The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. GOHMERT).

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC, November 15, 2005.
I hereby appoint the Honorable LOUIE GOHMERT to act as Speaker pro tempore on this day.
J. DENNIS HASTERT, Speaker of the House of Representatives.

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

PRESIDENT BUSH CAN'T REWRITE HISTORY
Mr. McGovern. Mr. Speaker, beginning on Veterans Day, President Bush has begun a series of attacks against his critics on the war in Iraq. He has certainly did not manipulate or misrepresent any intelligence to Congress, the American people or to the international community.

Mr. Speaker, this is just one more false claim in a history of falsehoods put forward by this administration in its effort to cover up its failures in Iraq. Today’s New York Times editorial attempts to set the record straight on the Bush coverup of the truth.
Upon Veterans Day, President Bush claimed that Congress had access to the same intelligence as his administration. This is patently false. According to the Washington Post and The New York Times, President Bush and his aides had access to much more voluminous intelligence information than did lawmakers, who are dependent on his administration to provide Congress with materials.

More recently, the President has asserted that Congress had more intelligence information than the White House. This is so patently absurd, I barely know how to respond. The only intelligence materials the Congress has, it receives from the President and his administration.
The President has gone on to state that the bipartisan investigation carried out by the Senate Intelligence Committee found, and I again quote, no evidence of political pressure to change the intelligence community’s judgments related to Iraq’s weapons programs.
This claim is wrong on several counts. First, the Senate Select Committee on Intelligence has not yet done its inquiry into whether Bush officials mischaracterized or misrepresented intelligence.
Second, the Senate Intelligence Committee’s first report did find that the national intelligence estimate was manipulated.
Finally, the overall soft approach of this first report by the Senate Intelligence Committee has been disputed by several senior intelligence officials. Richard Kerr, the former acting CIA director, who led an internal investigation of the CIA’s failure to correctly analyze Iraq’s weapons of mass destruction capability, stated that the intelligence analysts were pressured and heavily so. Senators ROCKEFELLER, DURBIN and LEVIN noted in their additional views to the Senate Intelligence Committee’s report that the CIA’s independent review found, and I quote, significant pressure on the intelligence community to find evidence that supported a connection between Iraq and al Qaeda.
A second independent investigation by the CIA ombudsman found that the, quote, hammering by the Bush Administration on Iraq intelligence was unusual and that George Tenet confirmed that agency officials had raised with him personally the matter of pressure on analysts.
President Bush tries to assert that President Clinton believed in the same threat. What he leaves out is that President Clinton has repeatedly asserted that he believes it was a mistake to invade Iraq before the United Nations weapons inspectors had a chance to complete their investigation. In fact, the U.N. investigation was aborted before it even had a chance to really begin by the launch of U.S. military operations.
Mr. Speaker, President Bush asserts that other governments’ intelligence agencies agreed with ours. That is simply false. Many countries felt that the U.S. intelligence was faulty or overblown and did not agree with their own intelligence data, and that is why they opposed us in the United Nations Security Council or declined to provide troops for our invasion. Even this year we have heard Vice President CHENEY continue to imply that Iraq was somehow tied to the September 11 attacks and was developing weapons of mass destruction.
Well, let us set the record straight. There were no weapons of mass destruction, there were no ties to al Qaeda, there was no imminent threat. The arguments in favor of war presented to Congress and the American people by the President deliberately used the most inflammatory of language.

Mr. Speaker, I would like to say one more word on the President’s latest series of attacks. He says that those of us who opposed the war, who called for withdrawal, or who focused on how the American people were deliberately misled into supporting the invasion on Iraq, that somehow we are betraying our troops and advocating a cut-and-run approach.

Mr. Speaker, our troops, who have carried out this mission with courage, dignity and sacrifice, represent our Nation with honor, but they have been betrayed. They have been betrayed by policymakers who rushed into a war on false pretenses, they were betrayed by policymakers who sent them into a war’s way and overruled the good advice of our top military leaders as to troop strength and post-invasion planning, they were betrayed by policymakers who will not admit that mistakes were made and significant changes in policy are required in order to bring them home safe and sound.

