tore down their coal plants and went to natural gas.

Now, I want to share with the Members, though the Florida delegation and the Florida State government is vehemently against any change, here is what the Associated Industries of Florida said recently in a letter to MMS, the Mineral Management Service: “We appreciate that MMS is going to be reviewing all of the current OCS areas, including the areas that have until now been off limits due to the moratorium, which include the Atlantic, Pacific, and Eastern Gulf of Mexico regions. Research documents that these areas hold substantial undiscovered but technologically recoverable energy resources that will be absolutely critical to America’s national security and to the continued growth of our economy and to securing jobs for virtually every sector of our economy.”

Now, the Associated Industries of Florida gets it. They go on to say: “If America doesn’t look to expanding exploration and development in OCSs, then America will unnecessarily pay a high price.” Like we are today, “and incur a heavy burden. The U.S. Energy Information Administration forecasts that by 2020 petroleum demand will increase by 3 percent and natural gas demand will increase by 1 percent. Higher energy prices have exacted a toll on our economy already by slowing our growth from between .5 percent to 1 percent based on pre-hurricane prices. Farmers have paid $6 billion more for energy since last 2 years. Natural gas costs for the chemical industry in America have increased by $10 billion since 2003. And of the 120 chemical
plants being built around the world with price tags of $1 billion or more each, only one is being built in the United States.

“As a result, Associated Industries of Florida recommends to the MMRS that expanded oil and gas are important to our country, to our citizens and to our way of life. To not utilize all of our available energy resources, when it can be accomplished in an environmentally sensitive way, would be a disservice to our country. We need to ensure that we have a clean and diverse mix of our energy to avoid the possibility of there being oil rigs off our beaches within the eyesight of tourists or our residents.”

Mr. Speaker, again, I thank the gentleman for yielding to me.

THE 30-SOMETHING GROUP: THE DEMOCRATIC BUDGET PROPOSAL

The Speaker pro tempore (Mr. Davis). Under the Speaker’s announced policy of January 4, 2005, the gentlewoman from Florida (Ms. Wasserman Schultz) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to thank the Democratic leader (Ms. Pelosi) of California for the opportunity to spend some time talking about the issues of concern to Americans across this country, and as a member of the 30-something Democrats, and I know I will be joined by my colleagues in a few moments, we have appreciated hearing from the literally hundreds of Americans both in our generation and across the generational spectrum over the last few weeks since we have been talking about the issues on the floor here.

My good friend from Pennsylvania, I cannot help but spend a few moments talking about some of the matters that he has just addressed, being that I am a representative of the State of Florida; and I had an opportunity to engage in a very interesting and informative and timely dialogue with the gentleman from Pennsylvania (Mr. Peterson) just yesterday.

Unfortunately, the industry organizations did not back up what he also cited in our debate the other night, Associated Industries of Florida, that is not an organization, if the Members are familiar with Florida politics, that is at all representative of the average business organization in our State. Associated Industries of Florida is primarily made up of the most major corporations in Florida. Every major oil company is a member of Associated Industries. So it makes quite a bit of sense that the opinion of Associated Industries reflect what Mr. Peterson of Pennsylvania just described.

Mr. Peterson of Pennsylvania advocates for more driling off the coast of Florida, California, all around the coastline of our country. He particularly focuses on natural gas and professes that natural gas is a clean-burning gas and that there would be little to no risk to expanding that drilling. Well, we know from the State of Florida, and we have 77 million people visited our State just last year alone and $56.5 billion in taxable sales is generated by tourism, most of which is the result of our beautiful beaches and our pristine coastline, one can clearly see why most Floridians would have a significant problem with the possibility of there being oil rigs off our beaches within the eyesight of tourists or our residents.

And Mr. Peterson of Pennsylvania has continually represented that natural gas is a potential alternative energy source. Well, just off the Florida coastline, Minerals Management Service, which is a government agency under the Department of the Interior, has documented only about a 70-day supply of natural gas off the coastline of Florida in the gulf under current consumption rates in the United States. That to me does not appear to take us into the rest of the century in terms of dealing with our energy needs.

What we should be doing is uniting as Members of Congress representing this country and dealing with our long-term energy crisis by exploring alternatives to the same old energy sources and trying to drill our way out of this problem. Drilling is not the solution. There is far too much environmental risk to drilling, whether we are drilling for natural gas or drilling for oil; and the proposal that we will be considering that is attached to the budget reconciliation bill, the budget-cut document that we will be considering, at the earliest, next week, includes a terrible proposal that would expand driling off the coast of Florida and bring drilling within 125 miles of Florida’s coast on the gulf.

That is a totally inappropriate proposal. It makes absolutely no sense. It would jeopardize our environment, and I am hopeful that my colleagues from Florida and other colleagues who represent coastal communities which will also be in jeopardy if this provision passes will join us in opposing this provision in the budget reconciliation bill, at least of which, because there are many other reasons why it should be opposed because of the dire cuts that are in the budget that are going to rain terror down on Americans across this country; but to add insult to injury, it also has a terrible provision in it that would allow drilling off the coastline around our entire country.

So with that having been said, I want to talk a little bit about what we talked about in the previous hour and turn the conversation back to the budget reconciliation bill. There are a number of significant problems with thebudget cuts that the Republican leadership is proposing. But one of the things that I wanted to turn to is what Democrats think we should be doing in terms of the budget.

Democrats want to bring the budget back into balance. What we proposed in the Budget Committee today included a proposal that would bring the budget back into balance by 2012. The Democratic budget also has a smaller deficit than the Republican budget every year and would accumulate less debt and would be less risky and less reliant on interest payments that are needed to service the national debt. We would include budget enforcement measures to protect Social Security.

We would do more for education. The Democratic proposal provides $4.5 billion more for appropriated education and training programs than the Republican budget for 2006 and $41 billion more over the next 5 years. We also reject the $21 billion in cuts that the Republican budget requires the Education and Workforce Committee to make over the next 5 years. Those are cuts that could fall on students loans and school lunches.

These are not the same old tired complaints. It is insulting to suggest that children’s education and financial aid are tired complaints. If one is struggling to be able to give their children breakfast and lunch on a daily basis and make sure that they are provided with nutrition and they do not face the prospect of not eating a meal, it is insulting to suggest that they can do it themselves, staring down budget cuts that take that opportunity away from them is nothing short of cowardly. This is a cowardly budget reconciliation bill. It does not show any guts at all, and it abandons the American people.

Let us talk about housing. In the previous hour, we talked a little bit about the housing cuts that this budget-cut bill would hand down, and I am joined by my good and close friend from Florida and other colleagues who had an opportunity to serve with in now three different Chambers, the gentleman from Florida (Mr. Meeke). His district and my district were hit badly by a category 3 storm last week, Hurricane Wilma; and we were talking in the last hour about housing and the issues related to affordable housing that our constituents were already facing.

I want to just point out this picture here. Over the weekend I had an opportunity to go door to door in my district because there are so many senior citizens trapped in their homes without power. We still have half a million people who do not have power in south Florida. And, unfortunately, whether it is because of hurricane fatigue or just the fact that there was so much damage in the gulf coast region that it may be difficult to feel the pain that we are going through in south Florida and understand it, but there is not nearly as much attention as we need focused on what happened in south Florida, especially the damage that was caused by a category 3 storm last week, Hurricane Wilma; and we were talking in the last hour about housing and the issues related to affordable housing that our constituents were already facing.

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When I was going to door to door in my district to try to help some of the folks who have trouble getting out of
Ms. WASSERMAN SCHULTZ for yielding thank the gentlewoman from Florida mine whether these people are going to going through these homes to deter- rent is sky high. And FEMA has lit- where to go because the average price condemned, who are faced with no- south Florida whose homes have been housing problem that we already had, in on her. A minute earlier and it would have caved in on her.

When we talk about the affordable room, the roof caved in on her. A woman her. A minute earlier and it would have caved in on her.

When we talk about the affordable house problem that we already had, now we have thousands of people in south Florida whose homes have been condemned, who are faced with no- to light not only Katrina, not only Rita, but also Wilma; that many sen- in her. A minute earlier and it would have caved in on her.

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Mr. MEEK of Florida. This is the person that we still have on the payroll to teach us what to do.

Mr. RYAN of Ohio. Still on the payroll for $148,000.

Mr. MEEK of Florida. A culture of corruption.

Mr. RYAN of Ohio. This is cronyism at its best, because this fellow is not the least bit qualified to be in charge of FEMA. The top 8 or 10 people of FEMA were all political appointments of people who were not qualified.

We want an independent commission to oversee this whole process. Why? Because this could have been a terrorist attack, and we have got someone in charge of responding to the terrorist attack who is talking about rolling up his shirt sleeves so he looks good on CNN.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, reclaiming my time, it is worse. It got worse from there. It was not just what he was doing with his attire, rolling up his shirt sleeves, but what he was wearing that they continued to talk about. On August 29, the day of the storm, Brown exchanged e-mails about his attire with Ms. Taylor, his press secretary again. She told him in August 29th, you look fantastic. And Brown replied, I got it at Nordstrom’s. Are you proud of me?

An hour later he added, If you look at my lovely FEMA attire, you will really vomit. I am a fashion God.

This is the position. He is still being paid $148,000 a year to advise FEMA, according to Secretary Chertoff, and change, give or take a dollar or two, to advise FEMA about what they should be doing in the aftermath.

Mr. RYAN of Ohio. And we are getting lectured to by people telling us that they want representation, that the party that on that side of the aisle is responsible? Is this responsible? Is that good leadership? We have not seen good leadership of this administration yet. Come on.

Ms. WASSERMAN SCHULTZ. The only thing that they are doing here is they have a lopsided partisan committee that is supposedly reviewing the aftermath of Katrina and FEMA’s response. You know, I would feel much better about any review, although I strongly believe that there should be an independent Katrina commission, as do 81 percent of Americans, but if they had had hearings, the one hearing with him there.

We have had three storms in two months, from Katrina to Rita and from Rita to Wilma. They have learned nothing. After my district and that of the gentlemen from Florida (Mr. MEEK district got hit by Wilma, and Secretary Chertoff now in FEMA is a qualified professional, so at least they have that right now, but unfortunately FEMA still is not getting it right.

We still 10 days after the storm do not have a disaster recovery center established in Broward County or in Miami Dade County, a permanent one. There are seven mobile units between the two counties. We have more than 130,000 people in Broward alone who have applied for assistance, and they cannot get it yet because FEMA only has 300 inspectors in the whole state and they can do about 10 a day in terms of the inspections.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I think it has become clear to us, and, again, also I think it is important to note that many on the other side of the aisle have started to speak out. I know that requires considerable courage and that has to be acknowledged. But it is clear that if there could be an appropriate description of this administration, put aside philosophical differences, that is the fact that they reflect an ideology that really in many respects is outside of the traditional mainstream of Republican principles. But the word that I would use to characterize it is that, yes, it is cronyism, but at a fundamental level it has been an administration that has been incompetent.

So this is a question of ability to govern. We know that they do not like government. They see government as a problem. They do not like to govern. So I guess it is understandable. They want to starve government. They want to limit it. And that is a valid argument.

But there are times in this country when you need government. You need a strong military. You need to prepare for our homeland. You need the kind of programs that can be run forthrightly, honestly and effectively that give every American a chance; a chance for an education, a chance for housing, for health care.

I think that this is all part of what we become when we are born as American citizens. We are participants in a social compact that says we are individuals and we have individual liberties and we will always advocate for those liberties, will fight for those freedoms. But, at the same time, we have mutual responsibilities to each other. That is the essence of our greatness.

But if you do not like government, if you do not see a role for government, then you do not do a very good job when it comes to governance.

Mr. RYAN of Ohio. If the gentlewoman will yield further, I think the point really is that not only do they disrespect government, and if you disrespect something, it tends to not work appropriately, they see government as their little sandbox, and they see government as their opportunity to take care of their political contributors, to bolster their own political party.

Mr. DELAHUNT. Mr. Speaker, with all due respect, and I do not disagree, but what government is about, it is about representing the people.
the flag and speak of patriotism and send these young men and women to Iraq, but when they come home, they are not going to have the kind of health care that they deserve.

Mr. MEEK of Florida. Mr. Speaker, I just want to chime in to let the gentle- man from Massachusetts know, sir, that we can do better.

Mr. RYAN of Ohio. Together we can do better.

Mr. MEEK of Florida. That is the reason why the Democrats fought hard in the Budget Committee to make sure that the Medicare cuts did not take place or put an extra burden on sen- iors, to make sure that we replaced the burden that the majority side here in this House, the Republicans, have put on students as it relates to student aid and student loans. $14 billion in fees for students. That means $14 billion in fees and taxes for parents in America, for grandparents in America.

We do not do better. I am so glad that we sleep with our fists balled up here ready to fight on behalf of Americans every day. That is the reason why I feel excited every time we get the opportu- nity to come to this floor to offer an amendment to this floor here in this special order, to be able to let not only the majority side know, the Republican majority because, I must say, and I want to remind everyone, the Republicans are in control of this House, the Senate, and the White House, and they have not said anything, and that includes Members, about how the Democrats said this and the Democrats said that and they are doing this, we are not doing anything as it relates to pulling this country in re- verse.

I am going to tell my colleagues right now, what went down in the Budget Committee today is shameful; it is really shameful. I just want to, as we work here as a working group, I just want to say, I want to make sure that the majority side, when that budget comes to this floor, that they abide by the rules of the House of Representa- tives. If there is a 15-minute vote, then let it be a 15-minute vote. If there is a grace period, 17, 20 minutes, okay. But we do not want to be here on this floor watching the majority side, the Repub- lican side, twist arms to get the votes to pass an unjust budget.

Now, we held up a report earlier that the President for $35 billion in cuts for the very people they are trying to help, or they say they are trying to help; and then in the end game, it is $50 billion in cuts. Not a muddling word, not a muddling word about billion- aires and moving that tax cut away from billionnaires, just some of it for the offset. Not a muddling word, not a muddling word to the oil industry that is dancing in the street and people around here are putting in $5 and $10 in their tank because they cannot afford to fill their tank up. It is not because they like going to gas stations; it is the fact that they cannot afford to fill their tank up. So it does not matter what you are driving. You can be driv- ing a small, compact car. $5 is $5, $10 is $10, $20 is $20. They cannot afford to fill up their gas tank because it costs so much, leave alone the fact that it is getting cold.

Mr. JUBAUX. But the reality is, my friend, that they are taking good care of the oil companies. They are providing $16.5 billion in subsidies to the oil companies that are breaking all kinds of records in terms of profits. I cited the example of ExxonMobil, but that is just one company. In one quarter, in 3 months, their net profit was $10 billion.

Mr. Speaker, the truth is, and the facts are very clear, that the majority party, the Republicans in Congress, do believe in the welfare state. They are advocates of the welfare state, but it is restricted. It is restricted to a con- stituency, and that constituency is corporate America. Not small business America, not even mid-sized business, but the large corporations, our large banks, should we say, whether they be pharmaceutical com- panies that they have given more than $100 billion worth of taxpayers’ money in subsidies, but also oil companies, at the same time when oil companies are breaking all records.

Mr. RYAN of Ohio. Mr. Speaker, there is also another welfare state: Iraq. We have forgotten to even bring this up tonight, but there is a welfare state in Iraq. And as they are cutting programs in the United States on stu- dent loans, do we know what they are doing in Iraq? They rehabbed 2,717 schools in Iraq. They trained 36,000 teachers in Iraq. As they are cutting Medicare and Medicaid in the United States, they have trained 2,000 health educators in Iraq, 3.2 million children vaccinated in Iraq, 110 primary health care centers built in Iraq. We have a welfare state in Iraq right now that is being funded by the American taxpayer at the same time that the Republican Congress is, for the first time in United States citizens that live right here in this country.

So they take your public tax dollars and they give $16.5 billion of it to the oil companies, $100 million of it to the pharmaceutical companies, do nothing to reduce the cost of pharmaceuticals; they give between $200 billion and $300 billion to the welfare state in Iraq and, at the same time, they are cutting pro- grams here in the United States of America. That is just corrupt. They put their party before the country.

We want to take this country in a new direction, change what is going on in this country, and create some inde- pendence from shakedown street.

Mr. DELAHUNT. Mr. Speaker, I have to tell my colleagues something about corruption. My colleagues have not seen anything yet.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman were to yield, we are sitting in this Something Working Group here, I used to say every week; but now it’s every night, about third- party validators, and I think it is im- portant to have third-party validators so that we show the people who are hearing us tonight that this is not TIM RYAN’s opinion or DEBBIE WASSERMAN SCHULTZ’s opinion or KENDRICK MEEK’s opinion or BILL DELAHUNT’s opinion; this opinion is shared by many, many others.

The Republican leadership here, they talk a good line about faith and values. In fact, they base almost their entire campaigns, the cause they make to the country, about how we need to restore values and faith, and there should be more faith injected into every aspect of our government. Well, let us see what the people of faith, our faith leaders are saying about these budget cuts that we are going to be considering next week.

Today, there were leaders from var- ious faiths that joined in prayer at the Capitol. Those leaders included Reverend Dr. Bob Edgar, who is the gen- eral secretary of the National Council of Churches; Reverend Rabbi David Saperstein, director of the Religious Action Center for Reform Judaism; and Eleanor Oldgelds Ivory, director, Washington office, the Presbyterian Church. They had a press conference before the prayer and they called for a moral budget and urged Congress to stop immoral budget priorities. Let me just outline a few of the things that they said.

Reverend Wallis said, “As this moral battle for the budget unfolds, I am call- ing on Members of Congress, some of whom make much out of their faith, to start some Bible studies before they cast votes to cut food stamps, Medi- care, child care and more that hurt the weakest in our Nation.” Reverend Edgar of the National Council of Churches said, “We gather today just days after Rosa Parks, the mother of the civil rights movement, lie in State here in the Capitol. We gather as we celebrate her life and the strong wit- ness she had for justice, we recognize that justice is hanging in the balance as this proposed budget, if passed, would hurt those who are most in need in our society: children, the elderly, and those living in poverty.”

I just want to quote from the re- marks that Rabbi Saperstein made. He quoted the Bible and used the Bible’s words to help our Republican col- leagues understand the impact that they are making. He urges us to “deal thy bread to the hungry,” not “steal thy bread from the hungry.”

Remember Proverbs’ stern warning: “Do not steal from the weak because he is weak and do not oppress the poor in the gate.”

Listen to the voiceless and to the Biblical imperative: “Speak out for those who cannot speak for the rights of the destitute.” These are the third-party validators who are our religious leaders that are urging this Republican leadership not to go down this path, not to pull out
the rug and the floor and literally burn the house down that people who are so badly in need in this country cannot afford to sustain.

Mr. MEEK of Florida. I just wanted to tell you, they are not a Democratic club or an independent voters club or a Republican club. They are our religious leaders that are calling upon this Congress to recognize their responsibility. I can tell you right now, you know, I am a Baptist. But I do not have a lot of time, you know, Christian, Baptist. But here is the issue. I just wanted to make sure that we know exactly what we are doing. We know what we are doing. We want to make sure that we illuminate what they are doing because, when it comes down to it, if the Republican majority in this House was doing such a great job, then why do only 35 percent of the American people feel that we are doing a good job? Now if it is only 35 percent of the American people, just do the math. A super majority of Americans feel that we are not doing our job. Why do they feel that way? President at his lowest approval rating feel that the President, why is the President, why do they feel that we are doing a good job? What is the Republican majority in this House by the majority, and in the Senate they have a majority, and the White House, they definitely have control of that. And the reason why I continue to say that is that I want to make sure that folks know that we are fighting a good fight here, but we need to make sure that the Republicans, Democrats, independents, those that are thinking about voting, registering to vote, get involved in this process.

Because I can tell you right now. I have some good friends that are Republicans, and they are very upset about what is going on right now. I have good friends that are Independents, and they make comments as it relates to what is happening here in this House. But folks are very upset about fiscal responsibility? Okay, you know I am a fiscal conservative because I say I am, not because of our acts. This is a President that has not vetoed one spending bill. Not one.

Mr. RYAN of Ohio. Mr. Speaker, I want to share with the American people something we shared with them earlier in the last hour or 2 hours ago about being fiscally responsible. In fact, in the last 24 governments, in 42 Presidents, they borrowed $1 trillion from outside sources, other countries. Forty-two presidents, 224 years over a trillion dollars.

In the last 4 years, the Republican President with the Republican House and the Republican Senate have borrowed more than we have borrowed in the previous 224 years, over a trillion dollars from foreign countries, China, Japan, Saudi Arabia. Mr. DELAHUNT. Well, we are paying the kicker. See, now they are the bank. Now China is the bank. Now they are already taking our jobs. Now they are holding the bank notes, and we got to pay interest on it.

Here is the kicker. Here is what just really frosts me. At the same time, China is graduating 600,000 engineers a year; and the United States is graduating 70,000. So what does the Republican majority do? After borrowing billions of dollars from the Chinese and Japanese and Saudis and others? They have 600,000 engineers when we only have 70,000, they raise the fees on student loans. They cut the education budget. Then the kids who need health care, so that they can at least concentrate in school, they are not sick, they cut that, too.

Where is the long-term vision from the Republican party?

Mr. DELAHUNT. If you think about it in terms of individuals and then extrapolate to nations, it is really easy to understand. We are borrowing a trillion dollars. Let us say we are borrowing, just for the sake of discussion purposes, half of that from the Chinese Central Bank, the Communist Central Chinese Bank. As you indicate, they are educating some 600,000 engineers. How do they pay for that? Well, you know how they paid for part of it? The American taxpayer, Mr. Speaker. When they pay the interest on the debt to the Chinese, that allows the Chinese to fund the education of some 600,000 students in technical schools in China.

Mr. RYAN of Ohio. So are you saying that the interest that the American taxpayer pays on the $1 trillion that we are borrowing from China is being invested on the Chinese people to create 600,000 engineers a year?

Mr. DELAHUNT. Well, we are paying for their education in China. We are paying for roads, 6,000 miles of roads in Iraq, 5,000 units of affordable housing. Mr. Speaker, in Iraq. We are paying for, you know, primary health care centers in Iraq; and you know what we are doing in the United States? We are competing with China.

We built a beautiful dam, a magnificent dam, an absolute ultimate in terms of engineering to prevent flooding. And we are familiar now with floods. Clearly, the people in New Orleans and the Speaker, Mr. DELAHUNT, are familiar with floods. There was a problem with a levee in New Orleans in terms of the structural defects. But the one that I am talking about, the dam that I am talking about, that positive outcome, that was funded with taxpayer dollars, American taxpayer dollars, was not built in New Orleans. It was built in Mosul, Iraq.

Where are our priorities?

Ms. WASSERMAN SCHULTZ. Our priorities, apparently the priorities of this administration are in appointing unqualified people to run Government agencies like Michael Brown, whose priorities clearly were more on what kind of shirt he was wearing, as opposed to making sure that the people in the gulf coast States who were about to get and then did get hit by Katrina did get taken care of. And about whether to roll up their shirtsleeves and by appointing their college roommates to jobs, to making sure that you have well-qualified people in the Government.

It does not stop at Michael Brown. You have people who have been found to be wholly unqualified up and down Government. You have corruption, through and through, from the top. At the White House, the first person working in the White House in 130 years to be indicted in 130 years.

You know, we had quite a few scandals in White Houses past just in the last quarter. This White House has a White House official, an administration official working in the White House been indicted before 130 years ago. That is where their priorities are.

Mr. MEEK of Florida. If I may, I mean, it is just not an indictment. It is just not an indictment that someone ran out and took a plane and took a plane to go see a basketball game and flew back on some private
company or something. It is not that. It is not something that reflects on personal judgment.

No, this is outing, Mr. Speaker, a clandestine CIA agent. That individual that goes in, and guess what? Guess what was going on? To be found out those countries that have weapons of mass destruction. To harm who? The United States of America. And because she was out, and now, you know, I am hearing that in the White House they are saying that the defense is going to be. Trust me, you know, I have a lot of conversations in a day. I did not quite remember talking to a reporter about a CIA agent.

I am concerned, Mr. Speaker, because if that is something that you can forget, the time that you outed a CIA agent, and you forget it. You are like, oh, well, you know, I got coffee. Then I walked over here. You know, you do not just out a CIA agent.

Mr. WASSERMAN SCHULTZ. It is really hard to keep track of all of the lies.

Mr. MEEK of Florida. You cannot violate national security when you have a security clearance, hello, that the four of us have. I said the other night, you know, for political gain, talk about the things that I know as a Member of the Armed Services Committee, talk about the things that I know as a Member of the Homeland Security Committee for political gain, that would be horrible and a crime.

And it took place. You know, if it was just politics, I mean, people can understand. But someone could have lost their life. We do not know yet. And now her cover has been blown. A whole front that the CIA has has been blown. And those individuals that she has relationships with have been blown, all because some folks thought it would be good for political gain to be reelection to the White House.

Now I am going to tell you something right now, ladies and gentlemen, that we cannot allow this activity to continue.

As we started talking, I was handed a piece of paper here, because I was incorrect. The Congress approval rating is at 31. At 31. So anyone that wants to come to the floor chest-beating and patting yourself on the back, talking about I am doing a great job, let me tell you something. On both sides of the aisle, we have to step it up on our leadership. We have to step it up on our leadership, and we have to do it together on behalf of Americans. We have to do it together on behalf of Americans, not Democrats, not Republicans, not Independents, not the special interests, not the folks that showed up at the fund-raiser last night.

We have got to make sure that we represent the United States of America and the people that pay taxes, we were elected. So if folks feel, oh, well, I am here or here, and I do not need to worry about that, you are a Member of the United States Congress. You are a Member of the 109th Congress, and you have a responsibility to lead. If you do not want to lead, I am going to tell you something, as sure my name is Congressman MEEK, I feel that the American people meant to do it together on behalf of America.

Mr. DELAHUNTY. Do you know what the tragedy of this is? Let us put aside for a moment indictments and a discussion of who might be indicted in the future or misconduct that violates criminal statutes.

What is truly unfortunate here is that we have reached a point where there is a culture that exists here in Washington where if there is disagreement, if there is dissent that it is described as unpatriotic.

Mr. BROWN of Ohio. Incompetence. Ms. WASSERMAN SCHULTZ. It does not stop. Mr. RYAN of Ohio. Incompetence. Ms. WASSERMAN SCHULTZ. Because they have no interest in it stopping.

We are approaching the end of our hour, and I want to yield to the gentleman from Ohio (Mr. RYAN) and ask him to give out our Web site.

Mr. RYAN of Ohio. 30somethingdems@mail.house.gov.

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:

Mr. ETHERIDGE (at the request of Ms. PELOSI) for today on account of family obligations.

Miss McCollins (at the request of Mr. BLUNT) for today on account of business in her district.

Mr. TIAHRT (at the request of Mr. BLUNT) for today on account of family obligations.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.
Mr. Brown of Ohio, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. McCarthy, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Mr. McDERMOTT, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.
Mr. Brown of California, for 5 minutes, November 1.
Ms. Harris, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT
Jeff Trandahl, Clerk of the House reports that on November 1, 2005, he presented to the President of the United States
Adjourment

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Friday, November 4, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Regulated Navigation Area, Chicago, Sanitary, and Ship Canal, Romeoville, IL [CGD09-05-006] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI [CGD09-05-123] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Charlotte Harbor, Cooper River, SC [COTP Charleston-05-037] (RIN: 1625-AA07) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone Regulations, New Tacoay Narroes Bridge, CA [CGD09-05-077] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Regulations for Marine Events; Delaware River, Philadelphia, PA and Camden, NJ [CGD05-05-097] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [RIN: 1625-AA08] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Potomac River, Washington, DC [CGD05-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Charleston Harbor, Cooper River, SC [COTP Charleston-05-037] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Special Local Regulations for Marine Events; Fireworks Displays in the Captain of the Port Portland Zone, Oregon [CGD13-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Special Local Regulations for Marine Events; Maryland Inlet, Washington, DC [CGD05-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Chesaapeake Bay, Mathews, VA. [CGD05-05-006] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI [CGD09-05-123] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Mississippi River (LMR), Greenville, MS [COTP Lower Mississippi River-05-008] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zones: Firesides displays in the Captain of the Port Portland Zone, Oregon [CGD13-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Charleston Harbor, Cooper River, SC [COTP Charleston-05-037] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone; Milwaukee River Challenge, Milwaukee River, Wisconsin [CGD09-05-123] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
Under clause 2 of rule XIII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOX: H.R. 4217. A bill to amend the Tariff Act of 1930 to allow United States manufacturers that use products subject to countervailing duties or antidumping duties on imports to use domestic like products to participate in those proceedings as interested parties, and for other purposes; to the Committee on Ways and Means.

By Mr. MCHUGH: H.R. 4219. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. MCHUGH: H.R. 4220. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the exchange or installment sale of certain agricultural property; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. SHAYS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. LEE, Ms. DELAURO, Mr. BERMAN, Mr. PAYNE, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. SANDERS, Mr. HODGES, Mrs. MALONEY, Mr. CASEY, Mrs. McNULTY, Ms. JOHNSON of Connecticut, and Mr. LARSON of Connecticut):

H.R. 4121. A bill to amend the Internal Revenue Code of 1986 to provide for other purposes; with an amendment (Rept. 109–288). Referred to the Committee of the Whole House on the State of the Union.

Mr. AYUK of Alaska: Committee on Transportation and Infrastructure. House Resolution 488. Resolution requesting that the President transmit to the House of Representatives information relating to contracts for services or construction related to Hurricane Katrina recovery. (Rept. 109–269). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 532. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–270). Referred to the House Calendar.

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. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 4128. A bill to protect private property rights (Rept. 109–262 Pt. 2). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3508. A bill to amend title 39, United States Code, to provide congressional members from within the United States to participate in those proceedings as interested parties, and for other purposes; with an amendment (Rept. 109–267). Referred to the House of Representatives.
other purposes; to the Committee on International Relations.

By Mr. PASCRELL:
H.R. 4223. A bill to prohibit cuts in Federal funding for Medicaid Program until full consideration is given to recommendations of a Bipartisan Commission on Medicaid.

By Mr. DAVIS of Tennessee:
H.R. 4224. A bill to amend title II of the Social Security Act to provide that an individual’s entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person’s entitlement to benefits in that month) and that such individual’s benefit shall be payable for such month only to the extent properly attributable to the number of days in such month preceding the date of such individual’s death; to the Committee on Ways and Means.

By Ms. DeLAURO:
H.R. 4225. A bill to amend the Help America Vote Act of 2002 to require States to keep confidential the addresses of victims of domestic violence which are included in the State’s computerized Statewide voter registration list, and for other purposes; to the Committee on Education and the Workforce.

By Mr. REICHERT:
H. Res. 333. A resolution supporting the goals and ideals of Cambodian American Freedom Day; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Mr. PASTOR introduced a bill (H.R. 4230) for the relief of Alejandro E. Gonzales; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 93: Mr. LEACH.
H.R. 97: Mr. GREEN of Texas.
H.R. 128: Mr. CHANDLER.
H.R. 224: Mr. PASCRELL and Mr. GRAMILA.
H.R. 297: Mrs. DAVIS of California.
H.R. 369: Mr. BURTON of Indiana and Ms. KILPATRICK of Michigan.
H.R. 475: Mr. CAPUANO.
H.R. 503: Mr. GOODE.
H.R. 616: Mr. WEXLER and Mr. HOLT.
H.R. 650: Mr. PARKER.
H.R. 690: Mr. WALSH.
H.R. 699: Mr. HOLDEN and Mr. BERMAN.
H.R. 722: Ms. HERSETH, Mr. SANDERS, Mr. FATTAL, and Mr. BARNHOUR.
H.R. 791: Mr. ANDREWS and Mr. DOYLE.
H.R. 838: Mr. DOYLE.
H.R. 944: Ms. CARDOZA.
H.R. 923: Mr. WINKLER.
H.R. 994: Ms. SLAUGHTER, Mr. WELDON of Pennsylvania, Mr. SMITH of Texas, Mr. AL GREEN of Texas, Mr. SHIMKUS, Ms. SOLIS, and Mr. JACKSON of Illinois.
H.R. 997: Mr. BEAUFREZ and Mr. WOLF.
H.R. 1156: Mr. KUEL of New York.
H.R. 1227: Mr. JONES of North Carolina and Mr. KUEL of New York.
H.R. 1290: Mr. MENEZES.
H.R. 1296: Mr. KUEL of New York.
H.R. 1431: Mr. HINCHY.
H.R. 1489: Mr. LEACH.
H.R. 1500: Mr. TURNER.
H.R. 1506: Mr. UDALL of Colorado.
H.R. 1582: Mr. BALDWIN.
H.R. 1591: Mr. LEACH.
H.R. 1632: Mr. DOYLE.
H.R. 1615: Mrs. MCCARTHY, Mr. HOLT, Mr. ROTHMAN, and Mr. LEF.
H.R. 1658: Ms. WOOLEY.
H.R. 1736: Mr. KOLBE, Mr. LANGEVIN, and Mr. CHANDLER.
H.R. 1772: Ms. MUSOAR.
H.R. 1801: Mr. BUTTERFIELD.
H.R. 1870: Mr. MARIO DIABALI of Flor-
dia.
H.R. 1988: Mr. RENZI, Mr. CARTER, and Mr. GENE GREEN of Texas.
H.R. 2314: Mr. MARKER and Mr. BRADY of Pennsylvania.
H.R. 2317: Mr. CONYERS, Mr. ORTIZ, and Mr. MCCOTTER.
H.R. 2350: Mr. GORDON.
H.R. 2359: Mr. JACKSON of Illinois and Ms. KAPTR.
H.R. 2412: Mr. CHANDLER.
H.R. 2531: Mr. TAYLOR of Mississippi, Mrs. MALONEY, and Mr. EVANS.
H.R. 2715: Ms. MALONEY, Mr. GRAMILA, Mr. SEKERAN, Mrs. MOORE of Wisconsin, Mr. JACKSON of Illinois, Ms. LORRETA SANCHEZ of California, Mr. MURPHY of Oregon, Mr. UDALL of New Mexico, Mr. MCGOVN, and Ms. WOOLEY.
H.R. 2608: Mr. BRADY of Pennsylvania and Mr. HINCHY.
H.R. 2812: Mr. BRADY of Pennsylvania.
H.R. 2861: Mr. JENKINS.
H.R. 2893: Mr. MASTERS and Mr. BARROW.
H.R. 3006: Ms. MCCOLLUM of Minnesota.
H.R. 3095: Mr. GOODE.
H.R. 3096: Mr. LARSEN of Washington.
H.R. 3101: Mr. MCHUGH.
H.R. 3127: Mr. MHEERAN, Mr. DAVIS of Kentucky, Mr. DEFAZIO, Mr. ISSA, Mr. GORDON, Mr. KENNEDY of Rhode Island, and Mr. NAD
der.
H.R. 3137: Mr. SHAW and Mr. HUNTR.
H.R. 3145: Mrs. JOHNSON of Connecticut, Mr. PAYNE, Mr. MCHUGH, and Mr. FRANK of Massachusetts.
H.R. 3147: Mr. LAHOOD.
H.R. 3189: Mr. PITTS.
H.R. 3301: Mr. DOYLE, Mr. SODREL, and Ms. PRYCE of Ohio.
H.R. 3317: Mrs. MUSOAR.
H.R. 3320: Mr. TOM DAVIES of Virginia.
H.R. 3476: Mr. RUPPERSBERGER and Mr. FRANK of Massachusetts.
H.R. 3478: Mr. PAYNE.
H.R. 3505: Mr. CARNABAH.
H.R. 3532: Mrs. MILLER of Michigan.
H.R. 3532: Mr. LEACH.
H.R. 3607: Mr. KUEL of New York.
H.R. 3630: Mrs. MCCARTHY and Mr. RUPPERSBERGER.
H.R. 3735: Mr. DAVIS of Kentucky.
H.R. 3774: Mr. GEORGE MILLER of California.
H.R. 3795: Mr. TAYLOR of Mississippi and Mr. STARK.
H.R. 3852: Mrs. CHRISTENSEN, Ms. WASON, and Mrs. MCCARTHY.
H.R. 3931: Mr. CLEVER and Mr. FREILING,
HUYSEN.
H.R. 3943: Mr. GOODLATT and Mr. CAL
d.
H.R. 3948: Ms. MCCOLLUM of Minnesota and Mr. TAYLOR of Mississippi.
H.R. 3950: Mr. MCDERMOTT.
H.R. 3957: Mr. MARSHALL and Mrs. NAPOLETANO.
H.R. 3968: Mr. FRANK of Massachusetts.
H.R. 3973: Mr. LEACH.
H.R. 3987: Mr. SESSIONS.
H.R. 3997: Mr. RENZI.
H.R. 4005: Mr. HOLDEN, Mr. GORDON, and Mr. BISHOP of Georgia.
H.R. 4030: Ms. BORDALL.
H.R. 4032: Ms. GINNIE BROWN-WAITE of Florida, Mr. PAYNE, Mr. WAMP, Mr. AKIN, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. WESTMORK
LAND, Mr. PRICH of Georgia, Mr. FRANKS of Arizona, Mr. ISSA, Mr. FORBES, and Mr. MIL
LE of Florida.
H.R. 4099: Mr. POE, and Mr. DUNCAN.
H.R. 4126: Mr. LEACH.
H.R. 4156: Mr. ZOHRI, Mr. MOORE of Kansas, Mr. BACA, Mr. Breyer, Mr. HINOJOSA, Mr. PASTOR, Mr. SALAZAR, Mr. SOLIS, Mr. CARDOZA, Mr. COSTA, Ms. LORRETA SANCHEZ of California, Mr. WOODARD of Arkansas, Mr. DEFAZIO, Mr. HUNTER, Mr. WOODSON, Ms. KINCHUK, and Mr. WU):
H.R. 4229: A bill to require the Commissioner of Food and Drugs to determine whether to allow the marketing of Plan B as a prescription drug for women 15 years of age or younger and a nonprescription drug for women 16 years of age or older; for other public bills and resolutions; to the Committee on Energy and Commerce.

By Mr. POE (for himself and Mr. WILK): H.R. 331. A resolution honoring Abilene Christian University on its 100th Anniver-
sary; to the Committee on Education and the Workforce.
H. Res. 477: Mr. Ackerman and Ms. Wasserman Schultz.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H. Res. 401: Mr. Towns.
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.

Almighty God, who gathers the waters of the sea together as a heap, Your counsel stands forever. Lord, keep us today both outwardly in our body and inwardly in our souls.

Give us the health and strength we need for today’s journey. Help us to avoid the pitfalls of too much and too little. Prevent us from driving ourselves to exhaustion or growing weak through too much ease. Keep our minds at rest and peace as we trust You moment by moment.

Bless our Senators. Save them from being so busy with things which are seen and temporal that they forget the things which are unseen and eternal.

Bless us all in body, soul, and spirit that we may learn to rest in Your love. Let Your eye be on those who fear You and who hope in Your mercy. We pray in Your loving Name.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. Frist. Mr. President, we will shortly begin this morning’s session with a rollcall vote on the adoption of the conference report to accompany the Agriculture appropriations bill. After that vote, we will resume the deficit reduction reconciliation bill. All time expired last night, and therefore we will begin a series of rollcall votes in relation to the pending amendments. We will, in a few moments, enter into an agreement which states the order for those votes. At this time, there are approximately 16 pending amendments that we would need to vote on.

Following those votes, additional amendments may be offered, and therefore the voting sequence would continue. This stacked series of votes could be very lengthy, but we will continue voting until we complete the deficit reduction bill or until 6 o’clock tonight. I hope and believe we can finish this afternoon, but that will depend on the number of amendments and how many will be offered over the course of the so-called vote-arama that we will be in a little bit later today. We have asked Senators to remain in and around the Senate Chamber over the course of the day to avoid missing any recorded votes. These vote-aramas are very trying as the day goes on so I do wish to thank everybody in advance for their patience during what will be a very busy session of voting today.

ENERGY INDEPENDENCE AND ANWR

Mr. Frist. Mr. President, over the past couple of weeks prices at the pump have been steadily falling—thank goodness. After the shock of paying nearly $3, sometimes over, sometimes well over $3 a gallon, families are finally getting some relief when they are filling up their cars or trucks, automobiles with gas. Gas prices are finally beginning to fall back to pre-Katrina levels.

And that is the good news. The bad news is that prices are still much higher than they were a year ago. Americans are paying significantly more to fill up their cars, their automobiles with gas. And as we all know with winter right around the corner, home heating costs threaten to literally break the family bank.

Meanwhile, America’s oil companies are making multibillion dollar profits, record profits. You could not miss the news last week that oil companies posted these record-breaking profits with one company posting the biggest profit in U.S. history. So while Americans have been reeling from Katrina, standing in long lines at the pump at gas stations following Katrina and the other hurricanes and their cutting back on the necessities of everyday life, what they see are oil profits that are booming, going off the chart. And we have constituents naturally calling and writing and e-mailing saying, Why? How could that possibly be?

Literally, what they see is pumping gas and watching the little figures come up higher and higher and higher, seeing money go out of their pocket and then going home and turning on the news and seeing that the coffers of these large oil companies, that same money going into the gas tank almost being in the coffers of these large oil companies, and they are asking why.

I think these are legitimate questions, and Americans do have the right to know what is going on. Is this the way the market works and, if so, what are those dynamics? They need to know why those gas prices and those oil and natural gas prices are so much higher than they used to be at the same time these profits are off the chart.

That is why last week I asked Chairman DOMENICI and Chairman STEVENS to hold a joint hearing to be able to answer those basic questions. Next week, several executives will be coming in from some of the biggest oil companies to explain. We may well learn that there are no sinister reasons behind all
this, but I think we all agree that our free market works best when we all know and we all follow the rules of the road and all have confidence in that system.

That is what the focus of those hearings will be. If there are people abusing the free enterprise system to advantage themselves or their businesses at the expense of everyday Americans, they need to be exposed and they should be ashamed.

Next week’s hearings will help shed light on this very important matter.

Meanwhile, the Senate is also working to strengthen and secure America’s energy supply. Indeed, we are doing it, in part, in the bill that we will be voting on over the course of today.

Last summer, the Senate passed a comprehensive energy plan that looked, in terms of framework, at production, at consumption, at conservation; at alternatives; at nuclear, at hydrogen, at the investment of science and technology to make fuel use more efficient, and that was a good first step. But we have a lot more to do.

When you go home and you are talking to constituents and you say: What if I told you that most of the oil that you are pumping into your gas tank comes from overseas, from foreign sources, from countries that are specifically hostile to the United States, and what if I told you that the United States has barely 45 days’ worth of oil on hand in our own Strategic Petroleum Reserve, the answer is obvious. Next, to diversify our energy sources, you would want to move toward energy independence, and that is exactly what we need to do.

Now, if I told you that in the United States we have untapped oil reserves comparable to the oil in Arizona, California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, New Mexico, North Dakota, and South Dakota combined, you would want to find it since it is here and get it to the American people.

Well, we do have that resource. It is in Alaska under the Arctic National Wildlife Reserve, ANWR. We all know ANWR is the Nation’s single greatest prospect for future oil. The Government estimates that ANWR contains approximately 10.4 billion barrels of technically recoverable oil. At peak production at this one site could be produced more oil than any other U.S. State.

In 1968, the Federal Government estimated that Prudhoe Bay held 9 billion barrels of oil. To date, Prudhoe Bay has produced 13 billion barrels and it is still producing. Now, more than ever, we need to recognize the need to strengthen America’s oil supply and now we have the opportunity to do that. America can’t afford $3 a gallon, and we can’t afford to depend on sources many of which are hostile to the United States.

Some critics complain that drilling in ANWR will hurt the environment. It is simply not true. It was stated again and again in the Chamber yesterday and explained, the prospective drilling site is an area equivalent to the size, if you took a tennis court, of a single postage stamp.

State-of-the-art drilling technology has made remarkable advancements to preserve and protect the environment. It is now possible to extract oil using that horizontal drilling technique from a site that could reach way out from a site that is very tiny, as you look at it on the horizon or area. These are called extended reach wells. We talked yesterday about how far out you can go. You can go out horizontally twice as far as you can vertically, therefore reducing the number of drilling sites.

Developing the Reserve will create hundreds of thousands of jobs for hard-working Americans. It will contribute billions to the economy and strengthen America’s energy independence. The oil in ANWR is critical to our economic and national security, and now we must move forward to the vote today on developing this tremendous resource. Responsible, environmentally sensitive exploration will help ease the bottom line for every American family. We are working hard to deliver real solutions for the real problems facing the American people by taking strong, decisive action.

Indeed, by today’s floor action, we are moving America forward.

ORDER OF PROCEDURE

AMENDMENT NO. 2347 WITHDRAWN

Mr. FRIST. Mr. President, I ask for the regular order with respect to amendment No. 2347 and I ask that the amendment be withdrawn. I further ask unanimous consent that the Senate proceed to votes in relation to the pending amendments in the order offered; provided further that there be 2 minutes equally divided for debate prior to the votes in relation to any of the pending amendments, in addition to any second degrees offered.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, has the majority leader completed his statement?

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. I thank the Chair.

THE BUDGET

Mr. REID. Mr. President, I strongly oppose the Republican budget and the package of reconciliation bills we will be debating and have debated this past week. The Republican budget and the reconciliation bills are fiscally irresponsible and simply will increase the deficit, which is already staggering—$3 trillion.

The budget and these reconciliation bills are based on the wrong values. They harm vulnerable Americans. And these cuts simply provide tax breaks for special interests. With so many other serious problems facing middle-class families and our Nation, the decision to focus on this reconciliation legislation reflects seriously misplaced priorities. Certainly, together we can do better than this.

The budget of the United States ought to be a mirror of our Nation’s values. The budget should reflect what we think is important, what we care about and what we don’t. It says a lot about who we are and what we value as a people and a nation, this thing we call the budget.

In essence, a budget is a moral document. Unfortunately, the Republican budget is an immoral document. That is not my term, Mr. President. That is the conclusion of some of our Nation’s leading religious leaders who, citing scripture and the Bible, have urged all of us to oppose this budget reconciliation process.

As Bonhoeffer, the presiding bishop of the Evangelical Lutheran Church in America, put it, “This is not the time to cut . . . important programs while using the cuts to pay for tax breaks for those who don’t need them.”

My Republican friends will portray their budget as a way to reduce the deficit. In truth, their budget and these reconciliation bills actually make the deficit worse. In fact, debt under their budget would go up by about $3 trillion in just 5 years. That is fiscally responsible? No. It is irresponsible at any time but especially when we should be saving to prepare for the baby boomers’ retirement.

Let’s review a little bit of the history. When this administration came to power, our Nation had finally put our fiscal house in order. After many years of deficits and raids on Social Security to pay for other programs, Democrats, without the single Republican vote, stopped that practice.

As a result of our efforts, this Nation ran a surplus from 1998 through 2001, and it was projected we would enjoy surpluses as far as the eye could see. At the time, our future looked so bright that many economists, including Alan Greenspan, seriously worried about what would happen to financial markets if we eliminated our debt altogether. Unfortunately, in these 5 short years with Washington Republicans in control of the House, the Senate, and the White House, we have moved from a period of record surpluses to a time of record deficits. Once again, we are raiding Social Security, and the deficits in each of the last 3 years have been higher than at any time before President Bush took office.

This year, Social Security has had a surplus from it—I don’t know the exact amount—about $175 billion to mask the deficit. The latest Republican budget amendments will make matters even worse. While the majority has divided its budget in a way that obscures its overall effect, nobody should be fooled.
Viewed as a whole, budget reconciliation would increase the deficit by more than $30 billion. After 5 years under their budget, our national debt would exceed $11 trillion.

But the problems with their budget go well beyond its fiscal irresponsibility. This budget reflects the wrong values. It puts more burdens on those already struggling. And if that isn’t bad enough, it takes the sacrifices it demands of the less fortunate to partially pay for another round of large tax breaks for the elite of this country.

Let’s look at what is in the bill before us.

The budget increases burdens on America’s seniors by increasing Medicare premiums, and we have not seen what the House is going to give us. It cuts health care, both Medicare and Medicaid, by a total of $27 billion. It cuts support for our farmers by $3 billion. It cuts housing.

It allows drilling in an Alaskan wildlife refuge, at the behest of the oil and gas industry, even though this year they are going to make a $100 billion profit.

If we take a look at what is happening in the House of Representatives, we can see what is likely coming down the pike from them:

Student loan cuts, food stamp cuts, cuts in child support enforcement, deeper and more painful cuts in health care.

Why? Why are we using expedited procedures for cuts that will harm millions of seniors and working Americans? Is it to reduce the deficit or to pay for Katrina? No; no on both counts. Is it to prepare for the avian flu? No. It is to provide congressional Republicans fiscal cover today so they can turn around tomorrow to provide tax breaks to special interests and multimillionaires while increasing the deficit.

The Iraq war is not going well, as we all know. We were promised by this administration that it would. Mr. President, 2,036 American soldiers have been killed in Iraq. Tens of thousands have been wounded, badly injured: 150,000 more are still in harm’s way in Iraq, while the administration still has no plan to end the conflict and bring them home. Instead of being greeted as liberators, the violence continues nearly 3 years after the start of this conflict.

Our Nation badly needs a strategy for success, and that, too, is more important than harming the vulnerable to provide tax breaks to special interests and multimillionaires while increasing the deficit.

I urge my colleagues to defeat this budget piece by piece. It is fiscally irresponsible. It is based on the wrong values and reflects the wrong priorities. I would hope together we could do better, and let’s focus on the real needs of the middle class and our Nation.

Finally, beyond the fiscal irresponsibility of this budget and the disturbing choices it makes, there are other important priorities the Senate should be addressing. Take, for example, skyrocketing prices of fuel. Families are struggling to fuel their vehicles and heat their homes. Farmers and businesses are feeling the pinch. Democrats have a plan to respond, to address price gouging, and ultimately make our Nation energy independent.

That is more important than harming the vulnerable to provide tax breaks to special interests while increasing the deficit.

Hurricane survivors are still struggling. Thousands lack health care coverage. More than 200,000 still live in motel and hotel rooms. Devastated communities have been forced into massive layoffs and are unable to provide even basic services, such as a place for kids to go to school. And many survivors who have lost everything are facing foreclosures and bankruptcy in homes that do not even exist. Democrats have a plan to address these urgent needs. That is more important than harming the vulnerable to provide tax breaks to special interests and multimillionaires while increasing the deficit.

The difference is clear. The choice is clear. The Senate should be addressing the urgent needs of our Nation—health care, housing, education. Instead, the Senate is going to give us a budget that cuts health care, increases the deficit, and provides tax breaks to special interests and multimillionaires while increasing the deficit.

I appreciate the hard work of the chairman of the Appropriations Committee, Mr. Eversole, and the hard work of the administration, and I urge my colleagues to defeat this bill and defeat the appropriations process that is underway.

Let’s take a look at some of the earmarks that are in this bill: $258 million more than the Senate-approved bill and $680 million more than the House-passed bill. As is the case with many of the appropriations bills that come to the floor, this bill and its accompanying report contain earmarks and pork projects which have not been authorized or requested.

I believe that some Federal involvement is necessary to assist low-income families under the Food Stamp Program and that we ensure that our farmers stay out of the red. And to this end, many of the programs under the Agriculture Department are worthwhile and I support their funding. I know that many of my colleagues have spoken before the Senate about the economic struggles of America’s farmers, but as Congress looks ahead to legislating a new farm bill in the near future, we once again confirm to the practice of diverting taxpayer dollars into an array of special interest pork projects.

Let’s take a look at some of the earmarks that are in this bill: $250,000 for a report on the economic development of the sheep industry in the United States; $1,250,000 for the National Sheep Industry Improvement Center; $210,000 to the Little Red River Irrigation project, Arkansas; $1,800,000 for the Muskingum River, Jerome and Muddy Fork obstruction removal projects, Ohio; $1,000,000 for a flood prevention project.
Our responsibility to the taxpayers. We
appropriations process and, by extension,
earmarks erode the integrity of the ap-
bad. The cumulative effect of these
continues to thrive in good times and
military operations overseas, and de-

banks, AK; and $250,000 for turf grass
for research into seafood waste, Fair-

of New York; $75,000 for research into
blackbird damage to sunflowers in
North Dakota and South Dakota;
control measures for minimizing
feral hogs in Missouri; $50,000 for a
cooperative purchasing alliance;

$200,000 for a grant to the Utah State
University for a farming and dairy
training initiative; and $300,000 for a
grant to the Nueces County, Texas Re-
gional Groundwater.

It is a violation of Senate rules to
legislate on an appropriations bill, and
this fact is far too often overlooked.
Authorizing policy is a function re-
served for the authorizing committees, not
the appropriations committee. As
is done far too frequently, this appro-
priations bill includes a variety of pol-
icy changes. Examples include:

The conference agreement authorizes
the purchase of land by the Agriculture
Research Service in Florence, SC.

The conference agreement authorizes
the lease of 40 acres of Federal ARS
land to the Colorado State University
system.

The conference agreement authorizes
the Rural Electrification Act of 1936 re-
garding Federal loans.

The conference agreement amends
the Immigration and Nationality Act.

The conference agreement amends
the Organic Food Production Act of
1990.

The conference agreement amends
the Federal Meat Inspection Act.

The statement of managers that ac-
company the conference report in-
cludes hundreds of earmarks and
questionable projects. Here are some
examples: $300,000 for beaver manage-
ment in North Carolina; $625,000 for

game bird predation work with the
University of Georgia; $50,000 for con-
trol of feral hogs in Missouri; $50,000
for animal tracking projects in the
State of Washington; $380,000 to con-
tinue control measures for minimizing
blackbird damage to sunflowers in
North Dakota and South Dakota; $196,000 for geese control in the State of
New York; $75,000 for research into
peanut production, Dawson, GA; $75,000
for research into seafood waste, Fair-
banks, AK; and $250,000 for turf grass
research, Beaver, WV.

Despite high gas prices, despite a
swelling budget deficit, despite our
military operations overseas, and de-
spite our domestic emergencies, pork
continues to thrive in good times and
bad. The cumulative effect of these
earmarks erode the integrity of the ap-
propriations process and, by extension,
our responsibility to the taxpayers. We
can do better for our farmers and the
American people.

Mr. DORGAN. Mr. President, I voted
to reject the conference committee's
report on the fiscal year 2006 Agri-
culture appropriations bill. There is
much about this bill that I support. It
funds important research in North Da-

dakota and across the country that will
greatly benefit American agriculture.
I voted against the conference report
because of how it treats an important
issue called country-of-origin labeling.
The 2002 farm bill required that fruits,

vegetables, seafood, and meat sold in
the United States be labeled and be
labeled with its country of origin. This
is a consumer-friendly, farmer-friendly,
rancher-friendly law, and I strongly
supported it. After all, if we can look at
a label on our T-shirt and know
where it came from, we should be able
to do the same with the T-bone steak
on our dinner plate.

Country-of-origin labeling, or COOL,
was supposed to begin in September
2004. If we had followed the law we
passed, American con-
sumers would today be able to know
where their food comes from, and our
farmers and ranchers would be reaping
the benefits. Unfortunately, 2 years
ago, opponents of this commonsense
law hid this provision in a massive spend-
ing bill that delayed the start date for
COOL until 2006.

COOL is the law of the land. The
Senate has voted overwhelmingly in favor
of it. It should have gone into effect
years ago. So I was outraged to learn
there was another 2-year delay of
COOL in this year’s Agriculture Approp-
riations bill.

I knew some opponents of COOL
wanted to delay this important pro-
gram. But I expected that when the
conference committee met to write a
final version of the Agriculture appro-
priations bill, we would get a chance
to debate this issue and vote on it, in

public. Instead, a handful of Republican
Senators and Representatives
behind closed doors and decided on
their own to delay the program for an ad-
nitional 2 years.

That is an outrage. I voted no today
because I think we should send this bill
back to the conference committee and
force the conference committee to vote
on this issue.

Mrs. CLINTON. Mr. President, today
I discuss the Agricultural Appropri-
ations conference report, which recently
passed the Senate. Though I was not
present for all of the final report,
I voted in favor of this bill be-
cause I support New York farmers and
consumers.

I am proud to support the increases
made to the Food Stamp Program, which
is vital to feeding New York
families and children.

The Food Stamp Program plays a
critical role in fighting hunger and
ameliorating poverty in both our urban
and rural communities. This program
provides supplemental resources to millions
of low-income families with children,
seniors and individuals with disabili-

In addition, hundreds of thousands of
displaced evacuees are currently in
need of critical food assistance due to
Hurricanes Katrina and Rita. As the
Nation works to recover and rebuild
from these devastating natural disas-
ters, the widespread need for increased
food security is even greater.

I am also proud to support increased
funding for child nutrition programs, though I was
upset to see that New York State was
left out of the fiscally responsible
Child Hunger Prevention Grant

Program.

Mr. DORGAN. I am deeply dismis-
sioned by the decision to cut funds
to the Conservation Security Program, CSP,
which provides voluntary incen-
tives for farmers and ranchers to par-
ticipate in efforts to preserve and en-
hance their farmland, their natural re-

sources and the environment.

Five watersheds in New York State
are currently eligible for CSP sign up
in FY 2005—Adirondack, Western
and Southern Long Island, Buffalo and Ni-
agara—and about 2,860 farms and over
390,000 acres are enrolled. Two addi-
tional New York State watersheds have
been proposed to be added to CSP for
FY 2006—East Branch Delaware and
Oak Orchard—which would add an esti-
mated 1,800 new farms and almost
390,000 acres to the program. Due to the
drastic nature of the cuts to the Con-
servation Security Program, these con-
tacts to New York State farmers are
in jeopardy.

I am also extremely disappointed by
several of the provisions that were
included in the conference report, par-
ticularly the decision to once again
delay mandatory country-of-origin la-

celling. This provision was inserted be-
hind closed doors and does not serve
the interests of producers and con-
sumers in my state of New York.

The 2002 farm bill required that the
U.S. Department of Agriculture write
rules and implement mandatory country-

of-origin labeling. COOL, of meat
products, seafood, fresh and frozen
fruits and vegetables, and peanuts by
September 2004.

My producers want mandatory COOL
because it will give them a competitive
advantage over foreign goods, particu-
larly for the fresh market specialty
crops that New York produces. It is
also good for consumers, who will be
able to make an informed choice and
buy food produced closer to home. In
addition, mandatory COOL will en-

hance our international trade, increase
traceability of our food products and
will better protect animal and human
health.
Despite practical suggestions from small farmers and ranchers for streamlining the country-of-origin labeling process, I am disheartened to see that the decision has instead been made by agribusiness, which doesn’t want consumers to know where food comes from.

While I voted for this bill because I feel that it is imperative to keep agriculture and nutrition programs moving forward, I hope to continue to work with my Senate colleagues to address some of the shortcomings in the future.

Mr. CONRAD. Mr President, the fiscal year 2006 Agriculture appropriations conference report was written under some very difficult spending constraints compared to the needs of U.S. agriculture. Because the bill contains many positive elements for North Dakota agriculture, I intend to vote for its passage. However, I am deeply concerned that the appropriators have again adopted a delay in the implementation of the country-of-origin labeling for U.S. agricultural products. This provision is broadly supported by U.S. farmers and livestock producers who wish to be able to differentiate their products in the market. It also supports the interests of U.S. consumers who desire to know where their food is produced. It is unfortunate the conference failed to represent those interests.

Mr. SALAZAR. Mr. President, I rise to speak about the fiscal year 2006 Agriculture appropriations bill. I want to thank Chairman BENNETT and Ranking Member KOHL for their long, hard work on this important bill. In the current fiscal environment, it is extremely difficult to put together an Agriculture appropriations bill that meets the needs of rural communities across the U.S., and I believe that Senators BENNETT and KOHL have done an admirable job.

I am very pleased that two of my amendments that were adopted during Senate consideration of this bill were included in the final conference report—specifically, my first amendment will result in a thorough review of the impact the increased cost of gas, natural gas, and diesel is having on farmers, ranchers, and rural communities; and my second amendment will help to address oncoming bark beetle infestation problems.

In addition, I am pleased that Colorado State University will receive funding for several important agricultural research programs such as infectious disease research, Russian wheat aphid research, and beef cattle genetics research.

Unfortunately, I am still concerned about the rural communities this conference report is primarily designed to assist. I am concerned that we are not doing everything we can on behalf of those farmers, ranchers and agri-businesses that continue to play a vital role in our Nation’s rural communities. We are not making the necessary investments to keep our young people in these communities, and we are not making the necessary investments in research and development that will allow those communities to compete economically.

I am also concerned that this bill includes yet another delay for country-of-origin labeling. I believe this is a commonsense provision that will provide American consumers with information about where their food is coming from—information they need and deserve. Common sense dictates that if our lawmakers can be trusted to put labels on clothing and socks that are made, we can surely label where our meat and other kinds of food come from. I was disappointed to see this provision in the conference report, one that I believe will prevent our consumers from receiving the information they need to make an informed choice—the choice to buy American meat.

We can do more. Here is what I am hearing from my State: During harvest, the corn and soybeans that are some of the largest fuel consumers in the U.S., and producers are facing enormous fuel costs. In Grand Junction, CO, diesel prices are over $3.00.

I have heard from one Colorado farmer in Kiowa County who has estimated that, in order to harvest this year, he will need an additional $46,000 to cover fuel costs alone.

I have also heard from a farmer in northeastern Colorado who, in order to cover the cost of fuel, has applied for additional loans at his bank—only to be turned down because he is already overextended with existing loans.

That is why I am so pleased this bill now includes my amendment to require the Secretary of Agriculture to work with the Secretary of Energy to produce a comprehensive report on the impact of high gas prices on our farmers, ranchers, and rural communities across the country. That data is the first step toward a comprehensive solution that will help these communities address these terrible prices.

When you consider that these increasing fuel costs come on top of both natural disasters and an overall budget picture that has resulted in $3 billion of cuts to important agricultural programs, it is painfully clear that we must do more to help our producers. I believe we must cooperate to provide our producers the resources they need to achieve rural development and sustainable agricultural opportunities as well as reasonable commodity supports and eligibility guidelines to ensure that Federal supports go to the family farmers who are the intended beneficiaries.

Our family farmers, ranchers, and rural business people deserve fair farm, rural development, and conservation programs. They also deserve a safe food supply and other policies that help create more successful communities. I will support this bill, which is a step in the right direction. However, I do so with the recognition that it is not the whole answer, and that we must continue to fight—for the important investments that will assure our rural communities that we have not forgotten them.

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a vote on the adoption of the conference report to accompany H.R. 2744.

Mr. GREGG. Mr. President, have the yeas and nays been ordered?

The PRESIDENT pro tempore. The yeas and nays have been ordered.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

Mr. FEINGOLD. Mr. President, in September I was pleased to support the Senate version of H.R. 2744, the fiscal year 2006 appropriations bill providing funding for the Department of Agriculture, Food and Drug Administration, and related agencies. I want to thank Senators BENNETT and KOHL for their hard work in crafting that legislation. While I may not have supported every provision, on balance, the Senate bill provided important funding to support our Nation’s rural communities, and conservation programs and to provide nutritious food for seniors, children, and those in need. While I still support many of the provisions that remained in the conference report, there were significant changes and new provisions added that prevent me from supporting the final conference report.

After years of delay, I was encouraged that the Senate bill included funds to implement mandatory country-of-origin labeling, COOL, for meat, vegetables, and fruits. Unfortunately the conference report delays COOL for another 2 years, which is unacceptable for a provision that was part of the 2002 farm bill. Country-of-origin labeling is vitally important to enable our farmers to show their pride in the quality of their products, from ginseng to cheese to cranberries. Wisconsin farmers are proud of their work, and many consumers want to support American products—with country-of-origin labeling, both farmers and consumers benefit.

The strength of the organic certification and labeling program through USDA has been the ability of organic consumers, farmers, processors, and retailers to show their pride in the quality of their products, from ginseng to cheese to cranberries. Wisconsin farmers are proud of their work, and many consumers want to support American products—with country-of-origin labeling, both farmers and consumers benefit.

The Harvey court decision challenged some of the procedures in place for organic farming and food processing. This situation should have caused the organic community to again come together, openly discuss the issues, and more than likely propose consensus changes to the law to both ensure the reputation of the organic label and allow for the continued record growth of the organic market. The Senate had included an amendment in the USDA to report on the effects of the Harvey decision as part of this open process.
Unfortunately, some powerful corporate interests who see organic foods simply through the lens of potential profit were able to have language inserted in conference. While some of the inserted changes might ultimately have been adopted after open discussions and full public debate, the dark-of-night deals in the dead of night are not the way to go and have the potential for undermining confidence in the entire organic program.

The process extends to other provisions that were changed in conference to the detriment of the final report, including reductions in conservation funding and the removal of a provision proposed by Senator HARKIN that would have prevented the privatization of food stamp offices.

I am also disappointed that there are not stronger protections against the politicization of decisions made by the Food and Drug Administration. There is no room for politics in science, yet the FDA has demonstrated an alarming indifference to scientific integrity in its unprecedented decision preventing emergency contraception, or Plan B, from being offered over the counter. I strongly believe women should have access to all available contraceptive methods so that they can make choices regarding their personal health. I have supported scientific integrity in the past, and I must express my displeasure that stronger language was not included in the final conference report to prevent the FDA from allowing political impacts to affect its decision-making.

By highlighting the problems with the conference report’s process and policy, I don’t mean to suggest that nothing good remains from the Senate bill. The conference report still rejects a number of administration proposals to reduce or eliminate important programs such as funds for research at our land-grant colleges and universities, conservation partnerships through the APHIS conservation and development councils, and funds to combat Johne’s disease in our dairy industry. I was also heartened that the conferes included critical funds to address chronic wasting disease, and an amendment I proposed with Senator ALLARD to speed USDA’s development of uniform regulations governing captive deer and elk. But, on balance, I simply cannot support the detrimental changes made in conference to the Senate bill.

Mr. DAVENPORT. Mr. President, as a member of the Agriculture Appropriations Subcommittee, I rise today to speak in support of the Agriculture appropriations conference report.

I would particularly like to thank the chair and the ranking member of the Subcommittee, Senators BENNETT and KOHL, for including $7 million in the bill for specialty crop funding.

Akers

Americans tend to forget that California, the largest agricultural-producing State in the Nation, of the top 10 agricultural producing counties nationwide, 8 are located in California. We export more crops than any other State, and I am proud to say that 97 percent of our farms are family owned.

As a result, I supported the Specialty Crop Competitiveness Act, legislation to boost the marketing of highly nutritious fruits, vegetables and other specialty crops. American consumers and international markets. The legislation provided, for the first time, a dedicated source of funding to promote the marketing of specialty crop products.

Specialty crops are fruits and vegetables, dried fruits and nuts, and nursery crops, including floriculture. Farms in the Golden State produce more than half of the Nation’s fruits, vegetables and nuts from just 3 percent of the Nation’s farmland. While California accounts for about 13 percent of national cash receipts from agriculture, it receives only about 3 percent of direct government payments to agriculture. These funds, while open to all 50 States, will help California specialty crop farmers.

As the circulation of markets continues, it is becoming increasingly difficult for United States producers to compete against heavily subsidized foreign producers in both the domestic and foreign markets. United States specialty crops also continue to face serious tariff and non-tariff trade barriers in many export markets. The funding for specialty crops will promote the marketing of specialty crops and improve access to foreign markets and competitiveness.

I am extremely pleased that we were able to include $7 million for crops that are so vital to our Nation’s food supply.

In addition, I would like to thank the chairman and ranking member for including other projects that will benefit California.

They include: $1.35 million for the California County Pest Detection Augmentation Program. This program will help the agency to develop the resources to eliminate the spread of pest exclusion inspection activities of new shipments of plants, seeds, fruits, vegetables, and animals. Pest exclusion is critical to a successful agricultural industry because it is more effective and less costly to prevent the introduction and establishment of potentially harmful exotic pests from the local environment than it is to eliminate them; $24.25 million for the Glassy-winged Sharpshooter Pierce’s Disease Control Program. The glassy-winged sharpshooter is an invasive pest that spreads bacteria that kills grapes, almonds and tree fruits. This funding will be used to develop the resources to eliminate the spread of this disease; $300 million for the Market Access Program. This nationwide program provides funding to promote the export of American agricultural products; $1.929 million for Exotic Pest Disease Research at the University of California. This Exotic Pest and Disease Research Program funds research to combat a wide variety of exotic organisms that have invaded or could invade California. Recent successes in the program include determining the origin of avocado thrips found in Ventura and Orange counties—causing an $8.7 million annual loss to growers—and identifying natural enemies to control the thrips and replace pesticides previously in use. A similar approach is being developed for the Avocado Lace Bug. In addition, the program has funded work on such organisms as Sudden Oak Death, red imported fire ant, and Mediterranean fruitfly; $32 million for the Farmers’ Market Nutrition Program. The program provides nutritional information and supplements as well as healthcare referrals to low-income mothers and pregnant women. The Farmers Market Nutrition Program provides coupons to participants to use to buy produce from small farmers, and nutrition information is provided through the local Farmers Market Nutrition Program agency; $32.8 million for the Sudden Oak Death Prevention Program. Funding will be used to continue researching Sudden Oak Death Disease, which infects and destroys oak and tanoak trees; $401,000 for Ozone Air Quality Research by the San Joaquin Valley Air Pollution Study Agency. A multi-year, intensive air quality study is needed to meet the requirements of Regional Haze State Implementation Plans anticipated after 2008. This study would build upon the Central California Oxzone Study and the California Regional Air Quality Study. These new studies will include an ozone filed study, data analysis, modeling performance evaluations, air quality and meteorological modeling improvements, and a retrospective look at previous State Implementation Plan modeling.

This bill is extremely important to ensuring a safe and secure domestic food supply. I would like to again thank the chairman and the ranking member for all of their hard work on this bill.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote? The question is on agreeing to the conference report. The clerk will call the roll.

The result was announced—yeas 81, nays 18, as follows:

YEA—81

Akaka  Burr  Cornyn
Alexander  Byrd  Craig
Allard  Cantwell  Crapo
Allen  Carper  Dayton
Bennett  Chafee  DeMint
Biden  Chambliss  DeWine
Bingaman  Clinton  Dole
Bond  Coburn  Donnelly
Boxer  Coleman  Durbin
Brownback  Collins  Feinstein
Bunning  Conrad  Frist

(Rollcall Vote No. 328 Leg.)
We don’t look at it that way on this side of the aisle. We look at it as the people’s money, and they should be able to keep it. We should not have a rule that arbitrarily takes it from them. For that reason, I oppose the amendment.

I make a point of order that the pending amendment is not germane before the Senate, and I raise a point of order under section 303 of the Budget Act.

Mr. CONRAD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of the act for the consideration of the pending amendment.

I ask for the yeas and nays, and I ask my colleagues to support this budget discipline.

The PRESIDING OFFICER. There is a sufficient second?

The original pay-go rules were abandoned to provide for a series of unfunded tax breaks. And since the tax breaks were unfunded, the Government had to borrow money to pay for them. So we borrowed from countries like Japan and China. And we borrowed from the Social Security trust fund. In the process, our national debt shot up to $8 trillion, and it is still rising. Last year, for example, our national commitments exceeded our national resources by more than $550 billion. And we continue to borrow.

Some have argued that this first chapter of reconciliation is an effort to reduce the deficit. They tout the reductions in spending, many of which I support. But later this month, the Senate will get to chapter two of reconciliation, which proposes further unfunded tax breaks and guarantees additional deficits and growing debt. So much debt, in fact, that the third chapter of budget reconciliation, which no one really wants to talk about, will involve raising our country’s debt ceiling to almost $9 trillion.

Americans deserve better financial leadership. The people I talk to in Illinois are not fooled by what is going on. They know what is happening with higher deficits and reduced levels of government service. They understand that, in this life, you get what you pay for and if you don’t pay for it, you will pay more tomorrow.

Washington could learn a lot from the American people about fiscal responsibility. The people I have met with know that if you need to spend more money on something, you also
need to make more money, and if your income falls, your spending must fall too. This is the essence of the pay-go rules we are trying to reinstate in the Senate. Changes in spending must be offset by changes in revenue, and vice versa.

Americans know that when you are already deep in debt, it is not the optimal time to be gutting your revenue stream, whether it’s a few hundred dollars in the case of a family or a $70 billion tax break in the case of the Federal government.

They also understand the difference between a home mortgage, a student loan, a credit card debt for uninsured health care expenses, and an unpaid tab at the bar. They know that some debts are good investments or may be unavoidable. But some debts are irresponsible the result of spending more than you can afford on purchases you could postpone or do without.

The people I have met with know that the pay-go committee proposals to emergencies by indiscriminately cutting all parts of the family budget. You make choices and forego luxuries before cutting back on essentials like food, heating, education, and healthcare. They understand that across the board cuts are neither fair nor responsible. Such cuts sound bold, but they represent a lack of leadership, not an example of it.

The American people also know that the whole family must share in sacrifices to prepare for them. There is no excuse for ignoring the financial consequences of foreseeable expenses whether it is the rising costs of health care, the retirement of the baby boom generation, or the growing inequality of wealth in our society.

You don’t have to be a deficit hawk to be disturbed by the growing gap between revenues and expenses. This makes sense to people because the same principles that apply to any family apply to their family budgets as well. Americans are willing to share in the hard choices required to get us back on track, as long as they know that everyone is pulling their weight and doing their fair share.

That is why it is so important that we reinstate pay-go in a way that meaningfully enforces the budget discipline both sides of the aisle need to honestly tackle our short-term and long-term fiscal challenges.

Mr. President, it is time for fiscal responsibility to return to Washington. Adult supervision must return to the budgeting process.

Pay-go provides a necessary tool at a necessary time. I urge my colleagues to support this amendment.

AMENDMENT NO. 2352, AS MODIFIED

The PRESIDING OFFICER. At this time there is 2 minutes on the Enzi amendment.

The Senator from New Hampshire.

Mr. GREGG. I will yield to Senator ENZI.

Mr. CONRAD. The Senate is not in order. The Senator deserves a chance to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Nevada.

Mr. ENZI. I send a second-degree amendment to the Enzi amendment to the desk. Let me briefly describe it. My amendment addresses the concerns of the Orthodox Union, the Catholic Bishops, and the Council on American Private Education. My amendment simply establishes an indirect aid program for displaced private school students that meets all the constitutional requirements without placing unworkable and unnecessary restrictions on private schools serving these displaced families. It ensures accountability for the funds and, most important, delivers on the much-needed relief to ensure the restart and operation of schools at all levels in the affected areas.

The Bellinan decision by the Supreme Court clarified that religious schools which accept Government funding do not have to modify their teachings and curricula in order to receive Government funding so long as the Government aid arrives at the school by virtue of an independent choice made by the student and parent, and this amendment complies with that decision and meets all of its constitutional requirements.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming.

Mr. ENZI. I hate to debate a second-degree amendment that has not yet been sent to the desk.

Mr. CONRAD. Could we have order, Madam President.

Mr. ENZI. At the appropriate point in time I will be raising the point of germaneness. This amendment shows the Gordian knot we are trying to cut without compromising the constitutionality of religious schools.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Hampshire.

Mr. ENZI. I send a second-degree amendment to the Enzi amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

The amendment is printed in today’s RECORD under “Text of Amendments.”

Mr. ENZI. The pending amendment is not germane to the measure now before the Senate. I raise a point of order under section 305 of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENZI. Pursuant to section 99(c) of the Congressional Budget Act of 1974, I move to waive section 305 of the Budget Act for the consideration of the Ensign second-degree amendment. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered, the PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, as I understand it, I believe there is now still 2 minutes of debate available between the proponent of the second degree and the proponent in opposition. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. I presume Senator ENZI and Senator ENSIGN can continue their discussion.

Mr. KENNEDY. Madam President, will the Senator yield?

Is this the total time I thought we had a minute on each side on each amendment. Are we now debating the Enzi underlying amendment?

The PRESIDING OFFICER. There is 2 minutes on the second-degree amendment, the Ensign amendment.

Mr. GREGG. Madam President, particularly the underlying. And I ask unanimous consent that this time not be applied to the time relative to the debate that is available.
The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. As I understand the situation, the 2 minutes of debate has already occurred on the Enzi amendment. Are we under 2 minutes of debate on the second-degree amendment, which is the Ensign amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. After this amendment is debated, there will be a vote on the motion to waive the point of order made by Senator Enzi from Wyoming, the motion to waive being made by Senator Ensign relative to the second-degree amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Massachusetts.

Mr. KENNEDY. Parliamentary inquiry, Madam President: I thought we were having the 2 minutes prior on each vote just over the course of the day on these different amendments. It is my mistake because I thought we were just voting on the Ensign amendment, and then, when we disposed of that, we would have a vote up or down on the underlying amendment. But I guess that is not the way we are going to proceed.

Mr. GREGG. Madam President, if I may respond to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I say to the Senator from Massachusetts, because there was a second degree, the way it worked out, the debate on the Enzi amendment occurred as part of that process. So the 2 minutes did occur. However, because this is the first exercise here in this undertaking, I would suggest that, after the Ensign amendment is disposed of, if it is favorably disposed of, that there won’t be 2 minutes, but if it is not favorably disposed of we would have another 2 minutes of debate on the Enzi amendment.

Mr. KENNEDY. I thank the chairman of the Budget Committee.

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

The Senator from Wyoming.

Mr. ENZI. Madam President, to clarify this, why would we have the debate on the overlying motion before we have the clause that is underlying motion and then try to deny a debate on the overlying motion at the appropriate time?

I would ask the chairman and the ranking member to consider this process. It will save a lot of time if the person suggesting a second-degree amendment do the debate on the second-degree amendment. Did anybody here hear the debate on the first-degree amendment? That was debate on the second-degree amendment?

So we goes with the debate on the second-degree amendment. Now we have the vote on the second-degree amendment, not another debate on the second-degree amendment and then go to the first-degree amendment without debate—or even with debate. If we are going to limit the time, we need to limit the time each time. And if somebody is going to do a second-degree amendment, they ought to do that, but the second-degree amendment, face the vote on the second-degree amendment, and move on. But you ought to get your time to debate your motion at the time of the vote on motion, not an hour later.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I think the Senator from Wyoming has made an excellent case. We will try to orchestrate it in that manner, should we get additional second degrees.

At this point, the debate for 2 minutes is on the second-degree amendment, and Senator Ensign has a minute, and whoever claims the opposition has the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I understand it, Senator Enzi has made the point of order, has he not, on this amendment?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Wyoming.

Mr. ENZI. Madam President, parliamentary inquiry: Does that mean my point of order was on my amendment and his motion to waive was on my amendment, not on his?

The PRESIDING OFFICER. The pending motion is to waive the point of order against the Ensign second-degree amendment.

Mr. ENZI. That will be what the debate is on? I thought debate did not happen once the germaneness was entered.

The PRESIDING OFFICER. By unanimous consent, the order was changed.

The Senator from Nevada.

Mr. ENSIGN. Madam President, now that we have been through all that, just to restate, the managers of the underlying amendment believe their proposal is constitutional. But the lawyers for the private schools, the ones who have looked at this, believe they could not accept the aid in a constitutional manner, that people will be able to bring a court case against them and that they would lose if they did not change the way they do their instruction. They have a moral, religious-based instruction. They believe they would have to change it.

Our amendment clearly makes the way they receive the funds constitutional. We both want to provide help for those people who have been displaced, for those schools that have taken in these displaced students. We both want to have the help go. What we want to do, though, is allow the private schools to function as they have been functioning in the past. If you are a Catholic school and function as a Catholic school functions and not be penalized for that because you have taken in these displaced students and are getting some Federal aid.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I guess there have been a lot of constitutional lawyers involved in all of this. I certainly want people to know we also conferred with constitutional lawyers and found a way to be able to do, on a one-time emergency basis, what needs to be done properly for the kids of Katrina and for any other major event where we have a large number of displaced students. But this one just deals with the one-time emergency event. It is constitutional. It does not, however, as Senator Ensign would like to do, resolve the voucher issue, and it does not resolve the faith-based initiative issue. But it does get help to kids, and that is what we are trying to do with all the education amendments we have today.

I yield the remainder of my time to Senator Kennedy.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as the chairman of the committee has pointed out, we have reviewed and cleared this with constitutional authorities. This is an indirect way of providing help and assistance to the children. The alternative is effectively a voucher program. We have tried to stay clear from ideological fixes on this.

Let’s treat the children with respect and the schools with respect and in the manner with with which we have treated these children. I hope the amendment will be defeated.

Mr. BINGAMAN. Madam President, I would like to talk about the Enzi-Kennedy amendment to S. 1532, the deficit reduction bill. We all want to do the right thing and help the hundreds of thousands of students displaced by Hurricane Katrina. Just a few weeks after the tragic events surrounding Hurricane Katrina, I came to the floor opposed that did not accept the aid in a constitutional manner, that people will be able to bring a court case against them and that they would lose if they did not change the way they do their instruction. They have a moral, religious-based instruction. They believe they would have to change it.

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law provides a reasonable mechanism for local school districts to assist students attending private schools, called equitable participation, without establishing a national voucher program. I support efforts to use equitable participation to assist private schools serving these students we want to help. Unfortunately, this amendment fails to use this mechanism. At the same time, it establishes the first national voucher program. Accordingly, along with educators, school boards, principals, teacher unions, and many civil rights and faith-based organizations, I must oppose this provision.

Mr. REED. Madam President, while the Enzi-Kennedy amendment passed on a voice vote, I want the record to reflect my opposition to this amendment.

We have all seen the devastation of Hurricanes Katrina and Rita, and I certainly understand and share my colleagues’ desire to address the needs of displaced school children.

Unfortunately, this amendment, which frankly is more than 2 months overdue, falls far short of the help needed for the affected families and public schools. It falls short financially, since it provides less funding than was needed in order to help these children.

We must not cut corners in our response to this disaster. It also falls short constitutionally by making payments to private schools on behalf of students who fled these hurricanes and are now attending such schools across the country.

Now, I understand that these hurricanes did not differentiate between public and private school students, and that we need to be able to provide some assistance for all students affected by them. However, this amendment is not the answer. As my colleagues are very well aware, we currently have a mechanism in current law to provide support to students in private schools. We do it every year in Title I and Title V of NCLB, and under IDEA.

These children should have been helped over 2 months ago with the funding mechanisms we already have in place. That is why this amendment is not about getting help to these students. This is about using these students’ needs as a pawn to further the Republican agenda of vouchers.

In addition, we are doing a disservice to families displaced by Hurricanes Katrina and Rita by not informing them that this assistance is just for this school year. No where in this legislation is there a requirement that parents be notified that this assistance is temporary and that it will not be renewed beyond August 2006. Instead of being fair to these parents by providing them with transparent information, this amendment fails to include a provision to notify parents that this assistance is time-limited. We have an obligation to inform parents receiving this funding that this is a one-time deal. Without clear language on this point, language which I suggested to the sponsors of the amendment, parents will have an unfounded expectation that this aid will be there next year and perhaps even for years to come. These families are settling down in new communities, and they may lack the resources, ability, or desire to go back to the gulf coast.

Of course, we must help families in their moment of need and distress. I understand my colleague, Senator LANDRIEU’s position on this matter, and her sincere desire to help her constituents. I too believe this assistance to both public and private, is important, needed, and appropriate. But this amendment could and should have been structured in a way that contains clear notification requirements and that mirrors current law.

This legislation is not the direction we should be heading. This legislation is a stalking horse for a national voucher program. At the same time, it provides less funding than is needed to repair and fund our devastated public schools. This legislation provides very little accountability for the use of taxpayers’ funds and provides little or no enforcement of the civil rights protections that would exist if money were sent through existing funding mechanisms.

I want to thank Senators ENZI, ALEXANDER, KENNEDY, and DODD, because I know that they have worked very hard to improve this amendment, and I appreciate their efforts. I urge my colleagues to continue to work to address the concerns I have raised as this bill moves forward.

Mr. KOHL. Madam President, I support the Enzi amendment. This amendment would provide $1.6 billion in emergency funding to address the desperate funding needs of schools who have taken in displaced Katrina students and the schools that have been damaged or destroyed by the hurricane.

Over 2 months ago, hundreds of thousands of children in the gulf region were displaced from their homes, their communities, and their local schools. Neighboring communities have welcomed these students with open arms. It is only fair to provide school districts the funds necessary to educate and care for displaced students left in the wake of Hurricane Katrina.

I know some are concerned about funding for displaced students who are attending private schools. However, this amendment is not about getting help to these students. This is about using these students’ needs as a pawn to further the Republican agenda of vouchers.

The PRESIDING OFFICER. On this vote the yeas are 31, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. BOND. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Madam President, the next amendment is the Enzi amendment. I ask that we move immediately to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 232), as modified, was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.
Mr. GREGG. Madam President, the next amendment is the Lincoln amendment. I ask unanimous consent that all votes on additional amendments be 10 minutes.

We are going to clarify the issue of second-degree amendments. The Chair just went through because, under the rule, all time has to expire on debate on the first degree before you can debate a second degree or offer it. That is why we had the confusion before. We are going to adjust that through this unanimous consent request.

I ask unanimous consent that for the purposes of today’s votes, all second-degree amendments must be offered prior to beginning the 2 minutes of debate on the underlying first-degree amendment. Before the Chair rules, as a clarification, this will now mandate that second-degree amendments must be offered before we begin the 2-minute debate on the first degree. We would then have 2 minutes of debate on the second degree, both in relationship to the second degree, and then have 2 minutes of debate on the first degree prior to the vote in relationship to that amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Reserving the right to object, I would say to Senators who are in the back of the Chamber, who are most interested in this question, this is a good time to hear what is being done to prevent a disaster occurring previously. What occurred previously was, under the rule, all time had to expire on the first-degree amendment before a second-degree amendment could be offered. Under the interpretation of the Chair, that included the 2 minutes of debate on the first-degree amendment. Now what we are doing is modifying that through unanimous consent agreement so if someone offers a second degree, they have to offer it before the 2-minute debate on the first degree. Then we will be able to have 2 minutes of debate on the second degree, a vote on the second degree. Then, in consideration of the first degree, we will be able to have more than 2 minutes of debate in conjunction with it. For the interest of our colleagues, that is what is being done.

We should take this moment, as well, to say to our colleagues, we have 35 amendments filed. That would take 12 hours, straight through. We have time to end today at 6 o’clock, which would mean we would be in tomorrow for at least 4 hours. I ask our colleagues to show restraint on calling up amendments that have been filed. We have had a good debate on this matter. It has been an absolutely fair debate in terms of how we have been treated with respect to amendments being offered. We really don’t need to have 35 amendments offered to this measure. I urge my colleagues to show restraint. I will not object.

Mr. GREGG. I also renew my request that votes on additional amendments be 10-minute votes.

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

Mr. GREGG. The next amendment is that of Senator LINCOLN.

AMENDMENT NO. 2356, AS MODIFIED

The PRESIDING OFFICER. There is now 2 minutes of debate evenly divided on the Lincoln amendment.

The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I modify my amendment with the language that is currently at the desk.

The PRESIDING OFFICER. The amendment is so modified. The amendment, as modified, is 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. 6801. DEFINITIONS.

In this subchapter:

(1) DIRECT IMPACT PARISH OR COUNTY.—

(A) IN GENERAL.—The term ‘direct impact parish or county’ means a parish in the State of Louisiana, or a county in the State of Mississippi, Alabama, or the Federal Government under such Act, 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) 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 under such Act.

(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 site for the Centers for Medicare & 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 Internet site as a direct impact parish or county shall be treated for purposes of subparagraph (A) as described in such subparagraph.

(2) DRM ASSISTANCE.—The term ‘DRM assistance’ means emergency disaster relief health program established under section 6082 to assist Katrina Survivors in accordance with this section.

(3) DRM COVERAGE PERIOD.—

(A) IN GENERAL.—The term ‘DRM coverage period’ means the period beginning on August 28, 2005, and, subject to subparagraph (B), ending on the date that is 5 months after the date of enactment of this Act.

(B) AUTHORITY TO EXTEND DRM COVERAGE PERIOD.—

(I) IN GENERAL.—The Secretary may extend the DRM coverage period for an additional 5 months. Any reference to the term ‘DRM coverage period’ in this subchapter shall include any extension under this clause.

(II) NOTICE TO CONGRESS AND STATES.—The Secretary shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Chairs and Ranking Members of the Committees and the Committees on Energy and Commerce and Ways and Means of the House of Representa-
State provides such assistance in accordance with the requirements of this section and the State is able to separately identify and report 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) 180 percent (280 percent, in the case of such a Survivor who is a pregnant woman or child) of the poverty line; or

(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 1618(b)(1) of the Social Security Act (42 U.S.C. 1382a(b)(1))’’ for subparagraph (A) of such paragraph.

(3) NO RESIDENCY, OR CATHERGICAL ELIGIBILITY REQUIREMENTS.—Eligibility under subparagraph (a) shall be determined without application of any residence tests, State residency, or categorical eligibility requirements.

(4) DETERMINATION.—

(A) LEAST RESTRICTIVE INCOME METHODOLOGY; PROSPECTIVE DETERMINATION.—The State shall use the least restrictive methodology applied under the State Medicaid plan prior to enactment of this section and, if the State's current poverty line is lower than the national poverty line, the State shall use the national poverty line in determining income eligibility for Katrina Survivors and any income eligibility standard that the State establishes under subparagraph (A) shall be determined without application of any residence tests, State residency, or categorical eligibility requirements.

(B) DISREGARD OF UI COMPENSATION AND DISASTER RELIEF ASSISTANCE.—In determining such income eligibility, the State shall disregard—

(i) any amount received under a law of the United States or of a State which is in the nature of unemployment compensation by a Katrina Survivor during the DRM coverage period, including unemployment assistance provided under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 517); and

(ii) any assistance provided (in cash or in kind) to a Katrina Survivor from any public or private entity as a result of Hurricane Katrina.

(5) DEFINITION OF CHILD.—For purposes of paragraph (1), a DRM-eligible Katrina Survivor shall be determined to be a ‘‘child’’ if such Survivor meets the definition of ‘‘child’’ under the State Medicaid plan.

(6) IN GENERAL.—Any Katrina Survivor who can provide proof of enrollment in a State Medicaid plan as of August 28, 2005, (i) is a Katrina Survivor who is eligible for DRM assistance during the DRM coverage period, is a recipient of an amount paid under a law of the United States or of a State which is in the nature of unemployment compensation by a Katrina Survivor determined by another State to be DRM-eligible Katrina Survivor who was enrolled in DRM assistance in that State and who relocates to the State during the DRM coverage period.

(c) KATRINA SURVIVORS PROVIDED MEDICAL ASSISTANCE PRIOR TO DATE OF ENACTMENT.—

(1) IN GENERAL.—An individual described in this subparagraph is any Katrina Survivor who provided medical assistance under a State Medicaid plan in accordance with guidance from the Secretary during the period that begins on August 28, 2005, and ends on the date of enactment.

(2) NONAPPLICATION TO CHILD HEALTH ASSISTANCE.—In the case of a Katrina Survivor who is a child or a pregnant woman or child, such assistance is not deemed to be DRM-eligible Katrina Survivor for purposes of receiving DRM assistance under this section.

(3) ELIGIBILITY DETERMINATION; NO CONTINUOUS REASSESSMENT REQUIRED.—The Secretary may determine eligibility for DRM assistance of a Katrina Survivor in accordance with this section or, if private health insurance is available, assistance in determining eligibility for medical assistance assistance of the new termination date for the DRM coverage period.

(d) APPLICATION TO STATES THAT ELECT TO PROVIDE DRM ASSISTANCE UNDER THE REGULAR STATE MEDICAID PLAN.—The State shall notify the Secretary of its decision to elect to provide DRM assistance under the State Medicaid plan and in accordance with guidance from the Secretary during the period described in clause (iii) of subparagraph (B) which will not be deemed to be DRM-eligible Katrina Survivor for purposes of receiving DRM assistance under this section. Nothing in the preceeding sentence shall be construed as prohibiting such an individual from submitting an application for DRM assistance.

(e) ELIGIBILITY DETERMINATION; NO CONTINUOUS REASSESSMENT REQUIRED.—

(1) STREAMLINED ELIGIBILITY PROCESS.—The State shall use the following streamlined procedures in processing applications and determining eligibility for DRM assistance for DRM-eligible Katrina Survivors and eligibility for the payment of private health insurance provided under section 1396b(a)(10) of title X (42 U.S.C. 1396b(a)(10)).

(A) ONE-PAGE APPLICATION.—A common one-page application form developed by the Secretary of Health and Human Services in consultation with the Chief Medical Director of the State Medicaid Directors. Such form shall—

(i) require an applicant to provide an expected address for the duration of the DRM coverage period; and

(ii) include notice regarding the penalties for making a fraudulent application under subparagraph (b).

(2) APPLICATION FOR MEDICAL ASSISTANCE UNDER THE 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.—

(1) STATES THAT PROVIDE FOR PRESUMPTIVE ELIGIBILITY UNDER THE REGULAR STATE MEDICAID PLAN.—In the case of a State that, at the time of the enactment of this section, provides for a period of presumptive eligibility under the State Medicaid plan in accordance with section 1902(b)(2), (a) (1920b, 1920a, or 1920b of the Social Security Act (42 U.S.C. 1396a(a)(55)), and it appears to the provider or facility that the applicant is able to adapt the card in a manner which clearly identifies that the applicant is eligible for DRM assistance and provides notice of the preceeding sentence shall be deemed to have completed an application for such assistance, presents it to a provider or facility participating in the State Medicaid plan that is qualified to make 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 on the information in the application. If the State本网提供的服务，该州在按照该规定申请医疗援助的法律。
by the State to make presumptive determinations in accordance with clause (i) with respect to eligibility for such assistance, but only if—

(i) the State elects to provide for a period of presumptive eligibility for such assistance for all Katrina Survivors who may be DRM-eligible Katrina Survivors in accordance with this section;

(ii) the qualified providers designated by the State to make determinations of presumptive eligibility for such assistance, at a minimum, at facilities provided in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) that are qualified providers under section 1920(b)(2) of such act.

(G) CONTINUOUS ELIGIBILITY.—Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the DRM coverage period.

(2) NO CONTINUATION OF DRM ASSISTANCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no DRM assistance shall be provided after the end of the DRM coverage period.

(B) PRESumptive ELigibility FOR MEDical assistance under regular Medicare MEDICAID PLAN.—

(i) IN GENERAL.—If a State, as of the date of enactment of this Act, provides for a period of presumptive eligibility for medical assistance under the State Medicaid plan in accordance with section 1920, 1920A, or 1920B of the Social Security Act (42 U.S.C. 1396r–1, 1396r–2, and 1396r–3), the State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section and whose presumptive eligibility period provided in accordance with the DRM coverage period.

(ii) STATE OPTION FOR ALL STATES TO PROVIDE FOR A PERIOD OF PRESUMPTIVE ELIGIBILITY.—If a State is a State to which clause (i) applies, may elect to provide for a period of presumptive eligibility for medical assistance under the State Medicaid plan for periods beginning after 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 FOR ALL STATES TO PROVIDE FOR A PERIOD OF PRESUMPTIVE ELIGIBILITY.—If a State is a State 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 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.

(i) the State elects 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 accordace with this section and whose presumptive eligibility period provided in accordance with the DRM coverage period.

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(iii) targeted populations eligible for services under such waiver.

The Secretary may waive other restrictions applicable under such a waiver, that would prevent a State from providing home and community-based services in accordance with this paragraph.

(C) PREGNANT WOMEN.—In the case of a child born to a DRM-eligible 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. 1396a(e)(4)). The Federal medical assistance percentage applicable to the State Medicaid plan shall apply to such assistance provided to a child under such plan in accordance with the preceding sentence.

(e) TERMINATION OF COVERAGE. ASSISTANCE WITH APPLYING FOR REGULAR MEDICAID COVERAGE.—

(1) NOTICE OF EXPECTED TERMINATION OF DRM COVERAGE PERIOD.—A State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section, as of the beginning of the 4th month (and, if applicable, 9th month) of the DRM coverage period, with a written notice specifying the date for the extension of such period; and

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(b) Collection of Assessment, and, if applicable, 9th month of the DRM coverage period, or

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(c) PREGNANT WOMEN.—In the case of a child born to a DRM-eligible 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. 1396a(e)(4)). The Federal medical assistance percentage applicable to the State Medicaid plan shall apply to such assistance provided to a child under such plan in accordance with the preceding sentence.

(D) Termination of Coverage. Assistance with Applying for Regular Medicaid Coverage.—

(1) NOTICE OF EXPECTED TERMINATION OF DRM COVERAGE PERIOD.—A State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section, as of the beginning of the 4th month (and, if applicable, 9th month) of the DRM coverage period, with a written notice specifying the date for the extension of such period; and

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(b) Collection of Assessment, and, if applicable, 9th month of the DRM coverage period, or

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(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

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(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

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(D) Termination of Coverage. Assistance with Applying for Regular Medicaid Coverage.—

(1) NOTICE OF EXPECTED TERMINATION OF DRM COVERAGE PERIOD.—A State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section, as of the beginning of the 4th month (and, if applicable, 9th month) of the DRM coverage period, with a written notice specifying the date for the extension of such period; and

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(b) Collection of Assessment, and, if applicable, 9th month of the DRM coverage period, or

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(c) PREGNANT WOMEN.—In the case of a child born to a DRM-eligible 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. 1396a(e)(4)). The Federal medical assistance percentage applicable to the State Medicaid plan shall apply to such assistance provided to a child under such plan in accordance with the preceding sentence.

(D) Termination of Coverage. Assistance with Applying for Regular Medicaid Coverage.—

(1) NOTICE OF EXPECTED TERMINATION OF DRM COVERAGE PERIOD.—A State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section, as of the beginning of the 4th month (and, if applicable, 9th month) of the DRM coverage period, with a written notice specifying the date for the extension of such period; and

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(b) Collection of Assessment, and, if applicable, 9th month of the DRM coverage period, or

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(c) PREGNANT WOMEN.—In the case of a child born to a DRM-eligible 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. 1396a(e)(4)). The Federal medical assistance percentage applicable to the State Medicaid plan shall apply to such assistance provided to a child under such plan in accordance with the preceding sentence.

(E) TERMINATION OF COVERAGE. ASSISTANCE WITH APPLYING FOR REGULAR MEDICAID COVERAGE.—

(1) NOTICE OF EXPECTED TERMINATION OF DRM COVERAGE PERIOD.—A State shall provide a DRM-eligible Katrina Survivor who is receiving DRM assistance from the State in accordance with this section, as of the beginning of the 4th month (and, if applicable, 9th month) of the DRM coverage period, with a written notice specifying the date for the extension of such period; and

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(b) Collection of Assessment, and, if applicable, 9th month of the DRM coverage period, or

(ii) are disabled (as determined under the State Medicaid plan or under a waiver to provide home and community-based services under such section applicable under such waiver).

(c) PREGNANT WOMEN.—In the case of a child born to a DRM-eligible 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. 1396a(e)(4)). The Federal medical assistance percentage applicable to the State Medicaid plan shall apply to such assistance provided to a child under such plan in accordance with the preceding sentence.
last day of the 3rd month of the DRM coverage period, a report detailing how the State intends to satisfy the requirements of paragraphs (1) and (2).

(2) Any payments made after less than 3 months after the end of the DRM coverage period, a report regarding—

(i) the number of Katrina Survivors who are determined to be DRM-eligible Katrina Survivors; and

(ii) the number of DRM-eligible Katrina Survivors who are determined to be eligible for, and State Medicaid payments made to, DRM assistance.

(4) SECRETARIAL OVERSIGHT.—The Secretary of Health and Human Services shall ensure that the requirements of paragraphs (1) and (2) that applications for medical assistance under the State Medicaid plan from DRM-eligible Katrina Survivors for periods beginning after the end of the DRM coverage period are processed in a timely and appropriate manner.

(5) NO PRIVATE RIGHT OF ACTION AGAINST A STATE FOR FAILURE TO PROVIDE MEDICAID SERVICES;—No private right of action shall be brought against a State for failure to provide the notices required under paragraph (1) or subsection (d) as the State makes a good faith effort to provide such notices.

(f) 100 PERCENT FEDERAL MATCHING PAYMENTS.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396b(b)), the Federal medical assistance percentage for the payment of costs directly attributable to administrative activities related to the provision of such assistance shall be 100 percent.

(B) costs directly attributable to administering the program under this section, including costs attributable to obtaining recoveries under section (h);

(C) costs directly attributable to providing application assistance in accordance with subsection (c)(2); and

(D) medical assistance provided in accordance with paragraph (2) of subsection (c)(2), and DRM assistance provided in accordance with subparagraph (C) of that subsection, after the end of the DRM coverage period.

(2) INCLUSION OF ASSISTANCE PROVIDED TO KATRINA SURVIVORS PRIOR TO DATE OF ENACTMENT.—Any assistance provided to a Katrina Survivor prior to date of enactment of this Act, shall be treated as a DRM assistance.

(A) during the period that begins on August 28, 2005, and ends on the date of enactment of this Act shall be treated as a DRM assistance.

(B) medical assistance provided in accordance with such assistance.

(C) any payments that were made to a State for the provision of such assistance prior to such date of enactment, shall be disregarded for purposes of determining the unexpended amount of any allotment available for expenditure by the State under that section.

(4) DISREGARD OF PAYMENTS.—Payments provided to a State in accordance with this subsection shall be disregarded for purposes of paragraphs (1) and (2) of section 1108 of the Social Security Act (42 U.S.C. 1398).

(g) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(1) IN GENERAL.—The State shall make a good faith effort to verify the status of an individual who is determined to be a DRM-eligible Katrina Survivor provided under sections 101 and 102 of the Social Security Act (42 U.S.C. 1396l-1) to become a member of the Model State Medicaid plan for the purpose of receiving medical assistance.

(2) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to an individual by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the State from which the individual is enrolled or from which the individual was not a resident of such State on any day during the week preceding August 28, 2005.

(h) PENALTY FOR FRAUDULENT APPLICATIONS.—

(1) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under subsection (g) or otherwise, determines that an individual has knowingly made a false statement or representation described in subsection (c)(1)(B), the State may, subject to paragraph (2), seek recovery from the individual for the full amount of the cost of DRM assistance provided to the individual under this section.

(2) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under paragraph (1) if the Secretary determines that it would not be cost-effective for the State to do so.

(i) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this subsection shall be returned to the Federal government.

(1) EXEMPTION FROM ERROR RATE PENALTIES.—

(1) IN GENERAL.—All payments attributable to providing medical assistance after the end of the DRM coverage period, including any payments attributable to providing medical assistance for such items and services furnished during the period described in paragraph (2) to a Katrina Survivor.

(2) APPLICABILITY OF ERROR RATE PENALTIES FOR PRESUMPTIVE ELIGIBILITY PERIODS FOR MEDICAL ASSISTANCE AFTER THE END OF THE DRM COVERAGE PERIOD.—The rules for applying for medical assistance after that period, including during the period that begins on August 28, 2005, and ends on the date of enactment of this Act, shall be treated as a DRM assistance.

(2) PROVIDER PAYMENT RATES.—In the case of any medical assistance provided in accordance with this section, the provider of such assistance the same payment rate as the State would otherwise pay for the assistance if the assistance were provided in accordance with the State Medicaid plan (or, if no such payment rate applies under the State Medicaid plan, the usual and customary prevailing rate for the item or service for the community in which it is provided).

(k) APPLICATION TO INDIVIDUALS ELIGIBLE FOR MEDICAL ASSISTANCE.—The provisions of this section shall be construed as affecting any rights accorded to any individual who is a recipient of medical assistance under a State Medicaid plan or an individual who is determined to be a DRM-eligible Katrina Survivor, but the provisions of DRM assistance to such individual shall be limited to the provision of such assistance in accordance with this section.

(l) NO ENTITLEMENT TO REGULAR MEDICAL ASSISTANCE SOLELY ON THE BASIS OF RECEIPT OF DRM ASSISTANCE OR IN THE ABSENCE OF A NO-FEE MEDICAID PRESCRIPTION DRUG BENEFIT.—Notwithstanding paragraphs (3) and (4) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), and section 435.930(b) of title 42, Code of Federal Regulations, subject to subparagraphs (A) and (B) of section (c), subsection (d), nothing in this section shall be construed as providing an individual who is a DRM-eligible Katrina Survivor who receives DRM assistance in accordance with this section, with an entitlement to receive medical assistance under the State Medicaid plan for periods beginning after the end of the DRM coverage period—

(1) solely on the basis of the individual’s receipt of such DRM assistance; or

(2) such individual shall not be treated as a subsidy eligible individual for purposes of title 42, Code of Federal Regulations, part 435 (42 U.S.C. 1396a et seq.), or enrollment in such coverage, solely on the basis of the provision of DRM assistance to such individual.

(m) LIMITATION WITH RESPECT TO APPLICATION TO MEDICAID PRESCRIPTION DRUG BENEFIT.—In the case of an individual who is a DRM-eligible Katrina Survivor who receives DRM assistance in accordance with this section, the prescription drug coverage provided under part D of title XVIII of the Social Security Act (42 U.S.C. 1395cc et seq.), or enrollment in such coverage, is limited to that period during which the individual is determined to be DRM-eligible.

(1) The State payment required under section 1924(c) of such Act (42 U.S.C. 1395w-101 et seq.), pursuant to the prescription drug program under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w-101 et seq.), or enrollment in such coverage, is limited to that period during which the individual is determined to be DRM-eligible.

(2) The Secretary may not make payments on behalf of the individual for prescription drug coverage under such program during any period in which the Secretary makes a payment for a health insurance premium on behalf of a Katrina Survivor under section 6083(b)(2)(A) with respect to that period.

SEC. 6083. TARGETED MEDICAID RELIEF FOR MAJOR DISASTER PARISHES AND COUNTIES IN LOUISIANA, MISSISSIPPI, AND ALABAMA.

(a) 100 PERCENT FEDERAL MATCHING PAYMENTS FOR MEDICAL ASSISTANCE PROVIDED IN MAJOR DISASTER PARISHES OR COUNTY.

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396a(b)), for items and services furnished during the period beginning on August 28, 2005, and ends on August 31, 2006, the Federal medical assistance percentage for providing medical assistance for such items and services furnished by a State, including a Katrina Survivor, residing in a major disaster parish or county (as
defined in subsection (c), and for costs directly attributable to all administrative activities that relate to the provision of such medical assistance, shall be 100 percent.

(2) WRITTEN PLAN ON TRANSITION OF CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS TO PRESCRIPTION DRUG COVERAGE UNDER MEDICARE PART D.—(A) IN GENERAL.—Notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(C)), the Secretary shall have a written transition plan that will provide for the transition of coverage of prescription drugs for full-benefit dual eligible individuals (as defined in section 1395c(n)(6) of the Social Security Act (42 U.S.C. 1395c(n)(6))) who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county, from the Medicaid program under title XIX of such Act to the Medicare program under part D of title XVIII of such Act.

(B) REQUIREMENTS.—(1) The plan shall address issues relating to the following:

(i) The application of the rules for automatic assignment into prescription drug plans under section 1861D-1(b)(3)(C) of the Social Security Act (42 U.S.C. 1395w-101(b)(3)(C));

(ii) The communication by the Secretary and sponsors of prescription drug plans to individuals described in paragraph (1) of—

(A) information regarding such rules; and

(B) if such an individual is automatically assigned to a plan, information on the plan.

(2) Beneficiary protections related to the emergency use of out-of-network and nonformulary benefits, including under circumstances related to a lack of medical records affecting physicians.

(3) Any other area determined appropriate by the Secretary.

SEC. 6087. RELIEF FOR HOSPITALS LOCATED IN A DIRECT IMPACT PARISH OR COUNTY.

(A) IN GENERAL.—During the DRG coverage period, section 1886(b)(2)(A) of the Social Security Act (42 U.S.C. 1395x(n)(2)(A)) shall not apply to a hospital that is located in a direct impact parish or county.

(B) EXCEPTIONS.—In making payments to Medicaid providers under subsection (b)(1), the Secretary shall provide the hospital with a description of the need for the funding and how the funding will be used.

(C) TIMING FOR FIRST PAYMENT.—The first payment to Medicaid providers under subsection (b)(1) shall be made not later than 10 days after the date of enactment of this Act.

(D) NO PAYMENTS IF THE INDIVIDUAL IS RECEIVING DRG ASSISTANCE.—No payments may be made on behalf of an individual under subsection (b)(2)(A) with respect to any period in which the individual is receiving DRG assistance from a State under section 6082.

(E) MEDICAID PROVIDER DESIGNED.—For purposes of subsection (b)(1), Medicaid providers described in this subsection are providers of care for whom payment is made under section 6082(c) of title XXI.

(1) any provider under such title, including a supplier of medical assistance consisting of durable medical equipment (as defined in section 1861(s)(1)) under section 1886(b)(2)(A) of the Social Security Act (42 U.S.C. 1395x(n)(1)), that, during a period after August 28, 2005, as determined by the Secretary—

(A) experiences a significant increase, as determined by the Secretary, in their patient caseload, or

(B) experiences a significant drop, as determined by the Secretary, in their patient caseload.

(2) any other provider, including a provider that is temporarily closed during such period; and

(3) any other provider under such title, including such a supplier, determined appropriate by the Secretary.

(F) QUALIFIED EMPLOYER DEFINED.—For purposes of subsection (b)(2)(B), the term ‘‘qualified employer’’ means any employer—

(1) which conducted an active trade or business on August 28, 2005, in a direct impact parish or county; and

(2) with respect to which the trade or business described in paragraph (1) is inoperable on any day during the DRG coverage period as a result of damage sustained in connection with Hurricane Katrina that is temporarily closed during such period.

(B) payments to State insurance commissioners for the purpose of making payments to health insurance issuers—

(1) on behalf of individuals that would otherwise be eligible for DRG assistance from a State under section 6082 but for subsection (n) of such section for such individual’s share of their health insurance premium; and

(2) on behalf of the employer share of their employee’s health insurance premiums, but only with respect to the days on which the employer meets the determination under subsection (i).

(C) RULES FOR PAYMENTS TO PROVIDERS.—

(1) ADJUSTMENTS.—In making payments to Medicaid providers under subsection (b)(1), the Secretary shall determine, as of September 14, 2005, the Federal medical assistance percentage determined for a State described in section 1905(b) of the Social Security Act (42 U.S.C. 1396r(b)) in the case of an individual that is a resident of a parish or county that is a direct impact parish or county that was destroyed or nearly destroyed as a result of Hurricane Katrina.

(2) EXCESS.—In no case shall the Federal medical assistance percentage determined for a State described in section 1905(b) of the Social Security Act (42 U.S.C. 1396r(b)) in the case of an individual that is a resident of a parish or county that is a direct impact parish or county, during the period described in subsection (a), the Federal Government under such Act.

(C) MAJOR DISASTER PARISH OR COUNTY DEFINED.—For purposes of subsection (a), a major disaster parish or county is a parish of the State of Louisiana or a county of the State of Mississippi or Alabama that for a period of 60 days or more—

(A) experiences a significant increase, as determined by the Secretary, in their patient caseload; or

(B) experiences a significant drop, as determined by the Secretary, in their patient caseload; or

(C) was destroyed or nearly destroyed as a result of Hurricane Katrina.

(B) WRITTEN PLAN ON TRANSITION OF CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS TO PRESCRIPTION DRUG COVERAGE UNDER MEDICARE PART D.—(A) IN GENERAL.—During the DRG coverage period, the States of Louisiana, Mississippi, and Alabama shall not be required to conduct eligibility redetermination under the State’s Medicaid plan.

(B) REQUIREMENTS.—(1) The Secretary determines there are a significant number of evacuees for such items and services under a State child health plan in a major disaster parish or county for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent.

(2) AUTHORITY TO WAIVE REQUIREMENTS DURING THE NATIONAL EMERGENCY RELATED TO THE MEDICAID PROGRAM WITH RESPECT TO EVACUEES FROM AN EMERGENCY AREA.—(a) IN GENERAL.—Section 1396(g)(5)(B) of the Social Security Act (42 U.S.C. 1396(g)(5)(B)) is amended by adding at the end the following:

‘‘(6) Evacuees.—Any geographical area in which the Secretary determines there are a significant number of evacuees from an area that is considered to be a disaster area under emergency area under the preceding sentence shall be considered to be an emergency area for purposes of this section.’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on August 28, 2005.

SEC. 6085. EMERGENCY ASSISTANCE FOR STATES WITHOUT 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 (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) determined for a State described in subsection (b) for fiscal year 2006 is less than the Federal medical assistance percentage determined for such State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 for purposes of section 1905(b) and 411 of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

(B) STATE DESCRIBED.—For purposes of subsection (a) a State described in this section is a State that, as of September 30, 2005, is hosting at least 10,000 Katrina survivors described in section 6081(f)(4)(A), as determined on the basis of Federal Emergency Management Authority data.

SEC. 6084. AUTHORITY TO WAIVE REQUIREMENTS DURING THE NATIONAL EMERGENCY RELATED TO THE MEDICAID PROGRAM WITH RESPECT TO EVACUEES FROM AN EMERGENCY AREA.

(A) IN GENERAL.—Section 1396(g)(5)(B) of the Social Security Act (42 U.S.C. 1396(g)(5)(B)) is amended by adding at the end the following:

‘‘(6) Evacuees.—Any geographical area in which the Secretary determines there are a significant number of evacuees from an area that is considered to be a disaster area under emergency area under the preceding sentence shall be considered to be an emergency area for purposes of this section.’’.

(B) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on August 28, 2005.
period as a result of damage sustained in connection with Hurricane Katrina.

(g) EXPEDITING IMPLEMENTATION.—The Secretary shall promulgate regulations to carry out this section which may be effective and final immediately on an interim basis as of the date of publication of the interim final regulation. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comments on such regulation after the date of publication. The Secretary may change or revoke such regulation after completion of the period of public comment.

(h) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Fund $800,000,000 for fiscal year 2005, to remain available until expended.

(1) APPLICATION OF APPROPRIATIONS FUNDING PROVISIONS.—Amounts provided in this section for making payments to Medicaid providers under subsection (b)(1) shall be government the terms of division F of the Consolidated Appropriations Act, 2005 (Public Law 108–447, 118 Stat. 3112) (or succeeding appropriations measures for a fiscal year) that are not appropriated specifically for such direct impact State for Medicaid under Title XIX of the Social Security Act.

SEC. 6089. NONAPPLICATION OF CERTAIN PROVISIONS.

Notwithstanding any other provision of this Act, this Act shall be applied without regard to subsections (a) and (b) of section 602.

Subchapter B—TANF Relief

SEC. 6090. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSESSED FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Section 3 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

"SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES OF STATES AFFECTED BY HURRICANE KATRINA.

"(a) ELIGIBILITY FOR PAYMENTS FROM THE APPROPRIATIONS FUNDING PROVISIONS.—(1) PERIOD OF APPLICABILITY.—Beginning with August 29, 2005, and ending with September 30, 2006, a State described in paragraph (2) of this subsection shall be considered a needy State for purposes of section 403(b) of the Social Security Act (42 U.S.C. 603(b)).

"(2) DIRECT IMPACT STATES.—A State described in clause (i) of this paragraph is Louisiana, Mississippi, or Alabama.

"(3) OTHER STATES.—(A) IN GENERAL.—A State is described in this paragraph if—

"(i) has resided in a direct impact State described in paragraph (2);

"(ii) has travelled (not necessarily directly) to such direct impact State as a result of Hurricane Katrina; and

"(iii) if applying for benefits or services on or after October 28, 2005, the State has determined is not receiving cash benefits from any program funded under such part of any other State.

"(B) APPLICATION TO TERRITORIES.—(1) IN GENERAL.—The term "State" as used in this paragraph shall be defined to include any direct impact State as defined in section 1108(a)(1) of such Act (42 U.S.C. 6101 et seq.) and the Commonwealth of Puerto Rico.

"(2) DISREGARD OF PAYMENTS.—Section 1108(a)(1) of the Social Security Act (42 U.S.C. 6101 et seq.) shall be considered to be a State described in this paragraph for purposes of this section.

"(b) MONTHLY PAYMENTS.—Notwithstanding paragraph (3)(C)(i) of subsection (b) of section 403 of the Social Security Act (42 U.S.C. 603), in addition to any other amounts provided under such section, the total amount paid during a month to a State under this section shall not exceed the following:

"(1) DISREGARD OF STATES.—In the case of a State described in subsection (a)(2), such amount shall not exceed 1/6 of the total amount provided to a State described in subsection (a)(3); or

"(2) OTHER STATES.—In the case of a State described in subsection (a)(3), such amount shall not exceed the lesser of—

"(A) the total amount of Hurricane Katrina Emergency TANF Benefits (as defined in section 6(c)(1)) provided by the State to families described in subsection (a)(3); or

"(B) 1/2 of 20 percent of the State family assistance grant.

"(c) NO STATE MATCH OR MAINTENANCE OF EFFORT REQUIRED.—Sections 403(b)(6) and (7) of the Social Security Act (42 U.S.C. 603(b)(6), 603(a)(10)) shall not apply with respect to a payment made to a State by reason of this section.

"(d) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

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 to read as follows:

"(1) in subsection (a)(2), by striking "20 percent" and inserting "40 percent"; and

"(2) in subsection (b), in the matter preceding paragraph (1), by inserting "(at any time during or after the period described in section 3(a)(1)) after "may not be imposed".

"(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the TANF Emergency Response and Recovery Act of 2005.

SEC. 6092. RULES FOR RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND APPLICATION TO CHILD SUPPORT REQUIREMENTS.

(a) IN GENERAL.—Section 6 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

"SEC. 6. RULES FOR RECEIPT OF HURRICANE KATRINA EMERGENCY TANF BENEFITS AND APPLICATION TO CHILD SUPPORT REQUIREMENTS.

"(a) IN GENERAL.—During the period described in section 3(a)(1), a State described in paragraph (2) or (3) of section 3(a) or an Indian tribe with a tribal family assistance plan approved under section 412 of the Social Security Act (42 U.S.C. 612) may provide Hurricane Katrina Emergency TANF Benefits under the State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(b) DISPLACEMENT OF CURRENT RULES.—(1) IN GENERAL.—Hurricane Katrina Emergency TANF Benefits shall not be considered assistance for purposes of sections 407, paragraph (a) of section 411, or section 454(c)(9) of the Social Security Act (42 U.S.C. 607, 608(a), 611, 654(c)(9)).

"(2) LIMITED WAIVER OF RULES UNDER SECTION 454A(a)(1).—

"(A) IN GENERAL.—Subject to subparagraph (B), such benefits shall not be considered assistance for purposes of section 454A(a)(1) of such Act (42 U.S.C. 654(a)(1)).

"(B) EXCEPTION FOR FAMILIES ALREADY RECEIVING CHILD SUPPORT SERVICES OR WHO OTHERWISE MEET SUCH REQUIREMENTS.—A State shall not apply with respect to such benefits that are provided to a family who—

"(i) at the time such benefits are provided, are receiving child support services under a plan obtained from the individual to disclose records to the Commissioner, then such custodian shall not be held liable

SEC. 6093. DISCLOSURE BASED ON VALID AUTHORIZATION.

(a) IN GENERAL.—Section 223(d)(5) of the Social Security Act (42 U.S.C. 623(d)(5)) is amended by adding at the end the following:

"(4) Authorization obtained from the individual to disclose records to the Commissioner, then such custodian shall not be held liable

Subchapter C—Miscellaneous Provisions

SEC. 6094. DISCLOSURE BASED ON VALID AUTHORIZATION.

(a) IN GENERAL.—Section 223(d)(5) of the Social Security Act (42 U.S.C. 623(d)(5)) is amended by adding at the end the following:

"(4) Authorization obtained from the individual to disclose records to the Commissioner, then such custodian shall not be held liable

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under any applicable Federal or State law for disclosing any record or other information in response to such request, on the basis that the authorization relied upon was a copy, facsimile, or electronic version of the authorization."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to disclosures of records or other information made on or after the date of enactment of this Act.

SEC. 6094. EMERGENCY PROCUREMENT AUTHORITY IN SUPPORT OF HURRICANE KATRINA RESCUE AND RELIEF EFFORTS.

(a) SMALL BUSINESS RESERVATION OFFSET.—Section 15(j) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended by adding at the end the following:

"(4) For any contracts involving the use of the special emergency procurement authority under section 32(a)(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 628a(c)), the dollar ceiling of the small business described in subsection (d) shall be adjusted to match the applicable amount of the simplified acquisition threshold.".

(b) RETENTION OF SMALL BUSINESS SUBCONTRACTING.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended by adding at the end the following:

"(ii) SMALL BUSINESS PARTICIPATION.—

"(i) SMALL BUSINESS PARTICIPATION.—

"(I) In general.—For any contract which otherwise meets the requirements of this subsection, and which involves the use of special emergency procurement authority under section 32(a)(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 628a(c)), the subcontracting plan required under this subsection shall be negotiated as soon as is practicable, but not later than 30 days after the date on which the contract is awarded.

"(II) PAYMENT.—Not greater than 50 percent of the amounts due under any contract described in paragraph (I) may be paid, unless a subcontracting plan compliant with this subsection is negotiated by the contractor."

(c) LIMITATIONS ON INCREASED MICRO-PURCHASE AUTHORITY.—Notwithstanding any other provision of law, the authority granted under section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), including the modifications under section 8(d), shall—

"(1) be restricted for use solely within the geographic areas designated by the President as disaster areas due to Hurricane Katrina;

"(2) not be exercised in a manner inconsistent with any Federal law providing for local preference in disaster relief and recovery contracting; and

"(3) terminate 120 days after the date of enactment of this Act.

(d) MODIFIED THRESHOLD.—Notwithstanding section 101(d) of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), the amount specified with respect to subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) for purchases necessary for support of Hurricane Katrina rescue and relief operations shall be $50,000, or such an amount in excess of $50,000, but not to exceed $250,000, as approved by the head of the executive agency concerned (or any delegate of the head of such executive agency, who shall be an officer or employee of such executive agency) or a warrant officer for making Federal acquisitions.

(e) OMB GUIDANCE ON USE OF GOVERNMENT CREDIT CARDS FOR MICRO-PURCHASES.—

"(1) GUIDANCE REQUIRED.—Not later than 14 calendar days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue clear and concise guidance regarding the use of Government credit cards by agencies with respect to micro-purchases under subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428), as modified by this section, to ensure that such purchases are made with small business concerns and local small business concerns, to the maximum extent practicable under the circumstances.

"(2) ELEMENTS.—The guidance under paragraph (1) shall include—

"(A) a list of Government officials with the authority to make micro-purchases under subsection (d) in amounts in excess of $50,000, designated by agency, title, and pay grade;

"(B) a list of micro-purchases, by agency, that may be utilized for purchases under subsection (d) in amounts in excess of $50,000;

"(C) 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) procedures for the audit of all purchases made on Government credit cards after the expiration of subsection (d) under subsection (c); and

"(E) procedures to ensure that such purchases are made with small business concerns and local small business concerns, to the maximum extent practicable under the circumstances.

"(3) REPORTS ON PURCHASES.—Not later than 180 days after the date of the enactment of this Act, the head of each executive agency, who has authority to make purchases under subsection (d) in an amount in excess of $50,000 shall submit to the appropriate Congressional committees a report on each such purchase made by such agency, including—

"(A) a description of the property or services so purchased;

"(B) a statement of the purpose of such purchase;

"(C) a statement of the amount of such purchase;

"(D) a statement of the name, title, and pay grade of the officer or employee of such agency making such purchase; and

"(E) whether such purchases were made with small business concerns and local small business concerns, to the maximum extent practicable under the circumstances.

"(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate Congressional committees’ means—

"(A) the Committees on Appropriations, Small Business and Entrepreneurship, Finance, and Homeland Security and Governmental Affairs of the Senate; and

"(B) the Committees on Appropriations, Small Business, and Government Reform of the House of Representatives.

SEC. 6095. TRANSFER OF FUNDS.

Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading ‘Disaster Relief’ under the heading ‘Emergency Preparedness and Response’ of Public Law 109-295 (119 Stat. 2781), $6.2 billion shall be made available to the Secretary to carry out this chapter and remain available until expended. The Secretary shall use such sums as are necessary to carry out this chapter.

Mrs. LINCOLN. Madam President, this amendment truly reflects the values we hold as an American family.

When one of us is sick or ill, the rest of us are there to help. The amendment simply provides immediate access to Medicaid for displaced individuals from the Gulf coast disaster. It provides full Federal support to the affected States only in the Medicaid Program so that we don’t leave them hanging without the means to be able to take care of their own people. We provide disaster relief funds through an uncompensated care pool for our providers who have, without being asked, provided the care for those individuals who needed it so desperately. I urge my colleagues to support this. We have tried time and time again to do what is right. We have offered it many times. I encourage my colleagues, please do the right thing.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, this amendment is opposed by the Finance Committee. The Finance Committee has aggressively funded this account with $1.94 billion in this bill, which will cover 1.9 million victims of the hurricane. Therefore, these additional funds, if this amendment were to pass, would basically put the Finance Committee section of the bill out of compliance with the Deficit Reduction Act. Therefore, we oppose it.

I make a point of order that the pending amendment is not germane to the measure now before the Senate. I raise that as a point of order under section 305 of the Budget Act.

Mrs. LINCOLN. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 51, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—48

Akaka
Baucus
Boren
Biden
Bingaman
Boxer
Byrd
Canwell
Geyser
Clinton
Conrad
Corzine
Dayton
Dodd
Durbin
Feinstein
Barkin
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Reed
Reid
Salazar
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Brownback
Murphy
Nelson (FL)
Nelson (NE)
Obama
Peyor
Reed
Reid
Schumer
Snowe
Stabenow
Vitter
Wyden

NAYS—51

Alexander
Allard
Bennett
Bond
Brown
Collins
Chambliss
Coburn
Cochran
Collin
Conrad
Corker
Cox
Cornyn
Dodd
Dayton
Durbin
Baucus
Running
Burr
Chafee

November 3, 2005
CONGRESSIONAL RECORD—SENATE
S12301

"
The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment fails.

Mr. GREGG. I move to reconsider and I move to lay that motion on the table.

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

Mr. GRASSLEY. Madam President, I ask unanimous consent that my vote on the motion to waive with respect to the Lincoln amendment No. 2356, as modified, be recorded as a “yea.” This does not change the outcome of the vote.

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

The preceding tally has been changed to reflect the above order.

AMENDMENT NO. 2356

Mr. GREGG. Madam President, we are now going to the Inhofe amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, what the Senator from North Dakota said is exactly right. That is exactly what this amendment does. And if you are really serious about doing something about the deficit, this is your chance to do it.

This morning we passed the Agriculture appropriations conference report which had a very small increase, but last week we passed the Labor-HHS appropriations bill with $107 billion more than the previous year. This has to stop, and that is why this is a very significant vote.

Mr. President, I say to my conservative friends, this is going to be scored very heavily by conservative organizations, such as the National Taxpayers Union. I urge a positive vote.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I renew my point of order. The pending amendment contains matter within the jurisdiction of the Committee on the Budget. I raise a point of order against the amendment under section 306 of the Budget Act.

Mr. INHOFE. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for the consideration of the pending amendment. I urge a “yes” vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

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[Vote No. 286 Leg.]

Mr. NELSON of Florida. Madam President, my amendment would prevent a hike in Medicare premiums for our 42 million senior citizens. In the bill, doctors’ fees are increased in their reimbursement. In my amendment, that is paid for with drug company money that would be staying the same under the existing law where the drug companies have to give discounts under the Medicaid law as they transition into Medicaid HMOs. This saves our seniors over $1 billion in increased premiums.

This amendment is supported and endorsed by the AARP. I want to welcome the bipartisan support of the Senate for this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise in opposition to the Nelson amendment. I think everybody knows that the taxpayers pay 75 percent of the Part B premium and 25 percent is paid by the individual. Whenever we increase doctors’ reimbursement—and we do that in this bill by 5.3 percent so that doctors do not lose their money—then, obviously, the 25 percent is going to go up a little bit. And just as the 25 percent goes up a little bit when reimbursement is increased.

The Senator from Florida takes offense at the fact that the premium is going to go up in the year 2007 by $1.69. It is the way the formula works. I think every Senator wants to vote to give the doctors fair reimbursement because without doctors senior citizens cannot be served. So we ought to let the formula work.

The offset is very egregious toward managed care as well. Also, do not forget that low-income people, people on...
Medicaid, do not pay the Part B and those who are not on Medicaid but below the poverty level have help through the QI program that we passed and the President signed recently to continue that program. So I hope my colleagues will join in that amendment.

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Roll Call Vote No. 287 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Cardin
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Murray
Feinstein
Nelson (FL)
Harkin
Obama
Inouye
Frey
Jeffords
Reed
Johnson
Reid
Kennedy
Rockefeller
Kohl
Salazar
Landrieu
Sarbanes
Lautenberg
Schumer
Leahy
Stabenow
Lieberman
Talent
Lincoln
Wyden
Mikulski

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Cooper
Coleman
Cornyn
Craig
Crapo
DeMint

Dole
Domenci
Ensign
Enzi
Frist
Graham
Hatch
Hutchison
Inouye
Isakson
Kyhl
Lott
Logan
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Sessions
Shelby
Smith
Specter
Sununu
Thomas
Thune
Vitter
Voynich
Warner

NOT VOTING—1

Corzine

The amendment (No. 2358) was rejected.

Mr. JUKINULSKI. Mr. President, I rise today to join my colleagues in support of Senator NELSON’s amendment to protect seniors against the outrageous increases in their Medicare costs.

Health care costs are skyrocketing and seniors are paying a greater share out of their pockets for health care each year. Medicare premium increases are outpacing inflation. Prescription drug costs are shooting through the roof.

Other out-of-pocket medical expenses are also increasing. Seniors are facing higher copays and deductibles. Last year’s Medicare bill increased deductibles for doctors’ visits by 10 percent. Deductibles for hospital and skilled nursing home visits are also rising.

Medicare beneficiaries spend a sizable portion of their income on health care. In 2004, beneficiaries spent about $2,725—double the amount in 2001—on their income on health care costs. Over the last 3 years, Medicare premiums have increased by 50 percent. Compare this to the only 10-percent increase in seniors’ cost-of-living adjustments, COLA.

Next year, Part B premiums will increase by another 12 percent.

But there is another problem this amendment addresses. The current Medicare physician payment formula, known as the sustainable growth rate, SGR, has serious flaws. The current formula has generated negative updates since 2001. Without congressional intervention, reimbursement rates for physicians in the Medicare Program will decrease by 4.3 percent next year.

I have long been working to fix this flawed formula. With the majority of my colleagues, I have written letters to CMS Commissioner Dr. Mark McClelan and the Director of the Office of Management and Budget, Mr. Joshua Bolten. I have supported legislation trying to address this issue. Without a permanent fix, this uncertainty causes considerable angst among the physician community every year. Although I believe Congress needs to enact a long-term solution, this amendment supports a 1 percent increase in the physician reimbursement rate for the next year.

But this increase in physician payments will also increase overall spending on Medicare Part B. This will in turn increase Medicare premiums, which are set at 25 percent of Part B expenses. While I strongly support the payment change, I believe it is equally important that Medicare beneficiaries not have their premiums unexpectedly increased.

This amendment ensures that Medicare beneficiaries will not have to pay unexpectedly higher premiums in 2007 because of the payment changes for 2006 in the Senate’s budget reconciliation bill. This amendment prevents us from having to make a King Solomon-like decision. With this amendment, we do not have to consider “cutting the baby in half.” We do not have to decide between this modest increase to physician reimbursement and a further hike to our senior citizens—especially for those who are forced to live on a fixed income.

In addition, the increase necessary to provide for physician reimbursement will not have to come from taxpayers. The offset for this amendment is an expansion of a drug rebate program currently in place since 1990. Drug manufacturers currently pay a rebate to participate in Medicaid. The Nelson amendment would increase the cost of protecting Medicare beneficiaries from the Part B premium increase by providing Medicaid managed care plans access to these drug rebates.

I think it is a good idea to expand the drug rebate program from Medicare fee-for-service to all of Medicaid, including the managed care programs. When we first passed this law, 15 years ago, Medicaid managed care did not have such a strong presence. It now accounts for much of Medicaid services and should be part of this rebate program.

I believe honor thy mother and father is not just a good commandment to live by, it is good public policy to govern by.

That’s why I feel so strongly about Medicare. Congress created Medicare to provide a safety net for seniors. In 1965, seniors’ biggest fear was the cost of hospital care. One heart attack could have put a family into bankruptcy. That is what Medicare Part A is all about.

Then Congress added Medicare Part B to help seniors pay for doctor visits as an important step to keep seniors healthy and financially secure. Now, Part B premium increases are racing ahead of seniors’ ability to pay. So seniors may lose the ability to pay for coverage for their doctor visits. This amendment is not an answer to skyrocketing health care costs, but a stopgap measure to give seniors a little breathing room. I am working hard on several bills to fix the Medicare bill that was passed last year. I am fighting to protect seniors’ Social Security COLAs from increases in both Part B and Part D premiums.

I am fighting to close the coverage gap to provide a real drug benefit for seniors. I am fighting to allow the Government to negotiate with drug companies to lower the cost of prescription drugs to save money for the Government and for seniors. I am fighting to end the giveaways to insurance companies and use those savings to improve Medicare.

And I could go on.

I am fighting to protect physician reimbursement rates by supporting legislation and writing to government officials who have the authority to make changes to the flawed formula.

And I will continue to fight.

This amendment is a good step down in our constant attempt to reign in Medicare premium costs for seniors while protecting reimbursement rates for physicians.

Seniors cannot afford 17-percent increases in their Medicare premiums. Pharmaceutical companies cannot afford to have their reimbursement rates cut. I urge my colleagues to join me in expressing support for this amendment.

Mr. GREGG. Mr. President, I move to reconsider the vote.
The President pro tempore. The Senator is recognized.

Ms. CANTWELL. My amendment strikes the language allowing for drilling in the Arctic National Wildlife Refuge. The underlying bill is a sweetheart deal in the budget language.

Any recoverable oil that might be below the Refuge would not begin flowing for at least 10 years and would never meet more than a small percentage of our energy needs at any given time. So, therefore, it would have no impact on my constituents and your constituents for at least a decade. Further, the Energy Information Administration, EIA, has said that because the price of oil is so high, by the year 2010, ANWR would have a negligible impact on gasoline prices.

The United States dependence on foreign oil is growing, with current imports at 58 percent. We currently have about 3 percent of the world’s oil reserves but consume more than a quarter of the world’s oil supply. We simply cannot afford to give away our energy security. We need to focus on real solutions to real problems. Last year, EIA stated that because the price of oil is so high, by the year 2010, ANWR would make it to the rest of the country. There is no assurance that it will not all be exported to foreign countries. It is simply too big a risk to take when there are other, less intrusive ways to truly alleviate our dependence on oil—fuel efficiency, renewable and alternative sources of energy, and, dare I say, prudent conservation. Something the Bush administration would have you now believe it wholly endorses.

ANWR drilling proponents are always quick to contend that 735,000 jobs would be created by opening this area to oil extraction. Those estimates are based on figures from 15 years ago that the forecasters have since acknowledged were based on flawed assumptions. In October 2005, the Congressional Research Service reported that full development of the Arctic Refuge would create 60,000 jobs. Even the three oil companies that stand to reap the most profits by expanding their presence in Alaska—ExxonMobil, BP, and Conoco-Phillips—have been relatively silent this year about their interest in ANWR.

Little oil industry interest, less job creation than anticipated, minimal recoverable oil deposits, no impact on future prices. Further, oil extraction would not affect future oil production prices and negligible impact on future oil dependence, and a web of infrastructure across the Coastal Plain—does that justify pillaging the Arctic Refuge? I think it is irresponsible to do so.

Therefore, I urge my colleagues to support the Cantwell amendment and work with us to enact policies that provide economic relief for residential and business consumers and set our country on a path to energy security.

Ms. MIKULSKI. Mr. President, I rise to oppose drilling in the Arctic National Wildlife Refuge. Opening the refuge is not the answer to solving our country’s energy needs. We cannot drill our way out of our energy problems.

Rather than trying to get a couple of months of oil supply in 10 years, we need to address the most pressing issues facing our country now: our growing dependence on foreign oil, skyrocketing oil prices, and global warming. This is what I have been fighting for—real solutions to real problems that would help today’s consumers and tomorrow’s energy needs.

That is why I fought to include an amendment to the Commerce, Justice, Science Appropriations bill that would provide a million dollars to the Federal Trade Commission to immediately investigate claims of price gouging. While oil companies and refiners receive record profits, American consumers shouldn’t have to scrimp to buy gasoline to go to work, or church or to buy groceries. I also cosponsored a bill that would place a federal ban on price gouging for oil, gasoline and other petroleum products during times of emergency. To drive this point home, I sent a letter to the chairwoman of the FTC, expressing my concern over the consolidation of oil refineries, resulting in the lack of competition.

I also recently sent a letter to President Bush urging him to convene a White House summit of oil and gas company CEOs to insist that they...
lower their sky-high gas and home heating oil prices. These are some of the President’s closest political supporters and friends. They are also the same men and women who the President called on to write the administration’s energy policy in 2001. If the President can interfere in to help themselves, he should call them back to help ordinary Americans. Another letter called on the oil and gas company CEOs to temporarily halt unnecessary exports of any home heating oil products that they are currently sending abroad. We cannot expect Americans to pay over $1,000 to heat their homes this winter when U.S. companies are exporting billions of gallons of refined heating oil and propane.

We need to find solutions for tomorrow’s energy needs as well as those facing Americans today. I introduced a bill that would provide tax incentives for energy efficient hybrid and fuel cell vehicles. It was included in the energy bill. I also voted for a proviso in the Senate energy bill that would have required utilities to generate 10 percent of their energy from renewable sources. In addition, I supported a provision that requires the Federal Government to get at least 7.5 percent of our energy from renewable sources by 2013. I also supported an amendment that would require the U.S. to reduce foreign oil imports by 40 percent in 20 years.

Just last week, oil companies reported record third quarter profits, some more than 85 percent higher than last year. As Americans struggle to fill their gas tanks and pay high home heating bills, the oil and gas companies are filling their pockets with historic profits. And now, here we are, in the Senate, giving them the opportunity to drill in federally protected land. This is not a time to reward oil and gas companies with the promise of more profits. We need to give these companies the opportunity to be patriots—not profiteers. They need to join us by holding down prices, investing in renewable energy, serving the needs of Americans and conserving as much as possible. Together, America can do better.

The PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time in opposition? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to the Senate it is finally time. It is finally time that we decide to do something about our oil dependency. It is time that we do something for the American people about the rising, escalating price of gasoline at the pump.

As I see it, this is a rare opportunity to provide us with the quantities of the Fed-

eral oil that we need from our own homeland, from one of our States. Not only will it produce oil, it will produce the equivalent of what the State of Texas has in reserves. To say it has very little is to say full State of Texas has very lit-
tle reserves.

It will produce jobs, up to 736,000. You see them on this list. America cries out for good jobs. We wonder why we don’t have them. Then we ignore our own source of supply which would create them.

Any time I have left I yield to the Senator from Alaska.

The PRESIDENT pro tempore. The Senator has yielded.

Ms. MURKOWSKI. Mr. President, this is the Senate’s opportunity and the country’s opportunity to address our national security, our energy security, and our environmental security. Defeat this amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 288 Leg.]

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NOT VOTING — 1

Corzine

The amendment (No. 2358) was rejected.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2362

Mr. STEVENS. Madam President, parliamentary inquiry: The next amendment is the Wyden amendment on export of oil. I make a parliamen-
tary inquiry if that amendment is sub-
ject to the Byrd rule.

The PRESIDING OFFICER. In the opinion of the Chair, it is not.

Mr. STEVENS. Madam President, as long as this amendment is not changed and comes back to this floor in the conference report, it will not be subject to the Byrd rule.

The PRESIDING OFFICER. The language as stated is not subject to a point of order.

Who yields time?

Mr. WYDEN. Madam President, I call up the Wyden-Colbeck amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. WYDEN. Madam President, you cannot look the public in the eye after all the speeches about how the oil is needed here at home and pass legisla-
tion that is an invitation to export Alaskan oil to countries such as China. The history is, if you do not ban these exports, this oil is going to go to Asia. That was confirmed not long ago by oil company executives who came before the Senate Energy and Natural Resources Committee. Without this amendment, there is no assurance that even one drop of Alas-
kan oil will get to hurting Americans. I hope the Senate agrees to this amend-
ment to, at the very least, put a Band-Aid on a flawed policy.

I yield to my cosponsor, the Senator from Missouri.

Mr. TALENT. Madam President, I congratulate my friend from Oregon for his fine work.

Briefly, as a very strong supporter of exploring for oil in the Arctic, one of the big reasons we are doing it is to en-
hance our national security and our own domestic oil supply, which is why I support the amendment I am cospon-
soring.

Mr. WYDEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. STEVENS. Is there time in oppo-
sition?

The PRESIDING OFFICER (Mr. GRAHAM). There is 1 minute in opposition.

Mr. STEVENS. In principle, I am op-
posed, but as long as it does not violate the Byrd rule, I will not vote against it.

I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the amend-
ment numbered 2362.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.
The PRESIDING OFFICER. Who yields time on the amendment? The Senator from Iowa. Mr. GRASSLEY. Mr. President, how much time do I have? The PRESIDING OFFICER. One minute.

Mr. GRASSLEY. Mr. President, this is a bipartisan amendment, the Grassley-Dorgan amendment, with a lot of cosponsors. We have a problem in the existing bill that will hurt family farmers. It cuts farm payments across the board for 100 percent of the farmers. It cuts conservation programs, so it harms the environment to a greater extent. What we do is solve a problem and help every family farmer in the process.

Ten percent of the farmers in the United States get 72 percent of the benefit out of the farm program. That is unfair. The farm programs have always been targeted toward medium- and small-sized farmers. So we put in a hard cap of $250,000. Mr. President, $250,000 is all one farm entity can get from the farm program. We redistribute that money so we do not have that 2.5-percent cut. We restore some money for conservation and things of that nature.

So I hope you will support our amendment. The last time it was up, we got 66 votes for it.

Mr. KYL. Mr. President, reducing overall Federal spending on farm programs is important if we are to succeed in reducing the Federal budget deficit. The current budget-reconciliation package includes $39 billion in savings, including $3 billion from agriculture programs. To achieve these savings, the Senate Agriculture Committee cuts farm spending by implementing an across-the-board 2.5 percent reduction in payments for all farm commodities. I wholeheartedly support these cuts in farm spending.

However, I cannot support waiving the Budget Act to consider the Grassley-Dorgan amendment to impose more restrictive payment limits on farm commodities. This amendment is being offered as a substitute to the cost savings achieved by the fair, across-the-board reductions currently in the package. Substituting the Grassley-Dorgan payment limits is eerily reminiscent of the flawed formula in the highway bill: Instead of being the burden equally, the farm cuts would be achieved on the backs of Arizona farmers. It is a highly capital intensive crop, in fact, one of the two most expensive program crops to grow. To illustrate, cotton program payments represent 39 percent of western farmers’ cash costs of production. Corn and wheat program payments represent 49 percent and 50 percent of Midwestern farmers’ cash costs, respectively.

In order to achieve economies of scale and remain competitive, Arizona farms must be large. According to the Economic Research Service, over 30 percent of cotton production occurs on farms operating on less than 3,500 acres. Are we to believe that none of these large farms are owned by Arizona families? I know for a fact that they are.

The average farming operation in Arizona consists of about 7,000 acres. Using a farm in near Buckeye, AZ as an example, this family farm is run by four brothers. Several children are managers of the operation, including performing marketing and financial services. About a third of the farm grows cotton, about a third feed grains, and the remaining third alfalfa. The annual budget is $5 million, and the brothers draw an annual salary of about $50,000 each when the farm generates sufficient income. This farm would be hit hard by the limitations in the Grassley-Dorgan amendment. Its operators would be forced to cut the amount of acres on which they grow cotton. In years when prices decline at harvest, their cash flow would be restricted and their ability to qualify for financing would be severely hampered.

The Grassley-Dorgan amendment, in equating large with bad, ultimately favors growers of corn, wheat, and soybeans at the expense of farmers of cotton, rice, and peanuts. To further illustrate what I am talking about, let us apply the limitations in the amendment: a farm that produces cotton or rice would, at today’s world prices and average yields, hit the limit on payments at about 400 to 600 acres. This acreage is generally deemed to be too small to sustain the investment in the specialized equipment necessary for cotton and rice production. In contrast, a corn farmer with an expected yield of 150 bushels per acre, would not hit the limit on payments until just over 3,100 acres. Clearly, very few corn farmers will ever feel the effects of the Grassley-Dorgan amendment. Instead, it has been further estimated that the more restrictive eligibility rules that are part of the amendment, combined with the limits on direct payments, would reduce direct payments to Arizona growers by $24.6 million. This represents a reduction of 62 percent, the highest of any State. Arizona would lose a see of just 4 percent and North Dakota, 10 percent.

I am not going to argue that the farm law is off limits for the purpose of finding savings for the American taxpayer. However, I encourage my colleagues to look closely at the ways we achieve that savings. It is simply not fair to fail a faulty perception of what
constitutes a family farm to favor one farming region of the country at the expense of another. Yet, that is exactly what the Grassley-Dorgan amendment would do. Thus, I cannot support a motion to waive the Budget Act with respect to this amendment and must vote against it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 1 minute.

Mr. CHAMBLISS. Mr. President, in 2002, this body, along with the House and along with the President, made a commitment to farmers and ranchers all across America with the signing and implementation of the 2002 farm bill. This was an issue back then, in 2002, in the farm bill. It will be an issue in the farm bill in 2007.

Today, when our farmers are hit with high fuel prices, with low commodity prices, and with disasters all across the country in different sections, this is not the time to say to our farmers, who feed all of America, we are going to change the program in midstream. This issue will be dealt with in the farm bill in 2007.

Mr. President, I raise a point of order under section 305 of the Budget Act that the pending amendment is not germane to the measure now before the Senate.

The PRESIDING OFFICER (Mr. Bunning). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, pursuant to section 901(c) of the Congressional Budget Act of 1974, I move to waive section 305 of the Budget Act for the consideration of amendment No. 2365, and I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. Bunning). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask Members to vote no on this amendment. There is an odd situation here. We have had a formula in the legislation for 49 years. That formula regularly has some States getting more reimbursement, some States getting less. Next year your State might go up. The next year it might go down. That is the way it has been working. All of a sudden, some States are receiving a reduction, and they want to keep it where it is. I have never had a situation where, when the formula worked to the benefit of the State, their reimbursement went up, that you come in here and ask for us to reduce the reimbursement. Next year your State might go up. The next year it might go down. That is the way it has been working. All of a sudden, some States are receiving a reduction, and they want to keep it where it is. I have never had a situation where, when the formula worked to the benefit of the State, their reimbursement went up, that you come in here and ask for us to reduce the reimbursement. It would smooth out the peaks and valleys. That is what we ought to be doing instead of piece-meal doing it this way. I ask Members to vote against the amendment.

AMENDMENT NO. 2365, AS MODIFIED

Mr. BINGAMAN. Mr. President, I call up the modified version of the amendment, and I ask unanimous consent that that be the pending amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 188, after line 24, add the following:

SEC. 6037. LIMITATION ON SEVERE REDUCTION IN THE MEDICAID FMAP FOR FISCAL YEAR 2006.

(a) LIMITATION ON REDUCTION.—In no case shall the FMAP for a State for fiscal year 2006 be less than the greater of the following:

(1) 2005 FMAP decreased by the applicable percentage points.—The FMAP determined for the State for fiscal year 2005, decreased by—

(A) 0.1 percentage points in the case of Delaware and Michigan;

(B) 0.3 percentage points in the case of Kentucky; and

(C) 0.5 percentage points in the case of any other State.

(b) SCOPE OF APPLICATION.—The FMAP applicable to a State for fiscal year 2006 after the application of subsection (a) shall apply only for purposes of titles XIX and XXI of the Social Security Act (including for purposes of making disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4) and payments under such titles that are based on the enhanced FMAP described in section 210(b) of such Act (42 U.S.C. 1397e(b))) and shall not apply with respect to payments under title IV of such Act (42 U.S.C. 601 et seq.).

(c) DESCRIPTIONS.—In this section—

(1) FMAP.—The term “FMAP” means the Federal medical assistance percentage, as defined in section 190b(4) of the Social Security Act (42 U.S.C. 1396d) that has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396d et seq.).

(2) YEAR 2006.—The term “Year 2006” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396d et seq.).

(3) REPEAL.—Effective as of October 1, 2006, this section is repealed and shall not apply to any fiscal year after fiscal year 2006.

SEC. 6038. EXTENSION OF PRESCRIPTION DRUG Rebates to Ensurers in Medicaid Managed Care Organizations.

(a) IN GENERAL.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)(1)) is amended by striking “dispensed” and all that follows through the period and inserting “are not subject to the requirements of this section if such drugs are—

“(A) dispensed by health maintenance organizations that contract under section 1315(c) and

“(B) subject to discounts under section 330B of the Public Health Service Act (42 U.S.C. 256b).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396–8) on or after such date.
Mr. LOTT. Mr. President, I call up amendment No. 2360. The PRESIDING OFFICER. The amendment is pending. Mr. LOTT. Mr. President, I will take a couple minutes to discuss the amendment. First of all, my cosponsor on this amendment is Senator LAUTENBERG. This is an amendment that adds provisions of S. 1516, the Passenger Rail Investment and Improvement Act of 2005. It was reported out of the Commerce Committee in July and has been ready to be considered by the Senate, but repeated efforts to have it brought up in the regular order were not cleared. We are running out of time. The administration has made it clear that without reform, they are not going to be supportive of future funds through the appropriations process for Amtrak. This is absolutely true. It is absolutely true that this amendment does not require a lot of input from management and labor, the administration, and both sides of the aisle. I believe this is the last chance for the Senate to act on this important legislation, making it possible for us to have it included in some legislation, before we finish this year, to reform Amtrak. Mr. GREGG. Mr. President, I yield 1 minute to the Senator from New Hampshire. Mr. SUNUNU. Mr. President, I appreciate the work the Senator from Mississippi and the Senator from New Jersey have done on this bill. It is absolutely true that this does represent some significant additional reforms for Amtrak. In discussions with Senator LOTT from Mississippi and others, I do believe there is an opportunity to do a lot more. Unfortunately, this has not really undertaken any reform effort at all, and that is certainly one of the concerns that I have, that this not be a dead-end process, that we do more in this bill to deal with long distance routes that lose $200 or $300 per passenger on every single car that rides on those long distance routes and labor constraints that the management of Amtrak has said they want to have modified and adjusted so they can operate more effectively and more efficiently. These items are not in this legislation, although it does represent a step forward. I look forward to continuing to work to improve the legislation, but I certainly cannot support its adoption on this reconciliation bill. The PRESIDING OFFICER. The Senator’s time has expired. Mr. LOTT. Mr. President, I note that Senator BURNS has also been active in this process. I ask unanimous consent that other Senators’ names be allowed to be added as cosponsors to the amendment. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. LOTT. Mr. President, I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—93

Akaka  Dugan  Lincoln
Alaska  Durbin  Mikuaki
Bayh  Feingold  Murkowski
Biden  Feinstein  Murray
Bingaman  Harkin  Nelson (FL)
Boxer  Hatch  Nelson (NE)
Byrd  Inouye  Obama
Cantwell  Inouye  Pryor
Carper  Jefords  Reed
Chafee  Johnson  Reid
Clinton  Kennedy  Rockefeller
Coburn  Kerry  Salazar
Collins  Kohl  Sarbanes
Conrad  Landrieu  Schumer
Corinn  Lautenberg  Snowe
Dayton  Leahy  Specter
Dodd  Levin  Stabenow
Domenici  Lieberman  Wyden

NAYS—45

Alexander  DeWine  McCain
Allard  Dole  McConnell
Allen  Ensign  Roberts
Bennett  Enzi  Santorum
Bond  Frist  Sessions
Brownback  Graham  Shelby
Bunning  Graeley  Smith
Burns  Gregg  Stevens
Burr  Hagel  Sununu
Chambliss  Hatch  Talent
Cochrane  Isakson  Thomas
Coleman  Kyl  Thune
Craig  Lott  Vitter
Crapo  Lugar  Voinovich
DeMint  Martinez  Warner

NOT VOTING—1

Corzine

The amendment (No. 2360), as modified, is agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2360

The PRESIDING OFFICER. There is 2 minutes equally divided on the Lott amendment No. 2360.

Mr. GREGG. Mr. President, the next amendment is the Lott amendment, the Amtrak amendment.