Critics of this policy strongly support reconstruction assistance for Iraq. We strongly support the training and equipping of Iraqi security forces. We strongly support internationally supported security forces in Iraq. We do not support cutting and running, but we do not support lying and hiding. Mr. Bush cannot rewrite history, he cannot rewrite the intelligence again, and he cannot continue to lie to the American people. The truth, the ugly truth, is coming out. [From the New York Times, Nov. 2005]

DECODING MR. BUSH’S DENIALS

To avoid having to account for his administration’s misleading statements before the war with Iraq, President Bush has tried to blame others, saying he did not skew the intelligence. He’s tried to share the blame, claiming that Congress had the same intelligence he had, as well as President Bill Clinton. He’s tried to pass the buck and blame the C.I.A. Lately, he’s gone on the attack, accusing Democrats in Congress of aiding the terrorists.

Yesterday in Alaska, Mr. Bush trotted out the same tedious deflection on Iraq that he usually attempts when his back is against the wall; he claims that questioning his actions is a betrayal of the troops in battle today.

It all amounts to one energetic effort at avoidance. But like the W.M.D. reports that started the whole thing, the only problem is that none of it has been true.

Mr. Bush says everyone had the same intelligence. Clinton and his advisors, foreign governments, and members of Congress—and all of them reached the same conclusions. The only part that is true is that they are working off the same intelligence Mr. Clinton had. But that is scary, not reassuring. The reports about Saddam Hussein’s weapons were old, some more than 10 years old. Nothing was fresher than about five years, except reports that later proved to be fanciful.

Foreign intelligence services did not have full access to American intelligence. But some had dissenting opinions that were ignored or not shown to top officials. Congress closely watched the President’s access to intelligence. The National Intelligence Estimate presented to Congress a few days before the vote on war was sanitized and dissent and make conjecture seem like fact.

It’s hard to imagine what Mr. Bush means when he says everyone reached the same conclusions. They were indeed a widespread and overwhelming belief that Iraq had chemical and biological weapons. But Mr. Clinton looked at the data and concluded that inspections and pressure, who working with was asking for is not a ground. France, Russia, and Germany said was not justified. Even Britain admitted later that there had been no new evidence about Iraq, nor was it.

The administration had little company in saying that Iraq was actively trying to build a nuclear weapon. The evidence for this claim was a dubious report about an attempt in 1999 to buy uranium from Niger, later shown to be false, and the infamous aluluminum minaret was dismissed at the time by analysts with real expertise.

The Bush administration was also alone in making the absurd claim that Iraq was in league with the vonwing terrorist group. The C.I.A. ombudsman told the Senate Intelligence Committee that the Bush administration’s “hammering” on Iraq intelligence was harder than he had seen in his 32 years at the agency.

Mr. Bush and other administration officials say they faithfully reported what they had. Dirk Diwisch, the deputy director of central intelligence, said in 2003 that there was “significant pressure on the intelligence community to find evidence that supported a claim of weapons of mass destruction.” The C.I.A. ombudsman told the Senate Intelligence Committee that the administration’s “hammering” on Iraq intelligence was harder than he had seen in his 32 years at the agency.

The president and his top advisors may very well have sincerely believed that Iraq had weapons of mass destruction. But they did not allow the American people, or even Congress, to have the information necessary to make reasoned judgments of their own. It’s obvious that the Bush administration misled Americans about Mr. Hussein’s weapons and his terrorist connections. We need to know how that happened and why.

Mr. Bush said last Friday that he welcome the military history of war, but that “it is deeply irresponsible to rewrite the history of how that war began.” We agree, but it is Mr. Bush and his team who are writing history.

NEW DAY FOR HEALTH CARE

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

Mr. PRICE of Georgia. Mr. Speaker, concerning to what some of my friends on the other side of the aisle do, I like to take this time, morning hour, and share a little good news with the American people, because this is an exciting day. It is a new day for health care in our Nation. It is a day of great opportunity for seniors all across our Nation. Today is the first day that seniors across America are able to sign up voluntarily and participate in the new Medicare Part D prescription drug program.

As many members of Congress know, I am a third-generation physician, and the things that were available to treat patients by my father and my grandfather have changed so significantly. The kinds of things that I was able to use to take care of people are remarkably different than those that my father and grandfather were able to use. Medicine is an evolving science, and it changes almost daily.