The PRESIDING OFFICER. The Senator from Mississippi.
The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment would close off the analog broadcasting too close to the auction of spectrum to current digital. It would give an April 2009 date. The auction date is January of 2009. It is just too close together. The leases cannot be processed. There is no way those auction proceeds can be available until licenses are issued. This amendment would end analog broadcasts before the funds are available for the converter box fund or the translator conversion fund authorized by S. 1932. We need help in this transition. The amendment makes spectrum available to public safety groups before they can put it to use because we are informed public safety groups must have at least 3 years to prepare for the use of spectrum.

We are going to get them the spectrum. They cannot be able to use it until we have the money to bring about the transition. I believe our whole committee should oppose this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The yeas and nays were previously ordered on the amendment. The question is on agreeing to the amendment. The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. The amendment falls.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I want to point out for the edification of our colleagues that we still have a lot of amendments to go. The estimate in the high teens or potentially low twenties. At the pace we are going, we are not going to get them all done today, and we are going to be here on Friday.

I ask, Mr. President, if we can be advised as to how long the last three votes will take. If we could hear from the clerks, approximately how long? We do not have to be precise. How long have the votes taken?

The PREIDING OFFICER. An hour 6 minutes.

Mr. GREGG. At this pace, we are here Friday. I hope Members will think about their amendments, if they have some amendments that are not standing up, and give serious consideration to allowing a voice vote or allowing it to be worked out.

AMENDMENT NO. 2398, WITHDRAWN

I ask unanimous consent that the Corzine amendment, No. 2398, be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2370

Mr. GREGG. Mr. President, we are now on to Senator Murray's amendment.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator CORZINE be added as a cosponsor.

The PRESIDING OFFICER. The amendment is necessarily absent.

Mrs. MURRAY. Mr. President, in a few short weeks some of our most vulnerable Americans, our sickest and poorest, so-called dual eligibles, are going to be shifted from Medicaid to Medicare. We have a train wreck coming. Medicare is going to randomly assign these people to a plan which they may not know about and which might not cover their lifesaving drugs. Doctors, hospitals, and pharmacists are scrambling. These prescription drug policies themselves have not defined the drugs they are going to cover. My amendment simply gives a 6-month transition for those people so they do not get lost in this switch. I support Medicare coverage for these dual eligibles, but I cannot and I don't think we should support turning these people away at the drugstore.

This amendment does not delay the implementation of the Medicare drug benefit. It simply assures thousands of our most vulnerable Americans that they will not be lost in the transition from Medicaid to Medicare coverage.

I thank Senator ROCKEFELLER and my cosponsors and I urge adoption of this amendment.

Mr. GREGG. Mr. President, CMS has a plan in place, and 6 months ago CMS introduced a strategy for transitioning dual eligibles from Medicaid to Medicare which lays out in great detail the steps CMS will take to ensure the continuity of coverage of this valuable group of beneficiaries. Therefore, the leadership of the Finance Committee strongly opposes this amendment.

I make a point of order that the pending amendment is not germane to the measure now before the Senate, and I raise a point of order under section 305 of the Budget Act.

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

(Rollcall Vote No. 294 Leg.)

YEAS—43

Akaaka Feingold Mikulski
Baucus Feinstein Murray
Brown Bingaman Johnson
Byrd Sarbanes Sessions
Burr Specter Stevens
Burns Hatch Sununu
Bunning Inouye Warner
Byrd Leahy
Chafee Levin
Chambliss Levin
Cooper Levin
Cochran Levin
Coleman Levin
Conrad Levin
Cornyn Levin
Craig Levin
Crapo Levin
Dayton Levin
NOT VOTING—1

The amendment (No. 2370) was rejected.
Ms. LANDRIEU, and Mr. DOMENICI, proposes an amendment to Mr. STEVENS, for himself, Mr. VITTER, for himself, the Landrieu amendment.

neous receipts.

general fund of the Treasury as miscellaneous receipts.

through (3), any remaining excess proceeds shall be transferred to the assistance program described in subsection (c)(3).

be transferred to the interoperability fund established under section 206 of the Communications Act of 1934, as added by section 3003 of this Act, for each of the 10 years beginning in the year 2004.

The amendment (No. 2412) was agreed to.

The amendment (No. 2412) was agreed to.

The amendment is as follows:

(Purpose: To modify the distribution of excess proceeds from the auction authorized by section 306(j)(15)(C)(v) of the Communications Act of 1934, as added by section 3003 of this Act, that exceed the sum of the payments made from the Fund under subsection (c), the transfer from the Fund under subsection (d), and any amount made available under section 3006 (referred to in this subsection as ‘‘excess proceeds’’), shall be distributed as follows:

(1) The first $1,000,000,000 of excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

(2) After the transfer under paragraph (1), the next $500,000,000 of excess proceeds shall be transferred to the interoperability fund described in subsection (c)(3).

(3) After the transfers under paragraphs (1) and (2), the next $1,200,000,000 of excess proceeds shall be transferred to the assistance program described in subsection (c)(5).

(4) After the transfers under paragraphs (1) through (3), any remaining excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

The PRESIDING OFFICER. There is 2 minutes of debate evenly divided.

Mr. VITTER. Mr. President, I present this amendment on behalf of Mr. STEVENS, the main author, as well as myself. Ms. LANDRIEU, Mr. DOMENICI, Mr. BINGMAN, Mr. LOTT, Mr. INOUYE, Mr. CRAIG, and others. This will not change our budget numbers or our goal of deficit reduction in any way. In fact, it could enhance our deficit savings.

This amendment says if and when—and only if and when—the spectrum auction produces more than is forecast, the first $1 billion over that amount would go to deficit reduction, the next $500 million would go to interoperability, the next $1.2 billion, in that order, goes to a coastal program under Commerce jurisdiction, and the remainder, if at all, would go to deficit reduction. This could, in fact, enhance deficit reduction.

Of course, it is very important to coastal States, including Louisiana, to beef up the coastline and to protect us in the future from major storms like Hurricane Katrina.

I yield the remaining time to Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Louisiana and particularly thank the leadership of Senator STEVENS and Senator DOMENICI and so many who have joined the effort. It has been a great effort. We thank our colleagues.

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2412) was agreed to.

Mr. CONRAD. Mr. President, just to update our colleagues, we now have 19 amendments still pending. On our current course, that is going to take at least 6½ hours. That would take us to 8:30. I ask colleagues, please, if you can withhold on your amendment, do so. If you have a chance to work out the amendment, please work hard and diligently to work it out. I urge colleagues, we have a drop-dead time at 6 o’clock tonight. We cannot go beyond with business. We have less than 4 hours to go through 19 amendments. The only way this is going to happen is if colleagues will give up on some of their amendments. Otherwise, we are here tomorrow. Once we are here tomorrow, we all know what happens: we will be here a long time tomorrow.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the reconciliation bill would increase immigrant work visas by 350,000 per year, about one-third of the current level. It is a massive and destabilizing increase that does not belong on the reconciliation bill. My amendment would strike the increase in immigrant work visas and impose a $1,500 immigrant application fee on multinational corporations.

With my amendment, the Judiciary Committee would exceed the reconciliation savings targets and do so without increasing immigrant work visas. We authorized over half a million H-1B visas in 2000. Last year, we authorized another $100,000 over 5 years. Do we really need another 150,000 visas on top of that? When is enough enough?

My amendment has the support of the unions. It has the support of immigrant enforcement groups. It has the support of Republican and Democrat Senators. I urge agreement of the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECKER. Mr. President, I am opposed to this amendment because the fees for L visas would raise funds but would do nothing to fill very important jobs in the United States. The existing plan submitted by the Judiciary Committee imposes a fee, but it extends the H-1B visa and recaptures the visas which were not used in the last 5 years. There are very careful safeguards so that U.S. jobs are not lost.

I understand the position of the distinguished Senator from West Virginia, the position of the unions, but I believe their concerns are misplaced and that there is a real need for these positions of highly skilled professionals, Ph.D.s, advanced degrees, therefore, with due respect to my colleague from West Virginia, I ask for a ‘‘no’’ vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 14, nays 85, as follows:

{Rollar call Vote No. 285 Leg.}

YEAS—14

Akaka  Inouye
Baucus  Kyl
Bingaman  Lugar
Brownback  Lautenberg
Biden  Leahy
Baucus  Kyl
Bingaman  Lugar
Brownback  Lautenberg
Bunning  Hatch
Burns  Hutchison
Burr  Inouye
Cantwell  Johnson
Carlson  Kennedy
Chafee  Kerry
Chambliss  Kohl
Collins  Kyl
Conrad  Leahy
Conrad  Lieberman
Craig  Lott
Crage  Logar
DoiMint  Martines
DeWine  McCain

NAYS—85

Alexander  Deole
Allard  Domenici
Allen  Enzi
Breaux  Enzi
Bayh  Feinstein
Bennett  Frist
Biden  Graham
Bingaman  Grassley
Bond  Gregg
Boozman  Hagel
Brownback  Harkin
Bunning  Hatch
Burns  Hutchison
Burris  Inouye
Cantwell  Johnson
Carlson  Kennedy
Chafee  Kerry
Chambliss  Kohl
Collins  Kyl
Conrad  Leahy
Conrad  Lieberman
Craig  Lott
Crage  Logar
DoiMint  Martines
DeWine  McCain

Rockefeller  Sessions
Stabenow  Vitter

November 3, 2005
The amendment (No. 2367) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, the next item is the Harkin amendment, a sense of the Senate. I ask unanimous consent that the following minutes equally divided between the proponent and the opponent.

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

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us repeat the message loud and clear: These next three votes are going to be 10-minute votes. At the end of 10 minutes, the manager and I are going to call the vote. That is the only possible, conceivable way we can get done today.

Mr. GREGG. Of course, we may actually get a voice vote in here, hopefully.

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

The Senator from Iowa.

Mr. HARKIN. Mr. President, my amendment was used to reduce the deficit. But, today, the majority party has a different idea. They are using reconciliation to increase the deficit. They are cutting child support enforcement, food assistance for the poor, foster care benefits, Medicaid, and other programs for the most disadvantaged Americans. At the same time they are ramming through another $70 billion in tax cuts for the most privileged. This cruel, it is also counterproductive. It is penny wise and pound foolish, because those families that are shoved into poverty by the House’s action will end up on food stamps, Medicaid, Temporary Assistance for Needy Families, and other forms of public assistance.

Child support helped to lift more than 1 million Americans out of poverty in 2002. As a result of cuts passed by the House, majority of those people—mostly children—would be plunged back into poverty. Not only is this cruel, it is also counterproductive. It is penny wise and pound foolish, because those families that are shoved into poverty by the House’s action will end up on food stamps, Medicaid, Temporary Assistance for Needy Families, and other forms of public assistance.

This chart shows the State-by-State impact of the cut in child support collections. In Iowa alone, the children would lose some $239 million over the next 10 years. This is a proven program, an effective program. It reduces poverty. It gets resources to children who desperately need them. It is cost effective. Research has shown that the decline in families relying on TANF in recent years is directly linked to improvements in the Child Support Enforcement Program. For all these reasons, this program has enjoyed broad bipartisan support.

In the past, President Bush himself has praised this program, calling it one of our highest performing social service programs. And he is right because for every Government dollar spent, $4.38 is recovered for families in child support payments. With good reason. Reforms over the last decade have made this program even more effective. Since 1996, there has been an 82-percent increase in collections, from $12 billion to $22 billion.

Child Support Enforcement is essential to helping families to achieve self-sufficiency. For families in poverty who receive child support, those payments account for an average of 30 percent of their income. Their mother’s earnings, child support is the largest income source for poor families receiving assistance. Child support payments are used to pay for food, child care, shelter, and the most basic essentials of life.

If we were smart, if we were compassionate, if we were looking at ways to get maximum bang for the buck, we would be increasing funding for this essential program. But the action of the majority party, slashing Child Support Enforcement by 40 percent to make way for more tax cuts, is just unconscionable. It is bad public policy, bad values, and bad priorities.

A strong bipartisan vote for this resolution will send a strong message to the House conference that this cut is unacceptable to the Senate and that this body will not accept a slash-and-burn attack on a program that lifts more than 1 million people out of poverty every year. I urge my colleagues to support this resolution.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KORI, Mr. OBAMA, and Mr. BAYH, proposes an amendment numbered 2363.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 2. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) On October 26, 2005, the Committee on Ways and Means of the United States House of Representatives approved a budget reconciliation package that would significantly reduce the Federal Government’s funding used to pay for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) and would restrict the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

(2) The child support program enforces the responsibility of non-custodial parents to support their children. The program is jointly funded by Federal, State and local governments.

(3) The Office of Management and Budget gave the child support program a 90 percent rating under the Program Assessment Rating Tool (PART), making it the highest performing social service program.

(4) The President’s 2006 budget cites the child support program as “one of the highest rated block formula grants of all reviewed programs government-wide.” This high rating is due to its strong mission, effective management, and demonstration of measurable success.
progress toward meeting annual and long term performance measures."

(5) In 2004, the child support program spent $5,300,000,000 to collect $21,900,000,000 in support payments, a public dollar that the child support program spends more than a four-fold return, collecting $4.38 in child support for every Federal and State dollar that the program spends.

(6) In 2004, 17,300,000 children, or 60 percent of all children living apart from a parent, received child support services through the program. The percentage is higher for poor children—84 percent of poor children living apart from their parent receive child support services through the program. Families assisted by the child support program generally have low or moderate incomes.

(7) Children who receive child support from their parents do better in school than those that do not receive support payments. Older children with child support payments are more likely to finish high school and attend college.

(8) The child support program directly decreases the cost of other public assistance programs by increasing family self-sufficiency. The more effective the child support program in a State, the higher the savings in public assistance costs.

(9) Child support helps lift more than 1,000,000 Americans out of poverty each year.

(10) Families that are former recipients of assistance under the temporary assistance for nee-d families program (TANF) have seen the greatest increase in child support payments. Collections for these families increased 94 percent between 1999 and 2004, even though the number of former TANF families did not increase during this period.

(11) Families that receive child support are more likely to find and hold jobs, and less likely to be poor than comparable families without child support.

(12) The child support program saved costs in the Temporary Assistance for Needy Families program, Food Stamps, Supplemental Security Income, and subsidized housing programs.

(13) The Congressional Budget Office estimates that the funding cuts proposed by the Committee on Ways and Means of the House of Representatives would reduce child support collections by nearly $7,900,000,000 in the next 5 years and $24,100,000,000 in the next 10 years.

(14) That National Governor’s Association has stated that such cuts are unduly burdensome and will force States to reduce several services that make the child support program so effective.

(15) The Federal Government has a moral responsibility to ensure that parents who do not live with their children meet their financial support obligations for those children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate will not accept any reduction in funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), or any restrictions on the ability of States to use Federal child support incentive payments to support programs that are eligible for Federal matching payments, during this Congress.

Mr. OBAMA. Mr. President, I rise today in favor of the Harkin amendment, which expresses the sense of the Senate that this body will not accept the cuts to the child support program that have been proposed by the Committee on Ways and Means in the House of Representatives. I am proud to be a cosponsor of this amendment.

The child support program is an effective and efficient way to enforce the responsibility of noncustodial parents to support their children. For every dollar that is spent on collection, more than $4 is collected to support children. That is a good return on our investment in families. Moreover, the evidence is compelling. For example, in 2004, enforcement efforts helped collect almost $22 billion in child support. Our aggressive State and Federal efforts have translated into $1 billion in collected child support payments in Illinois alone this year. That means 386,000 Illinois families will be better equipped to provide for their children.

Preliminary budget estimates suggest the cuts proposed by the Ways and Means Committee will translate into $7.9 billion in lost collections within 5 years, increasing to a loss of over $24 billion within 10 years. This proposal is not even penny wise; it is certainly pound foolish. Today, the State of Illinois reports a 32 percent child support collection rate. Let’s not take a step backwards in the progress that has been made to increase rates of necessary Federal support. Moreover, the welfare of too many is at stake. Child support is the second largest income source for qualifying low-income families. We cannot balance our budget on the backs of families who rely on child support to remain out of poverty. This Congress claims that strengthening the family is a priority. Senator HARKIN’s amendment is a firm expression that we are serious about this worthwhile investment.

I urge my colleagues to support this amendment. Mr. GREGG. Mr. President, the Senator from Iowa has been kind enough to represent that he will accept a voice vote on this. I move that we proceed to a voice vote on this. The PRESIDING OFFICER. The amendment (No. 2363) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay the motion on the table was agreed to.

Mr. GREGG. Mr. President, the next item of business will be Senator BYRD’s amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Iowa is now on the floor.

The motion to lay the motion on the table was agreed to.

Mr. GREGG. Mr. President, the next item of business will be Senator BYRD’s amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. CONRAD. Mr. President, the Senator from Iowa is now on the floor.

(Purpose: To provide for the suspension of the debate limitation on reconciliation legislation that causes a deficit or increases the deficit.)

Mr. BYRD. Mr. President, my amendment will prevent the time limitations on debate for reconciliation bills that increase the deficit. The Congress will never succeed in balancing the budget, cutting the deficit, as long as the reconciliation process can be used to shield controversial tax-and-spending decisions from debate and amendment. If Senators want to ensure offsets for deficit-increasing measures, then we must protect our rights to debate and amend within the budget process. The more tax cuts that can be forced through now without offsets, the tougher the budget decisions and the worse the pain in the coming months and years. The budget cuts that seem tough now will grow enormous, and they will be unbearable, if tax cuts continue without offsets. I urge adoption of the amendment.

I ask unanimous consent that Senator HARKIN be added as a cosponsor. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself and Mr. HARKIN, proposes amendment number 2414 as follows:

(a) IN GENERAL.—For purposes of consideration in the Senate of any reconciliation bill or resolution, or amendments thereto or debated motions affecting therewith, under section 310(c) of the Congressional Budget Act of 1974, section 305(b) (1), (2), and (5), section 305(c), and the limitations in subsection (b) of that Act, shall not apply to any reconciliation bill or resolution, amendment thereto, or debate motion that includes reductions in revenue or increases in spending that would cause an on-budget deficit to occur or increase the deficit for any fiscal year covered by such bill or resolution.

(b) GERMANENESS REQUIRED.—Notwithstanding subsection (a), no amendment that is not germane to the provisions of such reconciliation bill or resolution shall be considered for debate or amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the practical effect of this amendment would be to essentially vitiate the reconciliation process. It would mean we would end up with an event that could be filibustered. The whole purpose of reconciliation is to have a time limit and to get to a vote. Therefore, this amendment would undermine completely the concept of reconciliation which, as is hopefully going to be proven by this
bill and others, is a very constructive way to get legislation through this institution and move forward with the business of the people. Therefore, I make a point of order that the pending amendment contains matters within the jurisdiction of the Committee on the Budget, and I raise a point of order against the amendment under section 306 of the Budget Act.

Mr. BYRD. Mr. President, I move to waive the act in connection with this amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that votes on this and all further amendments be 10 minutes.

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

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—44

Akaka Feingold Mikulski
Bayh Harkin Nelson (FL)
Biden Inouye Nelson (NE)
Bingaman Johnson Obama
Boxer Johnson Pryor
Byrd Kennedy Reed
Cantwell Kerry Reid
Carper Kohl Rockefeller
Clinton Landrieu Salazar
Conrad Lautenberg Salazar
Douglas Leavitt Sarbanes
Durbin Lincoln Warner

NAYS—55

Alexander DeWine McConnell
Allard Dole Markoski
Allen Durbin Roberts
Bennett Ensign Santorum
Bond Enzi Sessions
Brownback Frist Shelby
Burns Graham Smith
Burns Grassley Snow
Byrd Gregg Speier
Chafee Hagel Stevens
Chambliss Hatch Stevens
Coale Hatch Hutchison Sununu
Coehorn Inhofe Talent
Coleman Johnson Thomas
Collins Kyl Thune
Corzine Lott Voinovich
Craig Lugar Warner
Craapo Martinez Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that 10 minutes be given to the Senator from New Jersey, to be divided as they deem appropriate.

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

The Senator from Hawaii.

The remarks of Mr. INOUYE, Mr. AKAKA and Mr. BYRD are printed in today’s Record under “Morning Business.”

The PRESIDING OFFICER. What is the will of the Senate? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask the Chair of the committee if it would be appropriate now to go to the Cantwell amendment.

Mr. GREGG. Absolutely.

Mr. CONRAD. Mr. President, I direct my colleagues’ attention to the Cantwell amendment and indicate that we are now trying to make an analysis of

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. COYNE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—43

Akaka Feingold Murray
Allen Dole Nelson (FL)
Bayh Harkin Nelson (NE)
Biden Inouye Obama
Boxer Johnson Pryor
Byrd Kennedy Reed
Cantwell Kerry Reid
Crapo Kohl Rockefeller
Carper Landrieu Salazar
Clmntn Lautenberg Sarbanes
Conrad Leahy Schumer
Dayton Levin Stabenow
Dodd Lionel Stennis
Dorgan Lincoln Wyden
Durbin Mikulski

NAYS—56

Alexander DeWine McCain
Allard Dole McConnell
Allen Durbin Markoski
Bennett Ensign Roberts
Bond Enzi Santorum
Brownback Frist Sessions
Burns Graham Smith
Burns Grassley Snow
Byrd Gregg Speier
Chafee Hagel Stevens
Chambliss Hatch Stevens
Coale Hatch Hutchison Sununu
Coehorn Inhofe Talent
Coleman Johnson Thomas
Collins Kyl Thune
Corzine Lott Voinovich
Craig Lugar Warner
Craapo Martinez Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that 10 minutes be given to the Senator from New Jersey, to be divided as they deem appropriate.

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

The Senator from Hawaii.

The remarks of Mr. INOUYE, Mr. AKAKA and Mr. BYRD are printed in today’s Record under “Morning Business.”

The PRESIDING OFFICER. What is the will of the Senate? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask the Chair of the committee if it would be appropriate now to go to the Cantwell amendment.

Mr. GREGG. Absolutely.

Mr. CONRAD. Mr. President, I direct my colleagues’ attention to the Cantwell amendment and indicate that we are now trying to make an analysis of

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.
The amendment follows:

On page 101, strike lines 12 through 19 and insert the following:

(d) RECEIPTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, or the amount of adjusted bonuses, rental, and royalty receipts derived from oil and gas leasing and operations authorized under this section—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(2) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any civil action brought by the State of Alaska under subparagraph (A), until such time as a final nonappealable order is issued with respect to the civil action and notwithstanding any other provision of law.

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(3) in subsection (d)

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to lay on the table was agreed to, en bloc, and the motions to reconsider be laid upon the table.

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

The amendments, en bloc, were agreed to, as follows:

AMENDMENT NO. 2350

(Purpose: To amend the definition of independent student to include students who are homeless children and youths and unaccompanied youths for purposes of the need analysis under the Higher Education Act of 1965)

On page 647, between lines 11 and 12, insert the following:

In paragraph (7), has been verified as both a homeless child or youth and is an orphan, in foster care, or ward of the court or was in foster care.

The amendment was agreed to, en bloc, and the motions to reconsider be laid upon the table.
shall pay to the Attorney General, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and
(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated shall pay to the Attorney General the amounts provided by November 1 of each fiscal year.

(b) AMOUNTS PROVIDED.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are:

(1) $8,000,000 for fiscal year 2006, $17,000,000 for fiscal year 2007, $15,000,000 for fiscal year 2008, $18,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund the Bulletproof Vest Partnership Program as authorized under section 4 of Public Law 108-372.

(2) $3,700,000 for fiscal year 2006, $6,300,000 for fiscal year 2007, $5,000,000 for fiscal year 2008, $5,000,000 for fiscal year 2009, and $5,000,000 for fiscal year 2010, to fund DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by section 303 of Public Law 108-405.

(3) $8,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund DNA Research and Development as authorized by section 305 of Public Law 108-405.

(4) $500,000 for fiscal year 2006, $500,000 for fiscal year 2007, $500,000 for fiscal year 2008, $500,000 for fiscal year 2009, and $500,000 for fiscal year 2010, to fund the National Forensic Science Commission as authorized by section 306 of Public Law 108-405.

(5) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund DNA Identification of Missing Persons as authorized by section 308 of Public Law 108-405.

(6) $8,000,000 for fiscal year 2006, $27,000,000 for fiscal year 2007, $25,000,000 for fiscal year 2008, $25,000,000 for fiscal year 2009, and $25,000,000 for fiscal year 2010, to fund Capital Litigation Improvement Grants as authorized by sections 421, 422, and 426 of Public Law 108-405.

SEC. 2102A. Assistance for veterans residing temporarily in housing owned by a family member

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

"2102A. Assistance for veterans residing temporarily in housing owned by a family member

(a) ASSISTANCE AUTHORIZED.—If a disabled veteran described in subsection (a)(2) or (b)(2) of section 2101 of this title resides, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

(b) LIMITATION ON AMOUNT OF ASSISTANCE.—Subject to section 2102(d) of this title, the assistance authorized under subsection (a) may not exceed:

(1) $10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

(c) LIMITATION ON NUMBER OF RESIDENCES SUBJECT TO ASSISTANCE.—A veteran eligible for assistance under this section (a) may only be provided such assistance with respect to 1 residence.

(d) REGULATIONS.—Assistance under this subsection shall be provided in accordance with such regulations as the Secretary may prescribe.

(e) TERMINATION OF AUTHORITY.—The authority under subsection (a) shall expire at the end of the 5-year period beginning on the date of enactment of the Specially Adapted Housing Grants Improvement Act of 2005.

(f) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in subsection (a), by striking ‘‘the assistance authorized by section 2101(a)’’ and all that follows through ‘‘any one case—’’ and inserting ‘‘Subject to subsection (d), the assistance authorized under section 2101(a) of this title shall be afforded under 1 of the following plans, at the election of the veteran:’’;

(2) by amending subsection (b) to read as follows—

‘‘(b) Subject to subsection (d), and except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b) of this title may not exceed the actual cost, or in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section to be required.’’;

(3) by adding at the end the following new subsection—

'(d) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

'(e) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to the lesser of—

'(1) the sum of the cost or fair market value described in section 2102(b) of this title and the actual cost of acquiring the adaptations described in subsection (a); and

'(2) $10,000.

'(f) No veteran may receive more than 3 grants of assistance under this chapter.’’;

(g) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter of title 38, United States Code, is amended by adding the following to the table:

‘‘2102A. Assistance for veterans residing temporarily in housing owned by a family member.’’.

SEC. 2303. GAO REPORTS

(a) INTERIM REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an interim report on the implementation of section 2102A of title 38, United States Code (as added by section 2(a)), by the Department of Veterans Affairs.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a final report on the implementation of section 2102A by the Department of Veterans Affairs.

On page 166, strike lines 12 through 15 and insert the following:

'(A) for fiscal year 2006, $50,000,000;

'(B) for each of fiscal years 2007 and 2008, $9,000,000;

'(C) for each of fiscal years 2009 and 2010, $7,500,000; and

'(D) for fiscal year 2011 and each fiscal year thereafter, $75,000,000.

AMENDMENT NO. 311

(Purpose: To authorize the continued provision of certain adult day health care services for medical adult day care services under a State Medicaid plan)

On page 188, after line 24, add the following:

SEC. 6037. AUTHORITY TO CONTINUE PROVIDING CERTAIN ADULT DAY HEALTH CARE SERVICES THROUGH MEDICAL ADULT DAY CARE SERVICES.

The Secretary shall not—

(1) withhold, suspend, disallow, or otherwise reduce Federal financial participation under section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) for adult day health care services or medical adult day care services defined under a State Medicaid plan approved on or before 1982, if such services are provided consistent with such definition and the requirements of such plan, or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services.
Mr. WARNER. Mr. President, I rise today in support of an amendment to S. 1932, the deficit reduction bill. I am pleased to be joined in this bipartisan effort with Senators LEAHY, DURBIN, and ALLEN. I am grateful to each of them for working closely with me in crafting this amendment. In addition, I would like to thank Chairman ENZI and Senator KENNEDY for working closely with me in support of this amendment.

Under the deficit reduction bill, certain educational programs are authorized or reauthorized that provide Federal dollars to help low-income students and the communities and families with higher education. These programs include: (1) Pell grants—in fiscal year 2005 $12.7 billion was spent on Pell grants by the Federal Government; (2) ProGAP grants—a new mandatory spending program consisting of approximately $1.45 billion a year that is designed to provide supplemental grants to low-income Pell grant recipients, regardless of their majors; and (3) SMART grants—a new mandatory spending program consisting of $450 million a year that will provide supplemental grants to low-income Pell grant recipients in their third and fourth year of college who are pursuing majors in math, science, engineering, and foreign languages.

These initiatives are commendable. I support them. Each program will significantly increase dollars targeted to low-income individuals who wish to pursue higher education to help them with the costs associated with their schooling.

But while I support these programs, I also fervently believe that when the Congress expends taxpayer money, it ought to do so in a manner that meets our Nation’s needs.

The fact of the matter is that should this bill become law, the Federal Government will spend, next year alone, approximately $14.5 billion on grants to help low-income students attend higher education. I repeat, $14.5 billion.

Of this $14.5 billion, without this amendment, only $450 million each year will be specifically targeted towards encouraging students to enter courses of study that are critical to our national security. That amount to only about 3 percent of the total amount spent. I repeat, 3 percent. That is astonishing to me.

It is astonishing to me because a key component of America’s national, homeland, and economic security in the twenty-first century is having home-grown, highly-trained scientific minds to compete in today’s one-world market. Yet alarmingly,
America faces a huge shortage of these technical minds. Strikingly, America faced a similar situation nearly 50 years ago. On October 4, 1957, the Soviet Union successfully launched the first manned satellite into space. The launch shocked America, as many of us had assumed that we were preeminent in the scientific fields. While prior to that unforgettable day America enjoyed an air of post World War II invincibility, afterwards our Nation recognized a cost to its complacency. We had fallen behind.

In the months and years to follow, we would respond with massive investments in science, technology and engineering.

In 1958, Congress passed the National Defense Education Act to inspire and induce individuals to advance in the fields of science and math. In addition, President Eisenhower signed into law legislation that established the National Aeronautics and Space Administration, NASA. And a few years later, in 1961, President Kennedy set the Nation’s goal of landing a man on the Moon within the decade.

These investments paid off. In the years following the Sputnik launch, America not only closed the scientific and technological gap with the Soviet Union, we surpassed them. Our renewed commitment to science and technology not only enabled us to safely land a man on the Moon in 1969, it spurred research and development which helped ensure that our modern military has always had the best equipment and technology in the world. These post-Sputnik investments also laid the foundation for the creation of some of the most significant technologies of modern life, including personal computers, and the Internet.

Why is any of this important to us today? Because as the old saying goes: he or she who fails to remember history is bound to repeat it.

The truth of the matter is that today America’s education system is coming up short in training the highly technical American minds that we now need and will continue to need far into the future.

The fact is that over the last two decades the number of young Americans pursuing bachelor degrees in science and engineering has been declining proportionately. The percentage of college-age students earning degrees in math, science, and engineering is now substantially higher in 16 countries in Asia and Europe than it is in the United States. If these current trends continue, then, according to the National Science Board, by 2010, less than 10 percent of all scientists and engineers in the world will be working in America by 2010.

This shortage in America of highly trained, technical minds is already having very real consequences for our country. For example, the U.S. production of patents, probably the most direct link between research and economic benefit, has declined steadily relative to the rest of the world for decades, and now stands at only 52 percent of the total.

In the past, this country has been able to compensate for its shortfall in homegrown, highly trained technical and scientific talent by importing the necessary brain power from foreign countries. However, with increased global competition, this is becoming harder and harder. More and more of our imported brain power is returning home to their native countries. And regrettably, as they return home, many American high-tech jobs are being outsourced with them.

Simply put, in today’s one world market, while we in America are sleeping at night, the other half of the world is thinking and contriving of every possible way to compete against us economically. Moreover, while we are sleeping at night, there are persons in this world who are awake, working hard in support of efforts aimed at taking our security and our freedoms away from us.

Fortunately, we can do something here today to help us become better prepared. Certainly, the SMART grant program is an important step in the right direction. But while the SMART grant program is one small step for man, it is not a giant leap for America. More has to be done. Remember, even with the SMART grant program, next year only 3 percent of the $15.5 billion targeted towards low-income students will be focused on meeting our security needs.

That is why I am offering this amendment today. The Warner, Lieberman, Roberts, Durbin, and Allen amendment is simple. It simply allows the Secretary of Education to provide to low-income Pell grant recipients who pursue majors at the college and university level in critical national and homeland security fields of math, science, engineering, and foreign languages, an additional sum of money on top of their normal ProGAP grants. The amendment gives incentives and inducements to students who accept the challenge of pursuing the more rigorous and demanding curriculum of these studies that are critical to our Nation.

The amendment achieves its goal without adding a single new dollar to the underlying bill.

The Warner, Lieberman, Roberts, Durbin, and Allen amendment does not change the Pell grant program or the SMART grant program in any way. It merely changes the formula of payments to students who will receive ProGAP grants. This change is desperately needed to put our nation on the road to meeting the ever increasing competition from India, China, and other nations where more and more of their students are pursuing studies in the sciences and engineering.

The amendment builds upon the SMART grant program by enabling the Secretary to provide even greater incentives to encourage individuals to pursue studies critical fields. The amendment accomplishes this goal by allowing the Secretary of Education to award larger ProGAP grants to students majoring in programs of math, science, engineering and foreign languages, which are key to our national and homeland security.

While I believe studying the liberal arts is an important component to having an enlightened citizenry, we simply must do more to address this glaring shortcoming in other critical fields.

America can ill afford a 21st century Sputnik. This amendment will make sure that additional monies get focused on training the highly skilled minds that are needed in the 21st century to protect our national, economic, and homeland security.

I urge my colleagues to support this amendment.

Mr. GREGG. The game plan is to go to the Santorum or Baucus amendment.

I suggest the absence of a quorum.

Mr. CONRAD. The next amendment in order is the Baucus amendment.

Mr. BAUCUS. I call up amendment 2383 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 2383.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The amendment is as follows:

(Purpose: To exclude discounts provided to mail order and nursing facility pharmacies from the determination of average manufacturer price and to extend the discounts offered under fee-for-service Medicaid for prescription drugs to managed care organizations.)

On page 110, after line 24, add the following:

(4) Exclusion of discounts provided to mail order and nursing facility pharmacies from the determination of average manufacturer price.

(A) In general. — Section 1927(k)(1)(B)(iv) (2) U.S.C. 1396s-(k)(1)(B)(iv), as added by paragraph (1)(C), is amended to read as follows:

"(iv) Chargebacks, rebates provided to a pharmacy (excluding a mail order pharmacy, a pharmacy at a nursing facility or home, and a pharmacy benefit manager), or any other direct or indirect discounts."

(B) Effective date. — Paragraph (3) shall apply to the amendment made by subparagraph (A).
Mr. Gregg. I send to the desk an amendment by Senator Levin.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. Gregg] for Mr. Levin, proposes an amendment numbered 2417.

Mr. Gregg. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish an International Border Community Interoperable Communications Demonstration Project)

On page 95, after line 21, insert the following:

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "demonstration project" means the demonstration project established under subsection (b)(1); and

(2) the term "Department" means the Department of Homeland Security;

(b) IN GENERAL.—There is established in the Department an "International Border Community Interoperable Communications Demonstration Project" (the "Demonstration Project").

(c) PROJECT REQUIREMENTS.—The demonstration project shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each other and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify necessary joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the Secretary, in an amount not less than 1 of the communities selected under section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)), and

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency responders participating in a demonstration project selected by the Secretary.

(3) EXTENSION OF PRESCRIPTION DRUG DISPENSING REQUIREMENT.—

(42 U.S.C. 1396r-8) under section 1927 of the Social Security Act rebate agreements entered into or renewed on or after the date of enactment of this Act and apply to the requirements of paragraph (2)(A)(xiii) of section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section before the period.

CARE ORGANIZATIONS.

S12318

Mr. Baucus. Mr. President, this amendment modifies the way retail pharmacies are paid for brand-name generic drugs under Medicaid. The underlying bill makes some important, positive changes but has the unintended consequence of forcing the independents—that is, the independent drugstores and the chains—in a disadvantaged position compared with mail-order drug companies and long-term care drug companies, the point being that the last category, because they are large-sized, have greater purchasing power to be able to acquire drugs on a discount basis, whereas the earlier category, the independent pharmacies and the chains themselves who do not have the same purchasing power, will be forced to pay higher prices compared to the larger. It is a complicated subject.

This is an amendment designed to even the playing field so the smaller guys get a break. It will not be to the disadvantage of the larger guys, because with their larger size, they will be able to get discounts that will more than offset the amendment provided for the smaller guys.

Mr. Gregg. I ask unanimous consent for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2383) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. Gregg], for himself and Mr. Rockefeller, proposes an amendment numbered 2417.

Mr. Gregg. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. The bill clerk read as follows:

The bill clerk read as follows:

The amendment is as follows:

(Purpose: To strike the provisions increasing the Medicaid rebate for generic drugs)

On page 125, strike lines 3 through 14.

Mr. Rockefeller. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The amendment (No. 2417) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. Conrad. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, this amendment modifies the way retail pharmacies are paid for brand-name generic drugs under Medicaid. The underlying bill makes some important, positive changes but has the unintended consequence of forcing the independents—that is, the independent drugstores and the chains—in a disadvantaged position compared with mail-order drug companies and long-term care drug companies, the point being that the last category, because they are large-sized, have greater purchasing power to be able to acquire drugs on a discount basis, whereas the earlier category, the independent pharmacies and the chains themselves who do not have the same purchasing power, will be forced to pay higher prices compared to the larger. It is a complicated subject.

This is an amendment designed to even the playing field so the smaller guys get a break. It will not be to the disadvantage of the larger guys, because with their larger size, they will be able to get discounts that will more than offset the amendment provided for the smaller guys.

Mr. Gregg. I ask unanimous consent for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2383) was agreed to.

Mr. Gregg. I move to reconsider the vote.

Mr. Conrad. I move to reconsider the vote.

Mr. Gregg. I have a motion in order is the Schumer-Rockefeller generics amendment.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

Mr. GREGG. I move to reconsider the vote.

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

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. Conrad. Mr. President, the next amendment in order is the Schumer amendment.

Mr. SCHUMER. Mr. President, I offer amendment 2348.

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The bill clerk read as follows:

The amendment is as follows:

(Purpose: To strike the provisions increasing the Medicaid rebate for generic drugs)

On page 125, strike lines 3 through 14.

Mr. ROCKEFELLER. Mr. President, I will speak for a moment about the Schumer-Rockefeller generics amendment to the budget reconciliation bill.

The amendment that Senator Schumer and I are offering today would eliminate the provision in this bill that increases the generics Medicaid rebate from 11 percent to 17 percent. Increasing the rebate for generics would jeop-
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The reconciliation bill before us has a number of flaws— it cuts Medicaid by $7.5 billion despite Hurricane Katrina and the high health care costs working families continue to face. It imposes even greater premiums on Medicare beneficiaries when Part B premiums have already gone up by more than $10 per month in each of the last 2 years. And, it fails to address many of the problems we know will occur when the Medicare drug benefit is implemented on January 1, 2006. But, that’s not all.

This bill includes a provision which was added to the Finance Committee reconciliation bill the night before the markup—that would increase the rebate amount that generic manufacturers pay to State Medicaid programs from 11 percent to 17 percent. That’s an increase of 55 percent.

At a time when access to generic drugs represents the greatest opportunity for prescription drug cost savings, this bill seeks to limit such access. Not only will this policy result in greater costs to Medicaid over the long term, but it could also threaten access to lower-cost drugs for all Americans.

In the recent past, when Missouri and New Jersey considered implementing generic drug rebate increases for the purpose of achieving savings, they actually found they would have incurred greater costs as a result of reduced access to affordable generic drugs.

New Jersey officials estimated that increasing rebates on generics used in their Pharmacautical Assistance for the Aged and Disabled and Senior Gold programs would have increased state costs $18 million in the first year. Missouri’s Senior Rx Program estimated that increasing generic rebates would have increased state costs by $8.5 million dollars in the first year alone.

According to a 1998 study by the Congressional Budget Office, generic drugs save consumers approximately $8-10 billion each year. Why would we undercut access to generics when low-cost prescription drugs should be a priority? I question the merits of such a far-reaching policy that was added in the dead of night seemingly for the purpose of increasing state costs by $8.5 million dollars in the first year alone.

Mr. GRASSLEY. Mr. President, we do not need an amendment to improve this situation because this bill has in it already very significant incentives for generic utilization through the way we reimburse generics and the dispensing fee we require.

A very significant thing is to remember that brand drugs account for 67 percent of Medicaid prescriptions, but they also account for 81 percent of the Medicaid rebates. This is reasonable policy for us, then, to create parity between brand and generic rebates. This amendment would upset that parity.

The amendment before the Senate also simply strikes generic rebates; it does not pay for it. So I strongly oppose bringing the Committee on Finance out of compliance with our budget instructions. This amendment would do that. I ask Members to oppose the amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we do not need an amendment to improve this situation because this bill has in it already very significant incentives for generic utilization through the way we reimburse generics and the dispensing fee we require.

A very significant thing is to remember that brand drugs account for 67 percent of Medicaid prescriptions, but they also account for 81 percent of the Medicaid rebates. This is reasonable policy for us, then, to create parity between brand and generic rebates. This amendment would upset that parity.

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Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we do not need an amendment to improve this situation because this bill has in it already very significant incentives for generic utilization through the way we reimburse generics and the dispensing fee we require.

A very significant thing is to remember that brand drugs account for 67 percent of Medicaid prescriptions, but they also account for 81 percent of the Medicaid rebates. This is reasonable policy for us, then, to create parity between brand and generic rebates. This amendment would upset that parity.

The amendment before the Senate also simply strikes generic rebates; it does not pay for it. So I strongly oppose bringing the Committee on Finance out of compliance with our budget instructions. This amendment would do that. I ask Members to oppose the amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we do not need an amendment to improve this situation because this bill has in it already very significant incentives for generic utilization through the way we reimburse generics and the dispensing fee we require.

A very significant thing is to remember that brand drugs account for 67 percent of Medicaid prescriptions, but they also account for 81 percent of the Medicaid rebates. This is reasonable policy for us, then, to create parity between brand and generic rebates. This amendment would upset that parity.

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amended by striking the fourth sentence and inserting the following: “Obligations issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.”

(3) SECURITIES.—Section 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723c) is amended—

(A) in the section heading, by striking “Corporation”;

(B) by inserting “(a) IN GENERAL.—” after “SEC.”;

(C) in the second sentence, by inserting “by the Association” after “issued”; and

(D) by adding at the end the following:

“(b) TREATMENT OF CORPORATION SECURITIES.—

“(1) IN GENERAL.—Any stock, obligations, securities, participations, or other instruments issued by the corporation pursuant to this title shall not be exempt securities for purposes of the Securities Act of 1933.

“(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

“(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) APPROVED SELLER.—The term ‘approved seller’ means an institution approved by the Corporation to sell mortgage loans to the corporation in exchange for pooled certificates.

“(B) POOLED CERTIFICATES.—The term ‘pooled certificates’ means single class mortgage-backed securities guaranteed by the corporation that have been issued by the Corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.

“(C) MORTGAGE RELATED SECURITIES.—A single class mortgage-backed security guaranteed by the corporation that has been issued by the Corporation to the approved seller for cash shall be deemed to be a mortgage related security, as defined in section 3(a) of the Securities Exchange Act of 1934.

“(d) REGULATIONS.—The Securities and Exchange Commission may issue such regulations as may be necessary or appropriate to carry out this section and the amendments made by this section.

“(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act.

“Mr. HAGEL. Mr. President, the significance of Fannie Mae and Freddie Mac to our economy cannot be overstated. Together they guarantee almost 46 percent of all mortgages loans in the United States. They also back over $3.9 trillion in mortgage-backed securities and have amassed over $1.7 trillion in outstanding debt. This amendment would require Fannie and Freddie to register their debt in securities with the Securities Exchange Commission, like any other company. Both are currently exempt from having to do so and, because of this, both are exempt from the accounting requirements of Sarbanes-Oxley. The Senate Banking Committee, under the leadership of Chairman SHELBY, passed a comprehensive, strong, GSE regulatory reform bill earlier this year. We need to take this bill up in this Congress.”

AMENDMENT NO. 2391, WITHDRAWN

I ask unanimous consent that Senator SUNUNU be allowed to speak for 1 minute, after which I ask that amendment No. 2391 be withdrawn.

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

Mr. SANTORUM. Mr. President, this is a four-part amendment. The first part would provide for a screening for aortic aneurysms, offered by Senator THOMAS, Mr. Voinovich, Mr. Lieberman, Mr. Dodd, and Mr. Rockefeller, proposes an amendment numbered 2419.

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The Presiding Officer. The amendment is withdrawn.

The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that the only amendments remaining in order be two by Senator Reed, one by Senator LIEBERMAN, one by Senator SANTORUM, and one by Senator SNOWE.

The Presiding Officer. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, reserving the right to object, the last one is a Cornyn amendment?

Mr. GREGG. It appears there may be.

Mr. CONRAD. I think we can accept it.

Mr. GREGG. We will now go to Senator SANTORUM.

The Presiding Officer. The Senator from Pennsylvania.

AMENDMENT NO. 2419

(Purpose: To amend title XVIII of the Social Security Act to make a technical correction regarding purchase agreements for power-driven wheelchairs under the Medicare program, to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of such program, to improve patient access to, and utilization of, the colorectal cancer screening benefit under such program, and to provide for a four-part amendment.)

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. Santorum], for himself, Mr. Thomas, Mr. Voinovich, Mr. Lieberman, Mr. Dodd, and Mr. Rockefeller, proposes an amendment numbered 2419.

(Read in the Senate, and printed in today’s CONGRESSIONAL RECORD under “Text of Amendments.”)

Mr. SANTORUM. Mr. President, this is a four-part amendment. The first part would provide for a screening for aortic aneurysms, offered by Senator Bunning and Senator Dodd. The second part of the amendment would allow for the purchase of electronic mobility equipment for our seniors, something Senator Voinovich has been working on, as opposed to having a long-term lease. The third part is offered by Senator Thomas, which has to do with rural mental health care under Medicare. And finally, the piece I have been offering is on colorectal screenings. We passed that benefit back in 1997. As a result of that payment of the benefit for screenings, we have only seen a 1 percent increase in screenings. This is an attempt to try to increase that by allowing for the payment of the predoctor visit as well as the part B deductible.

I ask unanimous consent to add Senator LANDRIEU as a cosponsor of the amendment.
The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. CONRAD. Mr. President, I ask unanimous consent to be listed as a co-sponsor of the amendment.

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

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2419.

The amendment (No. 2419) was agreed to.

Mr. GREGG. We now go to Senator REED.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2409

Mr. REED. Mr. President, I ask that amendment No. 2409 be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island (Mr. REED), for himself, Mr. BAUCUS, Mrs. MURRAY, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mrs. CLINTON, and Mr. OBAMA, proposes an amendment numbered 2409.

The amendment is as follows:

(Purpose: To strike provisions relating to reforms of targeted case management) Strike section 6031 of the bill.

Mr. REED. This amendment strikes section 6031 of the reconciliation act which pertains to case management services. States have the ability to identify groups such as children and adults with AIDS, children in foster care, other vulnerable groups, and find comprehensive services. These services include educational and social as well as medical services. The underlying reconciliation bill will force these services to be paid for by third parties, the State or others. That will decrease the use of these services and actually end up costing more to the States, and it will disrupt many of the very appropriate programs we have. In fact, many of these programs save money by dealing with these people.

I would point out that this legislation does not require an offset, nor does it require a supermajority vote since we are striking language in the underlying bill.

I reserve any time I have.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am shocked anybody from the other side of the aisle would raise any questions against the policy we have in our bill. This is not a Republican policy. This is not a Bush administration policy. This is a policy that was offered by the previous administration, the Clinton administration. The targeted case management provision of this bill merely codifies that policy that was offered by the Clinton administration. I have a letter I got from the U.S. Psychiatric Rehabilitation Association expressing thanks for the targeted case management provisions:

Your measured steps and considerations of TCM will preserve the needed services to those who cannot attain housing, employment, or health care on their own. We appreciate your work in helping to ensure that mentally disabled Americans have the opportunity to access Medicaid services.

It seems to me this is something that ought to be of the heart and the brain of anybody on the other side of the aisle.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Rhode Island has 7 seconds.

Mr. REED. Mr. President, this bill will hurt programs that exist today that help children, people with AIDS, a host of people. I received this information not from the Clinton administration but from providers in my own community, Christian Brothers who deal with children, social workers who deal with adults.

Mr. GREGG. Mr. President, I ask unanimous consent that Senator SMITH be added to the list of amendments that will be considered.

Mr. CONRAD. Reserving the right to object, we don’t yet know what the Smith amendment is. Can we get that first?

Mr. GREGG. I withdraw that.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 2409.

The bill clerk called the roll.

The amendment (No. 2409) was agreed to.

Mr. REED. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2380, AS MODIFIED, 2382, AND 2386

Mr. GREGG. Mr. President, I now send three amendments to the desk and ask that they be considered and agreed to en bloc, and the motions to reconsider be laid on the table—one for Senator LIEBERMAN and two for Senator SUNUNU.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2380, AS MODIFIED

On page 368, between lines 5 and 6, insert the following:

SEC. 6116. QUALITY MEASUREMENT SYSTEMS AMENDMENTS.

Section 1860E-1, as added by section 6110(a)(2), is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B)—

(i) by striking ‘‘and’’ at the end;

(ii) by striking the period at the end and inserting ‘‘; and’’;

(iii) by adding at the end the following new clause:

(viii) measures that address conditions between majority and minority groups.

(B) in subparagraph (C), by striking the period at the end and inserting ‘‘; and’’;

(2) in subsection (c)(4)—

(A) in subparagraph (B), by striking ‘‘and’’ at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ‘‘; and’’;

(C) by adding at the end the following new subparagraph:

(D) The report commissioned by Congress from the Institute of Medicine of the National Academy of Sciences, titled ‘‘Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care’’; and

(3) in subsection (d)(2), by inserting ‘‘experts in minority health,’’ after ‘‘government agencies,’’.
The 2003 Institute of Medicine report, Unequal Treatment, recommended that the “collection, reporting, and monitoring of patient care data by health plans and federal, and state payors should be encouraged” to move towards eliminating disparities. My amendment to section 6110 S. 1932 addresses this IOM recommendation to more specifically encourage the collection and reporting of health care quality data for both majority and minority groups as Medicare Value-Based Purchasing Programs are being developed and established.

My amendment encourages the Secretary of the Department of Health and Human Services to focus on diseases where there are disparities between majority and minority groups. Diseases such as infant mortality, diabetes, heart disease, breast cancer, cervical cancer, HIV/AIDS, childhood immunizations, and adult immunizations are all disproportionately problematic in minority populations and should be considered in any systematic attempt to measure and improve health care quality.

My amendment also encourages the collection of specific data on patient characteristics that are key to measuring and collecting data on health care quality. Collecting information on gender, race/ethnicity, language spoken, and insurance status are encouraged. Without this information, we will not have any way of knowing whether or not disparities between majority and minority groups are decreasing.

In the existing provisions of section 6110, the Secretary of the Department of Health and Human Services will work with various expert groups in developing and implementing quality measurement systems. However, experts in minority health are not currently included in the legislation. My amendment ensures that experts in minority health are included in developing and implementing a health care quality measurement system.

Lastly, my amendment would reward hospitals, physicians, clinics, and home health care providers, among other groups that demonstrate improvement in quality of care for patient subgroups and minorities.

I thank Senators Grassley and Baucus and the Finance Committee staff for working with us to try to focus necessary health care needs of all Americans. This would mark the first time our Federal Government made a commitment to improving the quality of health care that minority groups—our constituents—are receiving. I believe this ground-breaking legislation to bring pay-for-performance accountability to Medicare is an important step forward and I believe it will be much more powerful and have much greater impact if we tackle how to eliminate racial and ethnic disparities.

Mr. Gregg. Mr. President, we now turn to Senator Reed for his second amendment.

Mr. REED. Mr. President, I call up amendment No. 2386.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant journal clerk read as follows:

The Senate from Rhode Island (Mr. Reed) proposes an amendment numbered 2386.

The amendment is as follows:

(Purpose: To strike subtitle C of title II relating to FHA asset disposition)

On page 86, strike line 22 and all that follows through page 90, line 19.

Mr. REED. Mr. President, my amendment would restore the ability of HUD to preserve and rehabilitate affordable housing.

The FHA upfront grant and below-market sales programs are designed to help local governments purchase FHA foreclosed multifamily properties in order to preserve and rehabilitate these units into affordable housing.

Currently, the money for this program comes from the FHA General Insurance Fund, not from appropriations. This gives HUD significant flexibility in providing these funds if the need arises.

The proposal before us today will restrict HUD from using the FHA General Insurance Fund to support both the below-market sales program and the upfront grant program. It is a program of about $50 million a year.

My amendment would strike the language prohibiting the use of these funds to allow them the flexibility to continue this program. Because it strikes language, no supermajority vote is necessary, and no offset is necessary.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the Reed amendment. In the Banking Committee, as part of the reconciliation process, we save, in this instance, $270 million. This proposal simply makes the FHA’s use of these funds allowable to continue this program. Because it strikes language, no supermajority vote is necessary, and no offset is necessary.

I urge my colleagues to oppose this amendment. This $270 million is a lot of savings that we can put forth today.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Chafee). Is there a sufficient second?

There appears to be a sufficient second.

If all time is yielded back, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. Corzine) is necessarily absent.
The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

(Rollcall Vote No. 301 Leg.)

YEAS—48

Akaka                DeMint                Lincoln
Baucus                Durbin                 Mikulski
Bayh                  Feingold                Murray
Biden                 Feinstein                Nelson (FL)
Bingaman              Harkin                  Nelson (NE)
Bond                   Inouye                  Obama
Boxer                   Jeffords                Pryor
Byrd                   Johnson                 Reed
Cantwell               Kennedy                 Reid
Carpenter              Kerry                   Rockefeller
Chafee                Kohl                   Saranac
Clinton                Landrieu                Sarbanes
Conrad                Lautenberg                Schumer
Dayton                 Leahy                   Specter
DeMint                Levin                   Stabenow
Dodd                   Lieberman                Wyden

NAYS—51

Alexander               Dale                   McCain
Allard                  Domenici                McConnell
Allen                    Ensign                  Murkowski
Bennett                Enzi                     Roberts
Brownback              Frist                   Santorum
Bunning                Graham                  Sessions
Burns                  Grassley                 Shelby
Burk                    Gregg                   Smith
Chambliss              Hagel                   Snowe
Cochrane                Hatch                   Stevens
Cooper                  Inhofe                  Talent
Collins                Inouye                  Thompson
Corker                Kyl                     Thune
Craig                   Lott                    Vitter
Crapo                   Logan                   Voinovich
DeMint                  Martinez                 Warner

The amendment (No. 2396) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I ask unanimous consent that Senator SMITH be allowed to offer an amendment.

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Could we also put in order my amendment?

Mr. GREGG. And at a later date, Senator CONRAD be put on the list of Senators who can offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

AMENDMENT NO. 2390

Mr. SMITH. I ask unanimous consent to call up amendment No. 2390. I also ask unanimous consent that Senator FEINGOLD be added as a cosponsor to my amendment. I am already pleased that Senator CLINTON is a cosponsor.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Mrs. CLINTON, and Mr. FEINGOLD, proposes an amendment numbered 2390.

Mr. SMITH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.
The assistant journal clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Mr. WYDEN, Mr. MCCAIN, Ms. STABENOW, and Mrs. CLINTON, proposes an amendment numbered 277.

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

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

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to provide the authority for negotiating fair prices for Medicare Prescription Drugs)

After section 6115, insert the following:

SEC. 6116. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) In general.—Section 1860D–11 (42 U.S.C. 1395w–111) is amended by striking subsection (a) (relating to noninterference) and inserting the following:

``(1) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—

``(A) negotiate contracts with manufacturers of covered part D drugs that would result in the lowest prices for Medicare beneficiaries, in subsection (g); and

``(B) participate in negotiation of contracts of any covered part D drug upon request of an approved prescription drug plan or MA–PD plan.

``(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to limit the authority of the Secretary under paragraph (1) to the mandatory responsibilities under paragraph (2).

``(4) NO PARTICULAR FORMULARY OR PRICE STRUCTURE.—To promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.

``(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 181 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

Ms. SNOWE. Mr. President, I ask unanimous consent that Senator CLINTON be added as a cosponsor.

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

Ms. SNOWE. Mr. President, I am offering this amendment on behalf of myself and Senator WYDEN, who has offered considerable leadership on this issue over the years providing affordable medications to our seniors, along with Senator Mccain and Senator STABENOW. So many of us in Congress have worked to make prescription drug coverage available under the Medicare Program, but the fact remains that the costs are rising since the time we first created this program, from $523 billion to now up to $720 billion for the Part D Program.

As we see in this first chart, the brand–named prices are consistently outpacing inflation because they have no competition. As we can see with the generic drug prices, where there is competition, the price is lower. We want to give the Secretary of Health and Human Services the ability to negotiate prices, particularly for those seniors who will not have access to more than two prescription drug plans or where the plans ask for negotiating authority.

This is not price setting. This is price saving. In fact, we have explicit language in the legislation that says this is not about price setting. It does not give the Secretary that authority. It allows him to save money for the Part D Program that is expected and projected to increase in cost by more than 8.5 percent as called for by the Congressional Budget Office. That is the CBO’s very own number.

Finally, 80 percent of seniors in America have called for the Secretary to have this authority.

Mrs. FEINSTEIN. Mr. President, I rise today in support of amendment No. 2371 offered by Senators SNOWE and WYDEN, which I am pleased to cosponsor. The amendment ensures that the Health and Human Services Secretary has an active role in managing the costs of the newly-created Medicare prescription drug program, Part D, by striking language in the Medicare Modernization Act of 2003 that prohibits the HHS Secretary from using the bulk purchasing power of the Federal Government to obtain prescription drugs at the lowest possible cost to taxpayers.

On the eve of the vote on the final Medicare bill, my colleague Senator WYDEN and I agreed that this prohibition language, also referred to as “the noninterference clause,” was a major flaw in the overall bill. Although we both voted in favor of the bill because it afforded seniors and the disabled the first–ever opportunity to voluntarily sign up for a drug benefit in Medicare, we agreed to work to repeal this prohibition language in the bill. I have been pleased to join with Senators SNOWE and WYDEN on legislation the past two Congresses to do just that.

Since casting my vote on the final Medicare bill at that time, I believed was for a $400 billion bill, we have all learned that more accurate estimates of the cost of the overall bill were withheld from Congress and that the true cost of the bill will now exceed $700 billion over the next 10 years. Now, more than ever, Congress must do everything it can to ensure that the government and taxpayer dollars are getting the best deal out there on the cost of drugs covered by Medicare.

That is what this amendment will do. The amendment removes the so–called “noninterference” clause, gives the HHS Secretary authority to negotiate prices with drug manufacturers, and requires that the HHS Secretary do so for covered part D drugs for each fallback prescription drug plan—plans where the Federal Government is assuming the risk—and upon the request of an approved prescription drug plan or Medicare Advantage prescription drug plan.

What the amendment does not do is require the Secretary to set drug prices or formularies. I have heard the argument that this amendment will result in price controls. Price controls have not been made time and time again by drug companies who would rather profit from the Federal Government paying too much for drugs than allow the Federal Government to use its purchasing power to negotiate for the best deals on drug prices.

The reality is that this amendment specifically states that the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.

I have also heard the argument that the Secretary won’t be able to negotiate better drug prices than private plans. Currently, 33 States have a price cap that allows a State with the largest purchasing power in the country for drugs in its Medicaid program and it is clear that the size of California’s market has helped California’s ability to negotiate more competitive drug prices.

But don’t take my word for it. In 2004, CBO stated, “giving the Secretary an additional tool—the authority to negotiate prices with manufacturers of single–source drugs—would put greater pressure on those manufacturers and could produce some additional savings.”

With respect to solo source drugs, CBO went on to say, “there is potential for some savings if the Secretary were to have the authority to negotiate prices with manufacturers of single–source drugs that do not face competition from therapeutic alternatives.”

Prescription drug prices for existing drugs—these are not new drugs, but old ones—have been rising at three times the inflation rates, according to the Government Accountability Office.

So I ask the question: Why are we not doing everything in our power to ensure the Federal Government is getting the lowest prices for drugs?

The Snowe–Wyden amendment ensures fiscal responsibility in an entitlement program whose escalating costs pose a very serious problem for future generations. I am pleased to be a cosponsor of this amendment and urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator’s time has expired.

Ms. SNOWE. The former Secretary of HHS said: I would like to have had the opportunity to negotiate.

Let us give this power to the Secretary to save money for the program and to save money for seniors.

Ms. SNOWE. The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. I yield to the Senator from Iowa.
The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the fact is that the Government does not negotiate prices, it sets prices. The second thing is that we set in place in the Medicare bill plans to negotiate prices, and we now know from experience, and I did not know it when this amendment was offered before, that these plans are negotiating prices that are much lower for beneficiaries and the taxpayers than we even anticipated when we passed the bill 2 years ago.

One thing that ought to be taken into consideration is the fact that there is no savings from this amendment. I would like to quote from The Washington Post, February 17: Governments are notoriously bad for setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

We need to defeat this amendment as we defeated it a few months ago.

Ms. SNOWE. I ask unanimous consent to add Senator KERRY and Senator DODD as cosponsors.

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

Mr. GRASSLEY. Mr. President, the amendment is not germane to the measure before the Senate so I raise an objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2408

Mr. CORNYN. I call up amendment No. 2408 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2408. Mr. CORNYN, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To eliminate the converter box subsidy program)

On page 94, strike line 7 through 12.

Mr. CORNYN. Mr. President, in 1928, Herbert Hoover ran for President based on the slogan “a chicken in every pot and a car in every garage.”

Under the provisions of this bill, the American taxpayer is being asked to subsidize television—digital television to be specific—to the tune of $3 billion. I congratulate the leadership and the Senator from Iowa, particularly Chairman GREGG for the good work he has done trying to save the beleaguered American taxpayer quite a bit of money and to reduce the Federal deficit. What we are being asked to do here, what the taxpayers are being asked to suffer is a transfer of money from their pocket basically to the living rooms of the television-watching public so we can transition from analog to digital TV. But to make things even more ironic, what this $3 billion is supposed to do is to provide converters so they can take the digital signal and transition it back to the analog and reverse the action of this Congress. It makes no sense. We can do better than this.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 2408) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. At this point, I believe the Senator from North Dakota has an amendment to offer.

AMENDMENT NO. 2422

Mr. CONRAD. Mr. President, I call up amendment 2422.

The PRESIDING OFFICER. The clerk will report.

The Journal clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. SALAZAR, proposes an amendment numbered 2422.

Mr. CONRAD. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure Medicaid enrollees have access to small, independent pharmacies located in rural and frontier areas)

On page 121, after line 25, add the following:

“(b) RULES APPLICABLE TO CRITICAL ACCESS RETAIL PHARMACIES.—

“(1) REIMBURSEMENT LIMITS.—Notwithstanding paragraph (2)(A), in the case of a critical access retail pharmacy (as defined in subsection (c)(1)) that is a critical access hospital (as defined in subsection (c)(2)(B)), the upper payment limit—

“(i) for the ingredient cost of a single source drug, is the lesser of—

“(I) 108 percent of the average manufacturer price for the drug; or

“(II) the wholesale acquisition cost for the drug; and

“(ii) for the ingredient cost of a multiple source drug, is the lesser of—

“(I) 150 percent of the average manufacturer price for the drug; or

“(II) the wholesale acquisition cost for the drug; and

“(3) APPLICATION OF OTHER PROVISIONS.—The preceding provisions of this subsection shall apply with respect to reimbursement to a critical access retail pharmacy in the same manner as such provisions apply to reimbursement to other retail pharmacies except that subsection (a)(1)(B) shall be applied by establishing the leadership fee for a critical access pharmacy the Secretary, in addition to the factors required under paragraph (4), shall include consideration of the costs associated with operating a critical access retail pharmacy.

“(4) CRITICAL ACCESS RETAIL PHARMACY DEFINED.—For purposes of subparagraph (A), the term ‘critical access retail pharmacy’ means an retail pharmacy that is not within a 20-mile radius of another retail pharmacy.

“(5) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i)(VI), as added by section 6002(a)(5), is amended by striking ‘17’ and inserting ‘18’.”

Mr. CONRAD. Mr. President, in the interest of time, very briefly, this is to help rural remote pharmacies with modestly enhanced reimbursement. I very much thank my colleagues on both sides of the aisle who have agreed to support this amendment. I especially thank the chairman of the Finance Committee for his support.
Mr. GREGG. I urge the amendment be agreed to. The PRESIDING OFFICER. Is all time yielded back? Mr. GREGG. Yes. The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment (No. 2422) was agreed to.

AMENDMENT NO. 2092

Mr. GREGG. Mr. President, I wish to reiterate my statement which was inadvertently omitted from yesterday’s RECORD with regard to amendment No. 2392 that we will support an effort to pass legislation to make the technical changes that we will support an effort to. The amendment (No. 2392) was agreed to.

Mr. ROCKEFELLER. Last month, the Committee hearing last week, CMS does not post notification on their website when they have received formal or informal communication from a State regarding a waiver and the “State Waiver Programs and Demonstrations” portion of the website is not updated by CMS on a regular basis. Mr. BAUCUS, Senator GRASSLEY, I think it is more than just a question of transparency. It is also a question of legality. In many cases, the content of the waivers that CMS is negotiating fundamentally alters the Federal guarantee of Medicaid benefits. This is not the intended purpose of Medicaid demonstration authority. Section 1115 waiver authority allows the Secretary of the Department of Health and Human Services to waive certain provisions of the Medicaid program if the changes are determined to “promote the objectives” of Medicaid. I am concerned that the current waivers being approved by CMS go well beyond CMS’ authority and that Congress should be more vigilant in its oversight.

Mr. GRASSLEY. Senator BAUCUS, I certainly appreciate your views on this issue. You and I have worked hard over the last couple of years to improve the waiver process, and I think we have made some progress. But, I understand your desire to do more. I want to continue working with you to ensure that the Senate Finance Committee fulfills its oversight obligation in this area. I also think that the Medicaid waiver amendment that Senator ROCKEFELLER is offering has merit, and I would like to continue working with him to improve the waiver information available on CMS’ website.

Mr. ROCKEFELLER. Chairman GRASSLEY, I thank you for your willingness to work with me. This is a matter of good government. The Government Accountability Office has published a report that the Department of Health and Human Services has failed to follow its own policy on providing opportunities for the public to learn about and comment on pending waiver requests. Congress has a responsibility to assert its oversight authority on Section 1115 waivers because Medicaid is too important a program to allow it to be waived.
away through secret negotiations and without input from those who will be affected or their advocates.

**MEDICAID PHARMACY, REIMBURSEMENT FOR PRESCRIPTIONS**

Mr. VOINOVIČ. Mr. Chairman, I applaud your leadership on the Medicaid and Medicare program and the reconciliation package and am committed to working with you to achieve reductions in mandatory spending programs under your jurisdiction as instructed in the congressional budget resolution. I believe it is necessary to maintain fiscal constraint and recognize the difficult task involved in achieving that end while ensuring that the country’s health care safety net remains available for our citizens who truly need it the most.

As we move forward in advancing that goal, I understand that there are several changes included in the reconciliation package being considered today that address Medicaid pharmacy reimbursement for prescription drugs dispensed in the pharmacy setting. I know you and your staff worked very hard to craft the Medicaid provisions contained in this legislation and that we both share the common goal of ensuring Medicaid beneficiaries continue to have access to cost-effective prescription drugs reimbursed at an appropriate rate.

In that light, I understand that it is not your intent to inadvertently disrupt the current drug distribution system responsible for assuring access to needed drugs across the Nation’s pharmacies. I think we both believe that the drug distribution system can best be preserved if prompt-pay discounts paid to distributors are excluded from the new Medicaid pharmacy reimbursement methodology. Was this the Chairman’s intention?

Mr. GRASSLEY. I do recognize the valuable role drug distributors play in the delivery of prescription medication and our Nation’s health care and they intend to exclude prompt pay discounts from the methodology. I say to my colleague from Ohio that we both understand that the drug distribution system has consistently ensured that every pharmacy in the Nation has access to prescription drugs in a timely manner. This system is highly cost-effective but provides an extremely efficient delivery model that reduces health care costs to the overall health care system.

Within the system, pharmaceutical distributors are able to reduce the cost by minimizing the overall number of transactions required to distribute prescription drugs, over-the-counter products, and medical supplies. Nationally, there are over 600 wholesalers who serve 130,000 customers. The typical distributor purchases products from an average of 850 vendors. These distributors take ownership of the products and responsibility for warehousing and distributing individual pharmacies and other sites of care on a daily basis. This efficient model ensures that pharmacies have pharmaceutical products available for their patients.

I look forward to working with Chairman GRASSLEY to maintain this current drug distribution system and to ensure that when the legislation before us is enacted into law, it clearly excludes prompt-pay discounts from the pharmacy reimbursement methodology. It is my hope that pharmacies for drugs dispensed to Medicaid beneficiaries.

**MEDICARE BAD DEBT, COLLECTION**

Mrs. LINCOLN. I will discuss today with my distinguished colleague from Idaho, Senator CRAPO, to discuss the Medicare bad debt policy as proposed in this budget reconciliation bill. I feel there is a need to differentiate between debt owed by individuals and debt owed by States. The sponsors of this policy argue that it will encourage skilled nursing facilities to be more efficient in the collection of bad debt. However, how can the facility be more efficient if the state simply refuses to pay the Medicare copayments through its Medicaid program? In 2003, nursing homes in my home state of Arkansas never received the $589,263 in coinsurance owed to them from the Medicaid program. This body should examine the root of this problem before implementing the bad debt policy in this bill. It is my hope that the conference committee considers this when examining this policy.

Mr. CRAPO. Senator LINCOLN makes a good point. While I support the Finance Committee’s goal of encouraging accountability and incentivizing the collection of Medicare bad debt by skilled nursing facilities, I do see the need to differentiate between debt owed by individuals and debt owed by States. I believe this conference should consider how to appropriately fund and incentivize States.

Mr. MIKULSKI. Mr. President, I would like to take this opportunity to say how deeply concerned I am over the wrong priorities in the spending reconciliation bill that is before us today.

The United States faces a Federal deficit of $331 billion for fiscal year 2005 alone, according to the Congressional Budget Office. This is a complete turnaround from when President Bush took office just under five years ago. He inherited a surplus and turned them into record deficits. Unfortunately, that has not stopped Republicans from pushing relentlessly for the wrong priorities and irresponsible policies.

As a result, we now have encountered years of record deficits that have contributed to $3 trillion added to our country’s debt. Moreover, under President Bush’s watch, our nation’s creditors have doubled. Japan holds $880 billion of our debt, China holds $240 billion, and the Carribean Banking Centers hold over $100 billion. Increasingly, our fate is in the hands of their central banks and investors.

We must take action so that we don’t put this burden on our Nation’s future generations. The budget reconciliation process was designed for such a situation: to give Congress the tools necessary for deficit reduction. Reconciliation could have offered us the opportunity to work across the aisle to take responsible steps toward reducing the deficit.

Instead, my colleagues on the other side of the aisle see the wrong priorities. Take for example their opposition to Senator CONRAD’s commonsense amendment on fiscal responsibility. His amendment, called paygo, would have reinstated a rule meant to stop Congress from worsening the deficit. It would have once again served as a check against irresponsible spending or new rounds of tax cuts at a time when the Nation cannot afford them.

My colleagues across the aisle say that their choices are necessary to get our fiscal house in order. I agree—we should balance the federal budget just as every American must balance theirs, unless a natural disaster or other national crisis demands it. Anytime Congress wants to raise spending—or lower revenue—Congress should pause and be required to stand up to vote and defend its action. That is what this amendment would have required, but Republicans voted against fiscal responsibility.

Today, we are debating the spending reconciliation bill for fiscal year 2006, but it is only half of the equation. This bill makes $39 billion in cuts to critical spending programs. Many of these cuts will directly hurt low- and middle-income Americans. The bill takes away Americans’ access to health care and affordable housing and jeopardizes their pensions. The bill attacks important conservation efforts by cutting funds and opening the Arctic National Wildlife Refuge to drilling. But the bill stays silent on lowering energy prices for working families who can no longer afford to pay their monthly gas bills. Simply put, it leaves too many Americans out in the cold.

In several weeks, the Senate will be taking up a tax reconciliation bill. That bill will cut taxes by $70 billion, with an average giveaway of $35,500 for those making more than $1 million each year. Those with incomes between $50,000 and $200,000 would get just over $100 on average. The difference is striking, but not so much as the fact that this will all be done under the Senate’s
procedure of reconciliation—which was designed to lower the deficit, not raise it. These tax cuts will undermine the cuts that the bill is making today to critical spending programs and will add an additional $31 billion to the deficit. This is irresponsible. It is just another example of how the President and his allies in Congress have the wrong priorities, and not the best interest of America, at heart.

What is most frustrating is the knowledge that final budget will likely be even worse than what we pass in the Senate. The House of Representatives plans to cut $50 billion in critical services, including student loans, food stamps, child support enforcement, foster care, and health care. Again, these cuts will not go to lowering the deficit. Instead, they will finance another round of tax cuts at a time when we also have staggering energy costs, a war in Iraq, many unfunded education needs, an exploding populace, and an unprecedented relief and rebuilding effort stemming from Katrina.

I believe we must work together to realign priorities so they reflect those of the American people. Working together, we can do better. I strongly urge my colleagues to vote against this misguided bill.

Mr. REED. Mr. President, I strongly oppose the so-called Deficit Reduction Omnibus Reconciliation Act of 2005. This bill and the Administration’s budget are fiscally irresponsible and reflect misguided priorities. As a matter of fact, the reconciliation bill at the end of the day will further increase the deficit by more than $35 billion over the next 5 years.

In 2 weeks, both the Senate Finance and the House Ways and Means Committees are expected to report a second reconciliation bill that will cut taxes by $70 billion. This $70 billion reduction in tax revenues is more than the sum of the cuts that the bill is making today to critical programs in the reconciliation bill that we are considering this week. With the enactment of two reconciliation bills, there is a real effort by this administration and the majority to perform a bait and switch on the American people.

Significant portions of the reduction that are achieved in this reconciliation bill are achieved by cuts in programs on which low- and moderate-income Americans rely. The Senate reconciliation package includes a total of $39.1 billion in spending cuts over 5 years, of which $10 billion will come from Medicaid and Medicare. The House reconciliation package could have cuts as high as $50 billion over the same period, with $9.5 billion coming out of Medicaid.

In contrast, the benefits of the second reconciliation bill that this body will soon undertake will go overwhelmingly to high-income individuals. The tax reconciliation bill is expected to extend many provisions from the 2003 tax cut that expire in 2008 to 2010 that lower the rate on dividend income and capital gains. Just extending these provisions through 2010 is likely to cost nearly $23 billion.

The bill before us today includes a series of spending reductions that target pharmaceutical and Medicare policies and programs, curtail the definition of ‘targeted case management’ under Medicaid, and eliminate the ‘HMO slush fund’ under the Medicare Modernization Act of 2003 and the Federal Housing Administration’s affordable housing provisions. The provision to update reimbursements for doctors will have a direct impact on seniors in the form of higher Medicare part B premiums.

Republicans have tried to disguise these cuts by restoring funding for the State Health Insurance Program SCHIP for States such as Rhode Island, allowing parents of severely disabled children to ‘buy-into’ Medicaid, and by increasing student financial aid.

Meanwhile, the House reconciliation bill is truly an even worse deal for low-income and vulnerable Americans, as it would impose new copayments on Medicaid beneficiaries and allow States to scale back coverage. It would also throw up barriers to limit the ability of elderly people to shed assets in order to qualify for nursing home care. And, for the first time, people with home equity of $500,000 would be ineligible for nursing home care under Medicaid.

The House bill also includes $844 million in cuts to food stamps, overturns a critical court ruling, Rosales v. Thompson, which allows for Federal support of abused and neglected children in foster care who reside with family members, weakens States’ ability to establish and enforce child support orders, and raises interest rates and fees that students pay on their college loans.

The reconciliation package takes nearly $20 billion out of child support and student loans alone, compounding the effect on struggling working families.

I commend Chairman GRASSLEY and the rest of the Finance Committee for their diligence in attempting to craft a reconciliation measure that would not directly impact Medicaid beneficiaries. By contrast, the House, targeted beneficiaries through increased Medicaid cost sharing among other program changes designed to cut costs among Medicaid beneficiary groups, such as children in foster care, children and adults with HIV/AIDS, children with developmental disabilities and mental retardation, individuals with substance abuse disorders and mental illness, and individuals with access to needed medical, social, educational, and other services. States have flexibility whether to offer TCM services and which population to cover, and, nearly every state now offers TCM services. We should not jeopardize an essential bridge to services for these populations.

By focusing cuts on Medicaid and other essential Federal programs, the reconciliation package will most harshly impact those who cannot advocate for themselves—abused and neglected children in foster care, at-risk youth, single parents, the disabled, persons with mental illness, and vulnerable seniors.

I understand that the intent of the TCM provision was to codify a HHS policy from January 2001. Again, I applaud the Chairman for attempting to clarify this provision, however, I am deeply concerned that the provision, when implemented, will severely restrict the providers’ ability to serve our most vulnerable Medicaid beneficiaries.

The second amendment would strike the Banking Committee’s portion of the reconciliation bill that eliminates the ability of HUD to use the FHA General Insurance Fund to provide grants to help preserve FHA-foreclosed multifamily properties as affordable housing. In the current housing crises in our country, the grants are more important than ever and should be maintained. I am disappointed that these and other amendments that would have addressed many of the deficiencies of the bill failed.

One such amendment was Senator CANTWELL’s amendment to protect the Artic National Wildlife Refuge from drilling. Earlier this year, the Senate Budget Committee included in the fiscal year 2006 budget resolution provisions that paved the way to arctic drilling. Senator CANTWELL offered an amendment to strike language authorizing drilling from the reconciliation bill, which would undo this expansion of the budget process and permit an open debate of the issue. Unfortunately, her amendment failed. The bill not only opens up the Artic to oil and gas development, but does so in a way that does not accord this pristine wilderness protection under existing mineral leasing laws and regulations, existing environmental protections, and existing rules of administrative procedure and judicial review. In short, it affords the Arctic Refuge less protection than the other national refuges.

The reconciliation bill also includes a provision that would extend agricultural commodity payments until 2011. Extending existing subsidy programs will continue policies that are bad for the environment. While the bill extends the life of subsidy programs and the Conservation Reserve Program in 2011, it does not extend the life of four other conservation programs past 2007. These programs, which restore wetlands,
grasslands, and other wildlife habitat and protect farmland and rangeland are critical to meeting some of the Nation’s most significant environmental challenges.

In the wake of Hurricanes Katrina and Rita, skyrocketing home energy prices, and stagnant wage growth, taking money from important federal programs in order to pave the way for billions of dollars in tax cuts shows how out of touch the majority and administration are with working Americans.

The bill before us is lamentable, and I only hope that those who support it today will reassess their positions in the weeks ahead as we consider other reconciliation bills that will further add to our deficit and continue a path towards misguided priorities.

Mr. DURBIN. Mr. President, my Amendment No. 2415 would inject a dose of accountability and responsibility into America’s efforts to rebuild the gulf coast of Iraq.

It will bar from all reconstruction efforts, both at home and in Iraq, all firms that have overcharged or defrauded the Government by more than $10 million on any occasion.

It will also bar from all reconstruction efforts—both at home and in Iraq—all firms that have overcharged or defrauded the Government of more than $10 million over the last 5 years.

It will also bar from all reconstruction efforts—both at home and in Iraq—all firms that have been suspended or debarred from competing for federal contracts.

It includes a national security waiver for those instances where dealing with such firms may serve the national interest.

These are serious penalties, but in both Iraq and on the gulf coast we face serious challenges, and we should not do anything less than our very best to face those challenges.

We cannot move forward on the gulf coast without looking at the administration’s weak oversight of funds in Iraq. The amendment I offer today seeks to do that by assuring the American people that the Government will spend gulf coast reconstruction funds wisely.

The bill we are debating is ultimately about saving taxpayer dollars. Why will we just bail out companies that have overcharged the taxpayer in the past?

We enjoy the privilege of living in a vastly diverse country of vastly talented citizens. In the country with the world’s biggest economy, we don’t need to rely on just a privileged few to do America’s work.

We don’t need over-billers, underperformers, or those who have defrauded the American taxpayer to do America’s work, and we should not entrust America’s work, and American taxpayer dollars, to firms that embrace hard work, accountability, and a sense of responsibility about the public trust into which they enter when they serve as a Government contractor.

America has countless firms that fit that bill. They come from across the gulf coast region and from across the country. This amendment simply helps assure that they will have a clear opportunity to shoulder the burden of rebuilding, by clearing away those firms that have abused the public trust.

Last Friday, the President announced that he would ask this Congress to appropriate $1 billion in hurricane emergency funding, taking it away from the Federal Emergency Management Agency’s Disaster Relief Fund, and dedicating it to rebuilding and repairing of the gulf coast. The President wants the authority to replace critical infrastructure, facilities, and equipment damaged during this year’s hurricanes. These are important projects addressing important needs, and I fully support them. We must move forward, but we have to do it right.

These are big projects, including the rebuilding of key stretches of Interstate 10, a main artery connecting Texas cities such as San Antonio to New Orleans and New Orleans to points east. The proposed projects include two Veterans Administration hospitals, major military bases, and other highways and bridges damaged by the storms.

This work will help shape the gulf coast region for a generation or more. We cannot afford to get it wrong. Sadly, this administration has gotten it wrong before. On Sunday, the Special Inspector General for Iraqi Reconstruction, Stuart Bowen, released his latest report on reconstruction in Iraq. Bowen’s report makes for sobering reading.

It tells a cautionary tale as we look forward to rebuilding our gulf coast communities. It paints a grim picture that tells a story of administration hubris, lack of foresight, poor planning, poor execution, and the squandering of millions and perhaps billions of U.S. taxpayer dollars.

The Special Inspector General has warned us all that America’s ambitious reconstruction effort in Iraq, an effort managed by this administration, is, “likely to fall far short of its goals.”

We cannot let the same fate befall America’s Gulf coast. That is why we need to ensure—here at home—the accountability that the administration’s efforts in Iraq have sorely lacked. In both situations, the situation demands that we act with speed. In neither case, though, should we ignore our oversight responsibilities.

Special Inspector General Bowen’s work assessing the administration’s Iraq reconstruction efforts reveals the challenges we now face at home.

Since November, Congress has appropriated $21 billion for Iraq reconstruction and relief. The President came to us that fall, seeking support for his ambitious plans to build Iraq anew, and in a bipartisan fashion, we gave him everything he asked for.

Billions of dollars later, Iraq is still struggling to rebuild.

As Michael O’Hanlon and Nina Kamp of the Brookings Institution described Iraq last month in the New York Times: ‘‘The Coalition Provisional Authority managed Iraqi oil revenues placed in the Development Fund for Iraq money without keeping adequate records, and in too many instances, the money just vanished.

That is simply inexcusable, and there may be no way now to trace and recover those funds. But where we can track fraud and overbilling to specific companies, why should we keep giving more money to the offenders? If they won’t protect the public trust, why should we trust them with new money? Where is the accountability? Do we want any of the firms involved in the most egregious of these abuses handed new sums of money to rebuild New Orleans and the gulf coast?’’

Many of our Republican colleagues are demanding that we provide offsets for every penny we dedicate to Katrina reconstruction. In too many instances, they seek to place the burden for rebuilding the gulf coast squarely on the poor. Yet they failed to demand offsets, or even simple accountability, when the administration came to Congress looking for reconstruction funds for Iraq.

By adopting this amendment, we would promote honesty, transparency, and accountability in hurricane reconstruction and would bar the door to those who have defrauded the public trust. We need to learn from the gross failings we have seen in Iraq, learn and do better.
Now we face a crisis at home. The President has waited 2 months to create his Gulf Coast Recovery and Rebuilding Council, which he announced yesterday, and 2 months to name Donald Powell to serve as Coordinator of Federal Support for the Gulf Coast’s Recovery and Rebuilding. Let us hope history is not repeating itself.

Does the administration have a plan to hold accountable those who have misused Iraq reconstruction funds, and to ensure that the same companies, or similar firms, are not handed more tax dollars in massive contracting projects? All the major multinational firms working in Iraq have “cost plus” contracts. Under such contracts, the Government reimburses companies for all their costs, plus a percentage of those costs as a fee.

I don’t think that is the best way to protect the taxpayer, but that is what this administration has done. If we are going to give corporations cost-plus contracts, is it too much to ask that they take care to charge us only for legitimate costs and not to take advantage of our trust, the public trust, to sneak in millions of dollars in illegitimate expenses? Why should we give this important work to companies that will pad their expense sheets and hope that we don’t catch their overbillings? Writing big, no-bid deals was quick and easy, but it wasn’t good for America, and it is good to see reconstruction efforts in Iraq. The administration has shown itself unable or unwilling to manage these contracts.

America can do better than this. At home on the gulf coast, it absolutely must do so. It is time to cut off companies that gorged themselves at the public trough.

General John Abizaid, the Commander of U.S. Central Command, said recently that the key to military success was “trust—whether we can learn from our mistakes.”

The same holds true for our reconstruction efforts, both at home and abroad. Yet poor financial controls and questionable performance by contractors continues to squander an important part of the treasure we sink into this effort. We already have seen how FEMA and the Administration dropped the ball in planning for disaster, and in responding to the crisis.

We cannot fail. The reconstruction challenge now before us is here at home.

Mr. PRYOR. Mr. President, the average American might not follow the intricacies of our budget reconciliation process. However, they do know when the government has misplaced its priorities, shirked its responsibilities and shortchanged the families who need help the most.

Given our record budget deficits, I am prepared to make tough decisions to cut government spending, but what this bill represents is a misguided effort to balance the budget on the backs of hard-working families. I question the rationale of some of my colleagues in this body who propose providing tax breaks for multimillionaires and special interests, while cutting resources that are critical to the families of Arkansas. For example, I am particularly disappointed that this package will cut $27 million for seniors and the poor; agriculture supports for farmers by $3 billion.

Mr. President, I want to tell you about Maya Romney of Arkansas. A Down’s syndrome patient, Maya is able to receive critical therapies through Easter Seals, allowing her to interact in a classroom setting and live more independently. Quite simply, Maya’s therapy services could be in jeopardy because Easter Seals is funded primarily through Medicaid. And while this saddens me greatly, it should also sadden everyone in this body because we all have Mayas in our State or others who depend on Medicaid.

This program, that some of my colleagues look to cut, provides vital resources for persons with disabilities and seniors. In my State, almost 50 percent of Medicaid recipients are children. Additionally, 958 beneficiaries in Arkansas right now are Hurricane Katrina evacuees.

I know that in the long-term we can find ways to save money and improve the efficiency of Medicaid—in fact the Senate has supported measures to do just that. But, it is unacceptable to impose arbitrary cuts for a program that does so much to support families. By taking away these services we are endangering the health of too many Americans.

As an Arkansan, I am particularly disappointed in proposed cuts to agriculture. I know that the chairman of the Agriculture Committee has worked hard to make sure these cuts are distributed fairly, and he has done the best he can. I commend him for that.

But now is not the time to be cutting our support of agriculture in this country. Our farmers throughout the past year—rising energy costs, drought, and storm damage. They need us more now than ever.

But instead of reaching out to help the community that feeds America, some of my colleagues have proposed slashing $3 billion from agricultural programs, and imposing further payment limits that will dramatically hurt family farms.

Mr. President, I would like to express my serious concerns about efforts today, and possibly during the conference committee, that could dramatically cut Medicaid funding through this bill. Medicaid provides vital services for millions of Americans, especially persons with disabilities, children, and seniors. As we all know, access to health care is critically important for improving the quality of life and promoting greater independence for these individuals.

In my State alone, 17 percent of Arkansans depend on the Medicaid Program. An additional 1,000 Hurricane Katrina evacuees currently residing in Arkansas are receiving their health care through the State’s Medicaid Program. It is essential that State Medicaid Programs and patients get the
support they need, particularly at a
time when States are facing budgetary
crises and struggling to deal with sky-
rocketing costs associated with pro-
viding health care.

I understand that tough financial de-
cisions have to be made in order keep
this country’s fiscal house in order, but
I do not believe it is fair that we re-
quire our seniors, our children, and the
disabled to shoulder this burden. It is
simply unacceptable to impose arbi-
trary cuts for a program that does so
much to support families in need. I be-
lieve we can find appropriate savings in
Medicaid without jeopardizing the
health and well-being of Medicaid recipi-
tents. Rather, these cuts included in
this bill, on the whole I think it is a
balanced package that accomplishes
meaningful restraints on Government
spending.

One of the positives of this bill is the
provisions relating to energy produc-
tion in the Arctic National Wildlife
Refuge. It is time to open ANWR for oil
production to increase our domestic
supply of petroleum. We need to look
no further than the gas pump to see
what happens when U.S. oil production
sours. High gas prices hurt Montanans
and dependence on foreign oil hurts our
national security.

The Energy Information Administra-
tion states that the coastal plain re-
serve has roughly 100 billion barrels of
oil. Area is “the largest unexplored, poten-
tial productive onshore basin in the
United States.” Studies by the U.S. Ge-
ological Survey, USGS, estimate that
drilling in ANWR could yield up to 16
billion barrels of oil an amount roughly
equal to 30 years of oil imports from
Saudi Arabia.

Most people don’t understand that
the 1002 Area is only 1.5 million acres
within the 19 million acre Arctic Na-
tional Wildlife Refuge. This budget al-
lops for development of only 2000 of
those 19 million acres in ANWR. That
means 99.99 percent of ANWR will be
untouched. If this tragedy-filled hurri-
cane season has taught us anything, we
should realize that by concentrating
our production and refinery capability
in the Gulf of Mexico, we are risking
supply disruption.

We need to do more offshore, and
more onshore across this country. Last
week’s offshore oil and gas development.
The backlog we face in processing permits for reason-
fully productive onshore areas, they are able to obtain
assistance.

This bill provides for additional fund-
ing that Federal incentives for higher
education remain intact. Though sig-
ificant cost savings have been
achieved in the reconciliation package
adopted by the Senate’s Health, Edu-
cation, Labor and Pensions Committee,
many positive changes have been made
to benefit the students who most need
assistance.

The higher education reforms save
$9.8 billion over 5 years, while still pre-
serve critical benefits for students
across the country. For first- and sec-
ond-year college students, the loan
limits will be increased to $3,500 for
the first year and $4,500 for the second
year. This is especially important in a
State like Montana, which ranks third-
from last in retention of first-year col-
lege students who continue on to their
second year.

Not only are we increasing the over-
al aid available, but are also empha-
sing the various types of education
needed from the current workforce.
This bill provides for additional fund-
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who major in math, science, tech-
nology, engineering, and some foreign
languages. All too often, employers
complain that there are skilled jobs
available, but are unable to find the
kind of specialization they need from
students, and by providing incentives
for students to study in these under-
utilized areas, they are able to obtain
affordable education and fill a
much-needed place in the workforce.

I am especially proud of the provision
in this bill which provides for

I recommend the chairman of the
Budget Committee for his efforts on
reconciliation. He has been an out-
standing advocate for fiscal restraint,
while trying to respond fairly to the
competing demands for increased
spending. While I do have some con-
tours in this bill, on the whole I think it is a
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for students to study in these under-
utilized areas, they are able to obtain
affordable education and fill a
much-needed place in the workforce.

I am especially proud of the provision
in this bill which provides for
deferment on loan payment for bor-
rowers serving in active duty or in the
National Guard. This provision sends a
strong message of support to our men
and women in uniform, and I am pleased to support its inclusion.

When the time is right to proceed in this reconciliation package, I have very
strong concerns about the proposals to cut $4 billion out of agriculture pro-
grams. When this Senate debated the spending cuts and reconciliation in-
structions earlier this year, this body agreed in agriculture legislation that
I would prefer no cuts to farm bill programs. I understand that every-
one must do his or her part to reduce Government spending. The House of
Representatives wanted to cut more out of farm programs, as did the Presi-
dent. I think the Senate settled on a fair amount, and I applaud the chair-
man of the Budget Committee for re-
taining that level in conference.

But we are not talking about $3 bil-
on in a billion in tax dollars that we all
agreed to. Instead, farm programs are
taking a massively disproportionate
cut. Commodity and conservation pro-
grams are being reduced by nearly $4
billion. The extra money is not being
returned to the government to pay
down the debt. It is going to a select
group of interests, to subsidize small
dairies. These budget cuts pit one pro-
ducer against another. My Montana
wheat growers are being asked to pay
deeper insurance premiums. That is simply un-
reasonable.

In these times of high energy and fer-
tilizer costs, we are asking farmers to
bear much more than their fair share
of program cuts. I urge my colleagues
to reconsider this proposal. Cuts to ag-
riculture spending need to be fair and
shared across the board. Giving one
sector of one industry a billion dollars
for 2 years, at the expense of farmers
all over the country sends a terrible message to the networking families
that feed this Nation.

Lastly, I want to turn to the issue of
cuts to Medicare and Medicaid. While I
believe the proposals to reform and
strengthen Medicare and Medicaid in-
cluded in this reconciliation package
are generally good, there are some issues I want to highlight.

I remain concerned about our com-

munity and independent pharmacists.
In Montana, they are small business
dear women, and, all too often, they are the only place in small towns
where folks can get the medication
they need. I remain concerned about
how this package may affect them and
will do what I can to make sure they are not adversely affected by provi-
sions in this bill.

However, this bill also provides fund-
ing to states that face shortfalls in the
State Children’s Health Insurance Pro-
gram, SCHIP, and expands outreach
and enrollment activities to cover
more children. The SCHIP program has
been incredibly important in Montana,
in ensuring children have the health
care they need to lead healthy, fruitful

lives. I am glad to see that this bill also establishes a new grant program to
finance innovative outreach and en-
rollment efforts designed to increase
enrollment and promote an under-
standing of the value of health insur-
cance coverage. I expect this outreach
work to be helpful, but reaching those in need is often difficult be-
cause of the vastness of our state.

This bill will also extend the Medi-
care Dependent Hospital program, which provides financial protections to
reduce the risk for rural hospitals with less than 100 beds that have a greater than 60 percent
share of Medicare patients. Many of
Montana’s hospitals fall into this cat-
esty, as our Medicare population, es-
pecially in the most rural areas con-
tinues to grow rapidly.

Medicaid options are expanded
through the Family Opportunity Act,
so that parents of severely disabled
children can go to work, without risk-
ing Medicaid benefits. New incentives
are provided to help states combat fraud and abuse
that steal money away from low-in-
come families that need it the most.

These are good reforms, and they will
greatly benefit Montanans.

Undertaking spending cuts on any
scale is a difficult task. But Congress
must do its duty to rein in the growth
of the Federal Government, provide in-
centives to economic growth, and en-
sure that the safety nets we have in
place are truly benefiting those who
need assistance most. Although there
are certainly things I would change
about this package, I urge my col-
leagues to support it. The American
public must know that Congress is
willing to make difficult choices to re-
duce runaway Government spending
and use tax dollars wisely. This budget
is a good start, and I look forward to
supporting its passage.

Mr. President, I oppose the legislation the Senate is
considering today. This bill does not
reflect American values. Although pro-
ponents of the bill try to claim that
this is a deficit reduction bill, it is
transparently not so. This bill is only the
first half of their budget policy.

The second half, which we will see in
a couple of weeks, provides tax cuts at-
least double the size of these spending
cuts. In the end, the policy advanced
together will result in an increase of
more than $30 billion in order to provide additional tax
cuts while shortchanging valuable pro-
grams.

I am extremely concerned about how this legislation will affect the people in
my State of West Virginia. I believe that the effect will be very painful in-
deed. This bill cuts $10 billion from
Medicaid, on which our most vulner-
able members of society depend for
basic health care. I have fought very
hard to improve the provisions of this
bill related to Medicaid and Medicare,
but I am sorry to say that in the end,
this bill will deal a terrible blow to
those programs. And the effects will
certainly be felt by our neediest and sickest citizens.

In a letter to the Congress, the Na-
tional Council of Churches said of this
budget bill, “It violates all the funda-
mental Christian value of loving thy
neighbor, caring for the poor, and
showing mercy.” In fact, they said that
this proposed budget would be a “moral
disaster of monumental proportion.” I
think it is a very sad day when the
Senate of the United States would vote
to cut $4 billion out of agriculture pro-
grains are being reduced by nearly $4
billion. The extra money is not being
returned to the Government to pay

am afraid that the budget reconcili-

the state of Congress
cerned about what this bill says about
the state of Congress’ budget process.

In a broader sense, I am very con-
cerned about what this bill says about
the state of Congress’ budget process.

Mr. President, I also wanted to make
a brief statement about the funda-
mental importance of providing help
and support to the families devastated
by Hurricane Katrina. This is an un-
precedented disaster. Many families
lost every thing they own and they
have been displaced for months, and
that sadly will continue to be the case for some time.

For weeks, I joined Senators Grass-
ley, Baucus and others to fight for leg-
islation to expand health care coverage
for these needy families. Today, I voted
for Senator Lincoln’s amendment to
expand Medicaid coverage to help the
evacuees of this disaster. I am disap-

one of the most vulnerable to
the severe economic disruptions of
this bill. I am disappointed that this amendment failed by a vote of
52 to 47. These families need and deserve health care. It is trag-
ic that the Senate refused to help vul-
nerable Americans.

On the education front, the reconcili-
ation package included by voice vote
an Enzi-Kennedy amendment to pro-
vide support to the schools that have
to work with my colleagues toward the
goal of deficit reduction. However, the
reconciliation process underway in
Congress today, in fact, will exacerbate
our runaway deficits.

I vehemently oppose this bill. I ask
my colleagues to join me in defeating
it so that we can make real progress
toward improving our Nation’s budget
situation in a way that is consistent
with American values. I agree with Mr. Greenspan, and I stand ready
to work with my colleagues toward the
least fortunate of our fellow citizens.

Mr. President, I also wanted to make

already accepted evacuate students. The children and all the schools that accepted such students, without knowing how or when they would get funding deserve our support.

I voted against the Ensign-Santorum amendment in an effort to change the Enzi-Kennedy bill into a direct voucher program. It would have removed the carefully negotiated provisions designed to maintain the basic civil rights protections in the underlying education program. This legislation, in my view, merely provides a one time emergency financial grant to the schools and communities that opened their doors and classrooms to evacuate students following such an historic disaster.

Mr. COBURN. Mr. President, I thank the leadership for giving me an opportunity to express some concerns with the version of “value-based purchasing” for physicians in the Medicare program, as presented in the Senate reconciliation legislation. We commend the committee’s efforts in finding budget offsets to stop the Medicare payment cuts facing physicians next year I believe the committee, and Congress as a whole, has accepted the idea of “value-based purchasing” with little discussion, vetting and evidence that it will actually do what people say it will do.

We have a big problem in the Medicare system. Our physicians, the bread and butter of Medicare who provide millions of services each year to Medicare beneficiaries, are facing unprecedented increases in their reimbursement at a time when their own costs are skyrocketing. We have known about this problem for years, have taken action to prevent previously scheduled cuts and once again we must take action this year to prevent more cuts. I commend the Senate Finance Committee’s efforts for at least preventing some of these cuts for a year and recommending that physicians receive a modest one percent increase instead of a 4.4 percent cut. I know the physician community is grateful for this effort in a time of budget deficits, hurricanes and other problems.

I am concerned about another provision included in the bill—specifically, value-based purchasing, a.k.a. “pay-for-performance.” My concern is that this concept is not ready to be codified and be implemented. In the last decade, we have already declared two Medicare physician payment systems—the current sustainable growth rate formula and the volume performance standard—dysfunctional and unworkable. I do not see the value of diving so quickly into adding a new, untested and unproven system on top of an already declared disaster—the sustainable growth rate or “SGR.”

As a physician, I can attest that most doctors are motivated to improving the quality of care they provide their patients. The concept of continuing medical education and continuous quality improvement is engrained in our medical culture. For years, physicians have been involved in peer review, the development of clinical guidelines and best practices, and outcome measurement. The concept of value-based purchasing is to turn these practices into a payment system that pays higher performers more and pays less to those who cannot make the grade. In theory, this has great promise and I believe it will improve the quality of care provided to all Medicare beneficiaries, increasing efficiency in the system.

However, I am concerned that the language included in S. 1932, the “Deficit Reduction Omnibus Reconciliation Act of 2005,” has not yet been developed. While it does give physicians a 1 percent update for 2006, it does not address the impending cuts scheduled for January 1, 2007. The proposed legislation does not fix the SGR, it instead agreed upon a concept of cutting volume and efficiency and evidence that it will actually do what people say it will do.

We have a big problem in the Medicare system. Our physicians, the bread and butter of Medicare who provide millions of services each year to Medicare beneficiaries, are facing unprecedented increases in their reimbursement at a time when their own costs are skyrocketing. We have known about this problem for years, have taken action to prevent previously scheduled cuts and once again we must take action this year to prevent more cuts. I commend the Senate Finance Committee’s efforts for at least preventing some of these cuts for a year and recommending that physicians receive a modest one percent increase instead of a 4.4 percent cut. I know the physician community is grateful for this effort in a time of budget deficits, hurricanes and other problems.

Mr. DODD. Mr. President, I rise today to express my opposition to the spending reconciliation bill, which has been misleadingly titled the “Deficit Reduction Omnibus Reconciliation Act of 2005.” As some of my colleagues have mentioned, the reconciliation bill before us today is only one-third of the budget reconciliation picture—the other two pieces are a tax cut bill and a bill to increase the debt limit. Taken together, this package of reconciliation legislation would increase our deficit and impose greater costs on some of the most vulnerable members of our society. It would also allow for drilling in the Arctic National Wildlife Refuge, which would be environmentally damaging and doing nothing to reduce our dependence on foreign oil. The bill fails to reflect the priorities of the people of our nation and it fails to seriously address the major challenges we face as a Nation.

We are living today in an increasingly global society, one that presents tremendous opportunities. But with those opportunities come challenges. Today, countries like China and India are gaining increasing influence for venture capitalists interested in investment, for students interested in higher education, and for companies interested in labor that is not only inexpensive but well-educated and well-trained, too. With economic development and expansion have come greater competitive pressures.

Our labor market is under strain—real wages are stagnating, health care is becoming increasingly unaffordable, and pension benefits are being eroded and cut. The science and math scores of our high school seniors are at the bottom of the pack of industrialized nations. And we are the only nation in the developed world where literacy levels of older adults are higher than those of young adults.

Our Nation faces a choice. Are the administration and Congress going to respond to new challenges in a sensible and progressive way or are they going to continue to ignore the facts and adhere to policies that have brought Americans higher deficits, higher unemployment, and lower incomes? Will they continue to hold to the primitive philosophy that lower taxes on the most affluent, higher taxes on everyone else, and less investment in education, research, and business growth will somehow magically restore us to our place of economic preeminence in the world?

This view is naive and betrays a fundamental misunderstanding of our history. Our economic success has not been achieved despite investments we made in our people, but because of the not-so-benign neglect that characterizes much of our current national economic policy is not a strategy for success. It’s an excuse for complacency, and ultimately a recipe for mediocrity.

Regrettably, this reconciliation package continues failed policies that will only continue to erode our Nation’s place in the world.
First and foremost, the budget reconciliation package takes the worst fiscal record of any president in history and makes it worse. It takes procedural rules specifically designed to reduce the deficit and uses them to increase $30 to $55 billion over the next 5 years. Part one of this reconciliation legislation may be cutting spending by $35 billion, but part two will provide tax breaks costing even more—$70 billion.

The Bush tax breaks are not an isolated case. Under President Bush, the Federal budget has gone from a surplus of $236 billion in 2000 to a deficit of $339 billion in 2005. The national debt has risen by nearly two and a half trillion dollars since 2000, totaling roughly $8 trillion as of this morning. That amounts to $27,041.81 for every man, woman, and child in the United States. Every minute in 2005, Republican administration has added $1,048,952 to the national debt.

As we have borrowed more, we have been forced to rely increasingly heavily on foreign lenders—particularly the central banks of countries like China and Japan—and our productivity has fallen. Foreign holdings of U.S. Treasury debt have more than doubled under the Bush administration from $1.01 trillion in January 2001 to $2.06 trillion in August 2005. Japan now holds $684 billion of that debt and China now holds $248 billion. We are playing a dangerous game here by relying so heavily on borrowing from abroad.

Some in this administration have reported that deficits don’t matter. I strongly disagree. By blowing a massive hole in our budget, this administration and the Republican majority in Congress have seriously jeopardized our ability to meet the needs of our nation’s other critical priorities.

The cost of the Bush administration’s deficits is reflected right here in this spending reconciliation bill. In order to pay for just a small piece of the Bush tax cuts for the most affluent, there would be harmful cuts that would fall disproportionately on working Americans and the most vulnerable in our society.

For example, this bill cuts funding for Medicare and Medicaid, which provide health care to poor children, working men and women, the disabled, and the elderly. It cuts funding for re-habilitate FHA-insured multi-family housing. It dramatically increases the premium paid by pension plans to the Pension Benefit Guarantee Corporation, the Federal pension insurer, making it more expensive for companies to offer defined benefit pension plans for their employees.

We have already paid the health care cuts in the Senate’s reconciliation bill are less severe than what is contained in parallel House reconciliation proposal, I remain concerned that even under the Senate plan Medicare beneficiaries will have to pay more for critically needed services and access to Medicaid services could be limited for some beneficiaries.

As bad as the cuts are in the bill before this body, the companion legislation in the House of Representatives is much, much worse. It contains food stamp cuts for roughly 300,000 people, most of them in working families. It contains Medicaid cuts that would reduce health care benefits and increase health care costs for roughly 6 million children, as well as many low-income parents, the elderly, and people with disabilities. And it contains cuts in child support enforcement, child care assistance, and Federal foster care assistance.

So let us not be under any illusions: any conference agreement with the other body is likely to be even more harmful to the well-being of Americans.

The reason for these cuts is to pay for a small portion of President Bush’s tax breaks for those who need them least. More than 70 percent of the benefits of the Bush 2001 and 2003 tax break packages went to taxpayers with the highest incomes, according to the nonpartisan Tax Policy Center of the Urban Institute and the Brookings Institution. More than 25 percent of the tax-cut benefits have gone to the top one percent. I believe that these priorities are seriously out of step with the values of this Nation.

In addition to cutting assistance for the poor to pay for tax cuts for the wealthy, this legislation would open the Armed Forces to further peril by reducing the ability to drill. Not only would such drilling be incredibly damaging to the region’s fragile ecosystem, it would do nothing to reduce our Nation’s dependence on foreign oil. Reasonable estimates project that drilling in the Refuge would provide only enough oil to satisfy U.S. demand for 6 months. Moreover, this supply would not even come on-line for 10 years. The belief that our country can drill our way out of dependence on foreign energy sources is misguided.

As a nation, we face significant challenges in both the short and long term. Americans are concerned about finding and keeping good jobs, paying for soaring energy prices, and whether they will have good health care when they need it. They are concerned about hurricane disaster relief and rebuilding assistance, and preparedness for the threat of an avian flu crisis. They are concerned about the war in Iraq and protecting the homeland from terrorist attacks. They are concerned about our education system and our competitive-ness in the global economy.

The budget resolution—and the reconciliation legislation that carries out its instructions—is a statement of priorities. Unfortunately, the bill before this body today fails to seriously address the concerns of American families and businesses.

We can do better than this legislation. We can do better than harmful cuts for the poor and for children and for seniors. We can do better than using these cuts to pay for tax breaks for the most well-off in our society—who are, by the way, hardly clamoring for the kind of tax largesse that this Administration and its allies in the Congress insist on heaping upon them.

We should be investing in our society and our education and our knowledge base. We should be investing in science and technology and research and development. This legislation is not about investing in America. It is about fiscal irresponsibility in the same way that tax breaks of those who need them least. Therefore, Mr. President, I cannot support this bill.

While I am unhappy with this reconciliation package overall, I am pleased that this bill does contain lifesaving legislation that I have introduced the past two Congresses that will provide Medicare coverage for screening for a dangerous condition known as abdominal aortic aneurysm—or AAA—a silent killer that claims the lives of 15,000 Americans each year. AAs are treatable and curable in 95 percent of the cases. And while most AAs are never diagnosed, nearly all can be detected through an inexpensive and painless screening.

I want to thank my colleague Senator Jim Bunning for joining me in supporting this important and lifesaving legislation. When we first introduced this legislation in the last Congress, we were joined by patients who had sufferedruptured AAA and their families. At this event these patients shared with us their harrowing and personal stories of battling this deadly condition. It is because of struggles like theirs that we are here today at the outset of an effort to prevent abdominal aortic aneu-rysms from advancing to the point of rupture by providing coverage for a simple yet lifesaving screening. Simply put this legislation is about saving lives and I am pleased that it is contained in the bill.
the underlying bill is not the appropriate place to address such critical and complicated immigration issues as the H-1B visa. So I thank Senator BYRD for offering his amendment. I strongly support it and I hope that my colleagues will as well when it comes to a vote.

Mr. FEINGOLD. Mr. President, today’s vote is the first part of a three-step budget reconciliation package that actually leaves this Nation’s budget worse off than it is now, not by tens of dollars, which would have been a disservice to the American public, but by tens of billions of dollars.

Using reconciliation to push through legislation that will worsen our budget deficit and add billions more to the mountain of debt our children and grandchildren will have to pay is a perversion of a process designed to expedite measures to reduce the deficit.

Reconciliation was intended to help facilitate enactment of historic tax cuts to reduce the deficit. It is ironic, to say the least, that it should be used to enact measures that only aggravate our budget deficits and increase our massive debt.

No one who has served in this body for the past 10 years, and especially the past 4½ years, should pretend to be shocked, however. This is only the latest abuse of a reconciliation process that in recent years has been the principal method of enacting some of the most reckless fiscal policies in recent history.

But for even the most cynical, there are new lows in this bill, most notably the use of reconciliation to jam through a controversial policy measure to permit drilling for oil in the Arctic National Wildlife Refuge. At the very least, the Senate should be allowed to conduct a full and open debate on this misguided decision to undermine the crown jewel of our National Wildlife Refuge System. To say that the inclusion of this provision in the reconciliation package is based on dubious revenue assumptions would be kind. By perverting the budget process to push through oil and drilling in the Arctic Refuge, the majority has successfully squandered away the legacy of environmental stewardship initiated by President Eisenhower in 1960.

Also of concern are the significant changes to the Medicare and Medicaid programs, cutting programs that offer critical health care services to people who most need it. The Senate package does adopt some positive changes, such as cutting the Medicare Advantage slush fund, preventing Medicare cuts to physician payments, and protecting inpatient rehabilitation hospitals. Unfortunately, the President has made it clear that he does not support many of the provisions that will protect beneficiaries, but instead would rather give money to insurance and pharmaceutical companies.

The administration has stated that it prefers provisions offered in the House budget package. The House plan for Medicaid cuts includes cutting programs for children, pregnant mothers, the disabled, and the elderly, while including stipulations to shift costs onto already poor and vulnerable populations. This bill will result in considerable savings, but these savings could negatively affect multiple generations of American families, and I am deeply concerned about the possibility of a final conference report that adopts the House approach on these issues.

In one of the few bright spots in this package, the Agriculture Committee overwhelmingly and in a bipartisan manner proposed an extension of the Milk Income Loss Contract, MILC, program as part of its reconciliation package. This committee action and the lack of an attempt to remove the extension on the floor show the strong support for this vital dairy safety net. I renew my call to the administration to act now to fulfill its campaign promise and actively work with members of the House to reaffirm the Senate’s strong support for MILC.

I close by cautioning my colleagues in the majority party that the precedent set by reconciliation bills and being set in this one lay the groundwork for the leveraging through policies they may find troubling the day Democrats become the majority party in the Senate. And that day will come.

My friends across the aisle may be thinking, “We have nothing to lose. When Democrats take control, there will be enough of them who will object to the kinds of abuses of the reconciliation process in which we engaged.”

Well, if that is their thinking, they may be right. But I suggest that it is an unreliable strategy. The best protection against possible Democratic abuse of reconciliation in the future is to limit the current bill to emergency measures as they were intended at all times, not just when they serve your immediate policy objectives.

Using reconciliation to enact controversial energy and health policies is an abuse of that process. Using reconciliation to enact legislation that will worsen budget deficits and increase the debt is an abuse of that process.

And, please, let’s not waste the Senate’s time with arguments that somehow this particular bill before us isn’t an abuse because this bill, by itself, does not worsen the deficit. No matter how many pieces you slice it into, the reconciliation package will leave us with bigger deficits, not smaller ones.

When Congress and the White House become serious about cleaning up the fiscal mess they created, and when they are willing to spread the burden of that clean up across all programs—defense and nondefense discretionary programs, entitlements to these programs, and the spending done through the Tax Code—I am ready to help. But so long as we see reconciliation measures that are contemptuous of the principles on which reconciliation was based, I must oppose them.

Mrs. BOXER. Mr. President, I strongly oppose the reconciliation bill before the Senate.

The bill would cut vital programs for the middle class, elderly, and poor in order to pave the way for yet another tax cut for the richest individuals in the county.

Hurricane Katrina focused the Nation’s attention on America’s poor and displaced. In the wake of the storm, the people demanded that Congress act to help Americans in need and were justifiably angry at the administration’s slow and inadequate response. Americans recognize that their government should aid those in distress in order to make this a better country for everyone.

That is why I cannot believe only 2 months after Katrina, we have a bill that would cut Medicare and Medicaid by $27 billion, increase Medicare premiums, cut the availability of affordable housing, and cut support for our farmers by $3 billion.

Even worse, the House of Representatives is looking to make even deeper cuts to Medicare and Medicaid and to pervert the budget process to push through a controver-

The budget reconciliation package will provide $70 billion in tax cuts—$30 billion more than the proposed spending cuts. In a perversion of the budget reconciliation process, the Republicans will be adding, to not decreasing, the Nation’s $8 trillion debt.

And why are the Republicans doing this? Not to reduce the deficit, which is spinning out of control, but to provide tax cuts for millionaires that will at the end of the day actually increase the debt.

The tax portion of the reconciliation package will provide over $70 billion in tax breaks—$30 billion more than the proposed spending cuts. In a perversion of the budget reconciliation process, the Republicans will be adding, to not decreasing, the Nation’s $8 trillion debt. And why are the Republicans doing this? Not to reduce the deficit, which is spinning out of control, but to provide tax cuts for millionaires that will at the end of the day actually increase the debt.

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it harms those who are most vulnerable in order to benefit the rich and a handful of special interests.

For these reasons, I cannot support the budget reconciliation spending bill and will vote against it.

Mr. President, Earlier today, an amendment I have worked closely with Senator Dodd from Connecticut was passed as part of the budget reconciliation package. The amendment is based on legislation we introduced last year that would provide for one-time screening benefit for abdominal aortic aneurysms, under Medicare for certain, eligible beneficiaries.

I am pleased this amendment was accepted, and I appreciate the hard work from Senator Dodd in helping get this amendment passed. I hope that we can continue working to ensure that this provision is included in the final reconciliation package.

AAAs occur when there is a weakening of the walls of the aorta, the body’s largest blood vessel. The artery begins to bulge and can lead to a rupture and often severe internal bleeding. In cases where an artery ruptures, the survival rate is less than 15 percent, and about 15,000 people die from ruptured abdominal aortic aneurysms each year.

When detected before rupturing, AAAs are treatable and curable in 95 percent of cases. Nearly all AAAs can be detected through an inexpensive ultrasound screening. Once detected, a physician can monitor small aortic aneurysms and begin treating the risk factors, such as high blood pressure and smoking. Large or rapidly growing aneurysms are often treated using either an open surgical procedure or a less invasive stent graft, both of which serve to repair the artery.

It is estimated that between 5 to 7 percent of adults of the age of 60 have AAAs.

Our amendment targets AAA screenings to Medicare beneficiaries with a family history and those who exhibit risk factors recommended for screening by the U.S. Preventative Services Task Force, specifically men who smoke. The amendment also limits screening to those eligible beneficiaries who participate in the Welcome to Medicare Physical.

This amendment could save thousands of lives each year, and I am pleased we were able to include it in this package.

Mr. KOHL. Mr. President, I am in reluctant but adamant opposition to the reconciliation bill before us. I say reluctant, because I am glad to see the Senate using the reconciliation procedure for the purposes for which it was intended: making difficult choices to reduce spending. And reluctant because some of the policy changes incorporated in this bill are necessary and worthy of our support.

One such provision relates to extension of the Milk Income Loss Contract, MILC, program. MILC, which expired at the end of the last fiscal year, provides counter-cyclical support for the nation’s dairy sector. It is targeted. It is fair. It is essential. Moreover, it enjoys the President’s support. It makes sense as part of the balanced Agri-
culture package.

But my opposition to the entire package is adamant because this bill is just one piece of a fiscally and morally bankrupt budget. Though this bill asks for sacrifices from seniors, students, families, and working Americans, the budget of which it is part will add over $30 billion to the deficit over the next 5 years. Though this bill makes real cuts in Medicaid, Medicare, aid to farmers and funding for conservation programs across the country, the budget of which it is part will add $3 trillion to the national debt by 2010.

If this bill was what many on the floor have argued—a carefully crafted compromise to cut $38 billion from our growing federal deficit, I would have to think twice about voting for it. But the budget calls for today’s bill to be followed with $70 billion tax cut, the bulk of which will go to those with more than $1 million in annual income.

I am willing to make the hard choices to shrink our budget deficit down. I am not willing to support taking needed services away from those that need them the most—and use those cuts as a fig leaf to hide tax breaks for those who need them the least.

Our budget is the most basic expression of what we stand for as a government. Is this budget really what we want to vote to say? That we are the sort of country that threatens our own economic stability by piling deficit upon deficit? That we show our fiscal toughness by chopping aid to those in need? That we show our compassion only to those whose biggest problem is finding a really good tax shelter for their growing portfolios?

Make no mistake, this bill is the first piece of the budget that says just that, and for that reason alone, it deserves our solid opposition. But beyond that, there are individual provisions in this bill to which I take exception. One is the use of this bill’s extraordinary fast track procedures to accomplish what big Oil’s proponents have not been able to get through the Senate in the past: opening the Arctic National Wildlife Refuge to oil drilling.

I have long supported protecting this valuable and fragile natural wonder, and I think it is unfortunate that we are drilling in this wilderness for a relatively small payback. Those on the other side of this issue who use the current high price of oil to justify the violation of this pristine area are short sighted. According to the Department of Energy’s own analysis the oil from the refuge will only lower the price of a barrel of oil by one penny. In addition, the bill we are considering today contains harmful program cuts that would fall disproportionately on the most vulnerable in our society. This legislation cuts funding for health care provided through the Medicaid program, which provides health insurance to poor children, pregnant women, and elderly.

My Republican colleagues argue that we must cut waste and fraud in Medicare and I am not opposed to that. However, I do not agree with the arbitrary way they have gone about cutting funding from this critical safety net program—which would fall disproportionately on the most vulnerable in our society. This legislation contains harmful program cuts that would fall disproportionately on the most vulnerable in our society.

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Mr. BUNNING. Mr. President, Earlier today, I rose truly alarmed about the administration’s fiscal irresponsibility.

In the past 5 years, the President’s policies have turned record surpluses into record deficits. Just a few weeks ago, the Department of Treasury announced that this year’s budget deficit is the third largest in history at $319 billion.

But, that is not where the bad story ends.

By sleight of hand, the administration continues to use other resources to finance debt, including foreign lenders and Social Security. The real deficit is staggering $551 billion, 4.5 percent of GDP.

Administration officials are nonchalant about the fiscal disarray.

I am deeply worried. We all should be.

On October 18, the national debt passed the $8 trillion mark. Even more disturbing, the national debt is being financed by Chinese, Japanese, and other overseas lenders. To put this into perspective, in absolute dollars, the country is borrowing more than ever in its history, close to $2 trillion from foreign nations. We owe over $680 billion to Japan, $390 billion to the European Union, $240 billion to China, and $57 billion to OPEC nations, to name a few.

It is beyond me how this administration can turn a blind eye to these numbers, or how Congress can approve legislation that exacerbates these fiscal problems.

Instead of facing up to the fiscal truth, President Bush ignores the mountain of debt that will burden generations to come.
First, this President shortened the budget timeline from 10 years to 5 years. Relying on this kind of gimmickry covers up for the President’s destructive fiscal decisions, especially as they relate to tax cuts for the rich. Second, this Republican Congress voted against a system to keep the budget in balance. I am referring to the pay-go rule endorsed by Federal Chairman Alan Greenspan and former Secretary of Treasury Robert Rubin. Pay-go would have required an offset for any revenue losses. This would have ensured a balanced approach to tax cuts. Unfortunately, Republican congressional leaders opted for shunting aside integrity in budgeting. They back pay-go in name, but not in practice.

By any standard, the decisions to ignore a 10 year budget timeline and disregard balancing methods have caused massive red ink and send the country precisely in the wrong direction.

In fact, Federal Reserve Chairman Alan Greenspan put it this way:

The federal budget deficit is on an unsustainable path, in which large deficits result in rising interest rates and ever-growing interest payments that augment deficits in future years. Unless this trend is reversed, at some point these deficits will cause the economy to stagnate or worse.

I fear this reconciliation package, coupled with the administration’s tax cuts, will exacerbate this even worse trends.

Reconciliation is simply asking too much of middle income families who are facing cost increases for basic needs.

For instance, energy costs to heat one’s home have increased 20 percent from last year. Education costs for public universities have increased 7.1 percent. Interest rates that impact college loan payments have doubled over the last 10 months. And, gas prices have increased 19 percent over the last 4 months.

Instead of assisting families with these increased costs, raising the standard of living for the poor, or improving the opportunities to attain a college education, this package adds to financial pressures.

For health care alone, premiums have climbed higher than $10,000 for families, and this bill will do nothing to reduce out-of-pocket health care spending.

More perniciously, what the bill does do is cut $10 billion in health care spending for the poorest Americans.

While the bill provides a 1-year temporary relief to physicians, a 1 percent increase in Medicare reimbursements is not enough. This is a Band-Aid fix, at best. When expenses to practice are increasing at a rate of 3 to 5 percent annually, a 1-year 1 percent increase in reimbursements is insufficient. In my State, where the cost of living is beyond the reach of many Californians, doctors are simply choosing not to see any new Medicare patients or are retiring early due to low reimbursement levels.

To make matters worse, the temporary relief for physicians in the bill is borne on the back of Medicare beneficiaries in the form of higher Part B premiums. This provision will directly increase the amount Medicare beneficiaries pay each month in premiums by $2.90 in 2007. That is a 33 percent increase in monthly premiums. While it is vital that Congress prevent future cuts in Medicare reimbursement to physicians, the provision in this bill amounts to a 4-cent tax on seniors. That is unacceptable.

Further, it is no secret that increased debt puts pressure on inflation. In just this past year, the Federal Reserve enacted 11 consecutive interest rate increases.

This means the American people will have to make higher mortgage payments, pay higher interest, and for those who own debt, it will take even longer to pay it all off.

For some, this bill will put a college education out of reach. Middle-income families, who have no choice but to borrow money for college, will struggle even more to pay tuition bills.

Due to increases in basic needs, there are 1 million more Americans living in poverty this year than there were last year. Not only does this budget reconciliation do nothing to reduce that number, it puts many more Americans at risk of poverty due to higher health care costs and reduced access to social services and education. As for the environment, this reconciliation blatantly undermines the natural beauty of our country. Shamefully, it opens the Arctic National Wildlife Refuge for drilling to already profit-soaked oil companies. And, if that is not enough, this administration’s fiscal policies force charities—on not only to the Social Security Trust Fund, but to foreign nations.

At any point, foreign countries can stop investing in the dollar, and any small movement could have a significant and immediate impact on the fiscal stability of our Nation’s currency.

Does this Congress believe it is good foreign policy to put our economic interests and security in the hands of China, Japan, and the European Union? Let me be clear, this budget reconciliation is asking Americans to: pay more in interest payments, pay more in health care premiums without improving benefits, borrow more from foreign lenders to finance our habitat and environment, and leave an even larger bill for future generations to pay.

We should be talking about helping American families, not punishing them. We need new fixes. And, for what good reason? None whatsoever.

The Bush administration’s Pavlovian response to everything that ills the economy is: tax cuts—not to middle- and low-income families, who need it most, but, instead, to the wealthiest Americans.

The wealthiest Americans have received tax cut savings that are 140 times the size of the average tax cut for middle-income families. That means millionaires have received an average tax break of $100,000 a year while middle-income families have received a mere $742.

Let me be frank, the President’s tax cuts do not help working Americans. In fact, the after-inflation wages of the average American earners have dropped for the first time in a decade.

Meanwhile, the President’s tax cuts account for 57 percent of the deficit increase. In fact, President Bush’s tax cuts are more expensive than all spending increases combined, including new spending for homeland security, the war in Iraq, operations in Afghanistan, expanded antiterrorism efforts, and all domestic spending increases. It is a fiscal record of excess and recklessness.

And without batting an eye, this President goes right along, reiterating his intention of making tax cuts permanent—at a cost of $1 trillion over 75 years. It is shocking it can even in the wake of hurricanes, rising gas prices, increasing interest rates, and higher health care costs, this administration will continue to push for lining the pockets of the wealthy.

I believe we can do better. I believe we can bring fiscal responsibility back to the budget process and help middle-income families. We have done it in the past. We can do it now.

In 1982, Ronald Reagan agreed to undo a significant share of tax cuts to combat substantial budget deficits.

Ten years later, President George H.W. Bush changed his position on taxes and signed a bipartisan deficit-reduction package.

More recently, in the late 1990s, after inheriting a national deficit totaling 4.7 percent of GDP, the Clinton administration turned deficits into our first budget surpluses since 1969.

Today, with the national deficit including trust fund accounts reaching 4.5 percent of GDP, it is time to do the same.

In the words of former Secretary of Treasury Robert Rubin:

We are at a critical juncture with respect to the longer-term future of our economy, and the outcome at this juncture will be enormously affected—for good or for ill—by the policy action we take in response to the great issues we face.

It is time to have the courage to act responsibly. This so called deficit reduction package is not what it claims to be. Yes, it will cut spending by more than $30 billion, but in a few weeks these savings will be spent on tax breaks for the rich. In the end, this reconciliation package titled “Deficit Reduction” will actually increase the deficit by $36 billion. This fiscal strategy edges us closer to fiscal insanity and leaves our children and their children impoverished and riddled with debt.

The first step to doing better is voting responsibly.

Mr. JOHNSON. Mr. President, in order to meet its reconciliation instructions, the Banking Committee
recommended that S. 1562, the Safe and Fair Deposit Insurance Act of 2005 be included in the banking title of the budget reconciliation bill.

Earlier this year, I joined with Senators ENZI, HAGEL, and ALLARD in introducing the Let’s Make Deposits Count Act which has garnered strong bipartisan support and was overwhelmingly approved by the Banking Committee last month. Additionally, it has the strong support of the administration, Treasury Department, the Federal Deposit Insurance Corporation, and the financial services industry.

Deposit insurance is one of the cornerstones of our country’s financial system. It protects depositors against risks they cannot control, ensures stability, and allows deposits to remain in our local communities. This important legislation will ensure that deposit insurance maintains its strength even during times of economic weakness.

Borne out of the need to promote financial stability during the Great Depression, deposit insurance has served depositors well by providing stability to banks and to the economy, and it is especially critical to our Nation’s smaller financial institutions and community banks.

While there have been differing opinions as to how deposit insurance should be reformed, there is general agreement that the system needs to be reformed and modernized. The banking industry is rapidly evolving and is becoming increasingly complex and sophisticated. Yet the last time any change was made to our system of deposit insurance was over 20 years ago. Reform is long overdue. The time has come for the system that was put in place to promote the stability of the banking system to be appropriately reformed to keep pace with the evolution of that system.

Depositors must have confidence that their hard-earned money is protected, including the funds that cover their daily living expenses to the funds they are saving for retirement and a rainy day. To that end, this legislation introduces some very key reforms.

First, it merges the bank insurance fund with the savings association insurance fund to create the deposit insurance fund. By doing so, we create a stronger and more diversified fund, and eliminate the possibility for disparities in premiums between banks and thrifts.

Second, insurance premiums will be risk-based to ensure that banks pay based on the risk they pose to the system, and the FDIC will be able to price insurance premiums accordingly. The current system does not allow for premium assessments to be based on risk, and therefore, safer banks are subsidizing riskier banks. This inflexibility will be eliminated and the assessment burden will be distributed more fairly. In addition, deposit insurance is priced for risk, whether the coverage limit is higher or lower is less relevant. Banks will have to pay higher premiums for riskier behavior, reducing any moral hazard. It is important to note, however, that in developing a new risk based premium system, the FDIC should not negatively impact the cost of homeowner-loans or mortgage-lending. Higher premiums will go to institutions simply because they fund mortgages and other types of lending through advances from Federal Home Loan Banks. Congress reaffirmed this relationship between community lenders and Home Loan Banks most recently in the Gramm-Leach-Bliley Act, and deposit insurance reform is not intended to impose any financial cost on the relationship through direct or indirect premiums.

Third, the FDIC will have the discretion to periodically index coverage levels for both general and retirement accounts to keep pace with inflation. This is a compromise made in order to secure the Bush administration’s support. Frankly, I feel some form of automatic indexation would be far preferable, and I am disappointed that indexation is left as a discretionary matter. The real value of deposit insurance coverage is now less than half of what it was when it was set at $100,000. By increasing the level of coverage for retirement accounts, we are adjusting for the real value of coverage. Insuring retirement accounts up to $250,000 will keep the coverage level up with inflation and will promote financial stability for individual retirees. Retirement accounts are the only accounts under this bill that will get a higher coverage level. I believe in the current environment, with the uncertainty surrounding social security and pension benefits, that it is critical that we provide appropriate coverage for the hard-working Americans who have saved for their retirement and long-term care needs. This legislation strikes the appropriate balance in that regard.

Finally, I would be remiss if I did not recognize the banking community in South Dakota for the invaluable and critical role they have played in this process over the past 5 years. I truly appreciate the input and recommendations that I have received from the industry overall. I would also like to thank Chairman SHELBY, and Ranking Member SARBANES for their leadership, Senators ENZI, HAGEL and ALLARD for the hard work, and FDIC Chairman Don Powell for his commitment to deposit insurance reform.

Mr. SALAZAR. Mr. President, I voice my opposition to the reconciliation bill before the Senate today. America can and should do better. This bill, which masquerades as a vehicle to help shrink the deficit, is actually a part of a broader, fiscally irresponsible package of policy and legislation that will actually increase the size of the deficit over the coming 10 years. By creating over $130 billion in the next decade, and even as this bill cuts programs that are important to the most vulnerable Americans. In other words, this series of proposals moves America in exactly the wrong direction.

This bill moves in the wrong direction when it comes to agriculture. Agriculture program spending amounts to about 1 percent of the spending in the federal budget, yet in this budget, we cut agriculture spending when fuel prices are at a record high and many rural areas in Colorado across the country continue to feel the effects of weather-related natural disasters. Agriculture has been forced to take $3 billion worth of cuts. These cuts will come out of the programs that farmers, ranchers and rural communities count on most, including commodity program payments and conservation programs like the Conservation Reserve Program, CRP. During my time in the Senate I have spoken many times about my concern that too often Washington leaves our rural communities to wither on the vine. I believe that this budget reconciliation package only contributes to their decline.

This bill moves in the wrong direction when it comes to health care and education. The bill increases deficit spending by over $7 billion, creating less opportunity for young Americans when we should be in the business of creating more. It makes deep Medicaid and Medicare cuts, hurting the poor, elderly, and disabled struggling with healthcare costs. Because of this bill, seniors will see a 33 percent increase in premiums for Medicare Part B. Because of this bill, independent, community pharmacies, particularly in rural areas, will see a change in reimbursement formulas that could force them to close their doors, further eroding access to health care in this country.

This bill moves in the wrong direction when it comes to the environment and to energy policy. It would open the pristine Arctic National Wildlife Refuge to oil drilling. Ultimately, this fight is not about barrels of oil, it’s about the deeper moral decisions we make as a nation to address our energy needs. Drilling for oil in the Arctic National Wildlife Refuge won’t do a thing for gas prices this winter. It won’t do a thing for gas prices in 10 years or even 15 years. In fact, it won’t do a thing for energy prices ever, because even if this provision passes and becomes law, the total amount of “technically recoverable oil,” according to the administration’s own estimates, would reduce gas prices by only a penny—maybe even, not before 10 to 15 years from now.

This reconciliation bill does not reflect the right budget priorities. This bill tightens the squeeze already being felt by so many hardworking Americans trying to make ends meet as oil and gas prices soar and winter approaches. Adding insult to injury, these irresponsible cuts will not even help the country with the bottom line, because they are being combined with tax increases for millions of Americans that exceed, by tens of billions of dollars, the value of the cuts themselves. The average benefit of these tax
Mr. LEVIN. Mr. President, earlier this year, the Senate worked on the budget resolution that passed the Congress because it reflected the wrong priorities. That budget resolution shortchanged vital public needs such as education and health care for all Americans in order to further deficit taxes mainly benefiting the wealthiest Americans. The bill before us today is the first part of a three-part budget reconciliation process set up to help carry out that misguided budget. Budget reconciliation is a special process that gives privileged treatment to a bill earlier defeated by the Senate. For many of the same reasons that I opposed the original budget resolution, I must also oppose this reconciliation bill. Instead of improving our fiscal situation, the reconciliation package problem will become a bigger problem.

This first of the three reconciliation bills is focused on spending cuts. It cuts funding for Medicare, Medicaid, low-income housing grants and other important programs. These cuts, along with other measures that could not be negotiated as a result of a short-sighted decision to drill in the Arctic National Wildlife Refuge, ANWR, in Alaska, are projected to reduce the deficit by $39.1 billion over the next 5 years.

However, at the same time, both Houses of Congress are working on separate versions of the second part of the reconciliation package—the tax bill. That bill would extend $70 billion worth of tax cuts benefiting largely the wealthiest Americans. It simply does not make sense to say we need to cut $39.1 billion out of vital programs to reduce the deficit while at the same time increasing the deficit with $70 billion in tax cuts. These bills continue an irresponsible and unaccountable tax policy that recklessly adds to our deficit.

The third part of this three-part reconciliation process will be a bill to allow the national debt to increase by another $781 billion. The need for that third bill shows how dreadful our budget situation has become. The U.S. national debt has already climbed above $8 trillion. In the fiscal year that just ended, we spent over $350 billion just to pay the interest on that debt. That is 14 percent of the Federal Government’s spending last year. That is money that doesn’t go toward important infrastructure improvements, homeland security or other priorities like health care, education or environmental protection. We simply cannot afford to continue building up this massive debt.

Not only is it financially irresponsible to add to this already heavy debt, but it adds risk to our national security. Forty-four percent of our national debt is held by foreign investors. If these investors ever decide, for economic or political reasons, to stop financing our debt, our markets could be severely impacted. This can provide other countries with greater leverage during trade or other negotiations with us.

In addition to the fiscal irresponsibility in this reconciliation package, it is unconscionable that this body has approved cuts in services for the poor and the disabled and the elderly and disadvantaged children and then to turn around next week and provide the mostly the wealthiest Americans with $70 billion of tax cuts. I will vote against this bill because it contains some good provisions. This bill halts an unwise looming 4.4 percent decrease for physicians treating Medicare patients and instead provides a 1 percent increase. This bill was amended and now contains a provision that will prevent a reduction in Federal money for Michigan Medicaid. This bill also has several provisions to help victims of Hurricane Katrina.

However, a large portion of the spending cuts in this reconciliation bill impose severe cuts and hardship on Medicaid beneficiaries as well as providers. This is not the first time Congress has attempted to balance the budget on the backs of people who rely on Medicare and Medicaid. In 1997, Congress short-circuited the normal legislative process for considering payments to Medicare and Medicaid services to beneficiaries and the cuts were overreaching. It is my fear the same result will come from our actions today. This bill before us cuts reimbursement for several types of Medicare providers including nursing facilities, hospitals and managed care. This bill also places caps on payments for Medicare and Medicaid services. People who rely on Medicare and Medicaid are going to be hurt by this bill. I hope that my colleagues take a long look at how much the bad outweighs the good in this bill.

In addition, I also regret that the majority decided to include in this budget reconciliation the opening of ANWR to oil and gas development. I have consistently opposed opening ANWR to oil and gas development because I believe it is the wrong approach to addressing our Nation’s need for long-term energy security. The actual reserves in the area that will be available for leasing under this provision are too small to have a significant impact on our Nation’s energy independence and will not produce any oil for more than a decade. I do not believe that this limited potential for oil and gas development in ANWR warrants endangering what is one of the last remaining pristine wilderness areas in the United States.

But, also, failure to pass consideration of ANWR on the budget reconciliation bill has been flawed from the start. Including this important issue in the budget reconciliation bill has short-circuited the normal legislative process and has eliminated the opportunity for Congress to give the issue the consideration it deserves. In fact, this issue was not even considered when the Senate debated the Energy Policy Act of 2005 for 2 weeks this past summer. Opening ANWR to oil and gas development was not considered on the Energy bill because the votes were not there to pass it except by including it in the budget reconciliation bills that we are considering now. It is a positive note that I was able to include language in this bill that recognizes the needs of border States when awarding emergency and interoperable communications grants. I remain concerned that first responders in border States like Michigan, New Mexico, and Minnesota face unique challenges and must be able to communicate with a number of Federal, State, and local entities including FEMA, Customs and Border Protection, and the National Guard in addition to police, firefighters and emergency medical services personnel from other jurisdictions who may assist in the event of a large scale disaster or terrorist attack. What is often overlooked is that first responders near these crossings are unable to maintain seamless communication with their Canadian or Mexican counterparts across the border. My amendment would assist our first responders by creating demonstration projects at the northern and southern borders. The amendment provides that the Secretary of Homeland Security shall establish at least two International Border Community Interoperable Communications Demonstration Projects—one at least one of these demonstration projects on each of the northern and southern borders. These interoperable communications demonstrations will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders.

In closing, I sincerely hope that future budgets coming from this body will be more responsible and equitable. Furthermore, as imprudent as this bill is, I hope it won’t be made worse in conference after merging with the even more misguided House bill. Major bipartisan efforts will be needed to make true progress on the long-term fiscal problems we face. I will continue to fight for fair and fiscally responsible policies that help generate jobs and economic security from which all Americans can benefit.
The major reason why the budget was so difficult to pass was the inherent problem in getting a majority to agree on legislation that cuts the growth in spending for entitlement programs. Entitlement programs are those that grow automatically without any action by Congress. While they are many of the most important programs in the Government, they are also the most expensive. Some Senators wanted more cuts in spending growth than did others, and it was hard to get the agreement of both sides. Why were there absolutely no support from the other side.

Nevertheless, we did manage to pass the budget resolution, which was the first step in the process we are trying to complete here tonight with the budget reconciliation bill. This bill “reconciles” the spending in the budget with the programmatic changes necessary to achieve the budget numbers. And while the projected spending growth cut over the next few years is still alarming, the cuts in that growth included in this bill are very much a good first step in the right direction.

What Senator GREGG, the chairman of the Budget Committee, emphasized in his opening remarks is very significant. This is the first time since 1997 that Congress has attempted to restrain the growth of entitlement spending programs. I think we can conclude that the magnitude of the change is not as large as many of us would like to see, the directional change is very important.

According to the Congressional Budget Office, this reconciliation bill would reduce federal outlays by more than $39 billion over the next 5 years and by almost $109 billion over the next 10 years. I realize that many of my colleagues on the other side of the aisle are scoffing at the idea these numbers are not large enough in terms of reducing the deficit. Why, they are not seeing any spending reduction proposals from them? It is because it is much easier to throw rocks at our attempts to rein in spending growth than it is to make the hard choices themselves.

Rather than having an honest debate about how best to deal with out-of-control budgets, most of what we are hearing from our friends on the other side is the same old tiresome accusation that we are reducing spending for lower-income Americans, so that we can cut taxes, once again, for those Americans who are wealthy and do not need a tax reduction. This, of course, is a gross distortion of the truth.

As Chairman OREGG has pointed out, the spending growth reductions in this bill are not directed at low-income individuals. We worked very hard to make sure that was the case, especially in the Finance Committee which has jurisdiction over such important safety-net programs.

Indeed, the bill includes a significant amount of new spending. The amount of this new spending, some of which I recognize is necessary, is one of the problems I have with the bill. In addition, a great deal of the deficit reduction in this bill is achieved by raising fees or selling a portion of the broadcast spectrum. That being said, I will detail some of my specific objections about the bill.

As to criticisms about so-called tax cuts, there are not any in this bill. The tax reconciliation bill comes later, after this bill has passed. And the tax provisions that will be in that bill are generally consistent with the principles preventing future tax increases on the middle class, not tax cuts for the wealthy. Moreover, most of those provisions enjoy broad support on both sides of the aisle.

Do I believe this reconciliation bill is perfect? Far from it.

Do I think we could have and should have done more in trimming the spending growth of entitlement programs? Absolutely.

As I mentioned before, the significance of this bill is not in the amount of deficit reduction it delivers, but in the change in direction that it represents. I hope we can pass it and then use it as a building block for more deficit reduction next year.

We have had a few short years to make much larger changes in our entitlement spending programs. All of us know that they are on an upward trajectory that is simply not sustainable. Passing this reconciliation bill now begins the process of turning this stage for more responsible spending. With a smart mix of pro-growth policies that will help ensure continued economic growth and future spending restraint, we can begin to lower the deficit and put our budget in a condition to withstand the storms ahead.

Now, I would like to take the time to get into some of the details of the changes included in the bill by the three committees on which I serve.

As the ranking member of the Senate Finance Committee, I worked hard with Chairman GRASSLEY to ensure that our Committee met the goal of finding $10 billion in savings. Unfortunately, the Finance package also spends a significant amount of money when I believe that our national focus needs to be on saving money. Some of it is necessary. Some not.

And, I am very troubled by how we are paying for this spending. Close to $5 billion will be taken away from the MedicareAdvantage Regional Plan Stabilization Fund, something I strongly oppose. The stabilization fund is a critical component to facilitating regional Preferred Provider Organizations, PPOs, in the Medicare Advantage program, ensuring it is available to beneficiaries throughout the country, particularly in rural areas.

The MMA has made Medicare Advantage plans more widely available with greater beneficiary savings than ever before, including in rural areas and many other areas that previously were not served by Medicare Advantage plans.

Since the MMA was enacted in 2003, there has been a large increase in the availability of Medicare Advantage health plans that provide additional benefits and corresponding reductions in total health care costs. For example, areas where historically been minimal managed care available, there are now three regional PPOs offering an integrated package of medical and prescription drug benefits with extra coverage at lower prices, one of these region PPOs even offers a zero drug deductible.

The stabilization fund will help make it possible to provide secure access to these new, lower-cost coverage options in underserved areas. While more Medicare beneficiaries than ever will have regional Medicare Advantage options in 2006, further progress is needed for people with Medicare in 13 States, specifically: my home state of Utah; Alabama; Colorado; Connecticut; Idaho; Maine; Massachusetts; New Hampshire; New Mexico; Oregon; Rhode Island; Vermont; and Washington.

When developing the MMA, the Congress recognized that some states may not be served by Medicare Advantage plans in the initial years of the program and strategically created the benefit stabilization fund, which sunsets in 2013, to encourage plans to operate in all areas of the Nation. Utah is one of those States and that is why I strongly supported the creation of the stabilization fund during the MMA negotiations.

The stabilization fund helps to make sure that, in future years, people will have access to regional Medicare Advantage plans in the initial years of the program and strategically created the benefit stabilization fund, which sunsets in 2013, to encourage plans to operate in all areas of the Nation. Utah is one of those States and that is why I strongly supported the creation of the stabilization fund during the MMA negotiations.

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Many Medicare Advantage plans are already serving Medicare beneficiaries with some very generous benefit offerings for 2006, with the expectation that they would be serviced by Medicare Advantage plans. For the health plans that are interested in potentially providing this regional PPO coverage, it is essential for them to know that they will get some help with starting up if they need it in areas that had been underserved before, and that the Medicare program will keep their payments predictable.

If Congress and the Centers for Medicare and Medicaid Services, CMS, start changing program rules even before the first benefit is administered, we send a very negative signal to plans, and that may mean worse coverage options and higher costs for Medicare beneficiaries in the future.

Cuts to or reductions in the stabilization fund, and therefore, payments to regional plans amount to adding costs for beneficiaries in the form of higher premiums, reduced benefits, or both. Without this fund, it will be difficult to convince plans to offer coverage to beneficiaries who currently do not have access to regional PPOs.
Maintaining the current stabilization fund will encourage more regional PPOs to enter the Medicare Advantage program and make sure that significantly more people, including my fellow Utahns, have access to Medicare Advantage plans for the remainder of this year. I do not understand why we would be eliminating this fund, especially before the Medicare drug plan program is even operational. It just does not make good policy sense and that is why I oppose the elimination.

This is especially vexing given that there are a number of other sources for revenue. I will be fighting for more extensive restrictions on asset transfers and the inclusion of provisions which would prohibit intergovernmental transfers. Including these provisions would have severely curtailed activities where individuals and some State governments have intentionally defrauded the Medicaid program.

I have heard the arguments about why my provisions may have included them in the proposal, but I do not buy those arguments. More aggressive legislating in these areas would preclude some of the other reductions necessitated in this bill, such as those for the stabilization fund.

The provisions on payment for prescription drugs under the Medicaid program are another deep concern of mine. These have only been made worse by adoption of amendments in the Chamber. Let me say that while I agree that changes are warranted, I am very worried about the approach included in the bill. I am not sure that the new definitions created for Average Manufacturer’s Price, AMP, Weighted Average Manufacturer’s Price, WAMP, and the new formula which were created for the Federal Upper Payment Limit, FUPL, will address the criticisms of the current policy. In fact, these new definitions could make the situation worse. I am concerned that the genesis of these changes was not a desire for good policy, but rather an interest in seeking funding from a “deep pocket.” That trend was only exacerbated during Senate consideration of the Finance title, as we added two rebate-related amendments with spending implications that totaled several billions of dollars more.

It is clear to me that, as consideration of the conference report begins, we must continue discussions with the various stakeholders who have already invested interest in making this policy work, in particular, the pharmacists and the pharmaceutical companies.

The budget resolution contained a reconciliation instruction directing the Senate Health, Education, Labor, and Pensions, HELP, Committee to work, to reduce spending by $13.7 billion in 5 years. We on the HELP Committee worked very hard to achieve this goal, which required difficult spending vs. savings decisions.

Within the past months, as we wrote reauthorizing language for the Workforce Investment Act, WIA, Head Start, the Perkins Act, career and technical education, and the Higher Education Act, HEA, we kept in mind the need to meet the reduction in spending goals. Each of these reauthorization bills was unanimously approved in committee.

While I recognize the tough choices we needed to make overall with the reconciliation bill as it relates to education provisions, accounting for a total savings of $9.8 billion. Spending increases in the bill include increases in Pell grants, along with ProGAP, and larger grant assistance to Pell eligible students.

Another new program, SMART grants, would provide assistance to students studying math, science, technology, engineering, or a foreign language. Subsidized borrowing levels were increased, along with a permanent extension of the Taxpayer-Teacher Protection Act. Additional loan deferments were made for members of the Armed Services or the reserves. These programs would give Utah students who need, or moderate income, greater access to college educations and will boast our local and national economy as we seek to meet the demands of the 21st century workforce.

Significant savings were found in student loans, mostly from lending institutions, including a requirement for guaranty agencies to deposit one percent of their collections in the Federal Reserve fund, a reduction in lender insurance, and a provision that guarantees 100 percent of loans for certain lenders. An additional fee is charged for lenders originating consolidation loans, and permanent restrictions are made on transfer or refunding of certain tax-exempt bonds that receive a 9.5 percent rate of return.

I have concerns about last-minute changes to include major spending increases, even though they appear to have been reconciled by savings. How about the changes in the Pell provision that I am paying particular attention to fixing the interest rate for undergraduate and graduate non-consolidation borrowing at 6.8 percent, preferring a choice of a variable rate similar to the House provision. I am also concerned about the way certain bills are structured that are currently before the Senate that deal with the inclusion of Katrina public and private school payments.

The HELP Committee also included provisions increasing significantly the amounts of premium employers that sponsor defined benefit pension plans must pay to the Pension Benefit Guaranty Corporation, PBGC. These increases were larger than they needed to be, and removed placeholders until we can pass the pension reform bill that was produced by the Finance and HELP Committees. I hope we will soon be able to consider and pass that legislation partly for the reason of reducing these premium increases to more reasonable amounts.

The Judiciary Committee greatly exceeded its reconciliation targets, and I applaud that accomplishment even though I do not support the means by which it was achieved. Federal spending is out of control and, as my colleagues know, this has been a concern of mine for a long time. I am gratified to learn that so many others now share my concerns and, more importantly, that we are finally doing something about irresponsible spending despite the efforts of a few members on the other side of the aisle to scuttle this reconciliation bill.

I am pleased that the Judiciary Committee did not report a proposed tax on the explosives industry. It was just plain wrong, and it would have hurt a lot of people in Utah. Naturally, I fought tooth and nail to make sure it was off the table and I, along with others, succeeded in stopping it.

This brings us to the current Judiciary title. I do not think we should have used a reconciliation measure to alter immigration policy, particularly in light of the current debate on comprehensive immigration reform. For this, and other reasons, I offered an amendment that would increase a 5 percent increase in all immigration related fees instead of simply allowing more people into the country as a way of reducing our Nation’s deficit. Unfortunately, my amendment was defeated in committee.

That being said, I recognize that it is not easy to come up with savings. It means tough choices. But it is our job to make the tough calls and the Judiciary Committee did its best.

I strongly support moving this package through the Senate. However, I want my colleagues to understand my concerns and that I intend to continue working with them on improving the package. I know this was an extremely difficult task, and I appreciate all the hard work of many of my colleagues, and particularly the chairmen of the committees on which I serve.

Mr. President, the Senate will vote shortly on final passage of S. 1932. We have had a good debate on this bill. I commend the chairman of the Budget Committee for his effective and fair management of the consideration of this bill this week.

The Senate Finance Committee title was carefully crafted to address a wide range of member priorities. The Senate Finance Committee title is a compromise—one that was meticulously negotiated over many months. It represents clear-headed, commonsense reforms.

But here is something that should make a lot of people wonder what is going on around here. I noted with interest a recent Washington Post article which notes:

The Senate package is gaining kudos from some unlikely sources. Liberal budget and poverty groups and Senate budget-cutting legislation largely avoids cuts that will hit low-income beneficiaries.

And here is another one. The Associated Press reported:

As a result, the Senate’s Medicare and Medicaid cuts largely won’t touch beneficiaries of the programs, instead tapping
drug companies, pharmacies and insurance subsidies for much of the savings.

I am therefore somewhat confused why more of my friends and colleagues from the Democratic side are not going to support final passage of this bill. I think I know partly what the answer is—if it because the House version of this bill is much more far-reaching than the Senate proposal? Is it because the same groups that praise the Senate bill oppose the process moving forward on that basis?

I would make the point that I think the Senate’s position in going to conference with the House would be strengthened if S. 1922 passed with strong bipartisan support. I do not understand why the liberal budget groups are not urging Democrats to unite in support of the Senate bill.

I believe that the American people want us to join together to get things done. They want us to get our fiscal house in order, but they also want us to enact compassionate policies that help honest-to-goodness working families. The Senate bill meets both of those priorities. Here is the bottom line, and I want all my friends on the other side of the aisle to hear this. Here is what a vote against the Senate bill means. Opposition to the bill’s balanced approach to Medicaid reform and program improvements is opposition to achieving savings, preserving services, and protecting beneficiaries.

A “no” vote is a vote against cutting wasteful spending in Medicaid and other changes that provide additional resources to State Medicaid programs.

A “no” vote is a vote against having the State and Federal Government pay less for drugs.

A “no” vote is a vote against tightening up asset transfers, thereby paying less for nursing home care through Medicaid.

A “no” vote is a vote against increasing State and Federal payments from drug companies.

A “no” vote is a vote against a $2 billion windfall to the States.

Opposition to the Senate bill’s balanced approach to Medicaid reform and program improvements is opposition to the bipartisan Family Opportunity Act.

So that means that a “no” vote is a vote against the Family Opportunity Act’s expansion of Medicaid eligibility for severely disabled children. Opposition to this provision means forcing many working families to refuse better jobs or promotions—keeping them poor in order to qualify for Medicaid or, worse, relinquish custody of their disabled child to the State so that their child can continue to get the services they need.

A “no” vote is also a vote against the Family Opportunity Act’s protection for families whose newborn is diagnosed as disabled from birth. I believe that it constitutes a determination of extraneous material on the following list does not material on the following list does not constitute a determination of extraneous material on the following list does not constitute a determination of extraneous material on the following list does not constitute a determination of extraneous material.

A “no” vote is a vote against “Money Follows the Person,” which provides grants to States to increase the use of home and community based services, rather than institutional services. “Money Follows the Person” also eliminates barriers so that individuals can receive support for long-term services in the settings of their choice.

Opposition to the Senate bill’s balanced approach to Medicaid reform and program improvements is opposition to a down payment on Hurricane Katrina disaster relief.

So that means that a “no” vote is a vote against providing $1.8 billion to protect Medicaid benefits in Alabama, Louisiana, and Mississippi for people affected by Hurricane Katrina.

Opposition to the Senate bill’s balanced approach to Medicaid reform and program improvements is opposition to protecting health coverage for thousands of children and improving the State Children’s Health Insurance Program.

A “no” vote is a vote against preventing funding shortfalls in the Children’s Health Insurance Program in 23 States.

A “no” vote is a vote against providing new options for private coverage of long-term care through Long-term Care Partnerships.

A “no” vote also means opposition to closing loopholes that permit the unscrupulous “gaming” of Medicaid eligibility rules to intentionally shelter assets to qualify for taxpayer-financed long-term care coverage in Medicaid.

Those who vote against this bill are also opposing the Senate bill’s balanced approach to Medicaid reform and program improvements is opposition to protecting access for rural beneficiaries.

So that means that a “no” vote is a vote against protecting small rural hospitals and sole community hospitals by extending the hold-harmless provisions that protect them from losses resulting from implementation of the hospital outpatient prospective payment system.

A “no” vote is also opposition to extending the Medicare Dependent Hospital Program, which provides financial protections to rural hospitals with less than 100 beds that have a greater than 60 percent share of Medicare patients.

A “no” vote also means opposition to expanding coverage of additional preventive benefits under Federal Qualified Health Centers.

Why would my Democratic colleagues oppose such commonsense, practical policies that save the States money, expand access for low income and disabled children, help rural hospitals, and make progress to rebalancing the institutional bias in the Medicaid program?

I am saddened that it appears my colleagues cannot put partisan politics aside and get behind a bill that saves money for States, protects and expands access, and preserves benefits. I urge my colleagues to support the Senate bill. Let’s show the American people that we can put politics aside and stand together and get things done for the good of the country.

Mr. GREGG. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I ask unanimous consent to have printed in the RECORD a list of material in S. 1932 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**EXTRANEOUS PROVISIONS—SENATE BILL**

(Prepared by Senate Budget Committee Majority Staff)

**Title I—Agriculture, Nutrition and Forestry**

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**Title II—Banking, Housing, and Urban Affairs**

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<tr>
<td>Sec. 3108(d)</td>
<td>311h(i)(A)—Studies of potential changes to the federal deposit insurance system—just a study.</td>
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**Title III—Commerce, Science, and Transportation**

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<td>3305(c)(7)</td>
<td>311h(i)(E)—Low-power TV and translator outlook occur after 2010, increasing the deficit.</td>
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<tr>
<td>3305(c)(8)</td>
<td>311h(i)(E)—Interoperability grant outlook occur after 2010, increasing the deficit.</td>
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<td>311h(i)(9)</td>
<td>311h(i)(E)—E911 outlooks occur after 2010, increasing the deficit.</td>
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<td>311h(i)(10)</td>
<td>311h(i)(E)—Low-power TV and translator outlooks occur after 2010, increasing the deficit.</td>
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<td>311h(i)(11)</td>
<td>311h(i)(E)—Transferring offsets receipts that federal government has already received does not produce a change in outlooks.</td>
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### TITLE VI—FINANCE

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<td>313(h)(1)(A)—Pro-GAP Sense of the Senate/does not produce a change in outlays.</td>
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<td>313(h)(1)(A)—SMART Grant findings/purpose/does not produce a change in outlays.</td>
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<td>Sec. 7104</td>
<td>313(b)(1)(A)—Single Holder Rule/does not produce a change in outlays.</td>
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<td>313(h)(1)(A)—Evaluation of Simplified Needs Test/does not produce a change in outlays.</td>
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<td>Sec. 7133(b), (i), (o), and Sec. 7255</td>
<td>313(h)(1)(A)—Authorizes waivers of provisions of discretionary and programs, and addresses certain reporting requirements/does not produce a change in outlays.</td>
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<td>313(h)(1)(A)—Pensions: (d)(3) special role regarding future legislation/does not produce a change in outlays.</td>
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<td>Sec. 7446</td>
<td>313(h)(1)(A)—Regional meetings/does not produce a change in outlays.</td>
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<td>Sec. 7449</td>
<td>313(h)(1)(A)—Year 2000/does not produce a change in outlays.</td>
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<td>Sec. 7451</td>
<td>313(h)(1)(A)—Recognition of Accrediting Agency or Accreditation/does not produce a change in outlays.</td>
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<td>Sec. 7452</td>
<td>313(h)(1)(A)—Administrative Capacity Standard/does not produce a change in outlays.</td>
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<td>313(h)(1)(A)—Program Review and Data/does not produce a change in outlays.</td>
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<td>Sec. 7501</td>
<td>313(h)(1)(A)—Developing Institutions Definitions/does not produce a change in outlays.</td>
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<td>313(h)(1)(A)—Graduate and Undergraduate Language and Area Centers and Programs/does not produce a change in outlays.</td>
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<td>Sec. 7503</td>
<td>313(h)(1)(A)—Undergraduate International Studies and Foreign Languages/does not produce a change in outlays.</td>
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<td>313(h)(1)(A)—Tech Innovation and Cooperation for Foreign Info Access/does not produce a change in outlays.</td>
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<td>313(h)(1)(A)—Selection of Certain Grant Recipients/does not produce a change in outlays.</td>
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<td>313(h)(1)(A)—Auth of Appropriations/does not produce a change in outlays.</td>
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Mr. GREGG. Mr. President, at this time, we have come to the end of the amendment process. I now ask, before we go to final passage, we have 5 minutes equally divided between myself and Senator CONRAD, and then we will go to final passage.

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

Mr. GREGG. Mr. President, first of all, I thank the staffs, the very professional staffs on both sides. I especially thank the chairman of the Budget Committee for his professionalism and his diligence in working on this bill. He has been such a pleasure to work with. His word is gold.

I appreciate very much his staff, as well—Scott Gudes, Gail Millar, Jim Hearm, Cheri Reidy, and the rest of the majority staff.

I want to also thank my staff—Mary Naylor, John Righter, my counsel Lisa Konwinski, Jim Esquea, Sarah Kuehl, Mike Jones, Cliff Isenberg, Jim Miller, Kobye Noel, Shelley Amdor, Steve Baily, Rock Cheung, Dana Halvorson, Tyler Haskell, Jim Klumpner, Jamie Morin, Stu Nagurka, Anne Page, Steve Posner, and David Vandivier.

Mr. President, you can't judge a book by its cover. The language being used here is that this is a package of deficit reduction. But this is the first chapter. The first chapter reduces spending by $39 billion. But the next chapter will reduce taxes by $70 billion. The third chapter will increase the debt by $781 billion. You have to read the whole book to know the conclusion. The conclusion of their book is more deficits and more debt.

No one should believe this vote is about deficit reduction while insisting on another $70 billion of tax cuts as part of this package. In the second chapter of the book, the deficit actually goes up. The majority's proposal to increase the debt limit by $781 billion, which is the third chapter of their book. With passage of this, the debt of this country will have increased by $3 trillion during just this President's administration.

This package represents a continuation of the failed fiscal policies of this administration. We can do better as a nation, and we can do much better—and we must.

These policies are driving us deeper and deeper into debt to foreign nations. In just the 4 years or 5 years of this administration, we have seen the debt of the country multiplied by $3 trillion.

I urge my colleagues to say no. Let us not continue any further down this course of deficits and debt. Mr. GREGG. Mr. President, let me begin by saying all my colleagues for their very constructive efforts today. The fact that we were able to complete the voting process today was a reflection of the willingness of people in this Chamber, especially the staff who acted in an extraordinarily professional way.

Also, of course, I want to thank Senator CONRAD and his staff, Mary Naylor and her team.

Senator CONRAD has been an incredibly positive, constructive, and professional individual to work with on this bill. This bill would not have been completed—even though he may not agree with the bill, which he doesn't, obviously, and he has argued his position—he has done so in allowing us to proceed through the bill. And it is a reflection of his extraordinary professionalism.

I thank everyone on the staff, except his chart maker.

(Laughter)

I also especially want to thank my staff—led by the inimitable Scott Gudes—Gail Miller, Jim Hearm, Cheri Reidy, and the rest of the staff—Dave Fisher and Denzel McGuire. We have had two staff members who have had children just recently, Bill Lucia and Matt Howe. Matt's child was born just as the debate started. I am sure he called him "deficit reduction." We are all very excited about that. We very much appreciate the extraordinary job the staff has done here.

I think it is important for our membership to remember that this is the first time in 8 years that this Congress has stepped forward to try to reduce spending by addressing the entitlement and mandatory accounts of our Government. This is a major step forward in the activity of fiscal responsibility.

The other side of the aisle has tried to join this bill with other bills. The simple fact is, the only vote you will cast—the only vote that will cast in the next few minutes—will be the only vote you are going to have to significantly reduce the deficit. It will be a veto to reduce the deficit by approximately $35 billion.

If you oppose the next bill that comes down the pike—the tax relief bill—that is your choice. But that is not what you are voting on here. What you are voting on is here is the opportunity to reduce the deficit, and it is the only opportunity you are going to have and it is the first time. As I mentioned, in 8 years that we will be proceeding down this road. It is a step toward fiscal responsibility, and it is a reflection of the Republican Congress's commitment to pursue a path of fiscal responsibility.

I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, it has been a long day. The next vote on final passage will be our last vote of the day. This will be our 22nd rollcall vote of the day.

I thank the chairman and the ranking member for a tremendous job. About 4 or 5 days ago, we said it was going to be done by 6 o'clock, we were going to complete this bill. Indeed, they have accomplished just that.

We will be in session tomorrow, but there will be no rollcall votes. We will go to the DOD authorization bill. Again, there will be no rollcall votes tomorrow. We will be on the DOD authorization bill on Friday and Monday.

We will have rollcall votes Monday night. We will not be voting before 5:30 on Monday.

With that, congratulations. I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is. Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.
The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 303 Leg.]

**YEAS—52**

Alexander
Allard
Allen
Bennet
Bond
Brownback
Bunning
Burns
Burk
Chambliss
Coburn
Cochrane
Cornyn
Craig
Crapo
DeMint
DeRose
Domenici

**NAYS—47**

Akaka
Baucus
Bayh
Biden
Bingaman
Byrd
Cassell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine

NOT VOTING—1

Corzine

The bill (S. 1932), as amended, was passed.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each; further, that Senator BUNNING be recognized now for 10 minutes, to be followed by Senator WYDEN for 10 minutes.

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

The Senator from Kentucky.

INTEGRITY IN PROFESSIONAL SPORTS ACT

Mr. BUNNING. Mr. President, today I and some of my colleagues, in a bipartisan effort, introduced the Integrity in Professional Sports Act. I especially thank my colleague from Arizona, Senator JOHN MCCAIN, for working with me on this important legislation. I thank the chairman of the Commerce Committee, Senator STEVENS, and Senators GRASSLEY and ROCKERFELLER, for cosponsoring our bill.

This is certainly not a bill any of us wanted to introduce. We wish Congress did not have to get involved in the issue of drug abuse in professional sports. Unfortunately, this might be the only way to get professional sports to finally clean up its act.

As a former major league baseball player and member of its Hall of Fame, protecting the integrity of our national pastime is a matter near and dear to my heart. I know it is near and dear to the hearts of so many across America. We have heard a lot of talk over the last year about the leagues working to implement and enforce drug-consumption standards. So far, that is all it has been, a lot of talk. Major League Baseball and its baseball union told us over a month ago they hoped to have a new agreement in place by the end of the World Series. The World Series is over and there is still no agreement. The time for talking is over. The leagues have had their chance and have failed to lead. Now we are going to do it for them.

We are, in a way, obligated to act since they cannot. We must not only ensure that our Federal drug laws are not being circumvented, but we also need to restore some integrity to the games that tens of millions of Americans enjoy so much. We must act for the sake of our children who see these players as heroes and want to emulate them. Like it or not, professional athletes are role models. They need to set a better example to kids who see them smashing home runs or sacking the quarterback like them. Unfortunately, too many professional athletes are injecting themselves and popping pills with false hopes and dangerous health effects. Now these acts are being emulated by kids even in high school because of the pressure they feel to perform at such a young age. We have a duty to help bring this to an end.

As Members of Congress, we can play an important role in educating the public and pushing for real, tangible health effects from steroids. Illegal performance-enhancing drugs are a serious problem in professional sports and they need to stop now. I hope my colleagues will continue to join us in this bipartisan cause. I look forward to working with both sides of the aisle on moving this bill forward swiftly.

I yield to my colleague from Arizona, Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, I am very proud to join Senator BUNNING, who many know is a Major League Baseball Hall of Famer. Not many know he was a founding member of Major League Baseball’s Players Union. He brings to this issue impeccable credentials and an enormous amount of passion. I am pleased to be supportive of his leadership in this effort.

It is my hope this legislation would not be necessary. Senator BUNNING and I both come to this legislation with great reluctance. But as Senator BUNNING pointed out, the Major League Baseball players said they would, by the World Series, come up with an agreement. That has not happened.

The legislation is an effort to set minimum standards that have proven effective in Olympic sports and would also introduce independence—and this is crucial—into the drug testing programs of professional leagues.

Without an independent entity, such as the U.S. Anti-doping Agency that establishes and manages testing and adjudication programs, the fox will continue to guard the henhouse. That is exactly the problem that the U.S. Olympic movement faced several years ago, and they brought integrity back to American Olympic sports by putting the responsibility for testing in the hands of an independent entity.

There are some who argue that Senator BUNNING and I have no business legislating an issue which is basically a labor-management issue. We agree. We do not want to legislate. We do not want to have to force both entities to do something they otherwise should have done, but we have no choice. As the Senator from Kentucky has so eloquently pointed out, our obligation is not to the people who are making millions of dollars this year. Our obligation is not even to those who are members of professional sports. Our obligations are to the families of the young people who believe the only way they can make it in the major leagues is by using these substances into their bodies.

Anybody who followed the hearing on the House side, where there was testimony from parents of young men who had committed suicide as a result of the use of these substances, knows this issue has now transcended a labor-management issue. Senator BUNNING and I come to this floor more in sorrow than in anger that we have had to take this extraordinary step. But we will take it; we will do what is right.

Mr. CONRAD. Mr. President, might I speak for a moment?

Mr. President, I wish to say, before Senator McCAIN and Senator BUNNING leave the floor, I think my colleagues know I must recuse myself from all on baseball, because my wife represents Major League Baseball. But as a personal matter, I wish to thank Senator McCAIN and Senator BUNNING for their moral leadership. It is a

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scourge not only for professional sports but for amateur sports because, increasingly, those who are competing on an amateur level believe they have to use steroids to compete. That is a tragedy.

We are seeing usage of steroids at 20 to 40 percent in high school athletes because they read the stories, and they see what others are doing who have been at the very highest levels.

So I wish to give my profound thanks to Senator McCAIN and Senator BUNNING. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

MEDICARE PRESCRIPTION DRUG COSTS

Mr. WYDEN. Mr. President, it has been a long day in the Senate, especially for our capable and dedicated staff. I wish to take a couple of minutes to say thank you to the Senators who, a bit ago, supported the Snowe-Wyden legislation to hold down the cost of prescription medicine.

Tonight a majority of the Senate voted to authorize the Federal Government a smart shopper when it comes to prescription drugs. For the first time, the Senate voted to remove an error of commission: the authorization of a provision in the prescription drug law that bars the Federal Government from negotiating to hold down the cost of prescription drugs.

For the life of me, at a time when the Federal budget is hemorrhaging, when the Government must pay for the costs of Katrina, I do not see how you can argue against the Snowe-Wyden amendment that was offered tonight. It prohibits price controls—that is certainly critical—so we can encourage innovation and research in the pharmaceutical area, but what the Snowe-Wyden amendment does is ensure that the Federal Government is going to do what everybody does in the marketplace—and that is use its bargaining power to hold down the costs. That is what the Federal Emergency Management Agency does when it buys cots, what every Federal agency does to make sure taxpayers and our citizens have their concerns addressed responsibly.

Now, tonight, Senator SNOWE and I had to get a supermajority to prevail. I want it understood that no matter how many procedural hurdles are put in front of us, no matter how many roadblocks are put up, we are going to keep coming back on this issue again and again and again until the needs of seniors and our taxpayers are met.

The older people of this country are insisting that an offensive piece of special interest legislation, one that defies common sense, get changed. The AARP made the case when they backed our bipartisan bill. They printed out that drugs seniors use, such as Lipitor, are going up more than twice the rate of inflation. Seniors want that changed.

They will not abide it. Taxpayers will not abide it. And Senator SNOWE and I am going to stay at it until Medicare is liberated and can act as a smart shopper.

Fifty-one Senators—a majority of this body—said tonight it is time to get serious about holding down the cost of medicine in the United States. Fifty-one votes is not the supermajority we needed, but Senator SNOWE and I am going to stay at it until we get justice done for our older people.

Finally, I want to say a special thanks to our bipartisan group of sponsors and particularly thank Senator STABENOW, Senator McCAIN, and Senator FEINSTEIN. They are all Senators who got this from the get-go. They understood this was a question of making sure that, at a time when the Federal Government begins the biggest expansion of entitlement health care in years, we take steps to protect the interests of older people who, right now, are beginning to sign up for the program and will, in fact, start participating formally next year.

We believed it was important tonight to offer this amendment. We wished we had more time to discuss it this evening. I went into it at some length yesterday, but I am pleased we made real progress. For the first time, a majority of the Senate says that this provision that keeps the Federal Government from being a smart shopper simply does not add up. It does not make sense. It defies logic. It is contrary to what everybody else does in the marketplace across the country. I wish we could have gotten the 60 votes needed to prevail tonight, but for the first time we got a majority, and we are going to come back again and again and again. We are going to do it because the older people of this country deserve a fair shake. They are going to insist we keep coming back.

I close my comments tonight by thanking the Presiding Officer, as well, for his support in this effort.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JAMES GRAY, NATIONAL WRITING PROJECT FOUNDER

Mr. COCHRAN. Mr. President, I was saddened to learn today that James Gray passed away after a long illness on November 1, 2005. Mr. Gray was 78 years old and lived in Danville, CA. I knew him as the founder of the National Writing Project, which today is credited with perfecting the training model of teachers teaching teachers how to teach writing.

For more than 30 years, teachers of all grades and nearly the entire spectrum of subject areas have benefitted from the vision and dedication of Jim Gray. He continued to raise a new generation of writers. Thousands of teachers have participated every year in workshops, classes and retreats to perfect their skills, and as a result, an exponential tens of thousands of students continue taking new steps to becoming skillful writers.

It was his work that gave me the good fortune of meeting him, and my becoming a close friend to the Writing Project as the sponsor of legislation to make it a Federal program under the U.S. Department of Education.

Across the country, many teachers and students mourn him, but I hope they take his serious creativity in teaching and live his legacy of the National Writing Project in 1974. Acting on his belief that successful classroom teachers were an untapped resource for providing their peers with professional development, Gray brought together 25 talented writers and charged them with sharing their expertise about the teaching of writing.

The Bay Area Writing Project became the first site that offered a professional development model for teachers of writing. Now known as the National Writing Project (NWP), the program has grown to 189 university-based sites located in fifty states, Washington, DC, Puerto Rico, and the U.S. Virgin Islands.

Gray served as Executive Director of the NWP until his retirement in 1994 and remained on the NWP Board of Directors until his death.

Gray’s simple but highly successful model has been responsible for transforming classroom practices and improving student writing performance at schools in rural, urban, and suburban communities across the U.S.

“Jim’s belief in teachers and their knowledge, commitment, and creativity never wavered,” said NWP Executive Director Richard Sterling. “We are all the beneficiaries of his vision and his tireless work on behalf of the National Writing Project.”

For more information about James Gray and the National Writing Project, visit the NWP website at www.writingproject.org.

LAUNCHING OF JEWISH SOCIAL ACTION MONTH

Mr. LIEBERMAN. Mr. President, I rise today to announce the launching
of the first Jewish Social Action Month—a month where Jews around the world will be encouraged to engage in good works and service to their communities. I am joined in this effort by my colleagues in the House, Congressman STEVE ISRAEL of New York, as well as members of the Israeli Knesset.

Throughout the month—and every year in the second month of the Hebrew calendar, Heshvan, from here on out—for the first time the globe will be encouraged to perform acts of loving kindness to their neighbors, regardless of faith.

The concept of Social Action can be interpreted broadly and there are endless possibilities for action.

The Israeli Friends of the Earth, for example, will be launching initiatives to clear up the debris which ruins our countryside.

In New York, Jewish groups are delivering Thanksgiving meals to the elderly and housebound.

These are just three quick examples of the kinds of service we hope people will be inspired to undertake in November and continue year round—inspiring people of all faiths to join in serving their neighbors in every way.

The idea for Jewish Social Action Month came from two young men—Josef Abramowitz of Boston and Ariyeh Green of Israel—during a retreat in the Israeli diaspora of today.

They wanted a way to motivate people of all ages to realize the words of The Scriptures that tells us to help those who have the least among us. For instance, in Deuteronomy we are told to love the poor stranger and give him food and clothing because we too were strangers in Egypt and God fed and clothed us.

The President of Israel, Moshe Katzav, has been an enthusiastic supporter of Jewish Social Action Month and is lending the prestige of his office in Israel to urge that people heed this call to community service.

I want to thank all of those individuals, groups, synagogue and temple leadership and membership who are joining this effort.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of statements and articles relating to Jewish Social Action Month. The material was ordered to be printed in the RECORD, as follows:

DECLARATION REGARDING CHODESH CHESED VETZEDEK, THE SOCIAL ACTION MONTH

It has been taught to you O man what is good and what is required of you, only to do justice and loving kindness and to walk humbly with your G-d (Mishnah V:8).

At the foundation of our faith lies the importance of acts of loving kindness. Through its narratives and the laws of the Torah, God calls on us to make our world a holier, more just and more peaceful place.

At Rosh Hashanah and Yom Kippur we think about our responsibilities to God, and everyone around us including the needy of the world who depend on our support. We promise to do more for them in the coming year. Just a few days later, we celebrate Succot. This festival recalls Biblical times when the Jewish people lived in temporary shelters as they journeyed through the desert. It also reminds us that in our own times there are many who live in fleeing, cataclysmic need of food, shelter, warmth and love.

As Succot ends, we enter the month of Cheshvan, the month of the two festivals, a time dedicated to putting into practice our pledges to be better people and to better the lives of those around us.

The Government of Israel, through its Ministry for Israeli Society and the World Jewish Community has invited communities in Israel and across the globe to proclaim this Cheshvan as a month of Tzedek (loving kindness and social justice). Everywhere, Jewish organisations will be launching Chesed and Social action programmes.

We are delighted to add our voices to this call which echoes the voice of our tradition. We invite our communities to seek ways to help and support those in need wherever they are, so that through our acts of loving kindness, we may indeed “mend the world according to the Kingship of God”.

May our efforts to heal and blessing upon our communities, the whole House of Israel and the whole world.

Rabbi Menachem M. Schneerson—Chief Rabbi of Romania, Rabbi Warren Goldstein—Chief Rabbi of South Africa, and Sir Jonathan Sacks—Chief Rabbi of the United Kingdom.

OFFICE OF THE PRIME MINISTER, MINISTRY FOR ISRAELI SOCIETY & THE WORLD JEWISH COMMUNITY

I am delighted to send my greetings to this distinguished gathering at the Congress in Washington to declare our entry into Jewish Social Action Month. I would like to thank everyone who has come today and in particular my dear friend Senator Joe Lieberman and Congressmap. Steve Israel is hosting this event. My thanks also Yossi Abramovitch, Rebecca Lieberman and all the members of Kol Dor who have worked so hard to make this a success. At the heart of the Jewish religion lies the importance of caring for others. According to the rabbis, God made all of humanity in his image in order that all people of all faiths, colors and creeds are important to the Almighty. We are taught in the Jerusalem Talmud: "When the amount of loving kindness we should do or to the Divine reward we receive for these actions. It is therefore gives me great pride as Deputy Minister for Israeli Society and the World Jewish Community in the Government of Israel together with the Kol Dor Organization to launch the very first ever Jewish Social Action month whereby Jews from all over the world and from every background will take part in different activities to mend the world and make it a better place for us all.

I wish everyone here much success in their activities and I wish you all once again for your support for this important project.

Rabbi Michael Melchior, Deputy Minister responsible for Israeli Society and the World Jewish Community.

TESTIMONY OF YOSHEF I. ABRAMOWITZ IN SUPPORT OF DECLARING THE HEbrew MONTH OF HESHVAN GLOBAL JEWISH SOCIAL ACTION MONTH

Thank you for your positive consideration of declaring Heshvan Global Jewish Social Action Month.

RABBI MICHAEL MELCHIOR OF ED PEECE FOR THE JTA FOR THE JEWISH SOCIAL ACTION MONTH

As the member of the Government of Israel and a resident and an advocate for the world Jewish community, I have the privilege of meeting Jews of all types, from all over the world.

There are deep rifts that occurred in Israel over the issue of disengagement and the battles between different groups demonstrated once again the profound divisions amongst us. The Jewish people stand in danger of splitting into different categories with different narratives. Amidst so much diversity, what can unite us?
God and our own times, the most famous desecration of
sacred places and the destruction of their
inhabitants. It is a time to reflect on the
character of those who carried out such acts
of violence and to honor the memory of the
victims.

Throughout the month, Jews from across
the globe will be performing acts of loving
kindness, demonstrating the values of tikkun
olam, repairing the world, as a unified
entity.

REMEMBERING MRS. ROSA PARKS
Mr. ALEXANDER. This week we
have honored the memory of Rosa
Parks, a woman whose quiet stand for
her individual rights reverberated
to across this country.

We often discuss how far we have to
go as a country in terms of race rela-
tions. Thinking of Rosa Parks reminds
me how far we have come. In 1955 when
she refused to give up her seat on the
bus in Montgomery, African Americans in
the South could not eat in the same
restaurants, go to the same schools,
and use the same facilities in
the hospitals or compete on
the same sports teams as other Ameri-
cans.

Rosa Parks’ actions that day in
Montgomery helped spark a movement
that changed our country forever for
the better. Condoleezza Rice, one of the
bright minds leading our country
today, rightly noted at the memorial
service in Alabama, “… that without
Mrs. Parks, I would not be standing
here today as Secretary of State.

Rosa Parks and those who took up
the call inspired me, too. As editor of
the student paper at Vanderbilt Uni-
versity, I wrote editorials urging deseg-
regation of that school in 1962.

We have made great progress in those
times, as we continue to do today. Our
Nation has always been a work in
progress, ever since our Founders
signed the Declaration of Independence
declaring that “all men are created
equal.” We’re still striving to achieve
that noble goal of recognizing our
equality. But thanks to Americans like
Rosa Parks, we’ve come a long way.

Rosa Parks’ courage has earned for
her a noble place in the history of our
Nation’s struggle for equal oppor-
tunity. We will miss her.

LOCAL LAW ENFORCEMENT
ENHANCEMENT ACT OF 2005
Mr. SMITH. Mr. President, I rise
today to speak about the need for hate
laws legislation. Each Congress, Sen-
ator 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 coun-
try.

On October 1, 2003, just east of West
Hollywood, a gay man was attacked in
his home with a bat by a pair of assail-
ants. The two assailants took the vic-
tims house key after he ran home and
left his keys in the door as he hurried
inside. The victim, who identified his
attackers as Evar Rivera and Selvan
Campos in court, said he received 14
stitches for his injuries. According to
police, anti-gay slurs were yelled dur-
ing the bat attack, and police later
chased the attackers.

I believe that our Government’s first
duty is to defend its citizens, in all cir-
cumstances, from threats to them at
home. The Local Law Enforcement Enhancements 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.

**NASA GLENN RESEARCH AWARDS**

Mr. DEWINE. Mr. President, I rise today to honor the dedicated team of scientists, engineers, and innovators of NASA’s Glenn Research Center in Cleveland for their hard work and perseverance. I have recognized in previous years the award-winning work of researchers and engineers at NASA Glenn and am proud to do so again today.

The Glenn Research Center has come up with a wide range of products that not only contribute to further progress in our space exploration mission, but also provide for remarkable enhancements in the quality of life of citizens throughout the United States. Through NASA’s commercialization initiatives, these products have enabled the creation of new jobs in the country, thereby encouraging additional economic growth nationwide.

This year, four products introduced by NASA Glenn have been distinguished among the “Top 100 Most Technologically Significant Products of the Year.” They have been recognized by the editors of Research Sign Magazine and awarded four of the “R&D 100” awards—awards known by many as the “Oscars of Invention.” Their remarkable achievements clearly illustrate the high level of professionalism that distinguishes the Glenn Research Center, its employees, and the numerous organizations and individuals who work in partnership with the Center.

It is with great pride that I recognize each of the award participants and congratulate them for their outstanding work. In developing an award-winning family of rod-coll block copolymers, Dr. Mary Ann Meador and Dr. James Kinder of Glenn’s Materials Division have improved ionic conductivity in lithium polymer batteries. These new polymers will enable cost-saving advances in battery technologies, resulting in improvements to products ranging from mobile phones to fuel cells. Through this important innovation, it will be possible to lower production and maintenance costs, while increasing battery safety to meet future aerospace application requirements.

The NASA Glenn Sensors and Electronics Branch team has been recognized for its development of a new aerosol-based fire detection system that effectively recognizes the presence of fire while screening out false alarms. Dr. Gary Hunter led the development effort in collaboration with colleagues from Case Western Reserve University, the Ohio State University, Massachusetts Institute of Technology, and the Federal Aviation Administration. This revolutionary device will improve fire alarms in cargo and baggage compartments of commercial aircraft, and is also specifically adapted to fit the requirements of the International Space Station.

The Center also has received recognition for its work on a material known as the Glenn Refractory Adhesive for Bonding and Exotic Repair (GRABER). This material, which was considered for use in the Space Shuttle Return to Flight program, was developed and tested by Dr. Mrityunjaya “Jay” Singh, now a four-time “R&D 100” award winner, and Tarah Shpargel of NASA Glenn’s Ceramics Branch. This dynamic material will allow in-space repair of both large and small cracks in the space shuttle thermal protection system—a capability that is absolutely essential for the safety and success of future Space Shuttle missions following the tragic loss of the Columbia. In addition to its applications in space, GRABER has a number of potential industrial applications due to its low cost and excellent adhesive properties.

Finally, NASA Glenn’s Numerical Evaluation of Stochastic Structures Under Stress (NESSUS) software program has been recognized as an award winner. This program combines state-of-the-art algorithms with general-purpose numerical analysis methods to predict responses in hi-tech systems, such as aerospace and automotive structures, bio-mechanics, and jet engine components. Dr. Shantaram Pal, of Glenn’s Structural Mechanics and Dynamics Branch, was responsible for developing the probabilistic heat transfer module integrated in the system and managing the integration of nine other NASA-developed modules into NESSUS, enabling analysis of a diverse range of problems.

I extend my most genuine congratulations to everyone who participated in each of NASA Glenn’s award-winning projects.

**SUPERFUND LITIGATION**

Mr. BROWNBACK. Mr. President, I rise today to speak on the issue of clarifying Congress’s intent regarding agricultural operations in respect to Superfund litigation. I, along with my colleague from Idaho, Senator Craig, offered an amendment during the agriculture appropriations conference committee that would have done that very thing. The amendment passed the Senate, by a 9 to 8 vote, yet was stripped from the final conference report. Needless to say, I am disappointed with this result. So much so, in fact, I decided not to sign the conference report.

When the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, was passed in 1980 and the Emergency Planning and Community Right-To-Know Act, or EPCRA, in 1986, agriculture was never part of the deal. These acts were intended to provide for clean up of toxic waste dumps and spills such as Love Canal and Times Beach. To this end, Congress created the Superfund to tax building blocks, such as petrochemicals, inorganic raw materials and petroleum oil, used to make all hazardous products and waste. Animal agriculture, waste, or manure, is clearly not among these materials. In fact, if you would have tried to attach agriculture to either of these two acts, they would not have passed. It was not Congress’s intent to apply Superfund rules to manure which contains natural nutrients—such as orthophosphate, ammonia and hydrogen sulfide—which occur naturally in the environment in the same form as they appear in manure.

Recently, municipal and State governments have filed suit against livestock and poultry operations claiming Superfund liability in Texas and Oklahoma. On April 24, 2005, the City of Waco, TX, filed suit in Federal court against the dairies in the Bosque River Watershed and later amended the suit to include six additional dairies, seeking $45 million in damages under Superfund. The suit alleges that orthophosphate is discharged from the dairies and has affected the Bosque River Watershed, and caused by poultry litter runoff from agricultural lands to which it has been applied as fertilizer. The suit seeks to recover past, present, and future response costs under Superfund, as well as natural resource damages that is expected to add up to several hundreds of millions of dollars. If these two cases are successful, other municipalities and States could bring similar lawsuits and every animal feeding operation and farm could be held liable under Superfund.

This is another example of our judicial system overstepping its boundaries. Our judicial system is usurping the will of Congress and creating laws Congress never meant to create.

Animal agriculture operations have been appropriately regulated and regarded for many years under the Clean Water Act, the Clean Air Act, and various State laws to protect the environment, but never under Superfund. My amendment would have left these laws in place. My amendment would have only protected agricultural producers from an example of an activist judicial system. Agriculture is already an over regulated industry and adding the possibility of Superfund litigation will be too much to bear for farmers and ranchers.

Further, Superfund was created with a specific goal and mission in mind. The EPA is burdened to meet these goals as it is. To now add the millions
of acres of agriculture as possible Superfund sites would be too heavy a burden for the EPA to carry. Including agriculture within Superfund takes away from Superfund’s initial, worthy mission.

As stated earlier, I am disappointed that the Superfund amendment was stripped from this report after having passed the Senate. I fully intend to bring this item up next year and I am currently looking for ways to move this legislation. This needs to happen for our farmers and ranchers.

PROTECTING OUR HOMELAND SECURITY

Mr. LEVIN. Mr. President, despite the potential threat from terrorists armed with easily accessable powerful firearms, Congress still has taken no action to require Federal registration of .50 caliber sniper rifles. We must do more to protect our families and communities.

The .50 caliber sniper rifle is a favorite weapon of military units around the world and is also among the most powerful weapons legally available to private individuals in the United States. Published reports indicate that .50 caliber sniper rifles are capable of accurately hitting a target more than 1,500 yards away with a bullet measuring a half inch in diameter. In addition, these thumb-size bullets come in armor-piercing, incendiary, and explosive varieties and can easily pass through aircraft fuselages, fuel tanks, and engines. Currently, these highly destructive sniper rifles, which have no sporting purpose, are subject to only minimal Federal registration and are traded the same as other long rifles, including shotguns, hunting rifles, and smaller target rifles.

In August, the House of Delegates of the American Bar Association adopted a resolution in support of “Federal, State, and territorial laws that would restrict the sale, distribution, transfer, and possession of .50 caliber sniper weapons except to the U.S. military, and the National Guard and law enforcement agencies.” The ABA report that accompanied the resolution states:

Despite its destructive potential, the .50 caliber weapon is sold like any other rifle. Under current law, one needs only be 18 years of age, have a driver’s license and pass a minimal background check in order to buy the gun.

The U.S. Congress has acted to restrict various weapons including specific firearms and ammunition. Rockets, mortars and ammunition over .50 caliber size cannot be sold or legally possessed by civilians. Machine guns, sawed-off shotguns, imported junk handguns, and devices made of plastic or otherwise undetectable by metal screening devices and some armor-piercing ammunition are currently banned or restricted under federal law.

I am a cosponsor of the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN. This bill would reclassify .50 caliber rifles under the National Firearms Act, NFA, treating them the same as other high-powered or especially lethal firearms like several of those mentioned in the ABA’s report. Among other things, reclassification of .50 caliber sniper rifles under the NFA would subject them to new registration requirements. Future transfers or sales of .50 caliber sniper rifles would have to be conducted through a licensed dealer with an accompanying background check. In addition, the rifle being sold would have to be registered with Federal authorities.

We must take proactive steps to help prevent terrorists armed with military style firearms purchased in the U.S. from carrying out attacks on innocent Americans. I urge the Senate to take up and pass commonsense gun safety legislation, like the Fifty-Caliber Sniper Weapon Regulation Act, to assist our law enforcement officials in protecting our homeland security.

ADDITIONAL STATEMENTS

TRIBUTE TO ARTHUR GIBB SR.

• Mr. JEFFORDS. Mr. President, this week my home State lost a devoted public servant, an environmental pioneer, a good friend, and a great Vermonter: Art Gibb.

I first met Art when we served together in the Vermont Legislature where Art was known for his unassumingly gracious temperament. Art also established a reputation as an insightful legislator with an unusual ability to forge consensus. These skills impressed me and, for over 30 years, I frequently sought Art’s wisdom and advice when I found myself confronted with difficult decisions both in Washington and Montpelier.

Though Art was remarkably accomplished as a member of the Vermont Legislature, he will undoubtedly be remembered for his work on the Governor’s Commission on Environmental Control through which he helped save Vermont’s beauty and natural resources from reckless overdevelopment. Gov. Deane Davis appointed Art to lead the commission, which became known as the “Gibb Commission,” in 1969 as developers began exploiting lewd building regulations in an effort to turn quick profit at the expense of public health and the environment. The Gibb Commission traveled the State, held public hearings, and worked tirelessly to draft recommendations to address this pressing concern. The result of the Gibb Commission’s work was the bold and pioneering Act 250, legislation that has protected Vermont’s waterways, forests, and natural landscape ever since.

Art’s leadership of the Gibb Commission and his work during his two decades in the legislature have earned him well-deserved accolades. Still, Art never operated with any fanfare. Despite his newsworthy accomplishments, Art was never interested in seeing his name in the headlines. His temperament and fair and nonpartisan nature won Art the respect and admiration of colleagues on both sides of the aisle. Today, Art’s portrait hangs in the White House, a rare honor and a fitting tribute for a man who left such an important mark on Vermont, both as a person and a policymaker.

When Art retired from the Vermont Senate in 1986 I notified the leader of the U.S. House of Representatives, “I am more than certain, however, that all of us in Vermont will continue to benefit from his —Art’s —wit, his intelligence, his commitment, and his grace for many, many years to come.” This statement proved to be true, as Art remained an active member of the community and even served 12 years on the State Environmental Board after his retirement. Today, as we remember Art’s remarkable legacy and his work during the Gibb Commission, we must do our part to ensure that generations of Vermonter will continue to benefit for years to come from Art’s devotion to the preservation and conservation of our great State.

I extend my deepest condolences to Art’s surviving family: his wife, Barbara, Dwigt, Lowrie, Arthur, Jr. and Henry, as well as Art’s ten grandchildren and seven great grandchildren. All Vermonters mourn with you knowing that without Art, Vermont would not be the beautiful and healthy place it is today.

HONORING DR. BONNIE J. DUNBAR

• Mrs. MURRAY. Mr. President, today I would like to recognize the extraordinary achievements of a gifted Washingtonian named Dr. Bonnie J. Dunbar. Dr. Dunbar is widely acknowledged as one of the world’s most experienced female aerospace engineers as well as a pioneer in biomedical engineering. In tribute to her accomplishments, Dr. Dunbar has been selected to receive the distinguished Women in Engineering Achievement Award for 2005.

Dr. Dunbar was born in Sunny-side, WA. Dr. Dunbar took an early interest in space. As a child, she studied the exploits of astronauts like Alan Shepard and spent her nights studying the sky for signs of passing satellites. By the third grade, she had already declared that she would one day be an astronaut. Encouraged by her parents to follow her dreams, Bonnie Dunbar attended the University of Washington where she received her bachelor and master degrees in engineering, an important precursor to her career at NASA. However, her journey to space was not without its hurdles.

Like a true pioneer, Dr. Dunbar would break down barriers. At a time when women were generally discouraged from pursuing science based careers, Dr. Dunbar both succeeded and prospered in her field, paving the way for countless women who shared her interest in science. After receiving her doctorate in Mechanical and biomedical Engineering from the University of Houston, Dr. Dunbar went on to
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hold a number of esteemed research and engineering positions in the private sector. During this time, Dr. Dunbar assisted in the development and manufacture of Space Shuttle Thermal Protection Systems integral to NASA flight operations.

In 1978, when NASA opened its astronaut program to women for the first time, Dr. Dunbar was one of the first candidates to enroll. Although she was not chosen in the final selection, NASA recognized her talents and hired her as a payload and flight controller. This would mark the beginning of a distinguished 27-year career at NASA.

In 1981, Dr. Dunbar earned her astronaut wings and was assigned to the 1985 Challenger Spacelab mission. Following this successful mission, she was selected to participate in four more missions in space. All told, Dr. Dunbar logged more than 1,200 hours or 50 days in space.

Dr. Dunbar’s exceptional performance during these missions garnered more than six NASA Space Flight Medals, including the Superior Accomplishment Award in 1997, and the NASA Exceptional Achievement Award in 1996.

Doctor Bonnie Dunbar’s meteoric rise from a small ranching community in the State of Washington to a veteran of five successful missions to space is both extraordinary and inspiring. Her courageous trailblazing took the world’s fascination for space to new plateaus and encouraged women to follow their dreams. She truly is a remarkable pioneer and a worthy recipient of the 2005 Engineering Achievement Award for Women.

On May 16, 1981, I first had the opportunity to participate in another great tradition at the Speedway when we gathered to celebrate the annual Armed Forces Induction Ceremony. This event came about because recruitment events and military events of our community were looking for a creative way to celebrate the decision of Hoosier men and women to serve our country in the Armed Forces. To address this dilemma, the Hulman-George family offered the Indianapolis Motor Speedway a backdrop for an enlistment ceremony. Anyone who enlisted during the month of May would be a part of the Tony Hulman Squadron and would fly away from the infield to basic training. While the ceremony has evolved over the ensuing years, it remains special to me because it offers an excellent opportunity to celebrate the patriotism of so many talented and dedicated young Hoosiers.

As race fans gather in Indianapolis to cheer their favorite drivers to victory, I am hopeful that they will take a moment to reflect upon the years of dedicated leadership that the Hulman-George family has provided in the Indianapolis community, leadership that has helped to make Indianapolis the motorsports capital of the world. Like so many of my fellow Hoosiers, I am grateful that the Hulman-George family continues to call Indiana its home.

DANNY J. BAKEWELL, SR.

Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the many important accomplishments of Danny J. Bakewell, Sr., as he prepares to step down as CEO of the Brotherhood Crusade.

Danny J. Bakewell, Sr. has spent the past 35 years building the Brotherhood Crusade into a nationally-recognized health care provider in southern California. In that time, he has raised over $60 million to support a host of programs. Nurturing nonprofit groups and local small businesses is first and foremost among the Brotherhood Crusade’s priorities. The venerable institution funds programs that provide services for adults seeking job training and job placement, young people looking to realize their academic potential, and families seeking to improve their physical health.

The funding that Brotherhood Crusade provides is the lifeblood for many organizations, making it possible for them to be the catalyst in bringing change to communities and change to individuals. Danny’s commitment to equality for all, fair representation in the media, and strengthening communities has been steadfast, as evidenced by his activist work. He was active in the struggle to bring a peaceful end to apartheid in South Africa. Danny galvanized a coalition of community leaders to change the way entertainment companies represented slavery on prime time television. Along with his family, Danny launched a foundation to uplift the lives of children during their treatments associated with leukemia and other life-threatening diseases.

Danny Bakewell’s success in the private sector have been important to under-served communities throughout Los Angeles county as well. He is the publisher of the Los Angeles Sentinel, the largest and oldest African-American owned newspaper west of the Mississippi River. Danny was the catalyst for two innovative developments—the Compton Towne Center and Compton Renaissance Plaza—which have helped to bring economic vitality into an area that had been written off by many. In addition to creating much needed jobs for community residents and additional tax revenues for the city, these projects are giving residents a deeper sense of pride in their neighborhood.

I invite my colleagues to join me and the thousands of people touched by his work to consider the years of leadership of Danny Bakewell, Sr. for his great leadership of the Brotherhood Crusade and tireless advocacy throughout his lifetime.

PAYING TRIBUTE TO THE DETROIT WINDSOR TUNNEL ON ITS 75TH ANNIVERSARY

Ms. STABENOW. Mr. President, I rise today to recognize the 75th anniversary of the Detroit Windsor Tunnel. Over the past 75 years, the tunnel has been an indispensable link between the United States and Canada.

Not only has the tunnel been a vital commercial and cultural link between the United States and Canada, at the time of its construction it was an unparalleled engineering feat. The tunnel is approximately 1 mile long and reaches depths of 75 feet below the river. It is the only underwater international vehicular border crossing in the world. At full capacity, 2,400 vehicles can pass between Detroit and Windsor each hour through the tunnel.

During the tunnel’s construction, there were as many as 600 workers simultaneously building the structure. One group of workers called the “muckers” dug a 32-foot hole in tight quarters through sand and clay deep below the Detroit River. As a tribute to the workers who built the Detroit Windsor Tunnel a year ahead of schedule, the first person to drive the distance of the tunnel and back was Joseph Zuccato, a construction worker who earned 35 cents an hour.

The Detroit Windsor Tunnel is one of the cornerstones of the close economic relationship between the United States
and Canada. The United States and Canada trade $1.2 billion worth of goods and services each day that supports 5.2 million jobs. Trade between the United States and Canada is valued over $400 billion per year. Michigan’s trade with Canada represents 19 percent of the United States land-based trade and supports 174,000 Michigan jobs.

The Detroit Windsor Tunnel is a crucial link between the U.S. and Canadian economies. The tunnel is one of the 15 busiest border crossings nationally, with more than 9 million vehicles passing through the tunnel each year. Additionally, at least 850 trucks and 5,000 commuters pass through the tunnel for business, entertainment, and shopping each day.

In recent years, all U.S. ports of entry have balanced increased border security requirements with the needs of tourists and business travelers to quickly enter and leave the United States. The Detroit Windsor Tunnel has effectively responded to these challenges and worked with local, State and Federal officials to meet these urgent needs.

Mr. President, I commend the Detroit Windsor Tunnel on its 75th anniversary, for its service to the people of the United States and Canada, and for its continuous innovation to serve those who rely on it.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:20 a.m., a message from the House of Representatives, delivered by Ms. Nieland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2967. An act to designate the Federal Building in Detroit, Michigan as the “Rosa Parks Federal Building.”

The enrolled bill was signed subsequently by the President pro tempore (Mr. EVANS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2352. A bill to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4507. A communication from the Assistant Secretary of Defense, Nuclear and Chemical Biological Defense Programs, transmitting, pursuant to law, a report from the Counterproliferation Program Review Committee entitled “Report on Activities and Programs for Countering Proliferation and NBC Terrorism” (revised to include administrative directions), to the Committee on Armed Services.

EC-4508. A communication from the Director, Administration and Management, Office of the Under Secretary of Defense (Installations and Environment), transmitting, pursuant to law, a report relative to the total cost for the planning, design, construction and installation of equipment for the renovation of Building 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC-4509. A communication from the Acting Deputy Secretary of Defense, transmitting, pursuant to law, the Seventeenth Report of the Federal Voting Assistance Program; to the Committee on Armed Services.

EC-4510. A communication from the Director, Office of Personnel Management and the Secretary of Defense, transmitting, pursuant to law, a report jointly submitted by the Office of Personnel Management and the Department of Defense relative to final regulations for the National Security Personnel System (NSPS); to the Committee on Armed Services.

EC-4511. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, a report of a rule entitled “Payment and Billing Instructions” (DFARS Case 2003-D009) received on October 31, 2005; to the Committee on Armed Services.

EC-4512. A communication from the Assistant Secretary of Defense, Nuclear and Chemical Biological Defense Programs, transmitting, pursuant to law, a report of a change in previously submitted reported information relative to the vacancy in the position of Assistant Secretary of Defense (Public Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC-4513. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Deputy Secretary of Defense, received on October 31, 2005; to the Committee on Armed Services.

EC-4514. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the nomination for the position of Assistant Secretary of Defense (Public Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC-4515. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Policy), received on October 31, 2005; to the Committee on Armed Services.

EC-4516. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Policy), received on October 31, 2005; to the Committee on Armed Services.

EC-4517. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Policy), received on October 31, 2005; to the Committee on Armed Services.

EC-4518. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Policy), received on October 31, 2005; to the Committee on Armed Services.

EC-4519. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Assistant Secretary of Defense (Legislative Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC-4520. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Inspector General, received on October 31, 2005; to the Committee on Armed Services.

EC-4521. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Deputy Under Secretary of Defense (Personnel and Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC-4522. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Deputy Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC-4523. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Personnel and Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC-4524. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC-4525. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC-4526. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.

EC-4527. A communication from the Assistant Secretary of Defense, Office of the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a change in previously submitted reported information relative to the vacancy in the position of Under Secretary of Defense (Logistics and Materiel Readiness), received on October 31, 2005; to the Committee on Armed Services.
the position of Assistant Secretary of Defense (Legislative Affairs), received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense (International Security Policy), received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Navy (Research, Development and Acquisition), received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Army, received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Navy, received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Navy, received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

EC-4530. A communication from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Air Force, received on October 31, 2005; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1056. A bill to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S. 1699. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs:

*Orlando J. Cabrera, of Florida, to be an Assistant Secretary of Housing and Urban Development.

*Katherine Baicker, of New Hampshire, to be a Member of the Council of Economic Advisors.

Matthew Slaughter, of New Hampshire, to be a Member of the Council of Economic Advisors.

Rodney E. Hood, of North Carolina, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2009.

Gigi Hyland, of Virginia, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2011.

Wan J. Kim, of Maryland, to be an Assistant Attorney General.

Sue Ellen Woolridge, of Virginia, to be an Assistant Attorney General.

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

Thomas O. Barnett, of Virginia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself and Mr. INHOE):

S. 1966. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new national approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 1987. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAPO, Mr. SCHUMER, Mr. LEARY, Mr. CRAIG, Mr. LEVIN, Mr. DEVIN, Mr. DAYTON, Mr. BAUCUS, and Mrs. CLINTON):

S. 1988. A bill to authorize the Attorney General to establish and carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. LEVIN, Ms. STABENOW, Mr. KENNEDY, Mr. CORZINE, and Mr. SMITH):

S. 1989. A bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statutory Hall; to the Committee on Rules and Administration.

By Mr. BUNNING (for himself, Mr. MCCAIN, Mr. STEVENS, Mr. ROCKEFELLER, and Mr. SMITH):

S. 1990. A bill to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. BROWNBACK):

S. Res. 286. A resolution designating Thursday, November 17, 2005, as "Feed America Thursday," to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. DEMINT, Mrs. CLINTON, Mr. NELSON of Nebraska, Mr. BROWNBACK, Mr. CRAFAR, Mr. CRAMER, Mr. COLEMAN, and Mr. SALAZAR):

S. Res. 299. A resolution to express support for the Pic-Supper, a Children's Crusade by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safely, permanently, and forever for all children; considered and agreed to.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. BYRD, Mr. FEIST, Mr. REID, Mr. ALLEN, Mr. ALLAARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGHAM, Mr. MONTGOMERY, Mr. BOXER, Mr. BROWNACK, Ms. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS,
Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIO, Mr. CRAFO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSON, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FISCHER, Mr. GALLANT, Mr. GHASSALY, Mr. GREGO, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. Hutchison, Mr. INHOFE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOWEY, Mr. LUGAR, Mr. MANTHINE, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PERRY, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARKANES, Mr. SCHUMER, Mr. SERRA, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECKER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WAXNER, and Mr. WYDEN):

S. 330. A resolution relative to the death of Henry Ku‘ualoha Giugni, former Sergeant-at-Arms of the United States Senate, considered and agreed to.

ADDITIONAL COSPONSORS

S. 331

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 332

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 332, a bill to hold the current program under which up to 15 Secretary of the Interior to conduct a pilot program under which up to 15 megaHertz bands and reconfigure them to include spectrum to be licensed for small geographic areas.

S. 333

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 334

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. DORGAN) was added as a cosponsor of S. 1767, a bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the unauctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

S. 335

At the request of Mr. SANTORUM, the Senator from New York (Mr. CORZINE) was added as a cosponsor of S. 1848, a bill to promote remediation of inactive and abandoned mines, and for other purposes.

S. 336

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1947, a bill to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans.

S. Res. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day," and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) 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 personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2357

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2357 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2358

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2358 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2359

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2359 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2360

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. OBAMA) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 2360 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2361

At the request of Mr. LOTT, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. J. R. MCDAMM) of Vermont), the Senator from Illinois (Mr. DURBIN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 2361 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2362

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2362 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2363

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2363 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2371

At the request of Ms. SNOWE, the names of the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2371 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).
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AMENDMENT NO. 2372

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 2372 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2373

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 2373 intended to be proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 2373 intended to be proposed to S. 1932, supra.

AMENDMENT NO. 2380

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2380 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At the request of Mr. DAYTON, as a cosponsor of amendment No. 2373 intended to be proposed to S. 1932, supra.

AMENDMENT NO. 2381

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2381 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2380 proposed to S. 1932, supra.

AMENDMENT NO. 2386

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Ms. SMITH) was added as a cosponsor of amendment No. 2386 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself and Mr. INHOFE):

S. 1932. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new three-tiered approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1932

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

SECTION 1. SHORT TITLE. This Act may be cited as the "Access, Compassion, Care, and Ethics for Seriously Ill Patients Act" or the "ACCESS Act".

SEC. 2. FINDINGS. Congress finds the following:

(1) The necessity of placebo controlled studies has been questioned on both scientific and ethical grounds for seriously ill patients.

(2) The current standards of the Food and Drug Administration for approval of drugs, biological products, and devices deny the benefits of medical progress to seriously ill patients who face morbidity or death from their disease.

(3) Promising therapies intended to treat serious or life threatening conditions or diseases and which address unmet medical needs have received unjustified delays and denials of approval.

(4) Seriously ill patients have a right to access available investigational drugs, biological products, and devices.

(5) The current Food and Drug Administration and National Institutes of Health case-by-case exception for compassionate access must be required to permit all seriously ill patients access to available experimental therapies as a matter of public policy.

(6) The current emphasis on statistical analysis of clinical information needs to be balanced by a greater reliance on clinical evaluation of this information.

(7) Food and Drug Administration advisory committees should have greater representation of medical clinicians who represent the interests of seriously ill patients in early access to promising investigational therapies.

(8) The use of available investigational products for treatment is the responsibility of the physician and the patient.

(9) The use of combinations of available investigational and approved products for treatment is the responsibility of the physician and the patient.

(10) The development and approval of drugs, biological products, and devices intended to address serious or life-threatening conditions or diseases is often delayed by the inability of sponsors to obtain prompt meetings with the Food and Drug Administration and to obtain prompt resolution of scientific and regulatory issues related to the investigation and review of new technologies.

SEC. 3. TIERED APPROVAL SYSTEM FOR DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) is amended to read as follows:

"SEC. 506. TIERED APPROVAL SYSTEM.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the sponsor of an investigational drug, biological product, or device may submit an application to the Secretary for Tier I or Tier II approval in accordance with this section.

"(b) TIER I APPROVAL.—

"(1) IN GENERAL.—

"(A) APPLICATION CONTENT.—A sponsor of an investigational drug, biological product, or device may submit to the Secretary an application as described under section 505(b)(1) or 506(b)(2), section 351(a) of the Public Health Service Act, or section 513(a) or 515(c)(1), as applicable, which shall contain—

"(i) data and information from completed Phase I clinical investigations and any other nonclinical or clinical investigations; and

"(ii) preliminary evidence that the product may be effective against a serious or life-threatening condition or disease, which evidence may be based on uncontrolled data such as case histories, information about the pharmacological mechanism of action, data from animal and comparative animal and clinical study with historical data, or other preliminary information, and may be based on a small number of patients; and

"(ii) an assurance that the sponsor will continue clinical investigation to obtain Tier III approval.

"(B) LIMITATION.—Tier I approval shall be primarily based upon clinical evaluation, not statistical analysis.

"(2) DETERMINATION BY SECRETARY.—

"(A) IN GENERAL.—Not later than 30 days after the receipt of an application for Tier I approval, the Secretary shall either—

"(i) approve the application; or

"(ii) refer the application to the Accelerated Approval Advisory Committee.

"(B) RECOMMENDATION.—Within 90 days after receipt of an application for approval, the Accelerated Approval Advisory Committee shall issue a recommendation to the Secretary on whether the Secretary should approve the application.

"(3) TIER II APPROVAL.—

"(A) IN GENERAL.—Not later than 30 days after the receipt of the recommendation from the Accelerated Approval Advisory Committee, the Secretary shall either approve the application or refer the application to the Accelerated Approval Advisory Committee.

"(B) RECOMMENDATION.—Within 90 days after receipt of the recommendation from the Accelerated Approval Advisory Committee, the Secretary shall either approve the application or refer the application to the Accelerated Approval Advisory Committee.

"(C) FINAL DECISION.—Within 30 days after receipt of the recommendation from the Accelerated Approval Advisory Committee, the Secretary shall either approve the application or refer the application to the Accelerated Approval Advisory Committee.

"(4) CRITERIA.—In making a determination under paragraph (2), the Secretary shall consider whether the totality of the information submitted to the Secretary regarding the safety and effectiveness of an investigational drug, biological product, or device, as compared to the risk of morbidity or death from a condition or disease, indicates that a patient (who may be representative of a small patient subgroup) may obtain more benefit than risk if treatment with the drug, biological product, or device. If the potential risk to a patient of the condition or disease outweighs the potential risk of the product, and the product may possibly provide benefit to the patient, the Secretary shall approve the application.

"(5) PRODUCT LABELING.—The labeling approved by the Secretary for the drug, biological product, or device.

"(A) SHALL STATE THAT THE PRODUCT IS INTENDED FOR USE BY A PATIENT WHOSE PHYSICIAN HAS DOCUMENTED IN WRITING THAT THE PATIENT HAS—

"(i) EXHAUSTED ALL TREATMENT OPTIONS APPROVED BY THE SECRETARY FOR THE CONDITION OR DISEASE FOR WHICH THE PATIENT IS A REASONABLE CANDIDATE; AND

"(ii) UNSUCCESSFULLY Sought TREATMENT, OR OBTAINED TREATMENT THAT WAS NOT EFFECTIVE, WITH AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE FOR WHICH SUCH INDIVIDUAL IS A REASONABLE CANDIDATE (WHICH MAY INCLUDE CONSIDERATION OF THE LACK OF A SOURCE OF SUPPLIES, AND GEOGRAPHIC FACTORS)."

"(B) SHALL STATE THAT EVERY PATIENT TO WHOM THE PRODUCT IS ADMINISTERED SHALL, AS A
mandatory condition of receiving the product, provide—

"(i) written informed consent, as described under part 50 of title 21, Code of Federal Regulations,

"(ii) a written waiver of the right to sue the manufacturer or sponsor of the drug, biological product, or device, or the physicians who prescribed the product or the institution where it was administered, for an adverse event caused by the product, which shall be binding in every State and Federal court; and

"(iii) consent for the manufacturer of the product to obtain data and information about the patient’s use of the product that may be used to support an application for Tier II or Tier III approval.

"(g) LIMITATION ON CONDITIONS.—Tier I approval shall be subject to the requirement that the sponsor conduct appropriate post-approval studies.

"(h) Tier II Approval.—A sponsor of an investigational drug, biological product, or device applying for Tier II approval shall submit to the Secretary an application as described under section 505(b)(1) or 510(c)(1), as applicable, which shall contain—

"(A) data and information that the drug, biological product, or device has an effect on a clinical endpoint or on a surrogate endpoint that is reasonably likely to predict clinical benefit to a patient (who may be representative of a small patient subpopulation) suffering from a serious or life-threatening condition or disease; and

"(B) an assurance that the sponsor will continue clinical investigation to obtain Tier III approval.

"(i) IN GENERAL.—Not later than 30 days after the receipt of an application for Tier II approval, the Secretary shall either—

"(i) approve the application; or

"(ii) refer the application to the Accelerated Approval Advisory Committee.

"(j) EFFECT OF ADVISORY COMMITTEE.—Within 90 days after receipt of an application for approval, the Accelerated Approval Advisory Committee shall issue a recommendation to the Secretary as to whether the Secretary should approve the application.

"(k) FORMAL DECISION.—Within 30 days after receipt of the recommendation from the Accelerated Approval Advisory Committee, the Secretary shall either approve the application or issue an order setting forth a detailed explanation of the reasons why the application was not approved and the specific data that the sponsor must provide so that the application may be approved.

"(l) APPEAL.—If the Secretary does not approve an application for which the Accelerated Approval Advisory Committee recommended approval, the sponsor of the application shall have the right to appeal the decision to the Commissioner of Food and Drugs. The Commissioner shall provide the sponsor with a hearing within 30 days following the nonapproval of the application and shall issue an order within 30 days following the hearing either concurring in the nonapproval or approving the application. The Commissioner shall not delegate the responsibilities described in this paragraph to any other person.

"(m) LIMITATION ON CONDITIONS.—

"(A) POST-APPROVAL STUDIES.—Tier II approval shall be subject to the requirement that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or biomarker or otherwise confirm the effectiveness of the product.

"(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to permit the Secretary to condition Tier II approval on compliance with any other standards, including any standard necessary to meet Tier III approval.

"(n) Tier III Approval.—For purposes of this Act, the term ‘Tier III approval’ means—

"(1) with respect to a new drug or new biological product, approval of such drug or product under section 505(b)(1) or 505(b)(2) or section 351 of the Public Health Service Act, as the case may be; and

"(2) with respect to a new device, clearance of such device under section 510(k) or approval of such device under section 515(c)(1), as the case may be; and

"(3) the same opportunity as the Secretary determines to be appropriate, and at least 30 days prior to the dissemination of the materials.

"(o) Post-Approval.—All advertising and promotional materials, which include any standard necessary to meet Tier II or Tier III approval, shall include in the material prominently disclose the limited approval of the product for even a small patient subpopulation; and

"(p) PRIVILEGE.—Not later than 30 days after the receipt of an application for Tier II or Tier III approval, the Secretary shall provide the Committee with adequate clerical support, including any standard necessary to meet Tier II or Tier III approval.

"(q) E XPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw Tier I or Tier II approval using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for a hearing) if—

"(1) the sponsor fails to conduct post-approval studies with due diligence, considering all of the circumstances involved; or

"(2) a post-approval study fails to verify clinical benefit of the product for even a small patient subpopulation; or

"(3) other evidence demonstrates that the product is not safe or effective under the conditions of use for even a small patient subpopulation; or

"(4) the product disseminates false or misleading promotional materials with respect to the product and fails to correct the material promptly after written notice from the Secretary.

"(r) ACCELERATED APPROVAL ADVISORY COMMITTEE.

"(1) IN GENERAL.—In order to facilitate the development and expedite the review of new drugs, biological products, and devices intended to treat serious or life threatening conditions, the Secretary shall establish the Accelerated Approval Advisory Committee.

"(2) DELEGATION.—The Secretary may delegate the authority for the Accelerated Approval Advisory Committee to the Commissioner of Food and Drugs. The Accelerated Approval Advisory Committee shall be staffed and administered in the Office of the Commissioner.

"(s) COMPOSITION.—

"(A) IN GENERAL.—The Committee shall be composed of 11 voting members, including 1 chairperson and 5 permanent members each of whom shall serve a term of 3 years and may be reappointed for a second 3-year term, and 5 nonpermanent members who shall be appointed to the Committee for a specific meeting, or part of a meeting, in order to provide adequate expertise in the subject being reviewed. The Committee shall include as voting members no less than 2 representatives of patient interests, of which 1 shall be a permanent member of the Committee. The Committee shall include members who possess a unique background or experience, which may be representative of interests of the drug, biological product, and device industry.
of, an application for Tier I or Tier II approval before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant provides a schedule and a statement of information necessary to make the application complete.

'(i) INAPPLICABILITY OF PROVISIONS.—The following provisions shall not apply to Tier I or Tier II applications and approvals:

'(1) Chapter VII, subchapter C, parts 2 and 3 relating to fees for drugs, biological products, and devices.

'(2) The provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 that authorize approval of abbreviated new drug applications and applications submitted under sections 505(b)(2) or 505(b)(3) that reference a drug approved under subsection (b) or (c) of this section.

''SEC. 4. ETHICS IN HUMAN TESTING.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end of section 556(i) the following:

'(5) Notwithstanding any other provision of law, the Secretary shall prohibit placebos—only or no-treatment-only concurrent controls in any clinical investigation conducted under this chapter or, in the use of the last-observation-carried-forward conversion, in any clinical investigation conducted under this chapter or section 351 of the Public Health Service Act with respect to any life-threatening condition discussed in a reasonably effective and approved alternative therapy exist for the specific indication.”.

''SEC. 5. EXPANDED ACCESS TO INVESTIGATIONAL DRUGS AND DEVICES.

(a) In General.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end of section 561 the following:

'(f) EXPANDED ACCESS PROGRAM.—The Food and Drug Administration shall establish a new program to expand access to investigational treatments for individuals with serious or life-threatening conditions and diseases. In carrying out this expanded access program, the Secretary shall publish and broadly disseminate written guidance that—

'(1) describes such expanded access programs for investigational drugs, biological products, and devices intended to treat serious or life-threatening conditions or diseases;

'(2) encourages and facilitates submission of Tier I and Tier II applications and approvals;

'(3) facilitates the provision of investigational drugs and devices to seriously ill individuals without unreasonable delay by recognizing that the use of available investigational products for treatment is the responsibility of the physician and the patient.

'(g) IMPLEMENTATION OF EXPANDED ACCESS PROGRAMS.—

'(1) TRAINING OF PERSONNEL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall implement training programs at the Food and Drug Administration with respect to the expanded access programs established under this section.

'(2) POLICIES, REGULATIONS, AND GUIDANCE.—The Food and Drug Administration shall establish policies, regulations, and guidance designed to most directly benefit seriously ill patients.

'(b) DEVELOPMENT OF SURROGATE ENDPOINTS AND BIOMARKERS.—The Secretary shall—

'(1) establish a program to encourage the development of surrogate endpoints and biomarkers that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs;

'(2) request the Institute of Medicine to undertake a study to identify validated surrogate endpoints and biomarkers, and recommend research to validate surrogate endpoints and biomarkers, that may support approvals for products intended for the treatment of serious or life-threatening conditions or diseases and that have not yet received Tier I or Tier II approval for marketing.

''SEC. 565. POLICIES RELATED TO STUDY EVALUATION INFORMATION.

'(a) In General.—

'(1) NONSTATISTICAL MEASURES.—The Secretary shall give equal weight to clinical judgment, analysis in the evaluation of the safety and effectiveness of drugs, biological products, and devices, and shall not disapprove a product application solely on the basis of the results of the rigid use of the 95 percent confidence level convention. This policy shall apply—

'(A) in evaluating clinical study designs and endpoints; and

'(B) in making decisions with respect to product applications.

'(2) TYPES OF NONSTATISTICAL MEASURES.—The policies established under paragraph (1) do not preclude the use of—

'(A) clinical information, evidence, such as case history reports;

'(B) scientific and clinical studies designed to measure one or more mechanisms of action or molecular targeting;

'(C) data from animal and computer models; and

'(D) comparison with historical data; and

'(E) shall incorporate the use of—

'(i) evaluations of the adverse effect of delaying the availability of an investigational drug to even a small subpopulation of seriously ill patients; and

'(ii) scientific, observational, or clinical studies designed and conducted to collect well-documented information.

'(b) MEETINGS.—A meeting to address any pending scientific, medical, regulatory, or other issue related to the development, investigation, review, or other aspect of a drug, biological product, or device shall ordinarily be held within 15 days of the receipt of a written request for the meeting by the sponsor; provided, that such meetings may be extended to 30 days for good cause. Such meetings shall ordinarily be conducted in person, but may be conducted by telephone or other form of direct communication agreed to by the parties.

''(c) RULE OF CONSTRUCTION.—The provisions of chapter V and section 351 of the Public Health Service Act shall be construed to incorporate the policy established in this section.

''SEC. 6. MODERNIZATION OF THE FOOD AND DRUG ADMINISTRATION.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb et seq.) is amended by adding at the end of section 561 the following:

'' Ms. Rosa Parks. Today, along with many others, the United States Capitol in National Statuary Hall to the Food and Drug Administration shall consist of no less than 2

Mr. KERRY. Mr. President, our Nation is mourning the recent loss of an icon in this country’s civil rights movement and a true national hero, Rosa Parks. Together with Senators Obama, Levin, Stabenow, Kennedy, Corzine and Smith, I am introducing legislation to honor the memory of Rosa Parks by placing her statue in the United States Capitol. I hope this legislation will help future generations understand her efforts to increase equality in the United States.

When I met Rosa Parks, I was overwhelmed by this graceful, small woman’s quiet strength and humility—her conviction in taking on the army of power that was deployed before her—her courage to dig in, knowing full well the power of the courthouse, the power of the sheriff’s badge, the power of the fighter, the power of the establishment knowing that the country roads or after a knock on the door in the middle of the night, people often disappeared and died almost anonymous deaths. So many were killed just trying to be citizens in the land of the free.

Rosa Parks reminded many and taught even more how to speak the truth to power. In an era when these words are thrown around too easily, she lived the words ‘courage’ and ‘patience’ she lived the dream of our country more than perhaps the meeting was willing to risk it all to live the dream. In the struggle for civil rights, some were called to stand up to Bull Connor’s fire hoses and police dogs—some to stand up to the Klan terrorism—and some to stand up to state sponsored acts of violence. But some were called simply to sit down—at lunch counters in Greensboro and Nashville and Atlanta—or on a bus in Montgomery.

Ms. Parks’ dedication to civil rights had an impact on the lives of all Americans. Her act of courage on December 1, 1955 inspired a movement that eventually brought about laws to
end segregation, ensure voting rights, end discrimination in housing, and create a greater equality throughout this Nation. Thanks to Rosa Parks, a path was forged for future generations to encourage freedom and social justice. Her legacy, that courage and conviction plays an important role each time our Nation acts for equality and justice, and most of all, in the hope for a better America. If just one woman was able to do all this, then how much greater the responsibility is for those of us with privilege and power who pay tribute to her today. The life of Rosa Parks demands deeds, not epiphanies. Our final words cannot be spoken or written while her cause is still unfinished. No simple words can match what she did in that sacred moment on a municipal bus in Montgomery, Alabama. What matters now is what we do after the candles are quenched, the speeches have been exhausted, and the next bus comes by.

I am grateful for the opportunity to join my colleagues in this body, as well as those in the House of Representatives, to honor the legacy of this graceful, courageous woman who embodies the American spirit. If this legislation is adopted, when our children and our grandchildren visit the United States Capitol, they will have the opportunity to learn more about the women who risked so much for their freedom. Ms. Parks belongs among the other great leaders that have shaped this country and made the world a better place.

Sometimes the days seem heavy and the odds seem high, but that moment on a bus in Montgomery always comes. Someone gets on that bus, refuses to equivocate or yield and changes history. Today, that someone must be us, for Rosa Parks and for our country.

The spines of courage and again and each time we have to decide whether to go quietly to the back, or by simple acts of courage and conviction, change the direction of our own country’s journey. A statue of Rosa Parks can help future Senators and Congressmen find the courage necessary to make sure our Nation takes the right course in the future.

I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 199

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

SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN UNITED STATES CAPITOL.

(a) Obtaining Statue.—The Architect of the Capitol shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Architect considers appropriate and consistent with applicable law.

(b) Placement.—Not later than 2 years after the date of enactment of this Act, the Architect shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 298—DESIGNATING THURSDAY, NOVEMBER 17, 2005, AS “FEED AMERICA THURSDAY”

Mr. HATCH (for himself and Mr. Bennett) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. Res. 298

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger;

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society; Now, therefore, be it

Resolved, That the Senate—
(1) designates Thursday, November 17, 2005, as “Feed America Thursday”; and
(2) requests that the President issue a proclamation calling on the people of the United States to sacrifice 2 meals on Thursday, November 17, 2005, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

Mr. HATCH. Mr. President, I rise today to offer S. Res. 298, designating Thanksgiving Thursday, November 17, 2005, as “Feed America Thursday.” I appreciate my friend, Senator Robert Bennett, joining with me in this resolution.

On Thanksgiving Day, we remember with deep gratitude the many bounties of life, including an appreciation for families and friends and the great country in which we live. Part of what makes this country great is the spirit of selfless giving and generosity of its citizens. The great outpouring of support and assistance for the victims of Hurricane Katrina is a most recent example.

In this season of Thanksgiving, it is important to also remember that over 33 million Americans, including 13 million children, continue to live in households that do not have an adequate supply of food. These fellow citizens in need of food must not be forgotten.

On behalf of the Utah congressional delegation, Congressman Chris Cannon has submitted a companion resolution in the House of Representatives. We urge our distinguished colleagues to join us in designating Thursday, November 17, 2005, as Feed America Thursday, to encourage our fellow citizens to sacrifice two meals on that day and donate the money they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 299—TO EXPRESS SUPPORT FOR THE GOALS OF NATIONAL ADOPTION MONTH: NOW, THEREFORE, BE IT

Resolved, That the Senate recognizes November 2004 as National Adoption Month:

WHEREAS 6 of every 10 Americans have been touched personally by adoption in that they, a family member, or a close friend was adopted, has adopted a child, or has placed a child for adoption;

WHEREAS every day loving and nurturing families are formed when committed and dedicated individuals make an important difference in the life of a child through adoption;

WHEREAS on November 4, 2004, the President proclaimed November 2004 as National Adoption Month: Now, therefore, be it

Resolved, That the Senate recognizes November 2005 as National Adoption Month.

SENATE RESOLUTION 300—RELATIVE TO THE DEATH OF HENRY K’ULAOLOHA GIUNGI, FORMER SERGEANT-AT-ARMS OF THE UNITED STATES SENATE

Mr. INOUYE (for himself, Mr. Akaka, Mr. Byrd, Mr. Frist, Mr. Reid, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Burr, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Conrad, Mr. Coleman, Mr. Colgan, Mr. Conrad, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeMint, Mr. Dewine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr.
November 3, 2005

CONGRESSIONAL RECORD — SENATE

SA 2402. Ms. SNOWE (for herself, Ms. COLLINS, Mr. ROCKEFELLER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; as follows:

SEC. 6116. CLARIFICATION OF CONGRESSIONAL INTENT REGARDING THE COUNTERING OF RESIDENTS IN A NONHOSPITAL SETTING

(a) D-CEM.—Section 1886(h)(4)(E) (42 U.S.C. 1395ww(h)(4)(E)) is amended by adding at the end the following new sentences: "For purposes of the preceding sentence, the term ‘all’, or substantially all, of the costs for the training program’ means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the resident any amounts other than those determined by the hospital and the entity in operation of the hospital to have incurred all, or substantially all, of the costs for the training program in that setting."

(b) IME.—Section 1886(d)(5)(B)(iv) (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by adding at the end the following new sentences: "For purposes of the preceding sentence, the term ‘all’, or substantially all, of the costs for the training program’ means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the resident any amounts other than those determined by the hospital and the entity in operation of the hospital to have incurred all, or substantially all, of the costs for the training program in that setting.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2005.

SA 2403. Mr. COBURN 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:

SA 2409. Mr. REED (for himself, Mr. BAUCUS, Mrs. MURRAY, Mr. RINGO, Mr. CORZINE, Mrs. CLINTON, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2410. Mr. BAUCUS (for himself, Mr. OBAMA, Ms. MIKULSKI, Mrs. MURRAY, Ms. SPARROW, Mr. SCHUMOLD, Mr. DURBIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2411. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2412. Mr. VITTER (for Mr. STEVENS (for himself, Mr. VITTER, Ms. LANDRUT, Mr. DOMENICI, Mr. CRAIG, Mr. LOTT, and Ms. INOUYE) and Mr. BINGHAM (for himself, Mr. HUTCHISON, Mrs. BOXER, Mr. MURRAY, Mr. LAUTENBERGER, Mr. SCHUMER, Mr. CORZINE, Ms. CANTWELL, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1932, supra.

SA 2413. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Mr. DURBIN, Mr. ALLEN, and Mr. GRAHAM (for himself, Mr. GRAHAM)) proposed an amendment to the bill S. 1932, supra.

SA 2414. Mr. BYRD (for himself and Mr. HARKIN) proposed an amendment to the bill S. 1932, supra.

SA 2415. Mr. DURBIN (for himself, Mr. DORAN, Mr. LAUTENBERGER, Mr. JOHNSTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2416. Mr. SUNUNU (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2417. Mr. GREGG (for Mr. LEVIN) proposed an amendment to the bill S. 1932, supra.

SA 2418. Mr. GREGG (for Mr. SUNUNU (for himself, Mr. DURBIN, Mr. CRAIG, Mr. PHYOR, Mr. ISAKSON, Mr. NELSON of Nebraska, Mr. THUNE, Mr. KERRY, and Mr. CHAMBLISS) proposed an amendment to the bill S. 1932, supra.

SA 2419. Mr. SANTORUM (for himself, Mr. BUNNING, Mr. THOMAS, Mr. VINOVIICH, Mr. LIEBERMAN, Mr. DODD, Mr. ROCKEFELLER, Ms. LANDRUT, and Mr. CONRAD) proposed an amendment to the bill S. 1932, supra.

SA 2420. Mr. GREGG (for Mr. SUNUNU) proposed an amendment to the bill S. 1932, supra.

SA 2421. Mr. BURNS (for himself and Mr. BROWNACK) submitted an amendment intended to be proposed by him to the bill S. 1932, supra; which was ordered to lie on the table.

SA 2422. Mr. CONRAD (for himself and Mr. SALAZAR) submitted an amendment to the bill S. 1932, supra.

TEXT OF AMENDMENTS

SA 2402. Ms. SNOWE (for herself, Ms. COLLINS, Mr. ROCKEFELLER, and Mr. DURBIN) 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.

SA 2403. Mr. COBURN 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.

On page 368, between lines 5 and 6, insert the following:

SEC. 6116. CLARIFICATION OF CONGRESSIONAL INTENT REGARDING THE COUNTERING OF RESIDENTS IN A NONHOSPITAL SETTING

(a) D-CEM.—Section 1886(h)(4)(E) (42 U.S.C. 1395ww(h)(4)(E)) is amended by adding at the end the following new sentences: "For purposes of the preceding sentence, the term ‘all’, or substantially all, of the costs for the training program’ means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the resident any amounts other than those determined by the hospital and the entity in operation of the hospital to have incurred all, or substantially all, of the costs for the training program in that setting."

(b) IME.—Section 1886(d)(5)(B)(iv) (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by adding at the end the following new sentences: "For purposes of the preceding sentence, the term ‘all’, or substantially all, of the costs for the training program’ means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the resident any amounts other than those determined by the hospital and the entity in operation of the hospital to have incurred all, or substantially all, of the costs for the training program in that setting."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2005.

SA 2403. Mr. COBURN 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 130, after line 25, insert the following:
SEC. 6005. IMPROVED REGULATION OF DRUGS SOLD UNDER A NEW DRUG APPLICATION APPROVED UNDER SECTION 505 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Section 1927 (42 U.S.C. 1396a–8) is amended—

(1) in subsection (c)(1)(C), by adding, at the end of the subsection—

(iv) Notwithstanding any other provision of this title, in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505 of the Federal Food, Drug, and Cosmetic Act as of January 1, 2006, in any case where—

(1) the term ‘average manufacturer price’ does not include any price for such authorized drug available for the innovator multiple source drug of such manufacturer—

(2) the term ‘average manufacturer price’ as defined in section 505(c) of the Federal Food, Drug, and Cosmetic Act as of January 1, 2006, has, as of January 1, 2006, been marketed for at least 6 months and where the product of the average manufacturer price of the manufacturer’s authorized drugs and the total units of such authorized drugs, if in the second quarter of 2005 for which a rebate was paid under any State plan approved under this title (and which was reported as required under subsection (b)(2)(A)), does not exceed $10,000,000, the term ‘best price’ shall not include any price for such authorized drug available for the innovator multiple source drug of such manufacturer; and

(2) in section 505(c) as amended by section 6003(b)(2)(A), by adding at the end the following—

(G) Notwithstanding subparagraph (C) or any other provision of this title, in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505 of the Federal Food, Drug, and Cosmetic Act that has, as of January 1, 2006, been marketed for at least 6 months and where the product of the average manufacturer price of the manufacturer’s authorized drugs and the total units of such authorized drugs, if in the second quarter of 2005 for which a rebate was paid under any State plan approved under this title (and which was reported as required under subsection (b)(2)(A)), does not exceed $10,000,000, the term ‘average manufacturer price’ shall not include any price for such authorized drug available for the innovator multiple source drug of such manufacturer.

SA 2404. Mr. ENNSIGN (for himself, Mr. SANTORUM, and Mr. KYL) proposed an amendment to amendment SA 2352 proposed by Mr. ENZI (for himself, Mr. KENNEDY, Mr. AXELROD, Mr. DODD, Ms. SMITH, Mr. COCHRAN, Mr. LOTT, and Mrs. HUTCHISON) 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:

Strike and reserve the first word of the amendment and insert the following:

D—Hurricane Katrina Education Relief

SEC. 7951. SHORT TITLE.

This subtitle may be cited as the “Hurricane Katrina Education Relief Act”.

SEC. 7952. FINDINGS.

Congress finds the following:

(1) Hurricane Katrina has had a devastating 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 did not have insurance to cover their education. The Secretary of Education is authorized to make grants to local educational agencies and other educational agencies to assist them in providing funds for—

(a) recovery of student and personnel data, and other electronic information;

(b) replacement of information systems, including hardware and software; and

(c) financial operations; and to provide that the funds shall be used for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of information systems, including hardware and software; and

(C) financial operations; and

(D) to provide that the funds shall be used for—

(a) recovery of student and personnel data, and other electronic information;

(b) replacement of information systems, including hardware and software; and

(c) financial operations; and

(d) to provide that the funds shall be used for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of information systems, including hardware and software; and

(C) financial operations; and

(D) to provide that the funds shall be used for—

(a) recovery of student and personnel data, and other electronic information;

(b) replacement of information systems, including hardware and software; and

(c) financial operations; and

(D) to provide that the funds shall be used for—

(a) recovery of student and personnel data, and other electronic information;

(b) replacement of information systems, including hardware and software; and

(c) financial operations; and

(D) to provide that the funds shall be used for—

(a) recovery of student and personnel data, and other electronic information;

(b) replacement of information systems, including hardware and software; and

(c) financial operations; and

(D) to provide that the funds shall be used for—

(a) recovery of student and personnel data, and other electronic information;
SEC. 7956. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) Teacher and Paraprofessional Reciprocity.

(1) Teachers.

(A) Affected teacher. In this subsection, the term ‘‘affected teacher’’ means a teacher who resides on August 22, 2005, in a State that is different from the State in which such teacher resided on August 22, 2005.

(B) Affected paraprofessional. In this subsection, the term ‘‘affected paraprofessional’’ means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(2) Paraprofessionals.

(A) Affected paraprofessional. In this subsection, the term ‘‘affected paraprofessional’’ means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) In general. A local educational agency may consider an affected paraprofessional hired by that agency who is not highly qualified in the State in which the agency is located to be highly qualified in the State in which such paraprofessional resided on August 22, 2005.

(3) Prohibitions. Grants or subgrant funds received under this section shall not be used for purposes:

(A) Construction or major renovation of schools or institutions of higher education.

(B) Payments to administrators, faculty, or teachers who are not actively engaged in—

(1) restarting or re-opening schools or institutions of higher education; or

(2) providing educational services to schools or institutions of higher education.

(4) Supplement not Supplant.

(1) In general. Except as provided in paragraph (3), funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) Exception. Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency or institution of higher education that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if such agency or institution has not received such other benefits by the time of application for Federal assistance under this section.


There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, $450,000,000 to carry out this section.

SEC. 7957. HOLD HARMLESS FOR AGENCIES SERVING MAJOR DISASTER AREAS.

(a) Local Educational Agencies and Title I Schools.

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 sections 1124, 1241A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7124, 6823, and 1125) for fiscal year 2005 shall be equal to the amount made available for such local educational agency under each of such sections for fiscal year 2005.

(b) State Educational Agencies and IDEA Funds.

In the case of a State 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 State educational agency under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for fiscal year 2006 shall be not less than the amount made available for such State educational agency under such Act for fiscal year 2005.

SEC. 7957. 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, under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c)), including identification, enrollment assistance, assessment, and services assistance.

(b) Exception and Distribution of Funds.

(1) Exception. For purposes of providing assistance under subsection (a), subsections (b) and (c) of section 722, and sub-sections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c), (d)(2), and (e)(1), 11433(b) and (c)) shall not apply.

(2) Disbursement. The Secretary of Education shall disburse funds under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and those State educational agencies shall distribute funds available under this subsection—

(A) local educational agencies; or

(B) a State educational agency that serves an area in which there is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this section $10,000,000.

SEC. 7958. GENERAL PROVISION.

Nothing in sections 7951 through 7957 of this subtitle shall be construed to permit discrimination on the basis of race, color, religion, national origin, or disability in any program funded under this section.

SEC. 7959. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) Temporary Emergency Impact Aid Authorized.

(1) Aid to State educational agencies.

From amounts appropriated under subsection (o), the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies—

(A) to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable those eligible local educational agencies and schools to provide for the instruction of displaced students served by the agencies and schools; and

(B) to make immediate impact aid payments to individual accounts established on behalf of displaced students who are attending eligible nonpublic schools located within the State.

(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 to enable those eligible local educational agencies and schools to provide for the instruction of displaced students served by the agencies and schools.

(3) State educational agencies in certain States.

In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out this section for eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in those States for which the State exercises the authorities normally exercised by the local educational agencies.

(b) Definitions.

In this section—

The term ‘‘child with a disability’’ has the meaning given in the term section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

The term ‘‘displaced student’’ means a student who enrolls in a school other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005, and who resides, 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.

The term ‘‘eligible local educational agency’’ means a local educational agency...
that serves an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student.

(4) ELIGIBLE NONPUBLIC SCHOOL.—The term "eligible nonpublic school" means a nonpublic school that—

(A) operates in accordance with State law or is accredited or licensed;

(B) is in existence on August 22, 2005; and

(C) serves a displaced student.

(5) 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) STATE EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, which shall include—

(A) information on the displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) basic instructional services for such displaced students; and

(C) the number of displaced students enrolled in eligible nonpublic schools.

(b) Determination of number of displaced students; payments to parents and guardians.

(1) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency shall determine the number of displaced students who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this Act.

(2) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005–2006 school year shall equal the product of—

(I) the number of displaced students (who are identified as children with disabilities and are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)); as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), and the number of such displaced students enrolled in eligible nonpublic schools in the State whose parents or guardians request payments pursuant to this section, times $6,000; and

(ii) the number of displaced students who are identified as children with disabilities and who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), and the number of such displaced students enrolled in eligible nonpublic schools in the State whose parents or guardians request payments pursuant to this section, times $6,000;

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid available under this section.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS; PAYMENTS TO INDIVIDUAL ACCOUNTS.—

(A) IN GENERAL.—A State educational agency that receives emergency impact aid under this section shall provide payments to an individual account for each displaced student in the amount determined under clause (ii).

(B) PAYMENT AMOUNT.—Each payment under clause (i) shall equal 25 percent of the lesser of—

(I) $6,000; or

(II) the total amount of tuition, fees, and transportation costs, if any, of the displaced student for the 2005–2006 school year.

(C) MAXIMUM AMOUNT.—In providing payments to an individual account for the 2005–2006 school year on behalf of a displaced student, a State educational agency may provide not more than 4 quarterly payments to such account.

(e) Use of Funds.

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use such payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses incurred as a result of the agency or school serving displaced students, which uses may include—

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curriculum materials, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, academic counseling, supplemental educational services, or after-school programs;

(D) reasonable transportation costs for students;

(E) health services (including counseling); and

(F) alternative education services.

(2) DISPLACED STUDENTS IN NONPUBLIC SCHOOLS.—

(A) IN GENERAL.—A State educational agency that receives emergency impact aid payments under this section shall use such payments on a quarterly basis, in accordance with subsection (d)(2)(B), to an individual account on behalf of a displaced student who enrolls in an eligible nonpublic school in the State, use such emergency impact aid to provide the student transportation aid, and restrictively endorse the check to such eligible nonpublic school.
(B) USE OF FUNDS.—An eligible nonpublic school that receives a check pursuant to subparagraph (A) may use the funds for—

(i) paying the compensation of personnel, including special education personnel;

(ii) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational services;

(iii) basic instructional services for the displaced students, including tutoring, mentoring, academic counseling, or after-school programs;

(iv) reasonable transportation costs for the displaced students;

(v) health services (including counseling); and

(vi) support services, and

(vii) alternative education services.

(3) Provision of Special Education and Related Services.—

(A) In general.—In the case of a displaced student who is identified as a child with a disability and 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 an eligible local educational agency or any payment available in an account for such student, shall be used to provide special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Notwithstanding any other provision of this section, a State educational agency may provide payment to an eligible local educational agency that provides services to a displaced student attending an eligible nonpublic school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)) in an amount that is not more than $1,500 per displaced student served.

(C) Special Education; Related Services.—In this paragraph, the terms "special education and related services" have the meaning given such terms in section 602 of the Education of All Handicapped Children Act (20 U.S.C. 1401).

(4) Return of Aid.—

(A) Eligible Local Educational Agency or Eligible Bia-Funded School.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005-2006 school year in accordance with this section.

(B) State Educational Agency.—A State educational agency that receives emergency impact aid payment under this section, shall return to the Secretary of Education—

(i) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005-2006 school year in accordance with this section; and

(ii) any payment funds returned to the State educational agency under paragraph (3).

(5) Limitation on Use of Aid and Payments.—Aid and payments provided under this section shall be used only for expenses incurred during the 2005-2006 school year.

(6) Administrative Expenses.—A State educational agency that receives emergency impact aid payment under this section may use not more than 1 percent of such aid for administrative expenses.

(7) Applicability and Single-Sex Schools, Classes, or Activities—(A) In general.—Notwithstanding any other provision of law, the prohibition of sex discrimination in paragraph (1) shall not apply to a nonpublic school that is operated by, controlled by, or connected to a religious organization that agrees to the application of the religious tenets or beliefs of the school.

(B) Single-Sex Schools, Classes, or Activities.—Notwithstanding paragraph (1) or any other provision of law, a parent or guardian may choose, and a nonpublic school may offer, a single-sex school, class, or activity.

(8) General Provision.—Nothing in this section may be construed to alter or modify the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(9) Rule of Construction.—Payments made to an individual account (or any other form of support provided to students under this section) under this section shall be considered assistance to the school that enrolls the student. The amount of any payment (or other form of support provided on behalf of a student) under this section shall not be considered assistance to the school that enrolls the student. Nothing in this section shall be construed to alter or modify the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(10) Religiously Affiliated Schools.—(A) In general.—Notwithstanding any other provision of law, an eligible nonpublic school participating in the concurrent resolution on the budget for fiscal year 2006 (H. con. Res. 95) which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE KATRINA COMMISSION**

SEC. 01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the "Commission").

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the minority (minority or majority, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 3 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;
2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party; (5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and (6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) Q UALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall come from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, catalytic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) AN APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) Q UORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information received, handled, stored, and disseminated by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the aftermath;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government’s preparedness for, and response to, the hurricane;

(5) planning necessary for future catalytic events requiring a significant number of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and why problems occurred as a result of a lack of coordination, planning, communication, structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

SEC. 04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the communities of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution; (ii) Federal emergency response planning, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities; (iii) Federal, State, and local communication interoperability successes and failures; (iv) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, recovery; (v) the Federal Emergency Management Agency’s response capabilities as an independent agency and as part of the Department of Homeland Security; (vi) the role of congressional oversight and resource allocation; (vii) other sectors of the public and private sectors determined relevant by the Commission for its inquiry; and

(2) SUBPOENAS.

(i) IN GENERAL.—The Commission, or any member designated by a member of the Commission, may bring the matter before the grand jury and may bring the matter before the grand jury for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. No failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned for the purpose of carrying out this Act, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who, if the matter is referred to a grand jury, may bring the matter before the grand jury.

(b) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purpose of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish or make such suggestions, estimates, and statistics directly to the Commission.

(2) RECEIVE, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.

(1) GENERAL SERVICES ADMINISTRATION.

The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such other support services, funds, and other support services as they may determine advisable and as may be authorized by law.

(3) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.
The Commission may use the United States mails in the same manner and under the same conditions as departments or agencies of the United States.

SEC. 08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not in excess of the daily rate paid to executive assistants to Members of Congress for services performed by the member as a member of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of their official duties as members of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed in connection with offices or agencies of the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in providing for the security clearances of the Commission members and staff. The Commission may submit an application to the appropriate Federal agencies or departments for the security clearances of the Commission members and staff.

SEC. 10. REPORTS OF COMMISSION TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress an interim report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—(1) IN GENERAL.—The Commission and all the authorities of this Act, shall terminate 90 days after the date of the enactment of this title. Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 11. FUNDING.

(a) EMERGENCY APPROPRIATION OF FUNDS.—There are authorized to be appropriated $5,000,000 to carry out the purposes of the Commission under this title and such funding is designated as emergency funding under section 402 of H. Con. Res. 96 (109th Congress).

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 2406. Mr. DURBIN (for himself, Mr. DORGAN, Mr. LAUTENBERG, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 192, 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 95, after line 21, insert the following:

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "emergency response provider" means the demonstration project established under subsection (b)(1);

(2) the term "Department" means the Department of Homeland Security.

(b) GRANTS.—The Secretary shall select not fewer than 2 communities to participate in a demonstration project, the demonstration project shall—

(1) address the interoperable communications needs of police officers, firefighters,
emergency medical technicians, National Guard, and other emergency response providers; (2) foster interoperable communications; (A) federal, local, and state security, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and (B) with similar agencies in Canada and Mexico; (3) identify common international cross-boarder communications equipment, including radio or computer messaging equipment; (4) foster the standardization of interoperable communications equipment; (5) identify solutions that will facilitate communications interoperability across national borders expeditiously; (6) ensure that emergency response providers can communicate with each other and the public at disaster sites or in the event of a terrorist attack or other catastrophic event; (7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; (8) identify and secure appropriate joint-use equipment to ensure communications access; (d) DISTRIBUTION OF FUNDS.— (1) In GENERAL.—The Secretary shall distribute funds under this section to each community care, paying for more than 1⁄3 of all the care, of seniors (71 percent) on Medicaid. Half of hospital costs. Furthermore, increases in response to unmet needs, enabling the Medicaid program to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored health care coverage between 2000 and 2003, during which time the Medicaid program enrolled an additional 8,400,000 Americans.

(10) Many individuals living below the Federal poverty level are ineligible for Medicaid because of stringent income eligibility rules. For example, eligible adults are often far below the Federal poverty level. On average, a working parent in a family of three would have to make less than $224 per week and a non-working parent in a family of three would have to make less than $150 per week to qualify. Single individuals with disabilities would be ineligible if they have more than $137 per week in income. (11) Eligibility limits for pregnant women and children are generally set at or just above the Federal poverty level. Eligible with income just over minimum wage can be disqualified for Medicaid. At the minimum eligibility levels for pregnant women, earning as little as $8.40 per hour at a full-time job could disqualify a pregnant woman from Medicaid eligibility. A working parent in a family of three earning less than $8.40 per hour at a full-time job could make their child 6-years-old or older ineligible for Medicaid.

SA 2408. Mr. CORNYN 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); as follows:

On page 94, strike line 7 through 12.

SA 2409. Mr. REED (for himself, Mr. BAUCUS, Mrs. MURRAY, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mrs. CLINTON, and Mr. OBAMA) 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); as follows:

Strike section 6031 of the bill.
On page 130, after line 25, add the following:

SEC. 6037. AUTHORITY TO CONTINUE PROVIDING CERTAIN ADULT DAY HEALTH CARE SERVICES OR MEDICAL ADULT DAY CARE SERVICES.

The Secretary shall not—
(i) withdraw, suspend, disallow, or otherwise deny Federal financial participation under section 1915(k) of the Social Security Act (42 U.S.C. 1396n(k)) of any claim for medical adult day care services, as defined under a State Medicaid plan approved on or before 1982, if such services are provided consistent with such definition and the terms of such plan; or
(ii) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services.

SA 2412. Mr. VITTER (for Mr. STEVENS (for himself, Mr. VITTER, Ms. LANDRIEU, Mr. DOMENICI, Mr. CRAIG, Mr. LOTT, Mr. INOTUE, and Mr. BINGAMAN)) 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. . SUSPENSION OF DEBATE LIMITATION ON RECONCILIATION LEGISLATION THAT CAUSES A DEFICIT OR INCREASES THE DEFICIT.

(a) In General.—For purposes of consideration in the Senate of any reconciliation bill or resolution, or amendments thereto or debatable motions and appeals in connection therewith, under section 310(e)(2) of the Congressional Budget Act of 1974, section 305(b) (1), (2), and (5), section 306(c), and the limitation on debate in section 310(e)(2) of that Act, shall not apply to any reconciliation bill or resolution, or amendments thereto, or motion thereon that includes reductions in revenue or increases in spending that would cause an on-budget deficit to occur or increase the deficit for any fiscal year covered by such bill or resolution.

(b) GERMANNNESS REQUIRED.—Notwithstanding subsection (a), no amendment that is not germane to such reconciliation bill or resolution shall be received.

SA 2415 Mr. DURBIN (for himself, Mr. DORGAN, Mr. LAUTENBERG, Mr. JOHNSON, and Mr. LIEBERMAN) 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:

At the appropriate place, insert the following:

SEC. . ACCOUNTABILITY IN FEDERAL CONTRACTING.

(a) In General.—Except as provided in subsection (b), none of the funds appropriated otherwise made available by the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-61), by the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62), or through the Iraq Relief and Reconstruction Fund may be obligated or expended in connection with a contract entered into after the date of the enactment of this Act with a contractor that—

(1) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have overcharged or improperly billed the Government by a total of at least $100,000,000 through one or more overcharges;

(2) has been found by an executive agency, the Special Inspector General for Iraq Reconstruction, or any Inspector General having oversight authority with respect to Hurricane Katrina and Hurricane Rita reconstruction contracts to have one or more fraudulent acts resulting in total costs or losses to the Federal Government of at least $10,000,000; or

(3) has been suspended or debarred under the Federal suspension and debarment regulations.

(b) National Security Waiver.—The President may waive the restrictions under subsection (a) on a case-by-case basis if the President determines that such waiver is in the national security interest of the United States and submits to the appropriate congressional authorities a report describing the reasons for such determination.

(c) Definitions.—In this section:

(1) APPROPRIATE CONGRESSIONAL AUTHORITIES.—The term "appropriate congressional authorities" means—

(A) the Majority Leader and the Minority Leader of the Senate;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives; and

(C) the Committees on Appropriations of the Senate and the House of Representatives.

(2) EXECUTIVE AGENCIES.—The term "executive agency" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 401).
SA 2418. Mr. GREGG (for Mr. SUNUNI) 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):

On page 95, after line 21, insert the following:

SEC. 2002A. COMMUNICATION SYSTEM GRANTS.

(a) ASSISTANCE AUTHORIZED.—In order to foster interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers:

(1) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(2) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(3) foster the standardization of interoperable communications equipment;

(4) develop and implement procedures to facilitate communications interoperability across national borders expeditiously;

(5) ensure that emergency response providers can communicate with each other at disaster sites or in the event of a terrorist attack or other catastrophic event;

(6) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(7) identify and secure appropriate joint-use equipment to ensure communications access.

(b) LIMITATION ON AMOUNT OF ASSISTANCE.—Subject to sub judice of 2102(d) of this title, the assistance authorized under subsection (a) may not exceed—

(1) $10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

(c) LIMITATION ON PARTICIPATION SUBJECT TO ASSISTANCE.—A veteran eligible for assistance authorized under subsection (a) may only be provided such assistance with respect to 1 residence.

(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under subsection (a) shall expire at the end of the 5-year period beginning on the date of enactment of the Specified Adapted Housing Grants Improvements Act of 2005.

(b) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 202(a) of such title is amended—

(1) in subsection (a), by striking “The assistance authorized by section 2101(a)” and all that follows through “and inserting “Subject to subsection (d), the assistance authorized under section 2101(a) of this title shall be afforded under 1 of the following plans, at the election of the veteran”;

(2) by amending subsection (b) to read as follows:

(2) Subject to subsection (d), and except as provided in section 2101(b) of this title, the assistance authorized by section 2101(b)
of this title may not exceed the actual cost, or in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary; ”; and

(3) by adding at the end the following new subsection:

“(d) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to $50,000.

“(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to the lesser of

“(A) the sum of the cost or fair market value described in section 2102(b) of this title and the actual cost of acquiring the adaptations described in subsection (a); and

“(B) $10,000.

“(3) No veteran may receive more than 3 grants of assistance under this chapter.

(3) Clerical Amendment.—The table of sections at the beginning of such chapter of such title is amended by inserting after the item relating to section 2102 the following:

“2102A. Assistance for veterans residing temporarily in housing owned by family member.”.

SEC. 2003. GAO REPORTS.

(a) Interim Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an interim report on the implementation of section 2102A of title 38, United States Code (as added by section 2(a)), by the Department of Veterans Affairs.

(b) Final Report.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a final report on the implementation of such section 2102A by the Department of Veterans Affairs.

On page 168, strike lines 12 through 15 and insert the following:

“(A) for fiscal year 2006, $50,000,000;

“(B) for each of fiscal years 2007 and 2008, $49,000,000;

“(C) for each of fiscal years 2009 and 2010, $74,000,000; and

“(D) for fiscal year 2011 and each fiscal year thereafter, $75,000,000.

SA 2419. Mr. SANTORUM (for himself, Mr. BUNNING, Mr. THOMAS, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. DODD, Mr. SMITH, Ms. LANDSBERGER, and Mr. CONRAD) proposed an amendment to the bill S. 1932, to provide for recoupment pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); and

On page 968, between lines 5 and 6, insert the following:

SEC. 6166. TECHNICAL CORRECTION REGARDING PURCHASE AGREEMENTS FOR POWER-DRIVEN WHEELCHAIRS.

(a) In General.—Section 183(a)(7)(A) (42 U.S.C. 1395m(a)(7)(A)), as amended by section 6108 of this Act, is amended—

(1) in clause (i), by striking “Payment” and inserting “Except as provided in clause (ii), payment”;

(2) by adding at the end the following new clause:

“(iii) Purchase Agreement Option for Power-Driven Wheelchairs.—

“(A) In General.—In the case of a power-driven wheelchair, at the time the supplier furnishes the item, the supplier shall offer the individual the option to purchase the item, and such offer such item shall be made on a lump-sum basis if the individual exercises such option.

“(B) In General.—In the case of a power-driven wheelchair for which a purchase agreement has been entered into under subsection (I), maintenance and servicing provided by the Secretary determines such payments are reasonable and necessary, be made (for parts and labor not covered by the supplier’s or manufacturer’s warranty, as determined by the Secretary to be appropriate), and such payments shall be in an amount determined to be appropriate by the Secretary.

“(c) Effective Date.—The amendments made by subsection (a) shall apply to items furnished on or after October 1, 2006.

SEC. 6177. MEDICARE COVERAGE OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSMS; NATIONAL EDUCATIONAL AND INFORMATION CAMPAIGN.

(a) In General.—Section 1861 (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking “and” at the end of subparagraph (Y); and

(B) by adding “and” at the end of subparagraph (Z); and

(2) by adding at the end the following new subparagraph:

“(AA) ultrasound screening for abdominal aortic aneurysms (defined in subsection (b)(b)) for an individual—

“(i) who receives a referral for such an ultrasound screening as a result of an initial preventive physical examination (as defined in section 1861(ww)(1));

“(ii) who has not been previously furnished such an ultrasound screening under this title; and

“(iii) who—

“(A) has a family history of abdominal aortic aneurysm; or

“(B) manifests risk factors included in a beneficiary category (not including categories related to age) recommended for screening by the United States Preventive Services Task Force regarding abdominal aortic aneurysms; and

“(B) by adding at the end the following new subparagraph:

“(AA) ultrasound screening for abdominal Aortic Aneurysm—

“(bb) The term ‘ultrasound screening for abdominal aortic aneurysm’ means—

“(1) a procedure using sound waves (or other such other or alternative technologies, of commensurate accuracy and cost, that the Secretary may specify) provided for the early detection of abdominal aortic aneurysms;

“(2) includes a physician’s interpretation of the results of the procedure.

“(c) Authorization of Appropriations.—There is authorized to be appropriated pursuant to this sub-section to make grants to national medical, vascular technologist, and sonographer societies, the Secretary of Health and Human Services to carry out a national education and information campaign to promote awareness among health care practitioners and the general public with respect to the importance of early detection and treatment of abdominal aortic aneurysms.

“(d) Use of Funds.—The Secretary may use amounts appropriated pursuant to this subsection to make grants to national medical, vascular technologist, and sonographer societies (in accordance with procedures and criteria specified by the Secretary) to enable them to educate practitioners and providers about matters relating to such aneurysms.

“(e) Authorization of Appropriations.—There is authorized to be appropriated for fiscal year 2006 and each fiscal year thereafter such sums as may be necessary to carry out this subsection.

“(f) Effective Date.—The amendments made by this section shall apply to ultrasound screenings for abdominal aortic aneurysms performed on or after January 1, 2007.

SEC. 6118. IMPROVING PATIENT ACCESS TO, AND UTILIZATION OF, COLORECTAL CANCER SCREENING UNDER MEDICARE.

(a) Increase in Part B Reimbursement for Colonoscopy—

(A) Colonoscopy.

Notwithstanding any provision of law, the Secretary shall establish national minimum payment amounts for CPT codes 45378, 45380, and 45385, and HCPCS codes G0105 and G0121 for items and services, that exceed, or that meet quality assurance standards that the Secretary, in consultation with national medical, vascular technologist and sonographer societies, shall establish with respect to individuals performing ultrasound screening for abdominal aortic aneurysm (other than physicians) and diagnostic laboratories, that the individual or laboratory is certified by the appropriate State licensing or certification agency or, in the case of a service performed in a State that does not license or certify such individuals or laboratories, by a national certification or accrediting organization recognized by the Secretary.

(B) Facility Rates.—Notwithstanding any provision of law, the Secretary shall establish national minimum payment amounts for CPT codes 45378, 45380, and 45385.
and HCPCS codes G0105 and G0121 for items and services furnished on or after January 1, 2007, which reflect a 5-percent increase above the relative value units in effect as the facility rate under section 1886 of the Act on December 31, 2006, with such revised payment level to apply to items and services performed in a facility setting. "

(2) ANNUAL ADJUSTMENTS.—In the case of items and services furnished on or after January 1, 2007, the payment rates described in subparagraphs (A) and (B) shall, subject to the amount paid under the National Health Expenditure Accounts, be adjusted annually as provided in section 1848.

(2) MEDICARE COVERAGE OF PAYMENTS.—The Secretary shall not take into account the provisions of section 1834(d)(4) of the Social Security Act, as added by subsection (a), in determining the amount of payment for any covered OPD service under the prospective payment system for hospitals outpatient department services under section 1833(t) of such Act (42 U.S.C. 1395t). 

(b) MEDICARE COVERAGE OF OFFICE VISIT OR CONSULTATION PRIOR TO A SCREENING COLONOSCOPY OR IN CONJUNCTION WITH A BENEFICIARY'S DECISION TO OBTAIN SUCH A SCREENING—

(1) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395l(a)(1)) is amended by adding at the end section 1861(s)(2)(B)(v), as amended by section 6117, is amended—

(A) in subparagraph (Z), by striking “and” at the end; and

(B) in subparagraph (AA), by inserting “and” at the end; and

(C) by adding at the end the following new subparagraph:

"(BB) an outpatient office visit or consultation for the purpose of beneficiary education, assuring selection of the proper screening test, and securing information relating to the procedures and sedation of the beneficiary, prior to a colorectal cancer screening test consisting of a screening colonoscopy or in conjunction with the beneficiary’s decision to obtain such a screening, regardless of whether such screening is medically indicated with respect to the beneficiary;”

(2) PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(i) by striking “(and” before “V”); and

(ii) by inserting “service” before the semicolon at the end the following: “; and (W) with respect to an outpatient office visit or consultation under section 1861(s)(2)(BB), the amount paid shall be 80 percent of the lesser of the actual charge or the amount established under section 1848.”

(B) PAYMENTS UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) (42 U.S.C. 1395w—4(j)(3)), as amended by section 6117, is amended—

(A) by inserting “(2)(BB),” after “(2)(AA),”;

(B) by requiring for establishment of payment amount under physician fee schedule—Section 1848(d) (42 U.S.C. 1395m(d)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

“(5) PAYMENT FOR OUTPATIENT OFFICE VISIT OR CONSULTATION PRIOR TO SCREENING COLONOSCOPY.—With respect to an outpatient office visit or consultation under section 1861(s)(2)(BB), payment under section 1848 shall be consistent with the payment amount under section 1848.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services provided on or after January 1, 2007.

(c) WAIVER OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS.—

(1) IN GENERAL.—Section 1833(b) (42 U.S.C. 1395l(b)(1)), as added by section 6117, is amended in the first sentence—

(A) by striking “and” before “(7);” and

(B) by inserting before the period at the end the following: “; and (8) such deductible shall not apply with respect to colorectal cancer screening tests (as described in section 1861(s)(2)(B))”;

(2) CONFORMING AMENDMENTS.—Paragraphs (2)(C)(ii) and (3)(C)(ii) of section 1834(d) (42 U.S.C. 1395m(d)) are each amended—

(A) by striking “DEDUCTIBLE AND” in the heading; and

(B) in subclause (i), by striking “deductible” or “each” place it appears.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services furnished on or after January 1, 2007.

SEC. 6119. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) (42 U.S.C. 1395l(a)(1)), as amended by section 6118(b), is amended—

(A) in subparagraph (AA), by striking “and” after the semicolon at the end;

(B) in subparagraph (AA), by inserting “and” at the end; and

(C) by adding at the end the following new subparagraph:

"(CC) marriage and family therapist services (as defined in subsection (ccc)(1)) and mental health counselor services (as defined in subsection (ccc)(3));"

(2) DEFINITIONS.—Section 1861 (42 U.S.C. 1395s), as amended by section 6117, is amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services; Mental Health Counselor Services

(ccc)(1) The term ‘marriage and family therapy services’ means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law or the State regulatory mechanism provided by State law of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician’s professional services, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

(ccc)(2) The term ‘marriage and family therapist’ means an individual who—

(A) possesses a master’s or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy;

and

(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

The amendments made by this subsection shall apply to services furnished on or after January 1, 2007.

(4) COST- sharing.—

(4) THE TERM ‘MENTAL HEALTH COUNSELOR’ MEANS AN INDIVIDUAL WHO—

(A) IS A MARRIAGE AND FAMILY THERAPIST OR DOCTOR’S DEGREE IN MENTAL HEALTH COUNSELING OR A RELATED FIELD;

(B) AFTER OBTAINING SUCH A DEGREE HAS PERFORMED AT LEAST 2 YEARS OF SUPERVISED MENTAL HEALTH COUNSELOR PRACTICE; AND

(C) IN THE CASE OF AN INDIVIDUAL PERFORMING SERVICES IN A STATE THAT PROVIDES FOR LICENSURE OR CERTIFICATION OF MENTAL HEALTH COUNSELORS OR PROFESSIONAL COUNSELORS, IS LICENSED OR CERTIFIED AS A MENTAL HEALTH COUNSELOR OR PROFESSIONAL COUNSELOR IN SUCH STATE.”

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1833(a)(2)(B) (42 U.S.C. 1395l(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services and mental health counselor services;”

(b) PAYMENT.—

(1) IN GENERAL.—Section 1832(a)(2)(B) (42 U.S.C. 1395a(a)(1)), as amended by section 6118, is amended—

(A) by striking “and” and inserting “or”; and

(B) by inserting before the semicolon at the end the following: “; and (X) with respect to marriage and family therapy services and mental health counselor services under section 1861(s)(2)(CC), the amounts paid shall be 80 percent of the lesser of the actual charge or the amount determined for payment of a psychologist under subparagraph (L).”

(2) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1886(e)(2)(A)(ii) (42 U.S.C. 1395f(2)(A)(ii)), as amended by section 6119, is amended by inserting “and family therapist services” after “qualified psychologist services.”

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) (42 U.S.C. 1395w(b)(18)(C)) is amended by adding at the end the following new clause:

"(vii) A marriage and family therapist (as defined in section 1861(c)(2)).”

"(viii) A mental health counselor (as defined in section 1861(c)(3)).”

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking “or by a clinical social worker (as defined in subsection (hh)(1)).” and inserting “; or one marriage and family therapist (as defined in subsection (ccc)(2)),”;

(2) HOSPICE PROGRAMS.—Section 1861(bb)(2)(B)(i)(III) (42 U.S.C. 1395x(bb)(2)(B)(i)(III)) is amended by inserting “or one marriage and family therapist (as defined in subsection (ccc)(2)),” after “social worker”;

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2007.

SA 2420. Mr. GREGG (for Mr. SUNUNU) proposed an amendment to the bill S. 1932, to provide for reconcilla- tion pursuant to section 205(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); as fol- lows:
On page 94, line 7, after “(1)” insert “not to exceed”.
On page 94, line 13, after “(2)” insert “not to exceed”.
On page 94, line 19, after “(3)” insert “not to exceed”.
On page 95, line 1, after “(4)” insert “not to exceed”.
On page 95, line 4, after “(5)” insert “not to exceed”.

On page 95, beginning in line 10, strike “The amounts payable” and insert “Any amounts paid”.

On page 95, line 12, after the period insert “Any amount in the Fund that is not obligated under subsection (c) by that date shall be transferred to the general fund of the Treasury.”.

SA 2421. Mr. BURNS (for himself and Mr. BROWNBACK) 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 122, strike line 23 and all that follows through page 124, line 10, and insert the following:

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on January 1, 2006, and ends on the date on which the Federal payment limit is determined to be equal to 108 percent of the average manufacturer price for the drug during such period.

SA 2422. Mr. CONRAD (for himself and Mr. SALAZAR) 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:

On page 121, after line 25, add the following:

(5) RULES APPLICABLE TO CRITICAL ACCESS RETAIL PHARMACIES.—

(a) Reimbursement limits.—Notwithstanding paragraph (2)(A), in the case of a critical access retail pharmacy (as defined in subparagraph (C)), the upper payment limit—

(i) for the ingredient cost of a single source drug, is the lesser of—

(1) 108 percent of the average manufacturer price for the drug; or

(2) the wholesale acquisition cost for the drug; and

(ii) for the ingredient cost of a multiple source drug, is the lesser of—

(1) 140 percent of the average manufacturer price for the drug; or

(2) the wholesale acquisition cost for the drug.

(b) Application of other provisions.—The provisions of this subsection shall apply with respect to reimbursement to a critical access retail pharmacy in the same manner as such provisions apply to reimbursable retail pharmacies except that, in establishing the dispensing fee for a critical access pharmacy, the Secretary, in addition to the factors required under paragraph (4), shall consider the costs associated with operating a critical access retail pharmacy.

(c) Critical access retail pharmacy defined.—For purposes of subparagraph (A), the term ‘critical access retail pharmacy’ means a retail pharmacy that is not within a 20-mile radius of another retail pharmacy.

(2) INCREASE IN BASIC RATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i)(VI) of title 42, U.S.C. 1396d(b)(1)(B)(i)(VI), is amended by adding paragraphs (7) and (8).

The amendments made by this section will not have such negative impact, as determined, to conduct a vote on the nomination of Mr. Matthew Slaughter, of New Hampshire, to be a member of the Council of Economic Advisers; Ms. Katherine Baicker, of New Hampshire, to be a member of the Council of Economic Advisers; Mr. Orlando J. Gara, of Florida, to be an Assistant Secretary of Housing and Urban Development; Ms. Gigi Hyland, of Virginia, to be a member of the National Credit Union Administration Board; and Mr. Rodney E. Hood, of North Carolina, to be a member of the National Credit Union Administration Board.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 3, 2005 at 12:15 p.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Mr. Kim, to be an Assistant Attorney General; Mr. T. Bradbury, to be an Assistant Attorney General; Mr. N. Barnett, to be an Assistant Attorney General; Mr. O’Gara, to be Deputy Director for Supply Reduction; Mr. S. P. Barnet, to be Deputy Director for Counterfeiting in Manufactured Goods Act, Mr. J. E. Hatch, to be Director of the Bureau of Citizenship and Immigration Services, Mr. J. L. Myers, to be Assistant Secretary of Homeland Security.

II. Bills: Mr. S. 1028, Streamline Procedures Act of 2005; Mr. S. 1088, Streamline Procedures Act of 2005; Mr. S. 1647, Hurricane Katrina and Other Natural Disaster Protection Act of 2005; Mr. S. 1789, Personal Data Privacy and Security Act of 2005; Mr. S. 1927, Personal Data Privacy and Security Act of 2005; Mr. S. 226, Camp David Act; Mr. S. 227, Katrina Bankruptcy Relief and Community Protection Act of 2005; Mr. S. 751, Notification of Risk to Personal Data Act, Mr. S. 1699, Stop Counterfeiting in Manufactured Goods Act.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 3, 2005, at a time to be determined, to conduct a vote on the nomination of Ms. Alice B. M. Huffman, of California, to be a member of the Council of Economic Advisers; Ms. Katherine Baicker, of New Hampshire, to be a member of the Council of Economic Advisers; Mr. Orlando J. Gara, of Florida, to be an Assistant Secretary of Housing and Urban Development; Ms. Gigi Hyland, of Virginia, to be a member of the National Credit Union Administration Board; and Mr. Rodney E. Hood, of North Carolina, to be a member of the National Credit Union Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.
MEASURE READ THE FIRST TIME—S. 1960

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1960) to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

Mr. FRIST. I ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

NATIONAL ADOPTION MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 299 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 299) to express the support for the month of November as National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the motion to proceed to the immediate consideration of S. Res. 300 submitted earlier today.

The PRESIDING OFFICER. The preamble was agreed to.

Mr. INOUYE. Mr. President, I am deeply saddened to inform my colleagues that at 3:30 this morning, my friend and colleague, Henry Giugni, passed away at Shady Grove Adventist Hospital in Rockville, MD. His passing is a great loss for the people of Hawaii, the United States, and the Senate, an institution he loved dearly, and in which he served as its 30th Sergeant at Arms for 4 years, beginning on January 6, 1967.

I had the privilege of knowing Henry for nearly 50 years, beginning in 1956 when he joined my re-election campaign to the Hawaii Territorial House of Representatives. We quickly forged an unbreakable bond.

With his tireless work, dedication, and loyalty, he proved invaluable as the top aide on my staff when I served as a Hawaii legislator, U.S. Representative, and U.S. Senator.

His keen political instincts also made him invaluable on campaigns, and beginning with my first congressional race in 1959, when I successfully ran to be the State of Hawaii’s first U.S. Representative, he coordinated my campaign activities on all of Hawaii’s islands.

And, I am proud to say, I once anointed Henry as “the supreme commander of Hawaiian politics” in recognition of his political acumen and skill as a political strategist. It was an unofficial title that Henry relished.

Henry also enjoyed being called “Dr. Giugni.” Circumstances prevented him from receiving his undergraduate degree, but 2 years ago, the University of Hawaii at Hilo conferred upon him an honorary doctorate of humane letters for his service to the State of Hawaii and the Nation, and for serving as a role model for Native Hawaiians. It was an honor he truly deserved.

From January 6, 1967, to December 31, 1990, Henry served as the Senate’s Sergeant at Arms, ably managing a budget of nearly $120 million, overseeing a staff of more than 2,000, and supervising support services, which included law enforcement and telecommunication equipment.

More importantly, as the first person of color and the first person of Polynesian ancestry to serve in this position, he left an indelible mark during his tenure by promoting men and women. He appointed the first minority, an African-American man, to lead the Sergeant at Arms’ Service Department, and he was the first to assign women to the Capitol Police plainclothes unit.

His special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair bound. The Senate maps and documents in Braille.

In 1991, Henry joined Cassidy & Associates, one of Washington’s leading public policy consulting firms. With his intimate knowledge of Hawaii and Washington, and with a vast network of contacts that spanned the entire country and crossed party lines, Henry was able to continue his support for policies that he believed best served the Nation.

Even as a high-powered vice chairman of Cassidy & Associates, Henry continued to describe himself as “just a poor Hawaiian boy.” Henry’s soul was very much Hawaiian, but he was never poor in experience, generosity of the heart, or patriotism.

After the attack on Pearl Harbor, he enlisted in the Army at the age of 16, and saw combat at Guadalcanal. He was part of the Hawaii delegation that greeted then-Vice President Lyndon Baines Johnson in the islands just before the start of the Cuban missile crisis. As a staunch supporter of civil rights, he carried the Hawaii flag and marched with Dr. Martin Luther King in Selma, AL.

He volunteered to drive Senator Edward Kennedy following the assassination of his brother, President John F. Kennedy. Henry was also a member of one of the first official delegations that traveled to the People’s Republic of China following President Nixon’s historic visit.

As Senate Sergeant at Arms, he presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel, when they visited the U.S. Capitol.

He served as a “poor Hawaiian boy” who was born in Hawaii in 1925 to Alfred Giugni and Kealoha Hookano, Henry has done much on the national stage since his days when he studied at Hanahauoli School, Iolani School, and the University of Hawaii at Manoa, and when he worked as a Honolulu firefighter, police officer, and liquor inspector.
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However, while he was an acquaintance of Presidents and kings, his heart was always with the native people of Hawaii, who are still struggling for their moment in the sun.

I ask my colleagues to join me and all who have known and loved Henry in expressing our profound sorrow at the passing. Mrs. Giugni, Muriel Roselani; his four daughters, H. Kealoha Giugni, Deborah Roselani McMillan, Heather Haunani Giugni, and Gina Pilialoha Giugni-Halbach; 11 grandchildren; and 12 great-grandchildren. I look forward to submitting a resolution expressing our condolences to the Giugni family.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, it is with deep sadness that I learned of the death of Henry K. Giugni, who passed away this morning. He was a former Sergeant-at-Arms.

In January 1987, it was my pleasure, as the Senate majority leader, to nominate Mr. Giugni to be the Sergeant at Arms of the Senate. When the Senate elected him to the position, Mr. Giugni became not only the thirtieth Sergeant at Arms of the Senate, but he became the first Polynesian-American to serve in that capacity.

Mr. Giugni brought a wealth of experience to this most important Senate position. Born in Hawaii in 1925, he enlisted in the United States Army during World War II. After the war, he joined the Service Department, and was the first Polynesian-American to serve in that capacity.

Mr. Giugni became not only the thirtieth Sergeant at Arms of the Senate, but he became the first Polynesian-American to serve in that capacity.

Mr. Giugni brought a wealth of experience to this most important Senate position. Born in Hawaii in 1925, he enlisted in the United States Army during World War II. After the war, he joined the Honolulu Police Force. From 1963 to 1987, he had served as the administrative assistant in the office of my dear friend and colleague, my hero—Senator Daniel K. Inouye.

As the second ranking officer in the United States Senate, Mr. Giugni performed the duties of the office of Sergeant at Arms of the Senate proudly and with distinction. In his 4 years as head of the largest office in the Senate, Mr. Giugni supervised a number of major changes and improvements. This included the purchase and installation of millions of dollars of new computer and telecommunications equipment for Senators and their offices.

Mr. Giugni took special pride in having helped to make the U.S. Capitol accessible to the disabled by expanding the Special Services Office. Under his direction, the office implemented tours and other programs for the disabled, and published a braille version of Senate documents.

Sergeant at Arms Giugni worked with the House Sergeant at Arms to improve the operation of the Capitol Police Force. And, his office instituted cost-effective measures of hiring civilian guards to perform duties which he did not believe required uniformed officers.

Mr. Giugni left his work at the Senate in 1990 to become vice president for corporate development for Washington, DC, firm Cassidy Associates. His presence in the Senate, and his devotion to it, were quickly and sorely missed. But I was pleased and proud of having nominated him to this most important position, and I was even more pleased and proud of the work he had performed while there.

I close my remarks with a poem that I have always cherished. It is a poem that evokes the triumph of a life well lived over the sorrows of death. It is a poem that addresses the life and career of my good friend, Henry K. Giugni.

Let fate do her worst, there are relics of joy, Bright dreams of the past, which she cannot destroy; that come, in the nighttime of sorrow and care, And bring back the features that joy used to wear.

Long, long be my heart with such memories filled, Like the vase in which roses have once been placed;

You may break, you may shatter the vase, if you will, But the scent of the roses will hang around it still.

Mr. AKAKA. Mr. President, I would like to take a moment to say a few words of a dear friend, Henry Giugni, who passed away this morning. Henry enjoyed an illustrious career both on and off Hill. He began his career in Washington as Senator Inouye's Chief of Staff and continued until he was appointed Sergeant at Arms of the United States Senate. In both positions, he enjoyed the confidence and respect of all and he served them well. He had a well-recognized presence on the Hill, particularly in the Senate. After leaving the Hill, Henry joined one of the largest consulting firms in Washington where he was serving his clients effectively.

I will remember Henry as one of the first friends who welcomed me and my family to Washington when I was elected to Congress nearly 30 years ago. His kindness continued over many years and we knew him to be a loving husband and father. Millie and I always appreciated his visits whether for business or a social call.

It was only a few weeks ago that Millie and I chatted with him and we were extremely saddened to hear of his passing. Millie and I express our warmest aloha to his wife Lani and their family. Henry was our dear and cherished friend and we will miss him greatly. God bless Henry and his family. May he rest in peace.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid aside with the time reserved for use at a later time.

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

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Henry Ku‘ualoha Giugni was born on January 11, 1925, in Honolulu, Hawai‘i; whereas Henry Giugni served with distinction in the United States Army, after enlisting at the age of 16 after the attacks on Pearl Harbor, and served in combat at the Battle of Guadalcanal during World War II; whereas Henry Giugni began his service in the Senate in 1963 as Senior Executive Assistant and Chief of Staff to Senator Daniel K. Inouye; whereas Henry Giugni served as Sergeant-at-Arms from 1987 until 1990, becoming the first person of color and first Polynesian to be appointed to be the Sergeant-at-Arms; whereas Henry Giugni promoted minorities and women by appointing the first minority, an African American, to lead the Sergeant-at-Arms’ Service Department, and was the first to assign women to the Capitol Police women’s unit; whereas Henry Giugni’s special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille; whereas in 2003, Henry Giugni received an Honorary Doctorate of Humane Letters for the University of Hawaii at Hilo in recognition of his extraordinary contributions to Hawaii and the nation; whereas Henry Giugni carried Hawai‘i’s flag while marching with Dr. Martin Luther King for civil rights in Selma, Alabama; whereas Henry Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel when they visited the United States Capitol; and whereas on November 3, 2005, Henry Giugni passed away at the age of 80; now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Henry Giugni.

Resolved, That the Senate借此机会，向亨利·吉格尼的家人表示哀悼，并与各位同事一起，向亨利·吉格尼的家人表示哀悼。
not have votes on those amendments on Friday. We will return to the bill on Monday and, as announced earlier, we will begin voting Monday evening at approximately 5:30.

Again, I appreciate everyone’s patience over the last 9 hours. Vote-aramas are not a pretty part of the budget process, but under the direction of our able, our outstanding chairman and ranking member, it was made a lot less painful than it could have been. They give tremendous success to the American people—35, or just right at $35 billion in savings, and that goes directly to the bottom line when it comes to deficit reduction. As we travel around the country, people will say: Get serious, Congress, on fiscal discipline, on spending.

Well, this is the first time in 8 years that this body has gone after mandatory spending in a responsible way to the tune of $35 billion.

I also wish to thank my colleague, the assistant Republican leader, Mitch McConnell, who did a tremendous job. We had, I guess, 22 rolcall votes today, and he did a terrific job in terms of whipping those votes on our side of the aisle, a truly remarkable accomplishment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect to the late Henry K. Giugni.

There being no objection, the Senate, at 6:40 p.m., adjourned until Friday, November 4, 2005, at 9:30 a.m.
EXTENSIONS OF REMARKS

RECOGNIZING GENEVIEVE ROSEKEY

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly ask you to join me in recognizing Genevieve Rosekey of Saint Joseph, MO. Genevieve celebrated her 90th birthday on August 4 of this month, and it is my privilege to offer her my warmest regards on achieving this important milestone. Genevieve is a fine citizen of Missouri and the St. Joseph community. It is an honor to represent Genevieve in the United States Congress, and I wish her all the best on this birthday and many more in the future.

RECOGNIZING DR. ROBERT J. DILLMAN ON THE OCCASION OF HIS BEING NAMED "BUSINESS-PERSON OF THE YEAR" BY THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Robert J. Dillman, president of East Stroudsburg University of Pennsylvania, on the occasion of his being named “Business-person of the Year” by the Pocono Mountains Chamber of Commerce.

Dr. Dillman is the 12th president of East Stroudsburg University and has served in that capacity since July, 1996.

Since then, he has initiated ambitious and innovative academic and economic development projects that have made a profound impact on the university and on the quality of life and economic revitalization of the region.

During Dr. Dillman’s tenure, ESU has become the first university in the United States to offer an undergraduate degree in computer security.

At his direction, the university established an award-winning “Business Accelerator” that focuses on encouraging economic development and entrepreneurial endeavors in the region and has been successful in generating nearly 100 highly skilled jobs in Monroe County.

Dr. Dillman initiated and is leading the planning for the creation of a world class Science and Technology Center on campus.

Dr. Dillman has also partnered with the Pocono Record newspaper to develop a Jazzmasters and Broadway Series which was held for 4 consecutive years.

Under Dr. Dillman’s direction, ESU has added a new graduate degree program, “Masters in Management and Leadership.” He also oversaw the creation of the Center for Research and Economic Development in 1999.

In recognition of his efforts in community development, workforce training, entrepreneurship and innovation, Dr. Dillman received the Ben Franklin Technology Partners Special Recognition Award in 2004.

Under his leadership, university enrollment has steadily increased. Undergraduate enrollment has risen 20 percent while graduate enrollment climbed 33 percent since 1996. And, just this year, Dr. Dillman oversaw the opening of University Ridge Apartments, a new complex that houses 541 students. Dr. Dillman also guided work that produced a new Admissions Welcome Center, Student Recreation Center, Alumni Center and an Enrollment Services Center.

Mr. Speaker, please join me in congratulating Dr. Dillman on this occasion. His work at East Stroudsburg University demonstrates that he is more than deserving of the “Businessperson of the Year Award.” The entire Pocono Mountain community has been enriched by his efforts and it is fitting that he is honored in this way.

IN HONOR AND RECOGNITION OF JAMES D. QUISENBERRY

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of James D. Quisenberry of Lakewood, OH, upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Quisenberry was one of twenty inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. He is a highly decorated veteran, and has infused an unwavering sense of integrity, spirit, courage and energy into all personal and professional endeavors.

For the past 18 years, Mr. Quisenberry has been an active volunteer with the March of Dimes, and has served as a counselor and specialist with Alcoholics Anonymous. He has uplifted the lives of countless individuals and families throughout our community. He also served for years as a Boy Scout Leader. Mr. Quisenberry was instrumental in establishing the “Greater Cleveland Veterans Memorial,” and has reflected an ongoing spirit of volunteerism and leadership roles with numerous veteran services, civic and educational organizations. He is the current president of the Memorial Day Association of Greater Cleveland, which organizes the placement of flags on graves of veterans at Holy Cross Cemetery.

Mr. Speaker and colleagues, please join me in honor and recognition of James D. Quisenberry, upon his induction into the Ohio Veterans Hall of Fame. Mr. Quisenberry’s unwavering commitment to his family, community and country, continues to enrich our community and our entire Nation.

IN HONOR AND MEMORY OF SPECIALIST KENDELL K. FREDERICK

HON. C.A. DUTCH RUPPERSBERGER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Specialist Kendall K. Frederick who died the 19th of October 2005 in support of Operation Iraqi Freedom.

Frederick, a mechanic working on power generators, was killed outside of Tikrit, Iraq. His family was reeling from the death of a loved one when he was killed.

Mr. Speaker, today I ask that you join with me in honoring the life of a man truly dedicated to serving his country.

RECOGNIZING THOMAS AND DORIS BOYCE

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize two outstanding citizens of Missouri’s Sixth Congressional District: Rev. and Mrs. Thomas W. Boyce of Blue Springs, MO. Thomas and Doris will celebrate their 50th wedding anniversary on August 21, 2005.

Mr. Speaker, today I ask that you join me in congratulating Reverend and Mrs. Boyce. Thomas and Doris Boyce have set an outstanding example for all of us to follow. Their marriage of 50 years truly exemplifies the qualities of commitment and dedication, and I am honored to represent them in the United States Congress.

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Chuck Niclaus as he is named “Citizen of the Year” by the Pocono Mountains Chamber of Commerce.

HONORING CHUCK NICLAUS AS HE IS NAMED “CITIZEN OF THE YEAR” BY THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Chuck Niclaus, president of Niclaus Engineering Corporation in Stroudsburg, PA, on the occasion of being named “Citizen of the Year.”
by the Pocono Mountains Chamber of Commerce.

Mr. Niclaus has been engaged in the engineering field for more than 28 years. His expertise includes civil engineering, land development, environmental sciences and surveying.

Extremely active in his community, Mr. Niclaus served as United Way Campaign Chairman in 2004 and has served as a member of the United Way’s board of directors. He is a past president of the Rotary Club of Stroudsburg and he served on the board of directors of the Pocono Mountain Chamber of Commerce.

He is a past president and member of the board of directors of the Slate Belt Chamber of Commerce and is a past vice president of the Bangor Lions Club.

Mr. Niclaus received the United Way President’s and Clifford E. Gilliam Awards in 2004 and the Paul Harris Fellow Award from Rotary International in 2003. He was named Rotarian of the Year in 1999.

Mr. Niclaus is a member of many professional associations including the American Society of Civil Engineers, the Environmental Assessment Association and the National Association of Environmental Professionals.

He has also been an active youth baseball and soccer coach.

Having graduated from the New Jersey Institute of Technology, Mr. Niclaus received his professional engineering licensure in New Jersey and Pennsylvania and possesses operator certificates for wastewater and water systems from the Pennsylvania Department of Environmental Protection.

Mr. Niclaus resides with his wife, Maureen, their three daughters, Erin, Mary and Elizabeth and their son, Tim.

Mr. Speaker, please join me in congratulating Mr. Niclaus at this time. His professional and community commitment speaks well of his desire to make the Stroudsburg area and the region surrounding it a better place to live and raise families. The recognition associated with being named “Citizen of the Year” by the Pocono Mountains Chamber of Commerce is well deserved.

IN HONOR AND RECOGNITION OF MARSHALL W. BUSEY

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Marshall W. Busey of Cleveland, OH, upon his induction into the Ohio Veterans Hall of Fame, Class of 2005.

Mr. Busey was one of 20 inductees selected by a 13-member executive committee comprised of veteran leaders from throughout Ohio. He served our country as a member of the United States Army with honor, bravery and integrity, qualities he continues to bring to all personal, civic and professional endeavors within his life.

Mr. Busey’s unwavering service to the veterans of our community has served to uplift the lives and recognize veterans and their families. He led the effort to raise funds to purchase a 32-foot motor home converted for use by VA patients. He is President of the Memorial Day Association of Cuyahoga County and was Past President of the Greater Cleveland Veterans’ Council. For 39 years, he served as the Sergeant of the Memorial Day “Rough Riders Firing Squad” and as the City of Cleveland Memorial Day Color Guard Sergeant for 14 years. Mr. Busey is an active member of the American Legion and was honored as the Legionnaire of the Year in 1975 and 1976. His service to others extends throughout the community, where he is active in raising funds for many charitable organizations.

Mr. Speaker and colleagues, please join me in honoring Marshall W. Busey, upon his induction into the Ohio Veterans Hall of Fame. Mr. Busey’s honorable and dedicated service to his family, community and to our Nation serves to strengthen and give hope to the members of our community, thereby strengthening our entire Nation.

IN HONOR AND MEMORY OF SERGEANT BRIAN R. CONNER

HON. C.A. DUTCH RUPPERSBERGER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor and remember a man who devoted his life to keeping the citizens of the United States safe.

Sergeant Brian R. Conner of Baltimore, MD died on the 14th of October in the year 2005 in support of Operation Iraqi Freedom. Conner’s death in Al Taji, Iraq occurred when a tractor trailer rear-ended the vehicle in which he and two other Maryland Guardsmen were riding. The weapons they carried as part of convoy operations were detonated upon impact.

Conner’s unit in the Maryland National Guard’s 243d Engineer Company was activated for duty in June and they left for Kuwait in August. Not only did Conner serve his country through the Armed Forces, but he also served as a Lieutenant with the Baltimore City Fire Department.

His colleagues remember him as a well-respected firefighter and a good friend. Conner was the proud father of three daughters and a devoted and loving brother and son.

Mr. Speaker, I ask you to join me today to honor Sergeant Brian R. Conner for the dedication he has shown to his family, friends and the American people.

RECOGNIZES WORLD WAR II VETERANS OF PASCO COUNTY, FL

HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the brave soldiers of Pasco County, FL who served during World War II.

At a ceremony to be held Saturday, November 12, 2005, I will present representatives from each of the five United States Armed Forces with commemorative coins honoring their service during World War II.

As General George Patton once said, “Wars might only be fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gains the victory.”

The Pasco County veterans we are honoring this weekend through this Resolution and the following Resolution above. They proved themselves in battle in Europe, Africa and the Far East. Their sacrifices on the battlefield preserved liberty and freedom for millions throughout the world.

Mr. Speaker, true American heroes like the Pasco County World War II veterans should be honored for their service to our Nation and for their commitment and sacrifices in battle. They are truly part of America’s greatest generation.

RECOGNIZING REID M. MASON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Reid M. Mason of Kansas City, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 301, and in earning the most prestigious award of Eagle Scout.

Reid has been very active with his troop, participating in many scout activities and earning numerous merit badges. Reid began scouting as a Tiger Cub, advanced to Bobcat, Wolf, Bear, and Webelo before joining the Boy Scouts in 2002, where he advanced to Scout, Tenderfoot, 2nd class, 1st class, Star, Life, and finally, Eagle Scout.

For his Eagle Scout project, Reid turned a series of small rooms and closets at First Baptist Church in North Kansas City, MO into a large, functional youth area.

Outside of scouting, Reid is a sophomore at North Kansas City High School, where he is active in the marching band, symphonic band, theater, swing choir, basketball, baseball, and the International Baccalaureate program. Reid is also active in his youth group at First Baptist Church and plays guitar in the youth worship band. Somehow he also finds time to play summer baseball, work toward his black belt in Hapkido, and take piano lessons.

Mr. Speaker, I proudly ask you to join me in commending Reid M. Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING DAMIAN BRAGA AS HE RECEIVES THE CHAIRMAN’S BUSINESS AWARD FROM THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the
Mr. BRAGA. Mr. Speaker, I rise today in tribute and recognition of John J. Nicastro, Sr., upon his induction into the Ohio Veterans Hall of Fame. A member of the 303rd Heavy Bomb Group, known as the Hell 8th Army Air Force, 303rd Heavy Bomb

In the course of one year the Stryker Brigade prepared to enter combat in Iraq, ATC was again contacted requesting similar modifications to the Abrams fleet of tanks. Based on this concern, ATC was requested to provide modifications to the tanks to remedy the potential vulnerability. ATC employees developed the Slat Armor System designed to address the issue. Because of their diligence and motivation, the modifications were completed in only three days. The efficiency demonstrated by ATC enabled the vulnerability to be rectified in less than ten days.

As the initial Stryker brigade prepared to enter combat in Iraq, ATC was again contacted requesting similar modifications to the Strykers, addressing a potential vulnerability to RPGs. These modifications were designed, prototyped and tested in under 10 days for mass production and fielding. Each Stryker was outfitted with this slat armor solution prior to entering combat in Iraq.

In the course of one year the Stryker Brigade Commander reported one hundred fifteen incidents of RPG attacks on Stryker vehicles. Because of the modification to the Slat Armor System, there have been no fatalities as a result of these RPG attacks.

Mr. Speaker, please join with me to acknowledge the hard work Aberdeen Test Center has done on the Abrams M1s and Strykers. The elite attention and enthusiasm shown in this matter has saved the lives of many soldiers fighting the War on Terror.

Mr. BRAGA. Mr. Speaker, I rise today in tribute and recognition of John J. Nicastro, Sr., as he is inducted into the Ohio Veterans Hall of Fame. Mr. Nicastro’s significant contribution to his country, and his focused dedication on family and community, continue to strengthen and uplift our community and our Nation.

Mr. Speaker and colleagues, please join me in honor and recognition of John J. Nicastro, Sr., as he is inducted into the Ohio Veterans Hall of Fame. Mr. Nicastro’s significant contribution to his country, and his focused dedication on family and community, continue to strengthen and uplift our community and our Nation.

RECOGNIZING THE OUTSTANDING EFFORTS OF ABERDEEN TEST CENTER

HON. CA. DUTCH RUPPERSBERGER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to commend the significant contributions of Aberdeen Test Center (ATC) located in Aberdeen, MD, for their outstanding efforts to protect American troops.

In August of 2003, the M1 tanks moving toward Baghdad were assailed by Rocket Propelled Grenades (RPG). This situation highlighted a potential vulnerability to the Abrams M1 fleet of tanks.

Based on this concern, ATC was requested to provide modifications to the tanks to remedy the potential vulnerability. ATC employees developed the Slat Armor System designed to address the issue. Because of their diligence and motivation, the modifications were completed in only three days. The efficiency demonstrated by ATC enabled the vulnerability to be rectified in less than ten days.

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Healthy Together.

of the Boy Scouts of America honored him for his outstanding service, the National Office of America organization. To show their gratitude commander in 2005. He was re-elected to the position of State 2005.

Unger also committed his time as a teacher into the Ohio Veterans Hall of Fame, Class of 2005. Mr. Unger is 1 of 20 inductees selected by Mr. Speaker, please join me in congratulating Mr. and Mrs. Barker. Burl and Jurline have set an outstanding example for all of us to follow. Their marriage of 60 years truly exemplifies the qualities of commitment and dedication.

Mr. Speaker, please join me in congratulating Mr. and Mrs. Barker. Burl and Jurline have set an outstanding example for all of us to follow. Their marriage of 60 years truly exemplifies the qualities of commitment and dedication.

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Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Rebuild Lives and Families Re-Entry Enhancement Act of 2005. This legislation will be the next important step in establishing policy to help the men and women emerging from our Nation’s prisons and jails re-integrate into society and rebuild their lives.

While our national crime rates have fallen over the last decade, we have seen an unprecedented explosion in our prison and jail populations. Over 2 million prisoners are now held in Federal and State prisons and local jails. Each year, approximately 650,000 people return to their communities following a prison or jail sentence, resulting in more than 6.7 million under some form of criminal justice supervision.

Re-entry refers to the return of incarcerated individuals from America’s jails and prisons to the community and their re-integration into society. There is a pressing need to provide these individuals with the education and training necessary to help them find and hold onto jobs, undergo drug treatment, and get medical and mental health services. However, they are confronted with the “prison after imprisonment”—a plethora of seemingly endless obstacles and impediments which stymie successful re-integration into society. These obstacles have substantially contributed to the historically high rate of recidivism, with two-thirds of returning prisoners having been arrested for new crimes within 3 years.

This legislation is designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of re-offending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully re-integrate into society. Title I of the bill reauthorizes and enhances our early adult and juvenile re-entry programs to broaden the availability of critical ex-offender services, while Title II addresses the substantive Federal barriers to successful re-entry. Both titles include provisions requiring that the funded programs be rigorously evaluated and the results widely disseminated, so that re-entry programs can be modified as needed, to ensure that recidivism is reduced and public safety enhanced.

A recent study by Peter D. Hart Research Associates reveals that Americans strongly favor rehabilitation and re-entry programs as the best method of insuring public safety. With this changing paradigm in public opinion, the opportunity is ripe to sensibly reassess the role and impact of criminal justice policies. This legislation translates this emerging public perception into balanced policies and procedures which dismantle the structural impediments to successful re-integration into society.
in 30 seconds, we’ve got a minute 30 to go—McCAFFREY, don’t do all the talking, let Meigs in on this for awhile.

And they were thoroughly professional, and it was joy for me to work with them side by side, but it was a great service to this country to have their expertise and their candor and their truth-telling, as they were on in the early stages, and then after that.

Now it is sometimes an adjustment. During Operation Desert Storm, I was joined at the desk at NBC, night after night, for four hours, by one of your great, great figures, the late Colonel Harry Summers, who was a national detective, a plainspoken man, who kept his military bearing even in a television studio. But about the fifth night of the war, at about three in the morning, we were kind of operating on fumes at this point, and I refuse on those occasions to have a conventional meal; I said just keep sending out plates of fresh food of some kind, that will keep me going: I don’t want to get bogged down with dinner; I’ve got too many other things to worry about.

And it was about the 18th little dish of chopped fruit arrived on my desk, and I couldn’t even bear to look at it, and I finally slid it across to Harry Summers. He looked down, his face composed; he said, almost right that.

I don’t know what’s happened to me. First I let them put hair spray and makeup on me, now I’m eating fresh fruit.” But we found a way to do it.

Let me just take a little bit of your time, if I can, to offer some adjurations on the profession that brings you here tonight and our collective service to the country. It was about three months ago, at a conference of billionaires, moguls, tanners, movers and shakers, Monty Meigs arranged for a panel of U.S. Army battalion commanders to speak to an audience of some of the most prestigious award of Eagle Scout. Meigs was a real expert on infantry tactics, a battalion commander, and he would be said you’re right that.

Furthermore what they’re doing in their commands in Iraq and Afghanistan may be news to you, but it’s not news to communities and neighbors of mine in Big Timber, Montana, or in hamlets in South Carolina, or barrios in East Los Angeles or the working class neighborhoods or small towns of the Great Plains. In those communities, they pay attention, because it is their sons and daughters, and fathers and mothers, who are in harm’s way in those distant places.

General Meigs performed an important public service that week in Sun Valley by reminding the audience that, the place of the military, not just in our national security considerations, but also in our social and political construct as a nation. Indisputably, this country has the finest military in the history of mankind.

It is a superior force at every measurable level, made up entirely by volunteers, fully integrated by race and gender.

Unfortunately, it’s also a military that in too many families, in too many communities and neighborhoods of mine in Big Timber, Montana, or in hamlets in South Carolina, or barrios in East Los Angeles or the working class neighborhoods or small towns of the Great Plains. In those communities, they pay attention, because it is their sons and daughters, and fathers and mothers, who are in harm’s way in those distant places.

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Cody has been very active with his troop, participating in many Scout activities. Over the 8 years Cody has been involved with Scouting, he has earned 35 merit badges and held several leadership positions. Cody has served his troop as Assistant Patrol Leader, Chaplain’s Aide, Librarian, and Assistant Senior Patrol Leader. Cody is a brave in the Tribe of Mic-o-Say, where he has taken the name “Red Eye Owl,” and is also a brotherhood member in the Order of the Arrow. In addition, Cody has earned the World Conservation Award.

For his Eagle Scout project, Cody constructed a fence around 6 air conditioning units at First United Methodist Church to protect the units from damage.

Mr. Speaker, I proudly ask you to join me in commending Cody Wayne Bates for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING DR. JOSEPH AND DR. ROSE MATTIOLI AS THEY ARE AWARDED THE FRANK SCHOELCH COMMUNITY COMMITMENT AWARD FROM THE POCONO MOUNTAINS CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my very good friends Dr. Joseph and Dr. Rose Mattioli, of Monroe County, Pennsylvania, who have been honored by the Pocono Mountains Chamber of Commerce as recipients of the Frank Schoelch Community Commitment Award.

Both Mattioli are graduates of Temple University, which is where they met. Dr. Joseph Mattioli practiced dentistry while Dr. Rose Mattioli practiced professional career as a podiatrist. Both practiced in Philadelphia for about 10 years before they decided to embark on a complete change of careers.

The Mattioli were determined to pursue a dream of bringing automobile racing to the New York and Philadelphia regions. That dream became a reality in 1968 when they opened the Pocono International Raceway at Long Pond in Monroe County. They endured numerous obstacles and hardships during the early days of NASCAR, but they persevered.

Since then, the Mattioli have developed the track into one of the best in the Nation. Today, that track hosts two NASCAR NEXTEL Cup series events each year. In 2002 they were inducted into the Stock Car Racing Hall of Fame.

Known as the driving force behind the growth of Pocono Raceway, Joe is credited by his peers for his incomparable knowledge of racing, drivers, and, above all, people.

Rose is well-known as a gracious lady with an infectious smile. Rose is the “heart” of the Pocono Raceway. She was instrumental in providing an area at Pocono Raceway for religious services for race teams and their families.

Joe is also a strong supporter of countless charitable groups throughout Northeastern Pennsylvania. A veteran of World War II, Dr. Mattioli has been honored for helping the Veterans Coalition and Veterans of the Vietnam War.

Mr. Speaker, please join me in congratulating Drs. Joseph and Rose Mattioli on this happy occasion. It is, indeed, fitting that this couple should be recognized for their community commitment since they have contributed so much to the greater Pocono Mountain community for so long. I am proud to consider them dear friends.

Drs. Joseph and Rose Mattioli have hosted hundreds of thousands of guests over the years and has been responsible for generating significant amounts of revenue and jobs that have greatly improved the quality of life throughout the region.

CONGRATULATING RUSLAN WERNTZ

HON. MICHAEL C. BURGESS
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Ruslan Werntz of Copell, Texas on his commitment, contribution and success in this year’s Discovery Channel Young Scientist Challenge.

In 1999, Discovery created the Discovery Channel Young Scientist Challenge to inspire American youth to enter science-related trips that have taken them to the far corners of the globe. This year, nearly 75,000 students entered science fairs nationwide. Of those students, only 400 were chosen as semifinalists in the 2005 Discovery Young Scientist Challenge competition. The final 40 came from 19 States and Puerto Rico.

One of those finalists was Ruslan Werntz, a 16-year-old ninth-grader at Coppell High School. Ruslan’s project was titled “The Truth and Lies of Blood Glucose Monitoring Systems.” During a doctor’s visit with his father, a diabetic, the doctor ran a glucometer test with a result of 130. This result concerned Ruslan because a few minutes earlier, his father’s home test had read 160. The doctor said that home-use glucometers are not as accurate as the more expensive kind used by physicians. Ruslan wanted to confirm this disparity. For his efforts, Ruslan was awarded the TLC Science of Production Award.

I extend my sincere congratulations to Mr. Ruslan Werntz for his efforts and for receiving this commendable award given by the Discovery Channel Young Scientist Challenge. His commitment to science and to helping others serves as an inspiration to all.

RECOGNIZING MR. SAM MOORE OF KENTUCKY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dane K. Hagen, son of Susan and Mike Hagen, of Kearney, Missouri. Dane has achieved the rank of Eagle Scout. Dane was honored as the Outstanding Young Farmer by the Kentucky Farm Bureau and the American Soybean Association, the Kentucky Beef Cattle Association, and the Kentucky Corn Growers Association.

Mr. Speaker, I am proud to consider Mr. Hagen a member of my district. I am proud of his efforts on behalf of farmers in the Commonwealth, Kentucky. I am proud of his commitment to agriculture and to his community. His efforts have greatly improved the quality of life throughout the region.

I extend my sincere congratulations to Mr. Dane K. Hagen for his efforts.
Troop Bugler, and Senior Patrol Leader. Dane is a brave in the Tribe of Mic-o-Say, where he has taken the name “Mighty Wolf Stalking Prey,” and is also a brotherhood member in the Order of the Arrow. In addition, Dane has earned the God and Church Award, World Conservation Award, Eagle Bronze Palm, and H. Roe Bartle Heritage Award.

For his Eagle Scout project, Dane constructed a fence around the City of Kearney’s water tower and variform pump house, and planted evergreens and shrubbery around the new fence.

Mr. Speaker, I proudly ask you to join me in commending Dane K. Hagen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING ANTHONY PECONE AS HE RETIRES AS PENNSYLVANIA STATE DIRECTOR OF THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION

HON. PAUL E. KANJORSKI OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Anthony Pecone who is retiring as Pennsylvania State director of the U.S. Economic Development Administration following 39 years of service with the agency.

Mr. Pecone has had a distinguished career and has guided the investment of nearly $2 billion in Federal funding throughout the Commonwealth of Pennsylvania, which has had the effect of creating or retaining tens of thousands of jobs.

Mr. Pecone came to the EDA after 11 years of working in the private sector, 2 years of service with the U.S. Army in Germany, 9 months with the Central Intelligence Agency and 16 months with the National Aeronautics and Space Administration’s Goddard Space Flight Center.

As State director of the EDA, Mr. Pecone was an invaluable ally for local communities and economic development organizations, guiding them through the economic development process for planning, technical assistance, business loans, construction and special programs for assistance related to natural disasters, base closings and severe industrial dislocations or curtailments.

Noteworthy Pennsylvania EDA investments achieved during Mr. Pecone’s tenure include brownfield restorations, creation of a statewide revolving loan fund, base closing assistance, restoration of areas impacted by hurricanes and tornadoes, construction of several technology incubators, workforce development initiatives, construction of many industrial, business and commercial parks, initiatives to combat the effects of job losses in the coal and steel industries and construction of roads, sewage and water systems and bridges.

More than 30 years have passed since I first met Tony during the aftermath of Hurricane Agnes, which devastated the Wilkes-Barre area in 1972. His can-do spirit and practical approach to stimulating economic activity shaped my overall impression of the EDA and made me a life-long fan of both Tony and his agency. Always courteous, Tony was also tough and fair in his determination of which projects were worthy of Federal funds. Every applicant seeking EDA funds learned to expect hard questions but also wise guidance as Tony worked to make sure that every EDA proposal was investigated. Although few of them know his name or even the name of his agency, thousands of Pennsylvanians have jobs because of Tony’s hard work. He will be missed.

Mr. Speaker, please join me in congratulating Mr. Pecone upon the completion of a career that has helped so many people achieve a better quality of life. Mr. Pecone’s singular dedication to improving communities deserves special recognition and I am pleased to be able to enter a tribute to him in the Congressional Record.

THANKING AMERICA’S DIPLOMATS FOR SUKKOT ASSISTANCE

HON. GARY L. ACKERMAN OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. ACKERMAN. Mr. Speaker, I rise to express my sincere thanks to the men and women of our Embassy in Egypt and, particularly, to Ambassador Francis J. Ricciardone. I also want to commend Assistant Secretary David Welch, Deputy Assistant Secretary Liz Dibble and a host of their colleagues in the State Department’s Bureau of Near Eastern Affairs. I am pleased to report to the House that through vigorous behind-the-scenes engagement with the Government of Egypt, America’s diplomats made a critical difference for millions of Jews across America and around the world celebrating the Jewish holiday Sukkot.

Mr. Speaker, earlier this month, I began to receive reports that merchants purchasing the palm fronds used for ritual celebrations of the holiday, were discovering that their historic supply in Egypt was in jeopardy. In previous years, Egyptian palms had provided the overwhelming proportion of the roughly one million palm fronds used for the holiday. As commanded in the Bible, Jews celebrate Sukkot with “the four species”—a lulav, composed of palm, myrtle, and willow branches, and a citron, an aromatic but inedible citrus fruit called an etrog—that are used to sanctify the holiday.

This year, however, Egyptian agriculture officials, reportedly concerned about the health of Egypt’s orchards of date palms, ordered a cessation of the harvest and export of palm fronds expected by Jewish communities around the world.

For those unfamiliar with the holiday, a sudden palm frond shortage may have seemed a bit odd, if not downright absurd. I would compare it, however, to a situation where 2 weeks before Christmas, people began to suddenly discover that there were no Christmas trees available for sale, or that those few trees on the market were undersized, illegally cut and only available for triple the normal price. I am proud that when informed of the situation, our diplomats acted swiftly, speaking forcefully on behalf of the entire United States and drawing upon the strong and deep ties between our government and Egypt’s. Again and again over a 2 week period, our diplomats pressed officials in the Egyptian government to increase the number of cuttings available and to ensure their successful export. And here, I also want to express my thanks to Egypt’s ambassador, Nabil Fahmy and his staff at the Egyptian embassy for their very important role in conveying the seriousness of this problem to their colleagues in Cairo.

In the end, I believe there was enough. The Egyptian government heard our concerns and did the best it could to accommodate our needs. Ultimately, I’m told the restrictions on cuttings were effectively lifted in the last hours. There were shortages in some places, some people had to pay more than usual, and more people had to share than in years past, but no one, to my knowledge, was unable to fulfill the religious requirements of the holiday.

Mr. Speaker, the week-long festival of Sukkot celebrates the fall harvest and is often referred to in Hebrew as z’mim simchataynu, “the season of our rejoicing.” I can tell you, there would have been a lot less rejoicing absent a lot of hard work by America’s diplomats. I know the whole House will join me in thanking them for this extraordinary effort.

RECOGNIZING CHRISTOPHER B. HEARNE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES OF MISSOURI IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher B. Hearne, son of Sue and Jerry Hearne, of Kearney, MO. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many Scout activities. Over the 8 years Chris has been involved with scouting, he has earned 36 merit badges and held several leadership positions. Chris has served his troop as patrol leader, librarian, chaplain’s aide, and den chief. Chris is a brave in the tribe of Mic-o-Say, where he has taken the name “Last Son of Silent Snow Goose.” In addition, Chris has earned the World Conservation Award, H. Roe Bartle Heritage Award, and Mile Swim Award.

For his Eagle Scout project, Chris removed litter and rubbish from the half-mile entry road into Kearney’s Mack Porter Park. He also constructed “No Littering” signs along the road.

Mr. Speaker, I proudly ask you to join me in commending Christopher B. Hearne for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WHY AMERICA IS A GREAT NATION

HON. BERNARD SANDERS OF VERMONT IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. SANDERS. Mr. Speaker, Hurricane Katrina was a natural disaster. Its effects were...
compounded by human ineptitude, as FEMA, State officials and the President all reacted slowly and without adequate concern for their fellow Americans.

We rightly witnessed their inaction and un-concern on our television sets.

But there is another America, an America which responds to distress with generosity and a willingness to pitch in. An America which provides an outpouring of funds for the Red Cross and countless truckloads of donated supplies.

I want to tell you a story about what is best in America.

When they learned of the devastation caused by Hurricane Katrina, two members of the Vermont’s South Burlington Fire Department, Lieutenant Micah Genzlinger and Firefighter Trevor Poor, volunteered to help their fellow firefighters on the hard-struck gulf coast. They went to areas devastated by the hurricane and helped other fire companies fight fires. They also helped citizens rebuild and recover from the destruction wrought by the storm. And in the spare time they could muster, they helped their fellow firefighters take care of the damage to their own homes.

And the fire company they left behind? According to their union contract, firefighters must be given notice of shift changes two weeks in advance. Generously, all their colleagues waived this requirement, so that they could cover all shifts, without charging massive overtime to the city of South Burlington. They changed their work schedules to make sure the city was protected and that Genzlinger and Poor’s trip to help others did not undercut local fire protection, all at no additional cost.

This story was repeated all over America. In Vermont, firefighters from Barre and Hartford also headed south to help their firefighting brothers and sisters. In other states, firefighters responded to the call to protect and rebuild—as they always do, not only for their own cities and towns, but for Americans everywhere.

This kind of generous solidarity is what makes America a great and wonderful Nation.

PRIVATE PROPERTY PROTECTION

HON. CLIFF STEARNS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. STEARNS. Mr. Speaker, back in June, the Supreme Court handed down a ruling in Kelo versus City of New London that states that the Government can seize private property for the economic development of a city. Mr. Speaker, this ruling embodies everything for which our Founding Fathers did not want this country to stand.

Mr. Speaker, the Kelo ruling is a gross misinterpretation of the Fifth Amendment. The Fifth Amendment allows for the government to obtain private property for public use, meaning this property can be obtained for the government to build something such as a school or a road. However, the Kelo ruling allows the government to take property owners’ farms, private businesses, or even our homes so that big-time businesses can come in to our towns and cities and build shopping malls and supermarkets on the property that is rightfully owned by our constituents.

I support H.R. 4128, The Private Property Rights Protection Act, and urge all members to do so. This piece of legislation will allow us as Members of Congress to protect our constituents against the loophole created in Kelo by the Supreme Court, and will allow us to punish those state and localities that take advantage of their citizens and of this ruling.

HON. PETER J. VISCOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. VISCOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate Galilee Missionary Baptist Church as they join together in celebration of the 5th Pastoral anniversary of their esteemed Pastor Reverend Charles M. Morgan. They will be celebrating this very momentous and special occasion November 18-20, 2005. Reverend Morgan was born to the late James and Lillie Morgan in Kansas City, Missouri. He completed his undergraduate studies at Ottawa University and Calvary Seminary. He is presently matriculating in the McCormick Theological Seminary. Reverend Morgan is an active member of the Baptist Minister’s Conference of Gary and Vicinity, and he is the 2nd Vice Moderator of the Northern Indiana Missionary Baptist District Association. He is a regular participant at the Stephen Olford School for Expository Preaching in Memphis, Tennessee. Reverend Morgan has also been an instructor for the Baptist Minister’s Seminar for the past two years.

From its modest beginning, Galilee Missionary Baptist Church has emerged as a cornerstone of the community. Under Pastor Morgan’s guidance, Galilee continues to thrive, both in terms of spiritual growth as well as practical improvements. The proud members of the church are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

Though Reverend Morgan is dedicated to the Galilee Family, he has never limited his time and love for his family. Reverend Charles Morgan and his wife Francine have three daughters, Natasha (deceased), LaRonda Lindsey, and Rasheeda; one son, Johan; and two grandchildren, Manuel and Jackson.

The celebration weekend begins on Friday, November 18, 2005, with the Pilgrim Missionary Baptist Church Family and Pastor Charles Morgan’s 5th Pastoral Anniversary. November 19, 2005, will be an evening of love and appreciation at the Turkey Creek Country Club Banquet in Merrillville, Indiana. The celebration banquet will conclude the festivities on Sunday, November 20, 2005, when the church honors Pastor Morgan and his family with special guests, including Pastor Mike Nicholson and the Mount Calvary Baptist Church Family of Fort Wayne, Indiana.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Reverend and Mrs. Charles M. Morgan and the Galilee Missionary Baptist Church on their 5th Pastoral anniversary. Their constant dedication and commitment is worthy of the highest commendation.

RECOGNITION OF UNPARALLELED CIVIL SERVICE BY MR. STEPHEN WHITMORE

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. SAXTON. Mr. Speaker, it is my distinct pleasure to highlight the extraordinary service of Mr. Stephen Whitmore, who is currently the operations officer for the Department of Public Works at Fort Dix, New Jersey. Born on July 16, 1923, Steve has selflessly served the Nation, the Army and Fort Dix for more than 60 of his 82 years.

Mr. Whitmore’s service began during World War II when he enlisted in the Army on July 19, 1943. As a soldier assigned to the 1st U.S. Army, he served as a participant in many of the major battles fought in central Europe from November 1944 until April 1946. On April 29, 1946, Steve completed his Army out-processing procedures and immediately began working as a Fort Dix Civil Service Employee.

Since then, Mr. Whitmore has worked for the Directorate of Public Works, DPW, in a variety of capacities. As you would expect, Mr. Whitmore’s impact on the facilities and infrastructure of Fort Dix has been enormous. The majority of the buildings currently utilized on Fort Dix were built after he arrived in 1945. Consequently, he participated in some manner in the construction of almost all of the facilities in use today and has continued to maintain and repair them throughout his 60-year tenure. Furthermore, all of the utility systems on Fort Dix were either installed or expanded under his personal guidance. In fact, the current electrical grid system for the Installation is one that he designed and either helped construct with a crew of high-tension electricians or oversaw the construction in a supervisory capacity. Also occurring under his watch was the conversion of the Installation’s heating systems from coal to oil to natural gas.

In addition to Mr. Whitmore’s consistent and exceptional execution of his core DPW responsibilities, he has been a key factor in ensuring the successful implementation of non-traditional missions. One of those events concerned a mission assigned to Fort Dix in 1999 entitled Operation Provide Refuge. In short, Fort Dix was tasked to provide temporary housing for over 4,000 Kosovar refugees. Therefore, in addition to performing his duties as Chief of the Public Works Division, Steve assumed responsibility for providing utilities for the temporary facilities, including the installation of almost five miles of temporary fencing, constructing playgrounds, maintaining the grounds in all the areas of operation, constructing and
installing signs throughout the Installation, establishing and rewiring a welcome center, assisting in the construction and installation of tent frames and even the installation of bed frames and mattresses in the dormitories. His overall work plan execution was magnificent and he guided his personnel through 18 hour work days for over three weeks to get the work done, while still maintaining tremendous morale throughout his work force.

Another monumental mission for which Mr. Whitmore’s expertise and ingenuity ensured a successful outcome was the role he played in establishing the security of Fort Dix immediately following the 9/11 terrorist attacks. This was a daunting task since the Installation had never been closed to through traffic in its 84-year history. He assembled a crew and equipment and worked with the police to close the Installation in a matter of hours. His expertise and unmatched knowledge of the Installation ensured that the dozens of means of access other than the main entry/exit points were identified and blocked. He has continued those efforts over the past 4 years to identify, develop and execute major projects to convert the temporary measures to permanent security barriers to include the installation of a 3 1/2-mile-long security fence.

Mr. Whitmore’s most recent accomplishment pertains to the exceptional work he has done on the development and execution of projects to establish a Forward Operating Base, FOB, to provide vital, realistic training to our soldiers being mobilized in support of the Global War on Terror. Steve planned and supervised the construction of the FOB, which is the largest, most complex FOB in the continental United States. Based on his actions, the FOB was built and maintained to a standard that allows the FOB to house, service, and provide realistic field training to approximately 2000 mobilizing soldiers at one time. Whether it was the electrical system, which he designed and had executed, the water and drainage systems so that the Soldiers could take showers, the heating of the tents and even the clearing of the roads when it snowed, he was the one who made it all happen. Mr. Whitmore had the ideas, the ability to bring the ideas to resolution and ambition, energy and interest to accomplish whatever was necessary to make the FOB a success.

To this day he continues to provide the oversight for all utility services. His knowledge of the systems is legendary as is his ability to trouble shoot and get the correct all system problems. He is a shining example of someone who adheres to the Army values in both his professional and personnel life. A man of strong resolve and unmatched abilities, Steve is a true patriot worthy of our Nation’s thanks and praise.

TRIBUTE TO THE HONORABLE WILLIAM LAWRENCE

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor William “Bill” Lawrence, retired letter carrier and member of the National Association of Letter Carriers, San Francisco Branch 214, who is being honored by the Letter Carriers at their Biannual Congressional Breakfast.

Bill Lawrence began his service to our country when he enlisted in the Navy at the age of 16. After serving in China, he was honorably discharged and settled in San Francisco in 1927. He worked for several years as a cable car conductor before finding the letter union jobs in San Francisco at the time. In July 1938, he began his career as a Letter Carrier, immediately joining Branch 214 of the National Association of Letter Carriers. Bill served as Secretary of Branch 214 for 6 years, and delivered mail in San Francisco for 35 years, until he retired at age 65.

In 1970, Bill Lawrence was elected to the non-partisan City Council of nearby Brisbane, California, and over the next two decades, served twice as Mayor. After his tenure on the City Council, Bill pursued his dedication to public service as the Legislative Liaison for the California State Association of Letter Carriers. Bill has always said that his love of politics stems from the rewarding feeling he gets from helping people. Now at age 97, Bill continues to delight children of all ages when he dresses as Santa Claus during the holidays.

I’ve always been proud to call Bill Lawrence my friend. He is a kind and generous man, and without his support and that of his wife, Honey Bee, I would not have been elected to the San Mateo County Board of Supervisors and to Congress.

Mr. Speaker, I ask my colleagues to join me in recognizing Bill Lawrence’s countless contributions to our community and our country. Because of him and his distinguished service, we are unmistakably a better and more decent nation.

RECOGNIZING THE ALL KIDS HEALTH CARE PROGRAM OF ILLINOIS

HON. RAHM EMANUEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to recognize Illinois Governor Rod Blagojevich for establishing the All Kids health care program, and the Illinois General Assembly for passing this important initiative. This plan makes Illinois the first State in the country to provide comprehensive health insurance to every child in the State.

The All Kids program will target the estimated 253,000 uninsured children in Illinois; providing coverage for children from working families that earn too much to qualify for existing programs but not enough to purchase private health insurance.

According to a National Health Interview Survey, 39 percent of American children did not visit a doctor in the past year, and 38 percent do not have regular facility to insurance for their health care needs. Because their parents cannot afford hospital bills, uninsured children are six times as likely as insured children to have serious health issues go untreated. As a result, they are at higher risk for hospitalizations and missed diagnoses of serious illnesses. Improved mail on the streets of San Francisco is not the only benefit of this program. Studies show that children with health insurance are more likely to attend school consistently.

Additionally, the grades and test scores for insured children are substantially higher than their uninsured peers.

By moving a majority of Illinois’ Medicaid beneficiaries into a primary care management program where every beneficiary has their own family doctor, the State will save millions of dollars that will be used to pay for the All Kids program and provide more Illinois children with basic health care.

The State of Illinois has taken responsibility for the children and their families who do not have this critical coverage. The program enabled by the State of Illinois is set to begin in July 2006.

With 45.8 million uninsured Americans in 2004, it is time to stop ignoring the problem and to start taking action. I congratulate the Illinois General Assembly and Governor Blagojevich for their leadership in passing this bill, H.R. 1461, to the House floor. Reforming the regulatory structure for the housing GSEs has clearly been a long time in the making.

I am going to vote for this legislation, and I encourage my colleagues to do the same. I believe that we must act as a body to move this process forward, and work with the Senate to draft a bill that President Bush can sign into law. We are all aware of the economic damage that took place in the wake of other corporate accounting scandals, be it Enron, WorldCom or Tyco. It is important to remember that in terms of assets, Enron was only about one-sixteenth the size that Fannie Mae is today. WorldCom and Tyco were about one-tenth the size of Fannie in terms of assets. These facts cannot be ignored. Legislation is long overdue.

I continue to have many concerns about certain provisions in H.R. 1461 that I believe could do more harm than good to our housing markets. Primarily, I am concerned that H.R. 1461 does not go far enough to protect our financial markets from the systemic risks posed by the giant portfolio holdings of Fannie Mae and Freddie Mac.

Federal Reserve Chairman Alan Greenspan has warned us that without the needed restrictions on the size of Fannie and Freddie’s portfolios, our ability to preserve safe and sound financial markets is significantly put at risk. H.R. 1461 would not provide the necessary tools to appropriately limit the size of the portfolios of these two institutions. The combined retained portfolios of these two
IN HONOR OF JASON KAMRAS,
NATIONAL TEACHER OF THE YEAR
HON. DORIS O. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005
Ms. MATSUI. Mr. Speaker, I rise in tribute to Jason Kamras, the 2005 National Teacher of the Year. A native of Sacramento, Jason teaches mathematics at John Philip Sousa Middle School, in our nation's capital. Since being named Teacher of the Year in April, Jason has traveled across the country as an educational spokesman and will continue to do so through next June. As his friends, family and colleagues celebrate Jason's outstanding achievement, I ask all of my colleagues to join with me in saluting this truly remarkable American.

The son of Linda and Marvin Kamras of Sacramento, Jason attended Shalom School, Sacramento's only Jewish day school, where he was named to their inaugural class of 1978. In 1991, he graduated from Rio Americano High School at the top of his class. Later that fall, Jason began his freshman year at Princeton University, where he graduated with a degree in public policy in 1995.

After graduation, Jason promptly applied for a position with Teach for America, a wonderful program that allows for recent college graduates to work in needy public schools. It was Teach for America that first brought Jason to John Philip Sousa Middle School, where he taught math to sixth graders. At Sousa he immediately poured his energy and passion into the school's students.

Three years of teaching math at Sousa convinced Jason that he could do much more to have a positive impact on students' lives. In 1999 he left the classroom and earned a Master's Degree in Education at the Harvard Graduate School of Education. When he returned to Sousa, Jason taught a combined class of seventh and eighth graders for 2 years in social studies. This "looped" class allowed him the opportunity to connect with his students and push them to achieve everything within their grasp. In the 2002-2003 school year, Jason has returned to teaching math, this time at the seventh and eighth grade levels.

Outside of the classroom, Jason has successfully worked with school administrators to double the instructional time devoted to math and has incorporated technology and real world situations into the math curriculum, in order to meet today's students' needs. His love for photography led him to establish the EXPOSE Program, in which students create photo-essays with digital cameras that depict their lives and neighborhoods. Those photos are often shown to the public at the Capital Children's Museum and other places around the city. In the fall of 1996, Jason was named the Mayor's Art Award for Outstanding Contribution to Arts Education for his work with the EXPOSE Program, just one of the many honors he has earned for his dedication to our Nation's youth.

What makes Jason an excellent teacher and role model is that he works tirelessly to give his students the tools they will need to make their dreams come true. Whether it is with complex math problems or artistic self-expression, Jason has an ability to connect with students, many of whom come from underprivileged backgrounds, and give them the attention and support they need to help them meet their goals.

Mr. Speaker, as Jason Kamras continues to speak on behalf of schools that allow access to our country, I am honored to pay tribute to one of Sacramento's most honorable citizens. His love for teaching is fortunately shared by countless other teachers in classrooms throughout the Nation. At 31 years of age, Jason has accomplished so much in the classroom that he has overcome his entire history of the United States of America. Mr. Chairman, the truth is there is no greater housing program than the American free enterprise system.
during tournaments. I applaud Nike for sponsoring this award in the name of Casey Martin because he embodies the beliefs that we as Americans all hold dear—the importance of diversity, a commitment to sports, and the fact that everyone should have the right to participate.

I’ve had the great pleasure of spending time with Rachael and, like countless others, am tremendously inspired by her strong sense of determination and amazing successes. It is my honor to represent Rachael in the U.S. Congress, and I congratulate her for her outstanding achievements.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Ms. ESHOO. Mr. Speaker, I was unable to vote on Friday, October 28, 2005. Had I been present, I would have voted on the following votes: On rollocal vote No. 555 I would have voted “yea”; on rollocal vote No. 556 I would have voted “yea.”

TRIBUTE TO ROSA PARKS

SPEECH OF
HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 26, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and celebrate the life of the distinguished Civil Rights leader, Rosa Parks who died Monday, October 24, 2005 at the age of 92. A woman of great character and conviction, Rosa Parks inspired a generation to change the course of history.

For half a century, the story of Rosa Parks—of a woman with the courage to challenge an unjust system, has been marked in history as a lesson for both young and old. While riding a bus home from her job in Montgomery, Alabama on December 1, 1955, Rosa Parks defied the segregation laws of the time and refused to give up her seat to a white passenger. She was then arrested and fined $14. Her bold and single act of defiance sparked a 381-day boycott of the Montgomery bus system by the African American community and ultimately the breakdown of segregation in the south.

Born Rosa Louise McCauley on February 4, 1913 in Tuskegee, Alabama, she married Raymond Parks, a briefly attending Alabama State College in Montgomery. As the first female member of the Montgomery chapter of the National Association for the Advancement of Colored People (NAACP), Rosa Parks worked tirelessly with her husband to encourage and increase voter participation in the African American community. Following the couple’s move to Detroit, Rosa Parks began her 20-year service to the 14th district of Michigan as an administrative assistant in Congressman John Conyers, Jr.’s office. She also founded the Rosa and Raymond Parks Institute for Self Development to encourage leadership among Detroit’s youth in 1987.

Although modest about the pivotal role she played in the Civil Rights movement, Rosa Parks has been recognized with some of the most prestigious awards and honors in the country. Among her many awards, she was the recipient of the Presidential Medal of Freedom, which is our Nation’s highest civil award for merit and integrity, and the Congressional Gold Medal, which is the highest expression of national appreciation for distinguished achievements and contributions. She was also awarded the Springarn award by the NAACP that recognizes the highest achievements amongst African Americans and the Martin Luther King Jr. Award that recognizes those who work for social change through nonviolent means.

The longest journey begins with the smallest step. Rosa Parks’ actions seemed small on that December day, but they accelerated the Civil Rights movement and enkindled a passion for equality in a generation. I had the honor of joining our colleague from Georgia, Mr. LEWIS, in March to celebrate the 40th anniversary of the Voting Rights March in Alabama and the many heroes who were inspired by Mrs. Parks. I was moved by their struggles and motivated by their strength. However, the journey towards true equality remains unfinished and the most fitting tribute to Mrs. Parks would be for us to continue that fight in her memory.

And so today, I join the country in bidding farewell to a true American hero and inspirational leader. Mrs. Rosa Parks will be greatly missed by her family, the Nation and the world.

IN RECOGNITION OF THE CITY OF SYLACAUGA, ALABAMA: ONE OF THE 100 BEST COMMUNITIES IN AMERICA FOR YOUNG PEOPLE

HON. MIKE ROGERS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the City of Sylacauga, Alabama, a unique town in the Third Congressional District that was recently named by America’s Promise as one of the 100 best communities in America for young people.

As its 13,000 citizens know, Sylacauga still retains that old-fashioned charm which defines small town America. Yet it’s also a forward-looking community that prides itself on its schools, and recognizes that the children of today are our leaders of tomorrow. In that regard, the city has created a variety of programs geared for children and teens, including a program known as BRIDGES. This unique initiative, which was identified by America’s Promise as one of the city’s crown achievements, provides school age children special opportunities to participate in recreational activities while under supervision of volunteers and staff. It also gives older children the opportunity to do volunteer work and give back to their community.

Mr. Speaker, this is indeed a proud achievement for the City of Sylacauga, and further demonstrates the importance its citizens place in educating its children. I am proud that one of East Alabama’s small towns has made this prestigious list, and salute the citizens and local officials who helped make this achievement possible. I thank the House for its attention to this important matter today.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. GALLEGLY. Mr. Speaker, on Friday, October 28, 2005, I was unable to vote on agreeing to the conference report for H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (rollocal No. 555); and on agreeing to H. Res. 523, Condemning Iranian President Mahmoud Ahmadinejad’s threats against Israel (rollocal No. 556). Had I been present, I would have voted “yea” on both measures.

IN HONOR OF ROSA PARKS

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. FARR. Mr. Speaker, I rise today to pay tribute to the legendary Rosa Parks, who passed away last week. I had the great honor of meeting Rosa Parks several times throughout her life. The first time was in the late seventies when she was a guest speaker at Monterey Peninsula College in my district. I was also on hand when she received the Presidential Medal of Freedom in 1996 and the Congressional Gold Medal in 1999.

Each time I saw Rosa Parks, I was again impressed that a woman of such slight stature started such a large scale movement for civil justice. Rosa Parks’ decision not to give up her bus seat to a white man during the time of segregation was a courageous act, simple and without violence. Rosa Parks did not yell, swear or wave her hands and dramatized to get the Nation’s attention. In fact, she did not even move. Today, the consequences of her choice can be seen throughout our society. I continue to believe that a more just society will not be achieved by water hoses, tear gas, night sticks and hostility, but through peaceful means including compromise and fairness.

Fifty years later, Rosa Parks’ actions don’t seem radical or risky, but when you are the first one to take a stand, it is lonely. Indeed, Rosa Parks’ death has given us the opportunity not just to remember her life and her actions, but also to remember the actions all of those who have stood up in the face of injustice.

My mother was one of those people, like Rosa Parks. Though she died when I was a young adult, my father often told me of his bus ride my mother took in New Orleans in the mid 40s. My sister and I were young children at the time, and we all used the bus system to get around the city. Buses in New Orleans were segregated at that time, but during one ride my mother decided to seat us in the “colored” section, although it was in the “white” section of the bus. When the bus driver saw what my mother had done, he told her that she and her children had to move to the
white section. My mother refused, so the driver told her to get off the bus. Rather than change our seats, she shepherded my sister and me off the bus.

I had a chance to share this story with Rosa Parks when I finally met her and she enjoyed hearing about my mother’s actions. Though my family did not live in a segregated state, both my parents realized they still had a duty to contribute to the struggle.

As a member of Congress, I have been honored to visit the heartland of the civil rights movement with fellow colleagues and civil rights champions, Representative JOHN LEWIS. During a trip with the Faith and Politics Institute, we visited the Voting Rights Museum in Birmingham, AL, the Rosa Parks Museum in Montgomery, AL, and reenacted the march across the Pettus Bridge in Selma, AL. I cannot fully express how much I gained from visiting these sites with some of the original participants in the civil rights movement. Hearing about the pain and suffering they endured throughout those times was tempered by the joy we felt in our mutual support for a just cause.

I was honored to join my colleagues by attending Rosa Parks’s memorial service and supporting the unprecedented resolution that allowed her body to lie in honor in the Capitol Rotunda. Rosa Parks was one person who made a difference and whose actions will forever call on all of us to stand up—or our seats—for civil justice.

HONORING MRS. WILLIE JEAN YOUNGBLOOD ON HER 90TH BIRTHDAY

HON. ARTUR DAVIS
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. DAVIS of Alabama. Mr. Speaker, I rise today to enter into the CONGRESSIONAL RECORD a special tribute to Mrs. Willie Jean Youngblood in honor of her 90th birthday.

Mrs. Youngblood was born on November 7, 1915 in Bullock County, AL, and was the third of eight children of the late Cleveland and Julia Dennis. She later married Monroe Youngblood, a construction worker, of Bullock County. In search of better opportunities, the couple moved to Birmingham where they raised their eight children. Mrs. Youngblood earned a living as a cook at the Thomasine Cafe and a service worker at the historic Tutwiler Hotel.

Mrs. Youngblood was a nurturing mentor for young mothers in her community. The Youngblood home was also the gathering place for many young children in the community, including the current mayor of the city of Birmingham, Bernard Kincaid.

While Mrs. Youngblood may not have had an abundance of material wealth, she passed on a wealth of love and hope to her children and her community.

May God bless Mrs. Youngblood and her family on her 90th birthday and for many years to come.

COMMEMORATION OF ROBERT H. HINCKLEY, JR.

HON. JIM MATHESON
OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. MATHESON of Utah. Mr. Speaker, I am pleased today to recognize the life and contributions of Robert H. Hinckley, Jr.

A lifelong resident of the State of Utah, Mr. Hinckley’s 88 years were distinguished by his optimism, energy, and a commitment to public service.

Robert Hinckley, Jr. was born as the first child of Robert H. Hinckley Sr. and Abrelia Clarissa Seely Hinckley in Mt. Pleasant, UT, although he grew up in Ogden, UT and always considered that his home. Growing up during the Depression era, Hinckley began working in the family’s business, Hinckley Dodge. After graduation from Ogden High School, he attended Stanford University and then the University of Utah. Outside of business, Hinckley loved horses and owned Arabian horses. He counted his greatest success as his four children, all of whom survive him.

Hinckley’s life demonstrated commitment to his community. In 1988, he built upon his father’s legacy becoming board chairman of the Hinckley Institute of Politics at the University of Utah. In this capacity, he was a champion for intelligent, thoughtful, and ethical engagement in the public arena. He encouraged students of all political persuasions to approach public service and politics with a sense of purpose and diligence. He worked hard to create opportunities for all students, regardless of socio-economic status, to have access to internship opportunities. He dramatically stepped up the activities of the Hinckley Institute and oversaw the doubling of its endowment.

This year the Hinckley Institute of Politics is celebrating its 40th anniversary. Over 4,000 interns have served local, State, and Federal offices, interest groups, polling firms, and campaigns since 1965. The Hinckley Institute pioneered the Utah State legislative internship program, and interns now serve in critical staffing capacities during every general session. The Hinckley Institute internship program has been studied by colleges and universities across the United States. The Hinckley Institute sponsors the Hinckley Journal of Politics, an undergraduate research publication. It is one of only four undergraduate political science journals nationwide.

The Hinckley Institute has influenced countless local, State, and Federal elected officials, party activists, lobbyists, journalists, and citizens. Recent studies of former Hinckley interns demonstrate an incredibly high degree of civic engagement, through many avenues, for years after graduation. The Institute has provided a needed center for intelligent, thoughtful, dynamic conversation about important issues, where students can test their beliefs and access opportunities for empowerment within their community and government.

Robert Hinckley’s philanthropic commitment to education and students extends beyond the on-going value of the Hinckley Institute of Politics, including the establishment and funding of scholarships at the University of Utah, Utah State University, Weber State University, and Brigham Young University. In this capacity, as well, he and his family have helped create a large community of educated, actively engaged, ethical, and interested citizens.

In all his endeavors, Hinckley was noted for his positive outlook and energy. His contributions will long benefit the students and people of Utah. He was truly an asset to his community and will be greatly missed.

COMMEMORATION THE LIFE OF MARINE CORPORAL JONATHAN “J.R.” SPEARS, KILLED IN IRAQ

HON. JEFF MILLER
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. MILLER of Florida. Mr. Speaker, Marine Corporal Jonathan “J.R.” Spears, was lost to us in Iraq on October 23.

He was a proud Marine and an exceptionally fine man who joined the greatest military service in the world.

I had the solemn honor of attending Corporal Spears funeral today and meeting his incredible family and friends. I now know how blessed they are to have known such a fine man. His parents, Timothy and Marie and his sisters Jennifer and Jessica display courage, dignity and strength that is moving and inspirational. I wish I could have known him as they did as he seemed like a truly amazing person.

J.R. used to work in a sandwich shop and he selflessly gave a portion of each pay check he received to buy food for the homeless. While playing football in high school he got up to 263 pounds. In order of his life dreams, joining the Marines, he had to lose nearly eighty pounds, which he did.

He was a young man who, by the time of his death at 21, had already planned out his life. He wanted to go to college after leaving the Marines Corps and then go on to be an FBI or Secret Service Agent. I know very few young people who have their life plan set by the time they reach 20, let alone 21. J.R. was a driven man who knew what he wanted and made it happen.

A stanza in the Marine Hymn written over a century ago says: “If the Army and the Navy ever gaze on Heaven’s scenes, they will find the streets are guarded by United States Marines.” I know that J.R. is up in heaven guarding the streets for all of us. I am certain he has been welcomed with God’s saving grace.

His sacrifice is a solemn reminder to us of the risks that all of our men and women in uniform make every day to keep us safe.

I know that our Marine Corps will hold him in their hearts forever, as will we all.

May God bless Corporal Spears, his family and all of our men and women in uniform.
CONDEMNING IRANIAN PRESIDENT MAHMOUD AHMADINEJAD’S THREATS AGAINST ISRAEL

SPEECH OF
HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, October 28, 2005

Mr. VAN HOLLEN. Mr. Speaker, I strongly condemn the deplorable remarks made this week by the President of Iran, Mahmoud Ahmadinejad, toward my colleagues, Congressman TOM LANTOS (D-CA) and HENRY HYDE (R-IL), for authoring this important resolution—H. Res. 523, Condemning Iranian President Mahmoud Ahmadinejad’s threats against Israel—and bringing it to the floor of the House of Representatives.

The statement by Iran’s President that “Israel must be wiped off the map” demands the strongest condemnation from the entire international community. Moreover, it is reprehensible that Mr. Ahmadinejad made these statements to a group of students. In an area of the world where violence has led to extensive hardship and suffering the Iranian President’s statement only promotes more violence. It is a sad day when the leader of Iran would poison the minds of young people rather than inspire them to build a peaceful Middle East.

PERSONAL EXPLANATION
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mrs. MALONEY. Mr. Speaker, November 1, 2005, I missed rollcall votes numbered 557 and 558. On the motion to suspend the rules and pass H.R. 3548, a bill to designate the facility of the United States Postal Service located on Franklin Avenue in East Flatbush, Brooklyn, New York, as the Heinz Ahlmeyer, Jr. Post Office Building. Rollcall vote No. 558 was on the motion to suspend the rules and pass H.R. 3989, a bill to designate the facility of the United States Postal Service located at 37598 Goodwin Road, in the Town of Calumet, Michigan, as the Albert Harold Quie Post Office.

Had I been present I would have voted "yea" on rollcall votes Nos. 557 and 558.

ON INTRODUCING THE "ELIMINATION OF BARRIERS FOR KATRINA VICTIMS ACT"
HON. ROBERT C. SCOTT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to join my colleagues, Congressman RANGEL of NY, Congressman CONyers of MI, Congressman THOMPSON of MS, Congressman JEFFERSON of LA, Congressman FRANK of MA, Congresswoman JACKSON-LEE of TX, Congressman PAUL of TX, Congresswoman JOHNSON of TX, Congresswoman LEE of CA, Congressman HASTINGS of FL and Congressman AL GREEN of TX in introducing the "Elimination of Barriers for Katrina Victims Act." We are pleased to be joined by a coalition of almost 100 national, state and local organizations who have expressed their support for the legislation, such as the American Academy of Addiction Psychiatry, American College of Mental Health Administrators, Drug Policy Alliance, National Council on Alcoholism and Drug Dependence, and the National Urban League, and the list is growing as word of the legislation gets out.

Millions of Americans were displaced from their homes due to Hurricane Katrina and Hurricane Rita and hundreds of thousands have not been able to return and may never be able to do so. Having lost their homes, their communities, their jobs and other support systems, most have required emergency food, clothing, shelter, medical, or monetary assistance. According to FEMA reports, an estimated 2.1 million Americans have already applied for federal aid. Unfortunately, many of these individuals and their families are in desperate need, but, due to prior drug convictions, will not be able to receive certain federal assistance available to other victims in need. While it is impossible to know for sure how many families will be denied public assistance because of drug convictions, it is likely in the tens of thousands.

More than 1.5 million Americans are arrested for drug offenses every year. Several federal laws disqualify those with felony convictions to receive certain federal benefits. A recent GAO report commissioned by myself and Congressman RUSH of IL reveals that these disqualifications are having a huge impact on receipt of federal benefits for those with prior drug convictions who otherwise would receive them. For example, an estimated 41,000 students were denied college assistance during the 2003/2004 academic year because of drug convictions.

While the GAO was only able to collect data from 15 public housing agencies, out of more than 3,000, those 15 agencies denied housing to almost 500 students because they had prior drug violations in 2003 alone. That indicates that there are thousands of families and tens of thousands of individuals unable to receive housing benefits because a family member has a drug conviction.

The drug conviction ban on eligibility for federal benefits also applies to Temporary Assistance for Needy Families, or the TANF program. TANF eligibility applies to families with minor children. One study reflected that almost 25 percent of drug offenders released from prison in 2001 were eligible for TANF benefits but were permanently barred from receiving it due to their state’s application of the federal ban for a drug conviction. While some states do not apply the federal ban completely, other states, such as Alabama, Mississippi, Texas and Virginia, where many of the displaced families are staying, have fully applied the ban.

Hurricanes Katrina and Rita have inflicted suffering on millions of people. The suffering will fall even harder on victims denied aid because of past drug offenses. Parents who have lost everything and are struggling to feed themselves and their family will be denied TANF and food stamps; students who have lost their school, tuition, fees, room and board, but could continue their education in another school willing to accept them, or who were in school elsewhere when their parents lost the ability to continue paying for their education, will be denied student loans; and entire families that have lost everything in the disasters will be denied housing—due to the federal ban on past drug convictions.

The “Elimination of Barriers for Katrina Victims Act” applies only to past drug offenses, some of which were many years ago, and suspends the disqualification for only a 3-year period. This temporary adjustment period in federal benefits would allow families affected by Hurricanes Katrina and Rita a chance to put their lives back together through the same means as other victims who suddenly lost their homes and livelihood through no fault of their own. Therefore, we are introducing this bill today and urge our colleagues to quickly enact it into law to assist families who are otherwise hopelessly destitute because of the disasters and the impact of a drug conviction.

REINSTATEMENT OF THE CORPORATE ENVIRONMENTAL INCOME TAX
HON. SHERWOOD BOEHLERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. BOEHLERT. Mr. Speaker, today I am introducing the Superfund Reinvestment Act of 2005, a bill to reinstate the corporate environmental income tax, which expired in 1995. The bill will provide a dedicated stream of revenue for our Nation’s communities as they struggle to clean up the Nation’s dirtiest abandoned hazardous waste sites and recapture lost jobs where they are most needed.

First passed by Congress in 1980, the corporate environmental income tax provided a dedicated stream of revenue for the so-called Superfund trust fund. In 1995, the last year before this corporate tax expired, it raised approximately $700 million. At a rate of 12/100 of one percent on corporate profits over $2,000,000, the tax was virtually without any real impact on business, but was virtually worthy and rightful public purposes—creating jobs, rebuilding our urban communities, and cleaning up a legacy of unfettered industrial activity. The oil industry—not one company but the entire industry—paid just $38 million in 1995. That’s about what is earned by the industry in the first hour of the first day of the new business year.

Reinstating the corporate environmental income tax would raise about the same amount of revenue as it did in 1995, according to estimates made by the Joint Committee on Taxation in 2003. That’s a negligible burden to provide dedicated funds for our Superfund sites. But those estimates are a few years old. With corporate profits at current levels, the revenue derived could certainly be higher.

And, where are these superfund sites? In urban areas of course, where jobs are needed. But what’s been happening? Industry is developing greenfields in the far out suburbs because they don’t want to touch superfund...
sites. And hundreds of thousands of brownfields across the nation sit idle instead of being returned to productive use. Can we really continue to afford leapfrogging existing and valuable infrastructure to build anew?

That’s why the Superfund needs dedicated revenue. In 1995 when the tax expired, the Superfund held a significant surplus, so few people were concerned. Today, however, as many had predicted, the surplus is gone. An empty trust fund, annual budget squabbles, recent budget cuts, and larger and more complex site cleanups have hurt the superfund program, slowing or delaying cleanups. The lack of dedicated revenue for superfund has also put pressure on other parts of the EPA’s budget. That pressure surely has been felt by the Brownfields program, which is our premier program to bring sites back to productive use and hasn’t yet been fully funded at authorized levels.

It is all the more distressing that we let the corporate environmental income tax lapse 10 years ago—forgoing $7 billion of dedicated funding for cleanup and redevelopment.

That’s why it is time to relegate ourselves to creating jobs, rebuilding urban America, and eliminating this core cancer in so many of our communities. And isn’t it refreshing to advocate for a plan with worthy objectives and a method to pay for it.

HONORING ROSA PARKS

HON. ROB SIMMONS
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 2, 2005

Mr. SIMMONS. Mr. Speaker, I rise today in honor of Mrs. Rosa Lee Parks.

Mrs. Parks’s refusal to give up her seat to a white man on a bus in Alabama in 1955 triggered a 381-day boycott of buses, organized by the then little-known Baptist minister Martin Luther King Jr. She did so without knowing the support she would rally.

Her single act of quiet courage and defiance on that December day undeniably became a watershed moment in the history of U.S. civil rights.

It’s most fitting that at today’s funeral in Detroit, R&B legend Aretha Franklin sang “The Impossible Dream” in honor of Mrs. Parks. It was that action nearly 50 years ago that sparked what seemed at the time to be the impossible dream of the modern civil rights movement, culminating in the 1964 federal Civil Rights Bill.

In 1996, Mrs. Parks received the Presidential Medal of Freedom, awarded to civilians who make outstanding contributions to American life. In 1999, she was awarded the Congressional gold medal, the nation’s highest civilian honor.

Mr. Speaker, with the permission of this House, I would like to enter into the Record the words of a civil rights leader in my community, the Rev. Dr. Benjamin K. Watts, Pastor of the Shiloh Baptist Church in New London (CT).

“Rosa Parks was a woman of character, commitment and courage. When she sat down the world stood up against injustice, bigotry and race. Parks was the first to refuse to live down to the status quo of inequality yet because of her unimpeachable character she unwittingly became a spark that ignited the flame of passion that created ultimate change. Like Jackie Robinson breaking the color barrier in baseball, the right character was necessary in order to break the back of racism. Her commitment to social justice gave her iconic stature as the epitome of courage and commitment. Her passing played a signal role in thereplicating that each one of us should seek to fill by living: lives of high moral value always refusing to sit at the back of the bus of life and ready to accept our place at the forefront of the battle for social change.”—Rev. Dr. Benjamin K. Watts

Mrs. Rosa Lee Parks, this great American hero, deserves not only our tributes and gratitude, but our continuing commitment to peace, justice, equality, and freedom for all.

May God rest her soul.

IRAN NONPROLIFERATION AMENDMENTS ACT OF 2005

SPEECH OF
HON. DANA ROHRBACHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 26, 2005

Mr. ROHRBACHER. Mr. Speaker, I rise to clarify a confusing or mistaken impression that may have been left by one of my colleagues during the House floor debate on S. 1713, the Iran Nonproliferation Amendments Act of 2005, for which I served as the majority floor manager.

The purpose of enacting S. 1713, as amended by the House, is twofold: to strengthen our nonproliferation tools in dealing with Iran and also Syria, and at the same time enable necessary cooperation between NASA and U.S. businesses with their Russian counterparts on the International Space Station. Just to be clear, in no way does S. 1713 favor our space goals at the expense of effectiveness in nonproliferation. In fact, the time-limited authority we give NASA to purchase, either directly or through U.S. companies, Russian space goods and services, is in my view a net plus for nonproliferation, not a minus.

That said, I want to stress that the legislation the House adopted, and the intent of that legislation, allows NASA significant flexibility in using Russian space goods and services to support the assembly and operation of the International Space Station between now and January 1, 2012. NASA is free to make payments pursuant to the Intergovernmental Agreement on ISS “or any protocol, agreement, memorandum of understanding, or contract related thereto.” As Chairman HYDE pointed out in his floor statement, this means that after enactment of this legislation, NASA can enter into new arrangements to meet our needs regarding ISS, but that NASA will not enter into new obligations beyond or unrelated to the ISS.

The primary limitations with respect to ISS payments are the sunset date of January 1, 2012, and the existing statutory requirement that the specific Russian entities to be paid have not been sanctioned as proliferators under the earlier sections of the Iran Nonproliferation Act.

I point all of this out because my friend and colleague, Mr. SHERMAN, mistakenly suggested during the floor debate that the phrase “necessary to meet United States obligations” added to the Hyde-Lantos substitute to S. 1713 implies that NASA could not purchase Russian goods or services if any other alternative was available. That is certainly not the plain meaning of the phrase, nor the intent behind it. However, because Mr. SHERMAN explicated correction, I am doing so here in some detail.

Here are three examples of arrangements that are wholly consistent with the legislative text, the Senate and House floor statements by able to declassify of this legislation, and the Administration’s request for relief, but which would not be allowed under Mr. SHERMAN’s interpretation.

First, NASA has stated it wants to use the Russian Soyuz crew capsule to exchange long-term ISS research crews, even during the time the Space Shuttle is flying, because this will allow the Shuttle astronauts to focus on the job of assembling the Space Station to meet our international partner commitments during the Shuttle’s limited remaining lifetime. Under the previously negotiated agreements between our countries, Russia is obligated to provide NASA with Soyuz crew transport seats. Therefore, in this example, NASA would not be paying Russia for an obligation they have promised to us. However, because NASA could theoretically use the Shuttle as an alternative crew transfer, albeit at some risk and a cost to our other ISS commitments, Mr. SHERMAN’s inference would suggest NASA cannot do this.

Given that the primary exigency for adopting this legislation is enabling continued U.S. occupation of ISS beyond April of next year, which requires payment for training and launch to ISS of a NASA astronaut on the next Soyuz launch, Mr. SHERMAN’s interpretation is incorrect.

Second, Chairman HYDE’s statement explicitly makes clear that cargo resupply services to ISS using technology developed by Russian companies would be legal under the amended Act, again within the limitations I stated above. This would be the case regardless of whether the Space Shuttle might technically be available to deliver cargo to ISS, namely through the middle of 2010.

Third, some bidders may wish to use a very reliable and capable U.S. launch vehicle, one which the Defense Department uses right now to launch critical military satellites, and which happens to incorporate Russian rocket engines. Nothing in this bill was meant to preclude such activities, even though there might be similar launch vehicles which do not use Russian rocket engines. Mr. HYDE’s statement makes this clear.

Beyond these examples, I would offer the words of House Science Committee Chairman BOEHLERT as further disputation of Mr. SHERMAN’s reading. In his floor statement, Chairman BOEHLERT declares that “by setting a specific end date for our current relationship with the Russians” the bill “encourages NASA to find commercial firms that are not dependent on the Russians to carry cargo in the future.” While I may disagree with that goal or a sunset date’s effectiveness as a management tool, if Mr. SHERMAN’s reading were true, the sunset date would be superfluous, because once a U.S. provider whose service had no Russian content emerged, NASA would be barred from any further payments, let alone purchases, from companies which do use
Chairman HYDE

BOEHLERT

Mr. Speaker, I was unable to vote on November 1, 2005, I was unable to vote on the House floor because of an untimely and unexpected crisis requiring me to travel back home to be with my family in California. Unfortunately, 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 measures.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. POMBO. Mr. Speaker, I was unable to make votes today on the House floor because of an untimely and unexpected crisis requiring me to travel back home to be with my family in California. Unfortunately, I missed recorded votes and would like my intentions included in the CONGRESSIONAL RECORD.

Had I been present, I would have voted "yea" on H.R. 1606—Online Freedom of Speech Act.

I would have also voted "yea" on H.R. 4061—Department of Veterans Affairs Information Technology Management Improvement Act of 2005. This important bill will help improve Veterans' health services by improving the technology resources of the Veterans' Affairs Department.

The VA has spent about $1 billion per year for the last decade to improve its information technology systems. This new bill will provide some key oversight to ensure that this money is spent as cost-effectively as possible, and to reorganize the VA's information technology to best serve the healthcare needs of the Nation's Veterans.

With there has been recent improvement in the VA's technology systems, there is a lot they can do to provide better healthcare to Veterans. I am proud to support this effort to better the lives of the men and women who have given so much for this country.

I had been present, we would have also voted "yea" on H.R. 1691—John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation Act.

While there has been recent improvement in the VA's technology systems, there is a lot they can do to provide better healthcare to Veterans. I am proud to support this effort to better the lives of the men and women who have given so much for this country.

Today, as a Congress we must respect and honor our nation, those that risk their lives to serve it, and the high standards and ideals on which it is based. Supporting the McCain amendment is not an issue of political difference; it is an issue of national identity.

The McCain amendment is needed to close a loophole in current policy that not explicitly describe standards for foreigners held under U.S. custody abroad. This amendment reiterates and clarifies our existing policy that prohibits the use of torture, cruel, inhuman, and degrading treatment by U.S. soldiers and agents who are detaining and interrogating prisoners in the global war on terror, requiring that they use the techniques sanctioned in the Army Field Manual on Intelligence and Interrogation.

I urge my colleagues to resist any efforts to accept a watered down version of Senator McCain's language that would grant exceptions for the CIA to conduct its own investigations of detainees in overseas facilities that are independent of the Army Field Manual. Such a move, which apparently is being orchestrated by the Vice President's office, would only defeat the intent of the provision adopted in the Senate and cause further confusion among military and civilian service people charged with detaining interrogations.

The Army Field Manual has been codified as the standard for interrogation guidance since it was established during the Reagan Administration. The Manual does not cast any technique into stone, but changes with time and includes techniques and descriptions that are classified so as not to be uncovered by enemies.

In a sign of broad bipartisan support, the Senate overwhelmingly approved the McCain amendment in a 90 to 9 vote. In addition, 28 retired military leaders, including General Shalikashvili, General Hoar, and General Colin Powell, have supported legislating the use of the Army Field Manual through the McCain amendment.

In today's global war on terror, men and women in the armed forces are charged with the critical task of detaining and interrogating prisoners of war and enemy combatants without clear instructions on what is and what is not permissible. These ambiguities contributed to the absence of standards that resulted in the degrading and inhumane treatment that the men and the rest of the world, witnessed at Abu Ghraib and what apparently occurred at Guantanamo at the hands of young and ill-advised soldiers.

The abuses at Abu Ghraib and Guantanamo stained the honor of our country and our military. I know that most of our constituents want to amend these wrongdoings. In order to do this, and to help protect the treatment of American soldiers who are detained and tortured. As members of Congress, we have the responsibility to demand the highest standards for treatment of prisoners of war, and we will continue to push for an amendment that is fair to those who have borne the brunt of war.
to defend our principles, uphold our proud traditions and articulate to the world what America stands for. I urge my colleagues to express their support to Chairman Young to retain the McCain amendment, without modification, in the conference agreement to the FY2006 Defense Appropriations bill.

TRIBUTE TO ST. STEPHEN’S ARmenian Apostolic Church of Hartford-New Britain, connecticut, and aram “otto” bayramian

Hon. Anna G. Eshoo
of california

In the house of representatives

Thursday, November 3, 2005

Ms. Eshoo. Mr. Speaker, I rise today to honor a distinguished congregation, St. Stephen’s Armenian Apostolic Church of Hartford-New Britain, Connecticut, which is celebrating its eightieth anniversary on November 6, 2005. The Church is also honoring in memoriam its eightieth anniversary on November 6, 2005.

St. Stephen’s is the oldest Armenian church in Connecticut and one of the oldest in our Nation. Armenians began immigrating to the United States in large numbers in the late 19th century when troubles in their historic land, now part of Eastern Turkey, began mounting. They brought their Christian faith with them and began conducting religious services in rented churches. Fundraising for St. Stephen’s began in 1912, but it was intermitted several times by world events. The groundbreaking took place in 1925, the culmination of many years of arduous work.

St. Stephen’s is honoring extraordinary parishioners during its 80th birthday celebration and the event’s special honoree is Aram “Otto” Bayramian, a beloved parishioner and extraordinary leader.

Mr. Speaker, I ask my colleagues to join me in honoring St. Stephen’s Armenian Apostolic Church of Hartford-New Britain on the occasion of its 80th anniversary, honoring the life and contributions of the beloved Otto Bayramian, and in extending thanks to those being honored at the anniversary celebration.

Our Nation has been enriched by the lives and the faith of generations past, as well as parishioners of St. Stephen’s today. We are unmistakably a better community and a more decent Nation because of the Church, because of Otto Bayramian and because of the contributions the Parish continues to make.

AMERICAN MANUFACTURING COMPETITIVENESS ACT

Hon. Joe Knollenberg
of Michigan

In the house of representatives

Thursday, November 3, 2005

Mr. Knollenberg. Mr. Speaker, today I, along with 17 other bipartisan, original cosponsors, am introducing the American Manufacturing Competitiveness Act (AMCA). This bill will help our manufacturing companies and the jobs that they support.

America’s manufacturers are facing unprecedented international competition so it’s critical that we pursue policies that make American manufacturing industries the strongest in the world.

In order to be competitive on the global market, our manufacturing base has to have access to timely supplies of competitively priced raw materials. Our manufacturers have to sell their goods at globally competitive prices, so they need to get their inputs at globally competitive prices too.

The problem is excessively high raw material prices are hurting our manufacturers. For example, U.S. steel prices are now the highest in the world. As just one example, the price for hot-rolled coil is over $100/ton higher than anywhere else in the world. When the costs of inputs for our manufacturing base are higher than the rest of the world, it undermines their ability to compete.

Government policies are part of the problem. For example, there are now over 150 different import restrictions covering over 20 steel products from over 30 nations. Some of these have been in effect since the 1980’s, and cover steel products that are more expensive here than anywhere in the world. These restrictions can cause large distortions in the U.S. market for raw materials, and can inflict harm on the manufacturers and workers who need those materials to make their products.

They hobble our manufacturers in tight markets, and choke off our larger manufacturing base.

However, the astonishing reality is this harm to our manufacturing base is being ignored when decisions are being made. The International Trade Commission (ITC) and Department of Commerce (DOC) don’t even allow the industrial users any meaningful participation in the process. Think about this. American companies are directly impacted by these decisions, but they are not even considered in the process. In fact, foreign producers have more rights in this process than our own American industrial users. This is especially disturbing since steel consumption in the U.S. market for raw materials, and can inflict harm on the manufacturers and workers who need those materials to make their products.

I testified at the ITC twice earlier this year during hearings on 5-year sunset reviews for duties on hot-rolled steel and stainless steel sheet and strip. Duties on these types of steel had already been in place for 5 years, and now the ITC was required to make a decision about whether they should continue. Companies who need these types of steel testified at these hearings too and provided information about the trouble they have getting the quantity and quality of the steel they need at competitive prices. When a manufacturing company can’t get the raw materials it needs, that causes damage to the company particularly when they have to deliver their products just-in-time. Because of these duties, the industrial users are suffering damage.

I also introduced House Resolution 84, which urges the ITC to consider the effects of duties on industrial users during these sunset reviews. This resolution has 48 bipartisan cosponsors. All we were asking was that the ITC consider the effects of the duties on the consuming companies.

When the report explaining the ITC’s decision to keep the duties in place came out, I was shocked that there was no evidence at all that the ITC considered the effects of the duties on the industrial users. Nothing. These are American companies with American workers, but there was no evidence the ITC listened at all.

Furthermore, during one of the hearings a representative for the steel industry stated “the Commission is precluded from considering the impact of imports of the subject merchandise on domestic steel consumers in determining whether the antidumping order should be revoked." This person was saying in essence that the ITC didn’t even need to consider the effects of their decisions on our manufacturing base. This is just wrong and it must be addressed to prevent unnecessary damage to our manufacturing base.

Antidumping and countervailing duty laws are necessary and they’re in the interest of the United States, when applied in an objective and fair manner, to prevent unfair pricing and subsidized competition. But it’s not fair and it’s not acceptable when American companies being hurt by duties on imports can’t even be considered in the process.

Mr. Speaker, basic fairness and common sense require us to change the law. My bill will address this problem by giving industrial users legal standing to participate in the antidumping and countervailing duty processes. It will require the ITC and the DOC to consider the information provided by the businesses that use these products. This is only fair. Furthermore, the process for imposing duties will remain the same, with the addition of a simple test that looks at the downstream harm. Under this bill, when making decisions on import restrictions, economic determinations should be conducted by the ITC to determine the net effect on the American manufacturers affected by those decisions. In order for a restriction to
be imposed, the test must show it would provide greater benefit than harm to U.S. interested parties in that case. If not, it can't be imposed. This is only fair, and makes sure our policies are economically sound.

I urge my colleagues to join me in supporting this important bill to help our American manufacturing base be as competitive as it can be.

CONGRATULATING THE CHICAGO WHITE SOX ON WINNING THE 2005 WORLD SERIES

SPEECH OF
HON. JERRY WELLER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. WELLER. Mr. Speaker, I rise today in strong support of this resolution honoring a sports team that will go down in history as one of the best there ever was: the 2005 Chicago White Sox. For a city so rich as Chicago in sports tradition—and sports misery, for that matter—our first World Series championship since 1917 has generated fond new memories for a whole new generation of Chicagoans.

Perhaps most remarkable about the team that has restored baseball pride to Illinois is its recipe for success: teamwork, teamwork, and more teamwork. Ozzie Guillen, the man who led this team of non-supers, is in immigrant from Venezuela whose coaching future was measured by some experts in terms of months. Players such as Scott Podsednik, A.J. Pierzynski, and Bobby Jenks, who provided some of the series’ most thrilling and memorable moments, were mostly cast-offs from other teams. This Chamber, and indeed this country, can learn a lot from the team-first philosophy that the Chicago White Sox proved are the ultimate winning formula.

Mr. Speaker, I'm particularly proud of the manner with which the Chicago area celebrated our team’s victory. The moment Paul Konerko caught the final out of Game Four, millions of Chicagoans and thousands of my own constituents poured out into the streets of most every neighborhood, and managed to conduct themselves in a wildly enthusiastic, yet safe and dignified manner. The victory celebration downtown attracted 1.7 million people and had to be held on a Friday because nobody wanted to wait until the weekend.

Mr. Speaker, the world-class city that is Chicago now has another world championship calling card. I salute the 2005 White Sox and their fans, and I urge passage of this measure honoring this utterly deserving team.

CONGRATULATING THE WHITE SOX ON WINNING THE 2005 WORLD SERIES

SPEECH OF
HON. LUIS V. GUTIERREZ
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2005

Mr. GUTIERREZ. Mr. Speaker, I rise today to congratulate the Chicago White Sox for their historic 2005 season which culminated in their first World Series victory in 88 years.

Earlier this year, many Chicagoans realized that this team was something special. For example, their style of play was unique. The White Sox placed emphasis on aggressive base running, solid pitching, strong defense and strategic hitting. This style of play became known around the league as “Ozzie ball,” named after the White Sox former shortstop and now manager, Ozzie Guillen.

The White Sox front office caught on to this trend and began marketing the Sox with their “Grinder Ball Rules” ad campaign. One of these “rules,” Grinder Ball Rule #7, was demonstrated in a print ad featuring White Sox closer and Japan native, Shingo Takatsu with the line: “To win, you need defense, speed and discipline . . . And immigration.”

That ad captured two of the important components of this historic team: the hard nosed ball playing of the Sox and the diversity of players that came together to win the championship as a team.

The White Sox dugout at times sounded as if it were a mini-United Nations. Jose Contreras and Orlando Hernandez from Cuba, Damaso Marte, Luis Vizcaino, Pablo Ozuna, Juan Uribe and Timo Perez from the Dominican Republic, Freddy Garcia and manager Ozzie Guillen from Venezuela. Tadahito Iguchi from Japan. And last, but not least, the Korean baseball hero, always smiling bullpen catcher, “the Hulk,” Man Soo Lee.

Their story is so familiar, so hopeful, for so many immigrants in this country—men and women who, like them, come to the United States to work hard, to provide for their families and loved ones, so that they, too, can live a better and safer life and pursue the American Dream.

And that is why this resolution is so important, deserving and justified. Throughout history, people have associated baseball with the American Dream.

And in Chicago, we have found a team that embodies the character of our great city, especially the South Side of Chicago, where part of my District lies. The team, much like the South Side, is composed of close-knit friends who do their work diligently and without much fanfare. You can see it in the fan base, especially when you watch games on television. When the White Sox swept the Red Sox in the first round of the playoffs, celebrities like Ben Affleck, Jennifer Garner, Matt Damon, and Robert Redford were easily identified by the television cameras panning around Fenway Park. But when the next round came back to Chicago, the cameras weren’t as active looking for Bernie Mack, James Denton (the plumber from “Desperate Housewives”) and Dennis DeYoung of Styx.

And I think that’s just fine with the South Side and our city at large. The White Sox didn’t win the World Series by relying on the star power of a few individuals. Instead they had to work together and grind out every game with blood, sweat and, after the champagne popped in the clubhouse, after the last game of the year, tears of White Sox heroes who all share the spotlight equally with some of the best fans in baseball. Congratulations.

CONGRATULATING TOM GRACE UPON HIS RETIREMENT

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to extend a sincere congratulations to my good friend Tom Grace upon his retirement as a social worker from the New York State Office of Mental Retardation and Mental Disabilities.

Tom Grace worked for 30 years in the Developmental Disabilities Service Office in West Seneca, New York.

Tom is a well respected union official in Western New York; in 1981 he was elected as the first President of Division 167 of the Professional Employees Federation. Tom was the Western New York Regional Coordinator for PEF from 1985 through 1987. For many years he served on the Executive Board of the Buffalo AFL-CIO District Council and presently serves on the Executive Board of the Western New York AFL-CIO Federation.

Tom Grace is also a distinguished social activist. Tom has always been a leader in the fight for social change in the United States. He is a staunch Democrat, and over the years he has been most generous with his time and resources. Tom’s social activism goes back to his college days. On May 4, 1970 Tom was one of the students wounded at Kent State while protesting the Viet Nam war. Tom’s spirit is unwavering. He is committed to speaking out when he sees the work place or the social theater that makes up this Nation.

Tom has a reputation for fearlessness; he is modest in stature but grand in his convictions. Mr. Grace will be greatly missed but I am sure he will not travel far from the causes so dear to him.

It is with great pride and gratitude I stand here today to recognize Tom Grace for his many years of support and for his commitment as a community advocate. I wish Tom, his wife Peggy and their children TJ and Allison many years of continued health and happiness.

TRIBUTE TO JACK BASKIN

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Ms. ESHOO. Mr. Speaker, Mr. Farr and I rise today to honor an extraordinary citizen of our community, Jack Baskin. Throughout his life, Mr. Baskin has made contributions to the betterment of Santa Cruz County and he is held in the highest regard throughout our region.

Jack Baskin, now a retired engineer and general contractor, was born and raised in New York. His son of immigrants, Dorothea Baskin, who was born during the Great Depression his family made many sacrifices in order for him to go to college, and he was the first member of his family to do so. He attended the University of Colorado where he studied mechanical engineering, later transferring to New York University where he earned his B.S. in aeronautical engineering.

After serving as an aeronautical engineer during World War II, Mr. Baskin moved West
and in 1948, acquired his California Professional Engineers License. He settled in Central California, and founded Jack Baskin, Inc., focusing on building affordable housing in the San Francisco area, in Santa Cruz and in Watsonville. Jack Baskin is dedicated to his community and has given generously to it. Among the local organizations that are beneficiaries of Mr. Baskin’s time and donations are Cabrillo College and Dominican Hospital. He was the founder of the Community Foundation of Santa Cruz County, and he has participated in many other organizations for children, families, and senior citizens. The University of California, Santa Cruz, UCSC, has been a long time recipient of Mr. Baskin’s extensive contributions. His donations have supported computer engineering, instruction in the arts, the Institute of Marine Sciences, Shakespeare Santa Cruz, an endowed chair in psychology, and a scholarship in literature. Mr. Baskin chaired the UC Santa Cruz Foundation for 2 years and remains a trustee. His commitment to education is memorialized by two prominent buildings named in his honor on the UCSC campus.

Jack Baskin is a model citizen and a highly respected member of the community. Thousands of individuals have benefited from his generosity and dedication to higher education and community health care.

Mr. Speaker, Jack Baskin’s life is an eloquent statement about what one committed citizen can do. We ask all our colleagues to join us in honoring him for all he has done to strengthen our community and to make our country better.

HONORING DR. J. KIRK SULLIVAN, OF IDAHO, FOR RECEIVING THE DISTINGUISHED EAGLE SCOUT AWARD

HON. MICHAEL K. SIMPSON
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to a unique individual in Idaho of high moral character and immense talent, J. Kirk Sullivan.

J. Kirk Sullivan is widely known in Idaho as the current chairman of the Idaho Republican Party, but Dr. Sullivan is much more than that. He is a husband, father, grandfather, friend, engineer, entrepreneur, businessman, and most recently, he is the recipient of the highest award granted by the National Eagle Scout Association—the Distinguished Eagle Scout Award.

As several of my colleagues know, the Distinguished Eagle Scout Award is a rare honor indeed, given only to those who have held the rank of Eagle Scout for 25 years or longer, have gained status of fame or eminence in their life work, and have shared their many talents with their communities on a voluntary basis. In each of these categories, Kirk not only meets the requirements, he far surpasses them.

Kirk has participated in many organizations and boards, currently serving as the Ore-Ida Council Boy Scouts of America President, as a member of the Board of Trustees for the Public Employees Retirement System of Idaho, Board of Trustees for Saint Alphonsus Regional Medical Center, and as a member of the Idaho Governor’s State Science and Technology Advisory Council.

As mentioned earlier, Kirk is married to Elizabeth M. Sullivan, they have two children and three grandchildren. Originally from South Carolina, Kirk attended Clemson University where he earned a Ph.D. and M.S. in chemistry. He also attended the Massachusetts Institute of Technology Program for senior executives. During college he was a member of U.S. Army Reserve.

In his professional life, Kirk is a partner in Veritas Advisors, a philanthropic fundraising and political consulting firm. Kirk retired from the Boise Cascade Corporation in 1998 after 27 years with the company. He retired as vice president of Governmental and Environmental Affairs. He also worked for the FMC Corporation for 13 years as an engineer, technical superintendent, and marketing manager.

In reviewing the criteria for the Distinguished Eagle Scout Award, I learned that only nominations of truly distinguished individuals, those receiving extraordinary recognition, fame, or eminence, are accepted. Previous award recipients include President Gerald Ford, Astronaut Neil Armstrong, Secretary of Defense Donald Rumsfeld, retired General William Westmoreland, Senators Richard Lugar and Lamar Alexander, film director Steven Spielberg, and one of our former colleagues J. J. Pickle of Texas.

This is a pretty impressive cast of characters with which Kirk’s name will now be associated. He is deeply deserving of this honor and I want to take this opportunity to thank Kirk for his service to the State of Idaho, and the United States of America. Kirk is a good citizen, a good friend, and a great model for us all.

A TRIBUTE TO LOCAL HEROES OF HURRICANE KATRINA

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to two heroes whose leadership following Hurricane Katrina is truly inspiring.

Randy Boone, a retired U.S. Coast Guard Aviation Survivalman, recently wrote me a letter describing the selfless actions of two soldiers from the Army’s 1108th Blackhawk squadron: Sergeant Stacy Eubanks and Sergeant Kring.

Immediately following the landfall of Hurricane Katrina, Sergeant Eubanks, whose own home was damaged, loaded his truck with ice and water that he delivered to the Mississippi coast. He went from house to house distributing all of the ice and water. He made a second trip that same day, and the following day was joined by a neighbor. Others were soon inspired to join him. Sergeant Eubanks and his fellow volunteers delivered over 5 tons of ice, hundreds of boxes of food, and several hundred cases of water throughout south Alabama and Mississippi. He also organized a caravan of pickup trucks with trailers loaded with food, water, ice and medical supplies from Mobile to Gulfport, MS.

Sergeant Kring and his family live in Waveland, MS, a community that was completely wiped off the map in the path of Hurricane Katrina. Thankfully, Sergeant Kring’s family is alive and well, but their home was destroyed. When Sergeant Kring returned after the storm to what previously was his home, he spotted a group of displaced and disoriented survivors of Katrina gathered in a Waveland K-mart parking lot. Sergeant Kring organized the group, built a temporary shelter and a makeshift triage unit, and began assisting the injured. This parking lot was given the name “Camp Katrina.” Sergeant Kring remained there for days until he was able to get outside assistance. I understand that the location later became a portable military medical facility to help the victims of Hurricane Katrina in Waveland.

Following Hurricane Katrina, Sergeant Eubanks went to Waveland to locate comrades he had not been able to contact. Sergeant Stacy found Sergeant Kring at the “Camp Katrina” parking lot. The two tried to recover personal items and remained at the site of Sergeant Kring’s destroyed home.

The 1108th Blackhawk unit stationed at Fort Shelby was training to go to Iraq in October, when Hurricane Katrina hit the gulf coast. Because of the massive destruction to coastal communities and because many of these soldiers’ homes were severely damaged or destroyed, it is my understanding that only 50 of the soldiers will be deployed to Iraq. Sergeant Stacy is one of the 50, and I was not surprised to learn that Sergeant Kring has volunteered to go as well.

Mr. Speaker, the selfless dedication of these two gentlemen to their communities in a time of crisis is a tribute to their families, their communities, and their service in the Armed Forces. I am grateful to have these men serving in our Nation’s military, and I commend their service.

AN ASSAULT ON AMERICA’S PUBLIC LANDS THE HARDROCK MINING PROVISIONS OF THE RESOURCES COMMITTEE’S BUDGET RECONCILIATION PACKAGE

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. RAHALL. Mr. Speaker, among the many egregious provisions of the Budget Reconciliation recommendations recently approved by the Resources Committee is a raid on America’s public lands and our natural resources that is almost unpardonable. Included in these recommendations to be considered by the House Budget Committee is the worst kind of “sham reform” of the Mining Law of 1872 that has ever been promoted during my tenure in Congress and if enacted would result in a blazing fire sale of Federal public lands to domestic and international corporate interests. It is actually a step backward from this 133-year-old statute.

Signed into law by President Ulysses S. Grant, the Mining Law of 1872 to this day governs the mining of valuable hardrock minerals such as gold and silver on Federal western public lands. The law allows private companies to patent—purchase—public lands containing valuable minerals for a mere $2.50 to
$5.00 per acre, prices set in 1872, without paying a royalty—production fee—on the mining of these minerals to the taxpayer. Since 1872, more than $245 billion worth of minerals have been extracted from public lands at these bargain-basement prices. Further, a land of such size to the State of Connecticut has been sold to the mining industry for less than $5 an acre. Since 1987, when I chaired the Energy and Minerals Subcommittee, I have worked to rewrite this antiquated law, introducing comprehensive reforms in each successive Congress.

In addition, at my urging, since 1994, and with strong bipartisan support, Congress has placed an annual moratorium on the patenting of mining claims on Federal lands. To be clear, bona fide mining can and does take place on unpatented mining claims. There is no indication or proof that this over one decade ban on the patenting of mining claims has diminished in any respect the actual production of hardrock minerals from unpatented mining claims on western public lands. Yet, the Resources Committee legislation, a prospective purchaser public interest to do so. Under the Resources Department of the Interior, according to John Leshy, former Solicitor of the Interior, the provisions would require the Resources Committee without benefit of the much-maligned 8 percent or 12.5 percent production royalty. But producers of on-surface mined. Further, producers of on-shore mining claims which I have long advocated would raise $350 million in the same time period. Keep in mind that if one mines coal on Federal lands, the company is required to pay either an 8 percent or 12.5 percent production royalty depending on whether the coal is deep or surface mined. Further, producers of onshore oil and gas on Federal lands pay a 12.5 percent production royalty. But producers of gold, or silver or copper, . . . zero, zilch, nothing.

The Mining Law of 1872 provisions adopted by the Resources Committee without benefit of public hearing also go far beyond just reinstating the much-maligned “patenting” provision. In fact, the provisions would require the Federal Government to sell such public lands to potential buyers, whether or not it is in the public interest to do so. Under the Resources Committee legislation, a prospective purchaser would merely (a) file a mining claim or mill site or “percent interest in the surface area” (d) present evidence of mineral development work performed on the lands they want to buy totaling at least $7,500 per claim, (c) pay for a land survey, and (d) show up to get the deed.

As such, under these provisions anyone, including real estate developers and oil and gas companies, could purchase and develop natural areas that are currently important for recreation, wildlife, fisheries or regional drinking water supplies under the guise of a mining law. This would enable oil and gas companies to purchase the land they currently lease from the Federal Government. Not coincidentally, since most Federal oil and gas leases occur on Federal lands not protected by this legislation, this provision would put at risk the rents, royalties and bonus payments currently collected annually by the Federal Government and shared with the States from onshore oil and gas leases which in fiscal year 2004 totaled $1.850 billion.

Further, while the Resources Committee legislation would strip away these provisions from certain Federal lands, such as National Parks, from location of new mining claims, it does not protect National Forests and Wilderness Study Areas, Areas of Critical Environmental Concern, and other similar areas, even if these other areas have been known from new mining claim location. For example, there are currently more than 60,000 acres of mining claims in the Tongass National Forest, the largest intact temperate rainforest in the world, which would be available for sale under these provisions. And the Resources Committee provisions do not protect National Parks, Wilderness Areas, and National Wildlife Refuges that have unpatented claims within them. In National Parks alone, there are more than 900 unpatented mining claims that would be subject to sale for $1,000 per acre if these provisions become law.

In addition, the bill does not require that the lands have been used or will be used for mining. As written, purchasing the land need only facilitate sustainable economic development. Since the term is not defined, sustainable economic development could include, condominium construction, ski resorts, gaming casinos, name it. A unanimous Supreme Court said in 1979 that “the Federal mining law surely was not intended to be a general real estate law. The American Law of Mining, the standard treatise on the mining law, says that the law does “not sanction the disposal of Federal lands under the mining laws for purposes unrelated to mining.” Yet, according to John Leshy, former Solicitor of the Department of the Interior, “Subtitle B is effectively a general real estate law and will put in the hands of corporations, the keys to privatize millions of acres of Federal land.”

In order to make it easier to dispose of Federal lands, these provisions would also free the potential buyer from performing “mineral development” on each unpatented claim or block of claims or millsites. Instead, it states that this type of work should be performed on “the Federal lands identified and submitted for purchase.” In other words, the potential buyer need only show that there has been some mineral development work somewhere on the lands being sold. The tracts could be huge because the proposal contains no limit on the acreage or numbers of claims that could be purchased.

Moreover, the provisions are so broadly defined “mineral development” that, as I understand it, essentially meaningless. It could involve activities that never come close to the land itself; e.g., geologic, geochemical or geophysical surveys, which can be done remotely. It could involve, for example, buying and looking at satellite data, or going through USGS reports; nothing about on-site exploration or mining work would be required. And, it could include environmental baseline studies, or “engineering, metallurgical, geotechnical and economic feasibility studies.” Again, consultants doing on-line searches and library work would qualify. These provisions would allow any other fees or fair-market-value assessments to be applied to “prospecting, exploration, development, mining, processing, or reclamation, and uses reasonably incident thereto”—which would prohibit the government from levying any royalty or other production fee on mining operations.

As a long time advocate of responsible reform of the Mining Law of 1872, after reflecting on these provisions, I find it hard to believe that they would even be supported by responsible elements in the hardrock mining industry. Further, they represent an assault on America’s natural resource heritage and to the American taxpayer. And given my history on this issue, I find them personally insulting as well.

In closing, I would note that the following groups, on behalf of the millions of members from across the country, agree with me that these provisions should be deleted from the Resources Committee’s portion of the Budget Reconciliation Package: Taxpayers for Common Sense Action, Alaska Center for the Environment, American Rivers, Amigos Bravos Center for Biological Diversity, Center for Native Ecosystems, Citizens for Victor Clark Fork Coalition, Colorado Environmental Coalition, Conservation Information Networks for Responsible Mining, Earth Island Institute, Earthjustice, EARTHWORKS, Environmental Protection Information Center, Environmental Working Group, Friends of the Clearwater, Friends of the Earth, Friends of the Panamints, Greater Yellowstone Taskforce, Great Basin Mine Watch, Greater Yellowstone Coalition, Guardians of the Rural Environment, Idaho Conservation League, Indigenous Environmental Network, The Lands Council, Maricopa, Audubon Society, Mining Impact Coalition of Wisconsin, Montana Environmental Information Center, Mount Graham Coalition, National Environmental Trust, National Wildlife Federation, National Resources Defense Council, Northern Alaska Environmental Center, Okanagan Highlands Alliance, Oxfam America, Rock Creek Alliance, Save the Scenic Santa Ritas, SHAWL Society, Sierra Club, Silver Valley Community Resource Center, Siskiyou Regional Education Project, Sky Island Alliance, South East Alaska Conservation Council, Southern Utah Wilderness Alliance, Umpqua Watersheds, Westerners for Responsible Mining, Western Organization of Resource Councils, The Wilderness Society, and Women’s Voices for the Earth.

I urge my colleagues to join me in recommending that these provisions be stripped from the Budget Reconciliation Package if they are included by the House Budget Committee. America’s public lands are held in trust for future generations. They deserve to be protected, not sold off at fire sale prices. American taxpayers deserve to be paid a fair royalty for the minerals taken from public lands, not to be cheated by a bill that sells their land to corporations for much less than its true worth. We can do better.
votes on H.R. 1606, the Online Freedom of Speech Act, H.R. 4061, the V.A. Information Technology Management Improvement Act, and H.R. 1691, the John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation.

MONICA ARMENTA LEAVES KOB-TV CHANNEL 4

HON. TOM UDALL
OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to an exceptional New Mexican and journalist, Monica Armenta. She will be leaving KOB-TV Channel 4 to become the new executive director of the Albuquerque Public Schools Foundation.

Ms. Armenta has worked at KOB-TV for over 20 years, beginning as a 19-year-old intern and she has been the morning news show anchor there for the past 15 years. She has always held herself and her colleagues to a higher standard and this has resulted in the exceptional quality of her news coverage.

She has been recognized by numerous awards throughout her career in broadcast journalism. She is the recipient of the Rocky Mountain Emmy Award 1986–87 for her spot coverage of the Global Hilton hot air balloon crash and she was also given the UNM Professional Achievement Award. Ms. Armenta has been selected as one of New Mexico's 40 top influential people under 40 by New Mexico Business Weekly as well as a YWCA Woman on the Move. Ms. Armenta has also been a notable speaker at conferences, award dinners and schools.

Aside from being a famous and reliable TV anchor that thousands of New Mexicans welcome into their home every morning, Ms. Armenta has shown herself to be a vital leader in New Mexico and her new job with the Albuquerque Public Schools Foundation is a testament of her continued commitment to enhancing her community.

Ms. Armenta has shown her dedication to bettering education and was a former journalism teacher at West Mesa High School. I commend her for embracing her roots in New Mexico and her new job with the Albuquerque Public Schools Foundation.

Mr. Speaker, I ask that my colleagues join me in wishing Monica and her family luck as they embark on this new chapter in their life. Thank you Monica, for your service and contribution to New Mexico.

HONORING C.J. ENTERPRISES

Hon. ZACH WAMP
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. WAMP. Mr. Speaker, I rise today to honor C.J. Enterprises, Inc., for a successful 25 years of service to Tennessee's 3rd Congressional District and our country. Founded in 1980, C.J. Enterprises was created as a consultant service by Mrs. Carolyn Jones, who now serves as the President and CEO. Mrs. Jones is a product of Chattanooga, TN and a graduate of Emory University where she received her degree in health information management. Along with her husband Edward G. Jones, Mrs. Jones has dedicated her career to service in the field of records and information services.

Within its 25 year span, C.J. Enterprises has become one of the premier minority and woman-owned companies in the country providing records and information management services to health care facilities, government agencies, and commercial businesses. C.J. Enterprises has provided exceptional services to customers in over 30 states. The company's growth and success is evident through the numerous awards and accolades for its highly professional and effective services.

C.J. Enterprises is a true example of how dedication, hard work, and commitment can pay off in our nation. Congratulations to C.J. Enterprises, for 25 years of remarkable service to our region, state, and nation.

ANNOUNCING JEWISH SOCIAL ACTION MONTH

Hon. STEVE ISRAEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. ISRAEL. Mr. Speaker, I rise today in support of the goals and ideals of Jewish Social Action Month. This first annual Jewish Social Action Month, which is being held in conjunction with the Jewish month of Heshvan, November 3–December 1, 2005, was conceived by Kol Dor, the Jewish month of Heshvan, November 3 through December 1, was conceived by Kol Dor, an international group of next-generation Jewish people in many other countries are also launching similar plans in their respective countries from Brazil to Britain.

Additionally, I would also like to make special mention of Kol Dor and the co-chairs of Jewish Social Action Month: Adina Danzig, Executive Director of the Stanford Hillel; Rabbi Gidon Sylvester, assistant to Deputy Minister Michael Melchior; and Yosef I. Abramowitz, CEO of Jewish Family & Life.

I commend the people working to make this goal a reality and urge my colleagues and people of all faiths to participate in community service and commit themselves to the principle of Tikkun Olam, to repairing the world.

IN HONOR AND REMEMBRANCE OF U.S. MARINE LANCE CORPORAL ROBERT F. ECKFIELD

Hon. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Robert F. Eckfield of Cleveland, Ohio, who bravely and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Family, friends and service to others framed Corporal Eckfield's life. He gained personal strength and faith from those who knew him best and loved him most, especially his mother, Virginia Taylor; father, Robert Eckfield; stepfather, Norman Taylor; brothers and sisters, Nathan, Rachael and Norman; niece Makala; grandparents, Gerald and Doris Eckfield and William and Ruth Taylor; and his girlfriend, Beth Dunkle.

Corporal Eckfield's energetic spirit and expansive heart easily drew others to him. His steadfast focus on serving the public and his leadership abilities were evidenced throughout his life. He attended John Marshall High School and graduated from the Cleveland Christian Academy. Family, friends and service to others were the core components of his life. Corporal Eckfield honorably served three tours of duty.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Corporal Robert F. Eckfield. I extend my deepest condolences to his family members and many friends. The ultimate sacrifice, unwavering service and endless heart that framed his young life will be kept alive in the hearts and memories of everyone who knew and loved him best—his family and friends. Corporal Eckfield's courageous life and legacy of service will be forever honored and remembered by the Cleveland community and by our entire nation.
HONORING SPECIAL AGENT MICHAEL WOLF FOR HIS MANY YEARS OF SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005
Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my sincere thanks and appreciation to Special Agent Michael Wolf who has served the Federal Bureau of Investigation for over 30 years. Just last month we learned that Special Agent Wolf would be leaving the New Haven Field Office to a new position at the Washington Headquarters. It was with great excitement that we heard Special Agent Wolf had been selected by FBI Director Robert Mueller, III to serve as Special Agent in Charge of the Critical Incident Response Group.

Throughout his career, Special Agent Wolf has demonstrated a unique commitment to public service and has dedicated a lifetime to ensuring the safety and security of our communities and our Nation. He has exhibited a deep commitment to public safety not only in joining the Federal Bureau of Investigation, but in successfully combating crime in a myriad of forms.

Joining the Bureau in 1973 as a physical science technician, Agent Wolf was soon appointed to the position of Special Agent. His first assignment took him to Pittsburgh, Pennsylvania where he worked on applicant, white collar crime, organized crime, and narcotics matters. Just 5 years later, Agent Wolf was selected as a member of the Bureau's Hostage Rescue Team where he served for 3 years until his promotion to FBHQ Supervisor, responsible for domestic terrorism matters. Transferred to the New Haven Field Office as a Field Supervisor, Agent Wolf headed the Crime/Drug Squad in Connecticut and supervised the successful development of a case against organized crime. He then went on to be promoted to the position of Inspector which brought him back to FBI headquarters.

For the last 6 years, Agent Wolf has served as Special Agent in Charge of the FBI in Connecticut. I am so pleased to have this opportunity to express my deepest thanks and appreciation to Special Agent Wolf for his gracious assistance to both myself and my staff during his tenure in New Haven. His door has always been open to us, always available to answer our questions or assist in any way that he could. It gives me piece of mind to know that Special Agent Wolf will be next serving as the Special Agent in Charge of the Critical Incident Response Group. Through the myriad of positions he has held and variety of responsibilities he has been charged with, Agent Wolf has developed a distinguished reputation and an impressive resume. With his knowledge, expertise, and strong work ethic, I have no doubt that this new division of the Bureau will be successful in their mission.

For his invaluable service and continued commitment to public service, I am proud to stand today to pay tribute to Special Agent Michael Wolf. I extend my very best wishes to Special Agent Wolf, his wife, Francine, and his daughters, Danielle and Lindsay as he accepts this new post in Washington, DC. I have no doubt that he will excel in this position and work diligently to ensure the safety and security of our communities and our Nation. Good Luck and God Bless.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005
Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Wednesday, November 2, due to a previous and unavoidable commitment. Therefore, I was unable to vote on H.R. 1606, the Online Freedom of Speech Act, rollover No. 559; H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act, rollover No. 560; and H.R. 1691, the John H. Bradley Department of Veterans Affairs Outpatient Clinic Designation Act, rollover No. 561. Had I been present, I would have voted "aye" on rollover 559 and "yea" on rollovers 560 and 561.

TRIBUTE TO THE 29TH ANNUAL ASIAN-AMERICAN CHARITY BALL

HON. PETER J. VISCLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005
Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Asian-American Medical Association will be hosting the 29th Annual Asian-American Charity Ball on Saturday, November 5, 2005, at the Avalon Manor in Hobart, Indiana. Each year, the Asian-American Medical Association honors prominent, extraordinary citizens for their contributions to the community. In recognition of their tremendous efforts, these individuals are honored at the banquet and awarded the prestigious Crystal Globe Award.

The Asian American Medical Association is a great asset to Northwest Indiana. This organization has dedicated itself to providing quality service to the residents of Indiana's First Congressional District and has demonstrated exemplary service in its cultural, scholastic, and charitable endeavors.

At this year's annual charity gala, the Asian-American Medical Association will present Mr. Gus Olympidis with the Crystal Globe award. Gus is the President and Chief Executive Officer of the Family Express Corporation based in Valparaiso, Indiana. He currently serves as a Director and a member of the Executive Committee of Cenler Bank. He is also a Director of the Valparaiso Community Development Corporation, Director of the Northwest Indiana Forum, and Director of Valparaiso University's College of Business Administration Advisory Council. He also serves on the Porter County Foundation Board.

Amongst Gus's many positive accomplishments throughout his civic and convenience store industry engagements, he has also taken on the role of President of the Valparaiso Parks and Recreation Foundation, Chairman of the Valparaiso Chamber of Commerce, and was a member of the Valparaiso University Town and Gown committee and a Board member on the Regional Development Authority Committee. I am honored to commend Gus for his commitment and dedication to the well being of those who seek his knowledge and leadership. His efforts and hard work are worthy of the highest recognition.

Although Gus's career consumes much of his time, Gus has never limited his time he gives to his most important interest, his family. He and his wife, Beth, have three children and two grandchildren.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the Asian American Medical Society and Gus Olympidis for their contributions to the community. Their commitment to improving the quality of life for the people of Northwest Indiana and throughout the world is truly inspirational and should be recognized and commended.

TRIBUTE TO COLORADO'S 137TH SPACE WARNING SQUADRON

HON. MARYLIN N. MUSGRAVE
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005
Mrs. MUSGRAVE. Mr. Speaker, I rise today to congratulate a truly outstanding component of this Nation's defense—the 137th Space Warning Squadron based in Greeley, Colorado. For the fourth time in five years that squadron has won the Distinguished Mission Support Plaque. This coveted award is sponsored by the National Guard Association of the United States and is presented by Lt. General Daniel James, Director of the Air National Guard. Only five units from the entire Air National Guard are selected to receive this prestigious award recognizing superlative performance in the defense of our nation.

In congratulating the unit for its outstanding performance, I would like to give special recognition to the former commander of the 137th Space Warning Squadron, Brigadier General Select William E. Hudson, Air National Guard. During his nearly 10 years of service, from 1996 to 2005, Colonel Hudson served as Director of Operations and then as Commander of the unit. He led the unit through numerous real world and exercise operational programs. On September 11, 2001 and afterwards, Colonel Hudson ensured that the 137th Space Warning Squadron would meet and exceed its mission responsibilities to Air Force Space Command. I would also like to recognize Brigadier General Mike Edwards of the 140th Wing at Buckley Air Force Base and Major General Mason Whitney, the Colorado Adjutant General, for their superb support of the 137th Space Warning Squadron.

In 2003 the squadron was rated “Excellent” by USAF Space Command’s Operational Readiness Inspection Team for exceptional performance and outstanding leadership. In addition, the unit has received ratings of Excellent to Outstanding at countless inspections since its stand-up in 1996. The National Guard Association’s Distinguished Mission Support Plaque showcases the outstanding leadership, operational ability, and professional competence of Colorado Air National Guardsmen associated at the 137th Space Warning Squadron.

I am so proud that this unit constantly goes above and beyond in its defense of Colorado.
and the United States of America. I invite my colleagues to join me in thanking the men and women of the 137th Space Warning Squadron for their unparalleled service to our community and our Nation.

KENTUCKY VICTIMS OF HOMICIDE MEMORIAL

HON. BEN CHANDLER OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. CHANDLER. Mr. Speaker, November 10, 2005 is going to be a very special, yet bittersweet day in Kentucky. After years of hard work and planning, the Kentucky Victims of Homicide Memorial is going to be brought to fruition. As former Attorney General I distinctly remember the beginnings of this project, and I regret that I must be voting in Washington during the memorial dedication.

I must always extend my heartfelt appreciation to the KY Mothers Against Drunk Driving (MADD), the Kentuckians' Voice for Crime Victims (KVCV), Resthaven Memorial Park, Muldoon Memorials, and Dignity Memorial for their enormous efforts in seeing that this memorial became a reality.

This memorial will serve as a remembrance of all victims, a place of comfort for those who have lost loved ones and an ongoing tribute to the fight against crime. We must maintain hope in our struggle against violence. We must continue to raise public awareness. And we must address the tragic deaths of innocent homicide victims.

The Kentucky Victims of Homicide Memorial will send a powerful message to the citizens of Kentucky. It is the largest memorial and only memorial of its kind in all of the United States. It will serve as a place of inspiration, a place of hope and a place of peace. I thank those who made this memorial a reality, and I hope it will provide a small sense of comfort to those who have been affected by violent crimes.

HONORING THE REVEREND DR. CALVIN E. OWENS, SR.

HON. JOSEPH CROWLEY OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. CROWLEY. Mr. Speaker, I rise to celebrate and honor Reverend Dr. Calvin E. Owens, Sr., as he marks his 29th Pastoral Anniversary. For decades, Japan has been a friend and reliable trading partner with the United States, and I anticipate that relationship will prosper. However, in spite of our best efforts, our fine relationship has been strained by Japan’s continued ban on imports of U.S. beef. There is reason to be optimistic that this legislation will not be enacted if Japan takes reasonable action. Japan’s Food Safety Commission gave a favorable report on Monday, October 31, 2005, and will continue to review the ban for a mandatory one-month comment period. After the one-month waiting period, the ban, as set forth by Japan, may drop the ban and resume beef imports. However, should the Japanese not take favorable action, the trade sanctions would go into effect on December 15, 2005.

I am aware that the December 15 date is not arbitrary. In fact, I believe it is a well-timed and necessary mechanism to encourage the ban to be lifted. The U.S. beef industry and the federal government have not only assured the Japanese government of our stringent safety standards, but have also made every effort to exceed the requirements set forth by Japan’s Food Safety Commission.

American beef continues to be the safest and the highest quality beef in the world. The American beef producers deserve the full benefit of our bilateral trade. This legislation reserves our right to respond forcefully should Japan prolong this shortsighted ban. I urge my colleagues to join me in support of this legislation.

WELCOMING SOUTH KOREAN AMBASSADOR TAE-SIK LEE

HON. VITO FOSELLA OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. FOSELLA. Mr. Speaker, as cochair of the Congressional Caucus on Korea, I would like to take the opportunity to formally welcome the Honorable Tae-Sik Lee as ambassador of the Republic of Korea to the United States and to congratulate him on his appointment.

Ambassador Lee’s diplomatic credentials and legacy are entrenched in a life-long devotion to promoting, enlarging and broadening South Korea’s stature and prominence at home and around the globe. He most recently served as vice foreign minister at the Ministry of Foreign Affairs and Trade, MOFA. His other notable diplomatic assignments include ambassador to the United Kingdom of Great Britain and Northern Ireland, ambassador to Israel and deputy executive director of the Korean Peninsula Energy Development Organization, KEDO.

It is clear that Ambassador Lee brings tremendous depth of experience and expertise to Washington. I was pleased to learn that, upon his arrival on Friday, October 14, he stated, according to the South Korean Embassy, that he “looks forward to working together to strengthen the U.S.-Korea alliance and improving Korean-American relations.” It is important to note that Ambassador Lee has the distinct honor of representing one of America’s closest allies. For over 50 years, the United States and South Korea have enjoyed a broad and comprehensive alliance, a partnership dedicated to peace and stability, economic growth and prosperity through free enterprise, and democracy with respect for human rights and the rule of law.

South Korea has undergone a fundamental transformation within the past 50 years, having emerged from a worn-torn and impoverished nation into a full and mature democracy that has generated the world’s 11th largest economy. South Korea now ranks as the seventh largest trading partner of the United States with over $72 billion in trade volume annually and is also the fifth largest market for U.S. agricultural products. In this regard, South Korea would make an excellent candidate for a Free Trade Agreement, FTA with the United States.

South Korea remains an indispensable security partner to the United States, having stood alongside our troops in three major conflicts that we have faced since the Korean War. Most recently, in the U.S.-led war on terror, South Korea has deployed more than...
3,270 troops to Iraq—the third largest contingent after the United States and Great Britain—and supported continuing operations in Afghanistan.

South Korea has also remained a key partner in the six-party talks focusing on the question of preventing nuclear proliferation in northeast Asia. Multilateral efforts are indispensable in achieving the joint statement that resulted from the recent fourth round negotiations. I hope that for all the challenges that lie ahead in future negotiations of the talks, we will continue to work together to denuclearize the Korean peninsula and promote peace and stability in the region.

For these reasons, Mr. Speaker, I wish to welcome Ambassador Tae-Sik Lee to the United States and express my personal appreciation to the government and people of South Korea. According to unofficial estimates by the South Korean Embassy, our country is now home to over 2 million Korean-Americans, with more than 444,000 who live in New York. I ask my colleagues to join me today in paying tribute to South Korea by extending their hands in friendship to its ambassador, Tae-Sik Lee.

PRAISING THE UPCOMING ASIA-PACIFIC ECONOMIC COOPERATION, APEC, SUMMIT, BUSAN, SOUTH KOREA

HON. DONALD A. MANZULLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. MANZULLO. Mr. Speaker, I rise today in support of the administration’s efforts to maintain a robust trade agenda that seeks to boost intellectual property protection at the upcoming meeting of the Asia-Pacific Economic Cooperation, APEC, forum in Busan, South Korea. No regional institution is more important to promoting U.S. interests on anti-counterfeiting and piracy in Asia than APEC.

The 21 member states of APEC will consider a range of pressing issues that include supporting the World Trade Organization’s Doha Development Round, trade facilitation, and preventing the spread of avian influenza. APEC partners account for two-thirds of all U.S. trade and are playing an important role in the war on terror. In 2004, APEC helped put the Doha Round of the WTO’s negotiations back on track, and it continues to help control the proliferation of weapons of mass destruction and combat regional corruption.

The APEC region is of great importance to the United States—geopolitically, militarily, diplomatically, and economically. It accounts for some 40 percent of the world’s population, over half of world trade, approximately 60 percent of world GDP, and a disproportionate share of global growth in recent years.

The United States, Japan, and South Korea are joining forces to promote the APEC Anti-Counterfeiting and Piracy Initiative to fight fraud and protect consumers. Under this initiative, APEC will develop guidelines for the inspection, seizure and destruction of goods used in trading counterfeit and pirated goods. The initiative also includes cross-border enforcement mechanisms for APEC members.

E-commerce is another area where the U.S. is demonstrating leadership in promoting intellectual property and data privacy. The U.S. continues to support APEC efforts to put in place effective legal regimes to ensure appropriate enforcement of e-commerce while protecting data collected during online transactions. By working in APEC, the U.S. can maximize its ability to engage countries lacking proper intellectual property rights protection.

Recognizing the increasing importance of the Asiatic region to our national interests, I strongly support the effort to keep APEC energized and at the center of American diplomacy in East Asia.

CELEBRATE THE 125TH ANNIVERSARY OF MOUNT ZION MISSIONARY BAPTIST CHURCH

HON. PATRICK T. McHENRY
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. McHENRY. Mr. Speaker, the Mount Zion Missionary Baptist Church in Kings Mountain, North Carolina, will be celebrating its 125th anniversary on November 6th of this year. I wish to congratulate its Pastor, Reverend C.A. Feemster, its dedicated Deacons, and its faithful congregation on this joyous occasion.

Built in 1880, the first Mount Zion Baptist Church building was located on Piedmont Avenue and was led by their very first pastor Reverend R.L. Veal. The church was relocated to King Street in 1916, where it stood proudly until November 3, 1974, when then Pastor Norris moved his congregation into their current building.

Since that day, the Mount Zion Missionary Baptist Church has been blessed with such wonderful rewards as its first full time, and current, pastor Reverend C.A. Feemster, an informative church newsletter, and an active missionary program.

Mr. Speaker, in recognition of the 125 years of faithful service to God, the community, and its congregation members, I wish to congratulate the Mount Zion Missionary Baptist Church on this truly blessed occasion, and I look forward to their continued service to the community.

TRIBUTE TO HARLEY KNOX

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor a man who will long be remembered for his innumerable contributions and the tremendous leadership he displayed in the Inland Empire region of Southern California. Harley Knox was an entrepreneur, farmer, developer, and all-around community leader. Personally, he was a loyal and dear friend. Last week, Harley lost a five-month battle with bone cancer and our region collectively mourns his passing, while remember his lifelong commitment to the Inland Empire.

Harley discovered his entrepreneurial spirit at the early age of twelve, when after WWII, demand from farmers and gardeners prompted a need for fertilizer. For a fee, Harley would clean chicken coops and then sell the fertilizer to large farms and gardeners. His modest, yet successful business soon became more than he could handle alone, so he employed neighborhood kids to help him out.

Later on, Harley capitalized on the increased popularity of Dichondra in front of ranch-style homes and soon began harvesting his family’s front yard and selling flats of Dichondra. The popularity of the grass continued, so Harley persuaded neighbors to let him buy portions of their lawns for resale. By the age of 20, he had Dichondra across Southern California and the family was buying land for farming the grass. A second business was born when he then began developing farming equipment to collect and process Dichondra seed.

By the 1950s, Harley was president of Knox Seed Company, Inc. and moved operations to farmland adjacent to what is now March Air Reserve Base. The company expanded into producing seed for grain crops, turf grass and sod. After eventually selling the seed business, Harley focused on farming tools and was president of Knox Manufacturing Co. of Moreno Valley from 1977 to 1986. The firm developed high-speed produce harvesters and held patents that soon became the industry standard.

In 1983, Harley founded the land development and consulting firm Harley Knox & Associates, which still develops industrial projects, assists with land-use regulation and attaining government entitlements. More recently, Harley was a partner in March Global Port, an industrial development on 400 acres on the south side of March Air Reserve Base. The project lists Philips Electronics and DHL as tenants and provided the region with a significant economic contribution in the wake of the downsizing of the military base.

In addition to his entrepreneurial efforts, Harley served as an active member of numerous community organizations, such as the Inland Empire Economic Partnership, The Valley Group, the Riverside County Building Industry Association, the Western Riverside County Council of Governments, the Riverside Community College Foundation, The Dickerson Community Hospital Foundation, following an appointment by former Gov. Pete Wilson, Harley served as commissioner of the California Boating and Waterways Commission.

The Inland Empire is a better place to live because of Harley’s extraordinary contributions and his selfless dedication to his community. On behalf of the Inland Empire I want to convey our appreciation for all of Harley’s efforts and express our heartfelt condolences to the Knox family, including his wife Donna, daughter Victoria, and sons Bryan and Aaron, as well as his four grandchildren.

THE ARRIVAL OF VIRGINIA PARKER ETHERIDGE

HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today with a joyful heart to announce the birth of my second grandchild and very first granddaughter. On November 2, my wife Faye and...
I welcomed into this world Virginia Parker Etheridge, the new daughter of our son Brian Etheridge and his wife Meredith. Virginia arrived at 8:40 p.m. in Raleigh, NC. She weighed 6 pounds and 15 ounces and measured 20 inches.

Our family is truly blessed today by the arrival of Virginia Parker Etheridge. The birth of a new child is a joyous occasion that reminds us of the promise of a new life. I hope that Virginia will live in a world that is even better than the one we live in today. I hope that she will have access to the best education and technology in the world, that she will breathe fresh air and drink clean water, that her streets will be safe, and that her generation will not be burdened by the debt of the previous generation.

A new child in the family is a gift from God. The Etheridge family and I look forward to spending time with our new bundle of joy and introducing her to all of our friends and neighbors in North Carolina’s Second Congressional District.

HONORING THE ACHIEVEMENTS OF THE WOLVERINE MARCHING BAND

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. GORDON. Mr. Speaker, today I rise to recognize the outstanding achievements of LaVergne High School’s Wolverine Marching Band.

In September, the band marched in the LaVergne Old Timers’ Day Parade. I was also a participant in the parade, and I was impressed by the talent and precision of the young musicians. Their many hours of practice had culminated in a flawless performance.

It is not just the students and teachers who make the Wolverine Marching Band great. The parents of these students also play a significant role. In addition to providing financial support, the parents often pitch in to transport band equipment to competitions and football games.

This season, the band has been awarded numerous accolades, including First Place Band Overall and First Place Percussion Overall at the Phoenix Classic Invitational. Other honors include two Color Guard, Band, and Percussion Superior Ratings and two First Place Field Commanders awards.

Residents of LaVergne, Tennessee, can be proud of their Wolverine Marching Band. I applaud the students, parents and teachers for their hard work and dedication.

TRIBUTE TO MRS. SHIRLEY MCINTYRE OF DORCHESTER, MASSACHUSETTS

HON. STEPHEN F. LYNCH
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. LYNCH. Mr. Speaker, I rise today to pay tribute to a friend and constituent from the 9th Congressional District of Massachusetts, Mrs. Shirley McIntyre, who passed away on Friday, September 23, 2005. Born Shirley Powers, she was formerly a South Boston resident before moving to the neighboring town of Dorchester.

In 1956, Shirley married George McIntyre, her beloved husband of 49 years and they had five beautiful children: Darlene, Daniel, Shirley, Vanessa, and the late William.

Shirley was a devoted mother and grandmother who nurtured and guided her family as well as many of the children in her neighborhood and local community. She was a dedicated wife who spent her time with her children and beloved husband George, a retired Local 7 Iron worker who loved Shirley with all his heart.

Mr. Speaker, Shirley McIntyre will be fondly remembered not only by her family, which includes eight grandchildren, three great grandchildren, and many nieces and nephews; but also by the many friends who were touched by her kindness and unconditional love.

On a personal note, throughout my tenure in public service both as a member of the Massachusetts State House and in the United States Congress, I have had the unique opportunity and pleasure to see firsthand Shirley’s commitment to her community and her neighborhood.

Shirley’s willingness to be involved with her local community and local political process is a testament to her endless devotion to family and friends.

Today, I ask the Membership of the House of Representatives to join with me in offering our deepest condolences to the McIntyre family for their loss. We will all miss Shirley as a shining example to her family and community.

MEMORIAL TRIBUTE TO SGT. ARTHUR A. MORA, JR.

HON. GRACE F. NAPOLITANO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mrs. NAPOLITANO. Mr. Speaker, it is with deepest sympathy that I pay a special tribute to my constituent Sgt. Arthur A. Mora, Jr., who was killed in Balad, Iraq on October 19 when his vehicle was hit by enemy fire. His passing marks the end of a young and promising life which had already exemplified duty, honor and heroism.

Arthur will be remembered as the quiet student at El Rancho High School in Pico Rivera who missed having his photo taken for the senior yearbook. After graduation, he enlisted in the U.S. Army on July 27, 2000. Upon completion of basic training, Arthur was assigned to the 1st Battalion, the 3rd Air Defense Artillery, and the 3rd Infantry Division followed by Bravo Battery 5th Air Defense Artillery Regiment at Camp Pelham, Korea. He returned to the 5th Battalion, 7th Cavalry at Fort Stewart, Georgia. In July 2005, Sgt. Mora was deployed in support of Operation Iraqi Freedom.

Sgt. Mora’s awards include the Bronze Star Medal, the Purple Heart, the Combat Action Badge, the Good Conduct Medal, the Army Achievement Medal, the Army Commendation Medal, the National Defense Ribbon, the Army Service Medal, and the Korean Defense Service Medal.

Family members say they draw comfort in knowing that Arthur was doing what he wanted. He was a young man who loved the military and would have most likely made a career in the Army.

Arthur is survived by his wife Veronica, daughters Olivia, Celina and a newborn son, Christopher, whom he had never seen. He is also survived by his mother Sylvia Mora of Montebello, sisters Michelle, Celia, and his brother Paul.

His family and friends will miss this caring young man greatly, and to them I extend my sincerest heartfelt sympathy and pray that they will receive God’s comforting graces in their time of sorrow.

DEMOCRATIZATION IN INDONESIA: A NEW ERA

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. WILSON. Mr. Speaker, over the last several years, Indonesia has entered a new era of democracy. At the national level, the Indonesian people voted freely in an open and fair 2004 Presidential election for the first time in that country’s history. The election campaign was vigorous, with public debates and ample discussion of issues among the main candidates. There was no significant violence or voter intimidation. International election observers as well as domestic monitors reported that the election in Indonesia was conducted fairly. Voter turnout in the general election was very high, about 80 percent.

More recently, another major step forward in democracy is taking place in Indonesia. Regional and local elections have recently been held throughout this vast country of more than 17,000 islands. As before, in last year’s presidential election, some observers predicted that local elections would lead to communal conflict. But they were wrong. Nationwide local elections conducted in June went off smoothly although there were tensions among ethnic and religious groups in a few districts. But the security forces maintained order and enforced fair elections. I am informed that of 166 regional districts, 116 succeeded in conducting orderly local elections. Although sporadic, minimal violence did occur in about 16 districts, it was brief and quickly controlled by the police. As in the presidential election last year, according to reports I have seen, voter participation in the local elections was very high, nearly 74 percent.

Indonesian officials recognized openly that there are some weaknesses to be fixed. One is the difficulty in quickly counting the votes in nearly 74 percent of the districts. Reports indicated that elections were successfully held in 14 districts in West Papua. People came out to vote for their candidates to regional councils and exercised their right to choose the local leaders they prefer. Regarding elections for a regional governor, I am told the West Papuans are waiting for the establishment of the People’s Council of Papua before conducting the election. This council will be the highest representative body
of West Papua and will have authority to select the candidates for governor of Papua. But, even while awaiting the establishment of the council, the process to nominate some candidates to be governor of Papua is proceeding. I am informed that the Special Commission of the District Parliament of Papua is developing nominations for elections for regional governor. When those preparations are completed, the Commission will send a list of candidates to the People’s Council of Papua to be selected to participate in the election.

Mr. Speaker, I want to commend the government and people of Indonesia for this new and highly important step in instituting democracy in this great country. Regardless of the difficulties encountered in conducting local elections throughout this vast nation, the Administration of President Yudhoyono and the regional authorities demonstrated determination to follow the path to democracy. Just as important, the Indonesian people responded by coming out to the polls in huge numbers. Indonesia deserves high praise for its remarkable accomplishments in breaking with a legacy of dictatorship, and ethnic and religious strife, to successfully implement democratic principles.

PERSONAL EXPLANATION

HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I was not present for two votes on November 1, 2005. Had I been present, I would have voted as follows:

Rollcall No. 557: H.R. 3548—Heinz Ahmeyer, Jr. Post Office Building Designation Act—I would have voted “yes.”

Rollcall No. 558: H.R. 3989—Albert Harold Quie Post Office Designation Act—I would have voted “yes.”

PERSONAL EXPLANATION

HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today to explain my absence during yesterday’s recorded votes. As a proud grandfather, it is with exceeding pride that I announce the birth of my first granddaughter to my son Brian and my daughter-in-law Meredith. My wife, Faye, and I joyfully welcome this new baby girl who joins her cousin William Otto, wife, Faye, and I joyfully welcome this new granddaughter to my son and daughter-in-law.

However, rollcall 559 was passage of H.R. 1606, the so-called Online Freedom of Speech Act. This substantive legislation would undo Federal regulation of soft money for political communication on the Internet. Consideration of such substantive legislation on the Suspension Calendar, which affords no opportunity for committee amendment debate, is an improper and ill-advised method to craft sound public policy. I would have voted “No” on rollcall 559 in favor of its consideration under regular order.

RECOGNIZING THE COMMUNITY OF RAMONA, KS

HON. JERRY MORAN
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize Ramona, KS, for successful community revitalization efforts.

Pat Wick and Jessica Gilbert have always considered this town of 100 people to be home. It is where their parents were born and raised. As children, these sisters would accompany their parents on annual visits from their home in California to help their grandparents with summer harvest. As adults, Pat worked as a clinical psychologist and Jessica was a philanthropic organization consultant.

When they returned to Ramona in 1989 for a family reunion, the sisters felt a strong pull to come home. They reestablished their roots by building by building. In 1990, Pat purchased and the sisters renovated a home they now call The Ramona House, in honor of their ancestors. Pat and Jessica purchased a second house in 1995 and remade it into Cousin’s Corner bed and breakfast. The sisters purchased a third home that is now a lodge called Jake’s Place. All of this was accomplished through frequent visits to Ramona, even while Pat and Jessica continued their careers in California.

By the year 2000, Pat and Jessica decided to take the final step and moved home. The sisters now live in the Ramona House and operate Jake’s Place and Cousin’s Corner. More recently, they purchased the old bank building and turned it into The Dirt Gamblers Museum, which is home to photographs and other items honoring Ramona’s pioneer history. The sisters have also contributed to the revitalization of Ramona through extensive community involvement. They have helped organize several civic and community events, including a spring tea party, a citywide Memorial Day service, a Main Street Fourth of July parade and an outdoor Nativity in the city park complete with live animals and singing angels. In an effort to celebrate Halloween and promote regional tourism, Pat and Jessica are currently helping promote a Scarecrow parade in Ramona and several other area communities. If that isn’t enough, Pat is the town’s mayor and Jessica is the city clerk.

At age 93, Tony Meyer is Ramona’s oldest citizen. He believes Pat and Jessica are doing great things for the community. “The sisters have awakened this town again,” Meyer said. Warren Fike, a lifetime resident, also notices a positive change. “Having the sisters come in has helped keep Ramona alive,” Fike said. “The steps they’ve taken to improve the town have motivated more people here to help, too.”

The sisters believe Ramona’s revitalization is beginning to take hold. “We’re romantics, and we have a passion for this place,” Jessica said. “We want people to be proud they’re connected to the town and want them to invest in it again.” “It’s a special place,” Pat noted. “It’s Mayberry R.F.D. come to life.”

For rural communities to survive and prosper into the future, citizens must be willing to create their own opportunities for success. Ongoing efforts to revitalize Ramona are an example of how hard work and community support can create just such an opportunity. Citizens throughout Kansas are working together to enhance the quality of life in their communities. Ramona is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

TRIBUTE TO PAUL HILLEGONDS

HON. FRED UPTON
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Paul Hillegonds, an individual who has served the residents of Michigan through the years with great distinction. Throughout his career in public service, Paul tirelessly worked for the betterment of our great State and continues to impact countless individuals through his professional and community affiliations.

Paul served in the Michigan House of Representatives from 1979 to 1996, and was speaker his final two years in elected office. In 1997, Paul embarked on a new path of service, taking the reins as president of Detroit Renaissance, a non-profit, civic organization comprising Southeast Michigan’s business leaders.

Paul has received numerous honors throughout his distinguished career, and I am pleased to call him my friend. Paul and I go back a long way—all the way back, in fact, to when he was Administrative Assistant for U.S. Representative Ruppe and I was a staffer for Representative Dave Stockman.

Our friendship has only strengthened over time. His wife and kids are good family friends and we have enjoyed each other both in and out of public service. Paul has always stood for the right things and he has displayed the utmost integrity. Unfortunately term limits cost us his leadership as speaker of the Michigan House, but his leadership for the folks of Michigan continues.

I look forward to many more years of Paul’s friendship. We are all better off for Paul’s service to the State of Michigan, and I wish him continued success.

PERSONAL EXPLANATION

HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. HYDE. Mr. Speaker, on November 1 and 2, 2005, I was absent for several votes for
PAYING TRIBUTE TO THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF MISSOURI

HON. EMANUEL CLEVER OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. CLEVER. Mr. Speaker, I rise today to congratulate the Associated Students of the University of Missouri (ASUM) on their 30th anniversary. Throughout their 30 years, this group of dedicated students has been the primary advocates for fellow undergraduates in the State of Missouri. Known as the student voice in the Missouri State government, the organization has been essential to craft and advance legislation that has benefited higher education in Missouri. In addition, ASUM has been the training ground for students interested in entering public service, the political arena, and is responsible for producing some of today's top government employees serving the State of Missouri.

ASUM encourages students to become educated about the political process, and by doing so increases awareness, concern, and participation of young adults in democracy. ASUM's political action began on the campus of University of Missouri-Colombia in 1975. After successful participation by the students at the campus in Colombia, the student leaders expanded the organization to the other campuses within the University of Missouri System: Kansas City, St. Louis, and Rolla, where participation among the students exceeded expectations.

Serving as the student voice in the federal government, state government, and on the various campuses of the University of Missouri, ASUM is responsible for the creating a student representative position on the University of Missouri Board of Curators. The student representative affords the opportunity for the Board of Curators to truly hear and value the perspective on issues affecting the University System. Keeping the student views in the forefront of Universitie's agenda, the Board of Curators passed a policy allowing the ASUM student representative to attend closed board meetings. The over-arching impact of the policy addition was to remind the Board of Curators that every institutional change had to be in the best interest of the students.

As the primary advocate of students in Missouri, the ASUM established through legislation the Bright Flight Scholarship, the most important source of financial aid for scholars from the State of Missouri. The annual $2,000 scholarship was created to encourage top ranked high school seniors to attend approved Missouri postsecondary schools. The program is geared to the top 3 percent of all Missouri high school seniors who have a minimum ACT score of 30 or a minimum SAT score of 780 math and 780 verbal. By requiring the student to maintain satisfactory academic progress and full time employment, this scholarship program helps the student to learn how to effectively manage their time and balance priorities. In addition to the Bright Flight Scholarship Program, the ASUM created Missouri State law to exempt sales taxes on textbooks, which has saved students in Missouri $6 million dollars every year since its enactment in 1999. Finally, the student political activists created a loan forgiveness program for teachers, medical doctors, and veterinarians who serve in high need areas of Missouri.

Mr. Speaker, please join me in expressing our heartfelt gratitude for the dedication of the Associated Students of the University of Missouri and their relentless efforts in extending their voices to represent all of the students of Missouri. It is essential for the members of the ASUM and other student organizations to be celebrated for their good works, for the students of today are truly our leaders of tomorrow.

HONORING SPC DERENCE JEFFREY W. JACK AND SSG WILGENE T. LIETO

HON. MADELEINE Z. BORDALLO OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to honor the two soldiers from the Commonwealth of the Northern Marianas Islands who became casualties of Operation Iraqi Freedom on October 31, 2005 in Iraq, Specialist Derence Jeffrey W. Jack and Staff Sergeant Wilgene T. Lieto made the ultimate sacrifice in support of the global war on terror, and in doing so, helped to preserve our freedom. SSG Lieto served in Iraq as a Sergeant—the U.S. Army awarded him a posthumous promotion to Staff Sergeant. These soldiers left their homes and their families to answer the call of duty as members of the E Company, 100th Battalion, 442nd Infantry Regiment of the U.S. Army Reserve. On behalf of our communities in the Northern Marianas and Guam, I join with our local leaders in offering our sincere condolences to the family of Derence Jeffrey W. Jack, especially his wife Melissa Jack and their daughter, and to the family of Wilgene T. Lieto, especially his wife Tiara Lieto and their son and daughter. The service and sacrifice of these soldiers will always be remembered and I join our Pacific island community in honoring the patriotism of these American soldiers. Derence Jeffrey W. Jack, from Gualo Rai, Saipan, was a manager at the Bank of Guam branch in Saipan. Wilgene T. Lieto, from Tanapag, Saipan, was a police officer. SPC Jack and SSG Lieto were part of the “Go For Broke” Battalion, serving with fellow soldiers from Guam, the Northern Marianas, American Samoa, and Hawaii. Although their loss brings great sadness to the people of the Northern Marianas and Guam, we take comfort in knowing that those soldiers served with honor. May God bless them and their families.

DEMOCRATS’ CLIMATE PUSH MAY SQUEEZE GOP MODERATES ON SCIENCE PANEL

HON. DENNIS J. KUCINICH OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. KUCINICH. Mr. Speaker, I would like to submit this amendment to the Committee on Science to require that the White House turn over documents showing what it knows about climate change effects on U.S. coastal regions, or risk leaving themselves open to attacks from conservative opponents in upcoming primaries.

Rep. DENNIS KUCINICH (D-OH) has initiated a novel effort by 150 House Democrats to require that the White House turn over documents showing what it knows about climate change effects on U.S. coastal regions, or risk leaving themselves open to attacks from conservative opponents in upcoming primaries, sources say.

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Mr. NEAL of Massachusetts. Mr. Speaker, I ask my colleagues in the Democratic delegation in voting against the measure.

Even if the ROI fails to gather GOP support, observers say the ROI may pose a recurring problem for the representative because the anti-tax group Club for Growth. A spokesman for BOEHLERT did not return calls seeking comment.

While many environmentalists praise Gilchrist's voting record, they are blasting his recent last-minute change of position on House refinery legislation. The legislation, supporters said, would speed production of refined oil and gasoline by aiding the country's oil refineries in the wake of Hurricane Katrina. The Republican leadership cajoled members to support the measure in the face of near-unanimous opposition. Gilchrist's decision to switch his vote and side with most of his GOP colleagues in the end proved crucial as the bill passed 212-210.

Ehlers recently broke party ranks by opposing a House-passed overhaul of the 1973 Endangered Species Act. The overhaul would give property owners new rights and reduce the Federal role in protecting habitats. It passed late last month by a vote of 229 to 193, although Ehlers joined Michigan's Democratic delegation in voting against the measure.

The John Boyle O'Reilly Club. President Mary Quinn, Vice-President Patrick Burns, Treasurer Joseph Walsh and Secretary Patricia Devine deserve particular recognition for their leadership during this anniversary year.

The Board of Directors, which includes Patrick Reilly, Mary Kate O'Connor, Timothy Hurley, Matthew Dooney, Eric Levine and Stephen Lonergan should also be acknowledged for their dedication and commitment.

And finally, I want to congratulate the members of the club who are directly responsible for its success and longevity. On their behalf, I would like to submit this history of the club, written by member Dan Shea, into the permanent Record of the United States Congress.

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cash bounties to police officers for killing Sikhs. One even got a bounty for killing a three-year-old boy.

Human-rights activist Jaswant Singh Khalra compiled and published a report showing that India had a policy of picking up young Sikh men, torturing and killing them, declaring their bodies unidentified and then secretly cremating them. Khalra identified over 25,000 such cases at three cremation grounds in Punjab. Others who have followed up on Khalra’s work found that the number is at least 50,000. For his work, Mr. Khalra was arrested by the police and, while in police custody, the only witness to the Khalra kidnapping, Rajv K Singh Randhawa, has been repeatedly arrested and harassed by the police. Gurdveer Singh Kaunke was the Jathedar of the Akal Takht, the highest Sikh religious leader. He was murdered by a police officer named Swaran Singh Ghotna. No one has ever been punished for this atrocity. The driver for another religious leader, Baba Charan Singh, had his legs tied to two jeeps, which then drove off in different directions, tearing the man in half.

Mr. Speaker, why are such actions tolerated, especially by a government that calls itself democratic? America must take a stand against such tyranny.

The time has come to stop all our trade with India and all our aid to that country until such time as basic human rights are fully protected. And we must put this Congress on record in support of self-determination for the people of Punjab, Khalistan, and all the other peoples and nations seeking freedom, such as predominately Muslim Kashmir and predominantly Christian Nagaland. This is the most effective way to end terrorism in the subcontinent.

Mr. Speaker, I would like to insert the Council of Khalistan’s press release into the Record now for the information of my colleagues.

PUNJAB ASSEMBLY DEBATERS TERRORISM AMINDER, BADAL SHOULD DISCUSS FREEDOM FOR SIKH NATION

WASHINGTON, D.C., November 2, 2005—The Punjab Legislative Assembly recently had a session to debate terrorism. Both the Congress party and the Akali Dal blamed each other for encouraging Sikh youth to carry out the violence.

Aminder Singh and Parkash Singh Badal are taking the lead in the history of terrorism in Punjab. They are fully aware that Punjab, Khalistan has been engaged in a long struggle for independence after the Delhi massacres of November 1984. On April 29, 1986, Sarbat Khalsa passed a resolution for the independence of Khalistan and formed the Panthic Committee. On October 7, 1987, the Panthic Committee declared the independence of Khalistan. The Council of Khalistan was formed at that time to lead the peaceful, democratic, nonviolent struggle to liberate Khalistan.

These leaders are betraying the Sikh Nation. They need to be exposed and removed from their leadership roles. As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, “If a Sikh is not a Khalistani, he is not a Sikh.” Recently, Prime Minister Manmohan Singh apologized for the Khalistan massacres, in which over 50,000 Sikhs were killed, firmly establishing India’s guilt in this atrocity against the Sikh Nation.

The Indian government controls the Sikh leadership. Both Badal’s Akali Dal, which claims to be the protector of Sikh interests, and Aminder Singh’s Congress Party, which is the party that carried out the Golden Temple attack, are under Indian government control.

New Sikh leadership is emerging in Dal Khalsa and other organizations. They hoisted the Khalistani flag in front of the Golden Temple on Republic Day in January and also on the anniversary of the Golden Temple attack, are under Indian government control.

Mr. Speaker, I will be inserting the letter from Human Rights Watch into the Record at this time.

HUMAN RIGHTS WATCH DEMANDS FULL ACCOUNTING FOR SECRET CREMATIONS IN PUNJAB

HON. EDOPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005
Mr. TOWNS. Mr. Speaker, on November 1, Human Rights Watch wrote an excellent letter to the National Human Rights Commission of India demanding full accounting for the secret cremations of Sikhs in India. The secret cremations were described by India’s Supreme Court as “flagrant violation of human rights on a mass scale.” The court ordered the Indian government in November 1995, two months after the murder of Jaswant Singh Khalra, to conduct a full investigation into this brutal policy. Ten years later, that investigation has never taken place. Instead, the commission has focused on the trivial issue of whether the cremations were conducted in a religious ceremony. The commission has never come to a conclusion on the real issue, which is that the Indian government is carrying out this genocidal policy against the Sikh minority.

This investigation must proceed, and it must be a full-fledged inquiry into this murderous policy, India must make full restitution to the victims’ families.

Mr. Speaker, I will be inserting the letter from Human Rights Watch into the Record at this time.
In almost nine years, the Commission has not heard testimony in a single case, or held a single security official or agency responsible for human rights violations. Further, at the end of last year, the Commission indicated its intention to dispense with investigations into the violations altogether, and only determine whether the commissioning of the violations and the physical and psychological trauma inflicted upon surviving family members. In addition, our brief, submitted to the Commission in December 2004, the Harvard Law Student Advocates for Human Rights, demonstrates that human rights bodies have considered evidence from numerous sources to adjudicate to “disappearances” and extrajudicial executions, including evidence from international human rights experts. In its upcoming order, we urge the Commission to admit and provide available, including the PHR/Bellevue report.

To demonstrate its intention to fulfill the mandate of the Supreme Court, the Commission must act to redress the violations of the rights to life and liberty suffered by thousands of families in Punjab. Its failure to do so is contributing to impunity, sending the message that perpetrators of mass crimes are more powerful than the Supreme Court and National Human Rights Commission. The Commission, no doubt, is aware that the prosecution of the officials who “disappeared” Jaswant Singh Khalra, the human rights defender who exposed the mass cremations in Punjab, has not concluded in nine years. The failed investigation of the Punjab mass cremations case to also stand as an example of the triumph of impunity over the right to justice.

Thank you for your consideration. We look forward to a fruitful dialogue with you and other members of the Commission in this case.

Sincerely,

BRAD ADAMS
Executive Director, Asia Division
Human Rights Watch

A TRIBUTE TO MRS. JANET WILKINSON—37 YEARS OF OUTSTANDING SERVICE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY

HON. G.K. BUTTERFIELD
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today and ask my colleagues to join me in offering a well deserved tribute to an exemplary citizen, Mrs. Janet Wilkinson, who has dedicated 37 years of her adult life as an employee with the United States Department of Agriculture’s Farm Service Agency. I am particularly proud that Mrs. Wilkinson was born in Alabama and has taken the helm three times as interim director. In 2003, for her outstanding service in that capacity, and for her leadership, she was presented with the North Carolina Distinguished Service Award. After 37 dedicated years, Mr. Speaker, Mrs. Wilkinson deserves to retire with many other ovations and well wishes from those whose lives she touched in a very special way.

Mr. Speaker, I offer congratulations on behalf of the Committee on Agriculture of the United States House of Representatives, my congressional colleagues and the more than 660,000 constituents whom I represent. It is my wish that Mrs. Wilkinson will continue to find as much challenge and reward in all of her future endeavors.

Mr. Speaker, I thank Mrs. Wilkinson for her service to the State of North Carolina.

TRIBUTE TO AMY BURKS

HON. ROBERT E. (BUD) CRAMER, JR.
of Alabama
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 3, 2005

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Mrs. Amy Burks for receiving the 2005 Newton B. Powell Award. This award is given by the Morgan County Democratic Party for dedication and leadership within the party.

Mrs. Burks is the Alabama representative to the Democratic National Committee Executive Committee and has been active in Alabama Democratic Party politics for more than 40 years. Additionally, Mrs. Burks has served as vice chair for the Alabama State Democratic Party since 1991, and is also the senior Vice President of the Association of State Democratic Chairs. She also serves on the Morgan County Executive Committee.

In addition to her work with the Democratic Party, Mrs. Burks has had a lifetime of experience as a teacher, working with students at Madison Cross Roads and Hazel Green and Madison Elementary. She is also a member of the Board of Trustees for the Alabama Institute for Deaf and Blind, where she is responsible for overseeing the institute’s comprehensive education and rehabilitation system that serves children and adults who are deaf, blind, and multitudially disabled.

Mr. Speaker, Mrs. Burks has done a great deal to help strengthen and grow the Democratic Party throughout our State, our Nation, and our community. She has been a helping hand and an integral part of many of our democratic colleagues’ campaigns in Alabama.

Mr. Speaker, I rise today to join her husband Larry, daughters Lisa and JoLynn, and the entire North Alabama community in congratulating Mrs. Burks for her service and loyalty to the Farm Service Agency and the agriculture industry, she was presented with the North Carolina Distinguished Service Award. After 37 dedicated years, Mr. Speaker, Mrs. Wilkinson deserves to retire with many other ovations and well wishes from those whose lives she touched in a very special way.

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Mr. Speaker, I thank Mrs. Wilkinson for her service to the State of North Carolina.

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Mr. Speaker, I thank Mrs. Wilkinson for her service to the State of North Carolina.
HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2744, Agriculture Appropriations Act.

Senate passed S. 1932, Budget Reconciliation Act.

House Committee ordered reported the Deficit Reduction Act of 2005.

Senate

Chamber Action

Routine Proceedings, pages S12285–S12374

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 1956–1960, and S. Res. 298–300.

Measures Reported:

- S. 1095, to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, with an amendment in the nature of a substitute.
- S. 1699, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, with an amendment.

Measures Passed:

Budget Reconciliation: By 52 yeas to 47 nays (Vote No. 303), Senate passed 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), after taking action on the following amendments proposed thereto:

- Adopted: 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. Pages S12291–S12292–93
- By 83 yeas to 16 nays (Vote No. 289), Wyden/Talent Amendment No. 2362 (to the language proposed to be stricken by Amendment No. 2358), to enhance the energy security of the United States by prohibiting the exportation of oil and gas produced under leases in the Arctic National Wildlife Refuge.

- By 54 yeas to 45 nays (Vote No. 291), Bingaman Modified Amendment No. 2365, to prevent a severe reduction in the Federal medical assistance percent-
age determined for a State for fiscal year 2006 and to extend rebates for prescription drugs to enrollees in Medicaid managed care organizations. Pages S12307–08
- By 93 yeas to 6 nays (Vote No. 292), Lott/Lautenberg Amendment No. 2360, to reauthorize Amtrak.
- Vitter (for Stevens) Amendment No. 2412, to modify the distribution of excess proceeds from the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934.
- Harkin Amendment No. 2363, to affirm that the Federal funding levels for the rate of reimbursement of child support administrative expenses should not be reduced below the levels provided under current law, that States should continue to be permitted to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, and to express the sense of the Senate that it does not support additional fees for successful child support collection.
- Gregg (for Murray/DeWine) Amendment No. 2350, to amend the definition of independent student to include students who are homeless children and youths and unaccompanied youths for purposes of the need analysis under the Higher Education Act of 1965.
- Gregg (for Specter/Leahy) Amendment No. 2378, to fund justice programs.
- Gregg (for Sununu) Amendment No. 2418, to amend chapter 21 of title 38, United States Code, to enhance adaptive housing assistance for disabled veterans and to reduce the amount appropriated for the Medicaid Integrity Program by $1,000,000 for each of fiscal years 2007 through 2010.

Pages S12311–12

D1139
Gregg (for Feinstein) Amendment No. 2411, to authorize the continued provision of certain adult day health care services or medical adult day care services under a State Medicaid plan. Pages S12314–17

Gregg (for Warner) Amendment No. 2413, to provide additional ProGAP assistance to certain students. Pages S12314–17

Baucus Amendment No. 2383, to exclude discounts provided to mail order and nursing facility pharmacies from the determination of average manufacturer price and to extend the discounts offered under fee-for-service Medicaid for prescription drugs to managed care organizations. Pages S12317–18

Gregg (for Levin) Amendment No. 2417, to establish an International Border Community Interoperable Communications Demonstration Project. Page S12318

Santorum Amendment No. 2419, to amend title XVIII of the Social Security Act to make a technical correction regarding purchase agreements for power-driven wheelchairs under the Medicare program, to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of such program, to improve patient access to, and utilization of, the colorectal cancer screening benefit under such program, and to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of such title. Pages S12320–21

Gregg (for Lieberman) Amendment No. 2380, to make minor changes to the quality measurement systems provisions with respect to value based purchasing under the medicare program. Pages S12321–22

Gregg (for Sununu/Allen) Amendment No. 2386, to ensure that amounts are not obligated out of the Digital Transition and Public Safety Fund until the proceeds of the auction are actually deposited by the FCC. Pages S12321–22

Gregg (for Sununu) Amendment No. 2420, to convert Digital Transition and Public Safety Fund program payment amounts into limitations. Pages S12321–22

Smith/Clinton Amendment No. 2390, to provide for a demonstration project regarding medicaid coverage of low-income HIV-infected individuals. Page S12323

Conrad/Salazar Amendment No. 2422, to ensure Medicaid enrollees have access to small, independent pharmacies located in rural and frontier areas. Pages S12325–26

Rejected:

By 49 yeas to 50 nays (Vote No. 287), 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. Pages S12302–03

By 48 yeas to 51 nays (Vote No. 288), Cantwell Amendment No. 2358, to strike the title relating to the establishment of an oil and gas leasing program in the Coastal Plain. Pages S12303–05

By 30 yeas to 69 nays (Vote No. 293), McCain Amendment No. 2370, to move forward the date on which the transition to digital television is to occur. Pages S12308–09

By 14 yeas to 85 nays (Vote No. 295), Byrd Amendment No. 2367, to replace title VIII of the bill with an amendment to section 214(c) of the Immigration and Nationality Act to impose a fee on employers who hire certain nonimmigrants. Pages S12310–11

By 48 yeas to 51 nays (Vote No. 298), Cantwell Amendment No. 2400, to ensure the payment to the Treasury of the United States of 50 percent of revenues from oil and gas leasing and production on the Coastal Plain. Pages S12313–14

By 49 yeas to 50 nays (Vote No. 299), Schumer/Rockefeller Amendment No. 2348, to strike the provisions increasing the Medicaid rebate for generic drugs. Pages S12318–19

By 46 yeas to 52 nays (Vote No. 300), Reed Amendment No. 2409, to strike provisions relating to reforms of targeted case management. Page S12321

By 48 yeas to 51 nays (Vote No. 301), Reed Amendment No. 2396, to strike subtitle C of title II relating to FHA asset disposition. Pages S12322–23

Cornyn Amendment No. 2408, to eliminate the converter box subsidy program. Page S12325

Withdrawn:

Gregg (for Frist/Gregg) Amendment No. 2347, to provide amounts to address influenza and newly emerging pandemics. Page S12286

Ensign Amendment No. 2368, to cut $2,000,000,000 from the convertor box subsidy program. Page S12309

Landrieu Amendment No. 2366, to provide funds for payments to producing States and coastal political subdivisions under the coastal impact assistance program. Page S12310

Hagel/Sununu Amendment No. 2391, to require Fannie Mae and Freddie Mac to register under the Securities Act of 1933. Pages S12319–20

During consideration of this measure today, the Senate also took the following action:

By 50 yeas to 49 nays (Vote No. 283), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Conrad Amendment No. 2351, to fully reinstate the pay-as-you-go requirement through 2010. Subsequently, the
By 31 yeas to 56 nays (Vote No. 284), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Ensign Amendment No. 2404 (to Amendment No. 2352, as modified), of a perfecting nature. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12291

By 48 yeas to 51 nays (Vote No. 285), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Lincoln Modified Amendment No. 2356, to provide emergency health care and other relief for survivors of Hurricane Katrina. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12294

By 32 yeas to 67 nays (Vote No. 286), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to 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. Subsequently, the point of order that the amendment contained matter within the jurisdiction of the Committee on the Budget, was sustained, and the amendment thus fell.

Pages S12295–S12302

By 46 yeas to 53 nays (Vote No. 290), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Grassley Amendment No. 2359, to clarify certain payment limitations applicable to certain payments under title I of the Farm Security and Rural Investment Act of 2002 and section 1101 of the Agricultural Reconciliation Act of 2005 and to partially restore funding to programs reduced by sections 1101, 1201, and 1202 of the Agricultural Reconciliation Act of 2005. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12302

By 43 yeas to 56 nays (Vote No. 297), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Snowe Amendment No. 2371, to amend title XVIII of the Social Security Act to provide the authority for negotiating fair prices for medicare prescription drugs. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12313

By 43 yeas to 56 nays (Vote No. 297), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Snowe Amendment No. 2371, to amend title XVIII of the Social Security Act to provide the authority for negotiating fair prices for medicare prescription drugs. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Page S12313

By 46 yeas to 53 nays (Vote No. 290), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 305 of the Congressional Budget Act of 1974, as amended, with respect to Grassley Amendment No. 2359, to clarify certain payment limitations applicable to certain payments under title I of the Farm Security and Rural Investment Act of 2002 and section 1101 of the Agricultural Reconciliation Act of 2005 and to partially restore funding to programs reduced by sections 1101, 1201, and 1202 of the Agricultural Reconciliation Act of 2005. Subsequently, the point of order that the amendment was not germane, was sustained, and the amendment thus fell.

Pages S12302–S12307

National Adoption Month: Senate agreed to S. Res. 299, to express support for the goal of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

Page S12372

Honoring Henry Giugni: Senate agreed to S. Res. 300, relative to the death of Henry Ku‘ualoha Giugni, former Sergeant-at-Arms of the United States Senate.

Pages S12372–S12373

Agriculture Appropriations Conference Report: By 81 yeas to 18 nays (Vote No. 282), Senate agreed...
to 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, clearing the measure for the President.

Pages S12287–91

National Defense Authorization—Agreement: A unanimous-consent agreement was reached providing for further consideration S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces at 9:30 a.m. on Friday, November 4, 2005, pursuant to the order of Wednesday, October 26, 2005; provided further, that on Friday, November 4, 2005, and Monday, November 7, 2005, amendments may be offered, debated, and then set aside with the time reserved for use at a later time.

Page S12373

Messages From the House:

Measures Read First Time:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authorities for Committees to Meet:

Privileges of the Floor:

Record Votes: Twenty-two record votes were taken today. (Total—303) Pages S12290–91, S12291, S12294, S12301–02, S12302, S12303, S12305, S12306, S12307, S12308, S12309, S12310–11, S12313, S12314, S12319, S12321, S12323, S12325, S12345

Adjourment: Senate convened at 9 a.m., and as a further mark of respect to the memory of the late Henry Ku'ualoha Giugni, in accordance with S. Res. 300, adjourned at 6:40 p.m., until 9:30 a.m., on Friday, November 4, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on pages S12373–74.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Matthew Slaughter, of New Hampshire, and Katherine Baicker, of New Hampshire, each to be a Member of the Council of Economic Advisers, Orlando J. Cabrera, of Florida, to be Assistant Secretary of Housing and Urban Development, and Gigi Hyland, of Virginia, and Rodney E. Hood, of North Carolina, each to be a Member of the National Credit Union Administration Board.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1699, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, with an amendment;

S. 1095, to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, with an amendment in the nature of a substitute; and

The nominations of Wan J. Kim, of Maryland, to be Assistant Attorney General, Civil Rights Division, Steven G. Bradbury, of Maryland, to be Assistant Attorney General for the Office of Legal Counsel, Sue Ellen Wooldridge, of Virginia, to be Assistant Attorney General, Environment and Natural Resources Division, and Thomas O. Barnett, of Virginia, to be Assistant Attorney General, Antitrust Division, all of the Department of Justice.

Also, Committee began consideration of H.R. 683, to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment, but did not complete action thereon, and recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 4217–4229; 1 private bill, H.R. 4230; and 2 resolutions, H. Res. 531, 533, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:
Supplemental report on H.R. 4128, to protect private property rights (H. Rept. 109–262, Pt. 2);

H.R. 3508, to authorize improvements in the operation of the government of the District of Columbia, with an amendment (H. Rept. 109–267);

H.R. 923, to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan, with amendments (Rept. 109–268);

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 (Rept. 109–269); and H. Res. 532, waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006 (Rept. 109–270).

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today.

Chaplain: The prayer was offered today by Rev. Ronnie Mitchell, Sr., Pastor, Bethel African Methodist Episcopal Church, Spokane, Washington.

Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2006—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 2528, to make appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006.

The House agreed to the Obey motion to instruct conferees by voice vote after agreeing to order the previous question.

Representative Pelosi Question of Privilege: The Chair ruled that the resolution offered by Representative Pelosi did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 220 yeas to 191 nays, Roll No. 562.

Agreed to:

Sensenbrenner Manager’s amendment (No. 1 printed in H. Rept. 109–266) that makes clear that private roads that are open to the public, free or by toll, and flood control facilities, are covered under the exceptions to the bill. Also includes a savings clause making clear that nothing in the legislation shall be construed to affect the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (which requires the Federal government
to pay the displacement costs of those adversely affected by the Federal government’s exercise of eminent domain). Also incorporates into the bill’s Sense of Congress section some language provided by the Resources Committee regarding the effect of the abuse of eminent domain on irrigation and reclamation projects, and on public lands; Pages H9590–91

Sodrel amendment (No. 4 printed in H. Rept. 109–266) which clarifies that in any proceeding to prevent or remedy a taking, that the burden is on the state or agency to show that it is not for economic development as defined in the Act. Also requires a heightened standard of proof—clear and convincing—that the use fits one of the exceptions to economic development as defined in the Act;

Miller of California amendment (No. 7 printed in H. Rept. 109–266) which adds language to specify that the term economic development in the bill does not include the redevelopment of brownfield sites. Uses the definition of brownfield site included in the Small Business Liability Relief and Brownfield Revitalization Act;

Gingrey amendment (No. 8 printed in H. Rept. 109–266) which adds a new section to prohibit a State or political subdivision of a State from the exercise of eminent domain over the property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization if that State or political subdivision received Federal economic development funds during any fiscal year in which it does so. This amendment also places the same prohibition on the Federal government. A violation of this provision will render the State or political subdivision ineligible to receive Federal economic development funds for a period of 2 fiscal years;

Cuellar amendment (No. 9 printed in H. Rept. 109–266) which ensures that all Federal agencies review their regulations and procedures for compliance with this Act. It requires a report to the Attorney General; and

Jackson-Lee of Texas amendment (No. 10 printed in H. Rept. 109–266) that expresses the legislative intent to protect from the taking by the Federal government for economic development or for private use of the property owned, either by assignment, intestate succession, or by record, by survivors of Hurricane Katrina.

Rejected:

Nadler amendment (No. 2 printed in H. Rept. 109–266) that sought to allow a property owner to go to court before the property is taken in order to obtain declaratory or injunctive relief if the taking violates the Act. The bill currently only allows a property owner to obtain a preliminary injunction or temporary restraining order, and does not allow the property owner to bring an action until after the conclusion of the condemnation proceedings. The amendment would also strike the penalties portion of the bill, (by a recorded vote of 63 ayes to 355 noes, Roll No. 564);

Moran of Virginia amendment (No. 5 printed in H. Rept. 109–266) which sought to clarify the property conveyance for the definition of “economic development,” specifies that increasing tax revenue must be the “primary purpose” of the taking authority, and sets a hard date of seven years that property holders can bring action against the taking authority. Also makes a number of technical corrections, (by a recorded vote of 49 ayes to 368 noes, Roll No. 565);

Turner amendment (No. 6 printed in H. Rept. 109–266) that sought to enumerate several harmful uses of land which constitute a threat to public health and safety (i.e. dilapidation, obsolescence, overcrowding, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, obsolete subdivisions or constitutes a brownfield), (by a recorded vote of 56 ayes to 357 noes, Roll No. 566); and

Watt amendment (No. 11 printed in H. Rept. 109–266) that sought to delete all sections of the bill and retains only the sense of Congress recognizing the importance of property rights and that in the aftermath of the Kelo decision that abuses of eminent domain power may occur, (by a recorded vote of 44 ayes to 371 noes, Roll No. 567).

The amendment in the nature of a substitute, as amended, was adopted. Page H9604

H. Res. 527, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 401 yeas to 11 nays, Roll No. 563, after agreeing to order the previous question without objection.

Senate Message: Message received from the Senate today appears on page H9569.

Quorum Calls—Votes: Three yea-and-nay votes and 4 recorded votes developed during the proceedings of today and appear on pages H9567, H9568, H9601–02, H9602, H9602–03, H9603–04, and H9604. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:19 p.m.

Committee Meetings

YOUR TROOPS: THEIR STORY

Committee on Armed Services: Held a hearing on Your Troops: Their Story. Testimony was heard from the
following officials of the Department of Defense: BG John F. Kelly, USMC, Legislative Assistant to the Commandant, U.S. Marine Corps; COL Robert Abrams, USA, Chief of Staff, 1st Cavalry Division and CSM Neil Citola, USA, III Corps.

RADICAL ISLAM—UNDERSTANDING ASPIRATIONS

Committee on Armed Services: Terrorism and Radical Islam Gap Panel held a hearing on Understanding Aspirations of Radical Islam: Why Mainstream Islam is Radically Different. Testimony was heard from public witnesses.

DEFICIT REDUCTION ACT OF 2005

Committee on the Budget: Ordered reported the Deficit Reduction Act of 2005.

DATA ACCOUNTABILITY AND TRUST ACT


TSA's REGISTERED TRAVELER PROGRAM

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, Cybersecurity held a hearing entitled “The Future of TSA's Registered Traveler Program.” Testimony was heard from Kip Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; and public witnesses.

BRIEFING—PORTABLE ELECTRONIC DEVICES AND CYBER SYSTEMS SECURITY VULNERABILITIES

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled “The Future of TSA's Registered Traveler Program.” Testimony was heard from Kip Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; and public witnesses.

BIOSCIENCE AND THE INTELLIGENCE COMMUNITY

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled “Bioscience and the Intelligence Community.” Testimony was heard from public witnesses.

DIGITAL AGE—CONTENT PROTECTION

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property, held an oversight hearing entitled “Content Protection in the Digital Age: The Broadcast Flag, High-Definition Radio, and the Analog Hole.” Testimony was heard from Dan Glickman, Chairman and CEO, Motion Picture Association of America; Mitch Bainwol, Chairman and CEO, Recording Industry Association of America; and public witnesses.

METHAMPHETAMINE EPIDEMIC ELIMINATION ACT; SECOND CHANCE ACT OF 2005


The Subcommittee also held a hearing on H.R. 1704, Second Chance Act of 2005. Testimony was heard from Representatives Cannon, Davis of Illinois and Jones of Ohio; Robert L. Ehrlich, Jr., Governor, State of Maryland.

OFFENDER RE-ENTRY

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing entitled “Offender Re-entry: What is Needed to Provide Offenders with a Real Second Chance? Testimony was heard from David Hagy, Deputy Assistant Attorney General, Office of Justice Programs, Department of Justice; Arthur Wallenstein, Director, Department of Correction and Rehabilitation, Montgomery County, State of Maryland; and public witnesses.

OVERSIGHT—INVASIVE ASIAN CARP

Committee on Resources: Subcommittee on Fisheries and Oceans held an oversight hearing on the Growing Problem of Invasive Asian Carp in the Great Lakes and Mississippi River System. Testimony was heard from Representative Kennedy of Minnesota; Everett Wilson, Deputy Assistant Director, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2005

Committee on Resources: Subcommittee on National Parks held a hearing on H.R. 3699, Federal and District of Columbia Government Real Property Act of 2005. Testimony was heard from Delegate Norton; Paul Hoffman, Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior; and Anthony A. Williams, Mayor, District of Columbia.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R.
CONGRESSIONAL RECORD—DAILY DIGEST

November 3, 2005

1190, San Diego Water Storage and Efficiency Act of 2005; H.R. 2563, To authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho; and H.R. 3153, Upper Colorado and San Juan River Basin Endangered Fish Recovery Implementation Programs Reauthorization Act of 2005. Testimony was heard from Representative Otter; William Rinne, Deputy Commissioner, Director of Operations, Bureau of Reclamation, Department of the Interior; Tom Blickensderfer, Endangered Species Program Director, Department of Natural Resources, State of Colorado; and a public witness.

CONFERENCE REPORT—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Committee on Ways and Means: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 3057, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Kolbe.

NASA’S PROGRAMS STATUS

Committee on Science: Held a hearing on Status of NASA’s Programs. Testimony was heard from Michael D. Griffin, Administrator, NASA.

HURRICANE KATRINA—RESPONSE PROPOSALS

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on proposals in response to Hurricane Katrina. Testimony was heard from Representatives Kennedy of Rhode Island, Kolbe, Platts, Blumenauer, Schmidt, Foley, Lantos, Shays, Jindal and Pickering.

OVERSIGHT—VBA’S ANNUAL BUDGET REQUEST

Committee on Veterans’ Affairs: Subcommittee on Disability Assistance and Memorial Affairs held an oversight hearing on the development of the Veterans Benefits Administrations’ annual budget request. Testimony was heard from Daniel L. Cooper, Under Secretary, Benefits, Veterans Benefits Administration, Department of Veterans Affairs.

REVIEW—CREDIT UNION TAX EXEMPTION

Committee on Ways and Means: Held a hearing on Review of Credit Union Tax Exemption. Testimony was heard from JoAnn Johnson, Chairman, National Credit Union Administration; Steven T. Miller, Commissioner, Tax-Exempt and Government Entities Division, IRS, Department of the Treasury; Richard J. Hillman, Management Director, Financial Markets and Community Investment, GAO; former Representative Norman E. D’Amours, State of New Hampshire, and former Chairman, National Credit Union Administration; and public witnesses.

UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Committee on Ways and Means: Approved the draft implementing proposal on the United States-Bahrain Free Trade Agreement Implementation Act.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded a hearing to examine the current economic outlook, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

APPROPRIATIONS: SCIENCE/STATE/ JUSTICE/COMMERCE

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, but did not complete action thereon, and will meet again on Friday, November 4, 2005.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 4, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, Regional Powers Panel, hearing on U.S. response to regional powers and inter-agency planning capabilities, 1 p.m., 2118 Rayburn.

Joint Meetings

Conferences: meeting of conferees on H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, 11:30 a.m., H140.

Joint Economic Committee: to hold hearings to examine the employment-unemployment situation for October 2005, 9:30 a.m., 2226 RHOB.
Extensions of Remarks, as inserted in this issue

Gordon, Bart, Tenn., E2269
Graves, Sam, Mo., E2249, E2254, E2246, E2247, E2248, E2250, E2251, E2252, E2253
Gutierrez, Louis V., Ill., E2262
Hensarling, Jeb, Tex., E2244
Higgins, Brian, N.Y., E2262
Hyde, Henry J., Ill., E2270
Israel, Steve, N.Y., E2265
Kanjorski, Paul R., Pa., E2245, E2246, E2247, E2248, E2254, E2255, E2256
Knollenberg, Joe, Mich., E2261
Kucinich, Dennis J., Ohio, E2245, E2246, E2247, E2248, E2286, E2271
Larson, John B., Conn., E2265
Lynch, Stephen F., Mass., E2269
McHenry, Patrick T., N.C., E2268
Maloney, Carolyn B., N.Y., E2258
Manzullo, Donald A., Ill., E2268
Matheson, Jim, Utah, E2257
Matsui, Doris O., Calif., E2255
Menendez, Robert N., J., E2266
Miller, Jeff, Fla., E2247, E2264
Moran, James P., Va., E2260
Moran, Jerry, N.Y., E2270
Musgrave, Marilyn N., Colo., E2296
Napolitano, Grace F., Calif., E2269
Neal, Richard E., Mass., E2272
Pombo, Richard W., Calif., E2260
Rahall, Nick J., II, W.Va., E2263
Rogers, Mike, Ala., E2256
Rohrabacher, Dana, Calif., E2259
Ruppersberger, C.A., Dutch, Md., E2245, E2246, E2247
Sanders, Bernard, Vt., E2252
Saxton, Jim, N.J., E2253
Scott, Robert C., Va., E2258
Simmons, Rob, Conn., E2259
Simpson, Michael K., Idaho, E2263
Stearns, Cliff, Fla., E2253
Towns, Edolphus, N.Y., E2272, E2273
Udall, Tom, N.M., E2260, E2270
Upton, Fred, Mich., E2259
Van Hollen, Chris, Md., E2258
Visclosky, Peter J., Ind., E2253, E2266
Walden, Greg, Ore., E2255
Wamp, Zach, Tenn., E2265
Weller, Jerry, Ill., E2262
Whitfield, Ed, Ky., E2253
Wilson, Joe, S.C., E2269
Wolf, Frank R., Va., E2249