But the Medicare program, like most government programs, has not kept up. When Medicare started 40 years ago, there really were very few medications that were able to be used to significantly alter the course of a disease or to prevent disease. But a lot of things have changed. Over the past 40 years, there are wonderful opportunities that have been created with the use of drug treatments and medications to prevent and cure diseases.

Yet Medicare, until now, has not covered single medical蘑菇. The Medicare system would cover, for example, the incredibly expensive surgery to take care of an ulcer, but it would not cover the medications to prevent the ulcer in the first place. That Medicare would cover, for example, the expensive hospitalization or potential surgery to treat an individual who had a stroke but would not cover the medications that were available to prevent a stroke, itself, does not make any sense at all. But all that is changing, and all of that is changing beginning today.

I want to stress that this is a voluntary program, a voluntary program for all seniors. Most seniors, if they look at the options available to them, will participate significantly and assisted in their purchase and the ability to purchase medications by this new program.

Some might argue that much of this will be confusing, and it may be at the beginning. All kinds of programs that I have taken care of are a confusing for many things that are confusing in them. However, I encourage my colleagues, both in Congress and in the medical
profession, to assist in educating seniors about the options that are available to them.

I have held a number of meetings around my district with seniors in an effort to try to educate them, and they have wonderful questions, will this program help me. I do know that it will cover the medications that I have, how do I sign up, how do I get that information.

If I may pass along a couple of items, the first is the Medicare number: 1–800–Medicare. There are many individuals available at that line to be able to help seniors. Also, the Web site, www.medicare.gov. I was on it just this morning and it has a wealth of information available to folks.

In these meetings that I had, I always had somebody available from CMS, or the Center for Medicare and Medicaid Services, with me to be able to help answer questions. But what I was most impressed with, in Georgia at least, the vast majority of seniors then will be able to have a program that is better for them, covers more of their medications than they currently have with this Medicare program.

There are some important dates to remember. Today is the first date that is important. Today is the first day that seniors are able to sign up for a program whose coverage begins on January 1. This window of opportunity, that time to sign up, is between now, November 15, 2005, and May 15, 2006, even though the program begins on January 1.

Many seniors are currently receiving some prescription drug coverage now through a Medicare plus program or a supplemental program. I think it is important again for most seniors to appreciate that this program, the Medicare part D program, will be better for them than the current program that they have.

Again, 1–800–Medicare is the phone number. The Web site is www.medicare.gov. It is important that seniors look at the list of medications that they are currently taking and the list of medications that are available through the plans that are available to them and select one that is able to meld those that is going to cover the medications that they have.

It is an exciting time. It is a great opportunity for all seniors across our Nation. I encourage every senior to look at the options available to them and make certain that they are selecting a program that suits them best. I am hopeful that this will help improve the health care and the healthful status of all seniors across our Nation. I look forward to watching this program as it unfolds and as it evolves, and hopefully this will be an impetus to allow Medicare to be a much more nimble program.

PETER DRUCKER

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

Mr. DREIER. Mr. Speaker, I rise today to mark the passing of an incredible leader and a friend of mine, and he was known to the world as the father of modern management. I am referring, of course, to Professor Peter Drucker, who passed away last Friday at his home in Claremont at the age of 95. I spoke to his wonderful wife, Doris, early Saturday morning, the first thing she said, of course, was that Peter led an incredibly full life, which we all know that he did.

I was able to, as an undergraduate, because of this great structure at the Claremont colleges, that allows for cross registration among the six different colleges, to begin taking classes and make certain that they are select-able for them, covers more of their medications than they currently have with this Medicare program.

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Later in his career, he devoted much of his time to studying community organizations, because, in his words, the 21st century will be the century of the social sector organization. The more economy, money and information become global, the more local will matter. He donated his expertise to a wide range of organizations, the American Red Cross, the American Heart Association. The results of his advice and leadership have played a role in re-establishing America’s former national defense readiness through Katrina and Rita. His groundbreaking work resulted in many accolades and many opportunities to share his thoughts.

In 1987, Claremont named its graduate school of management in his honor. He was a regular economist for the Wall Street Journal for two decades, from 1973 to 1995. He was bestowed with 25 doctorates from universities in Europe and here in the United States.

In 1990, he created the Peter Drucker Foundation to bring together business and social leaders. One of the great thrills for me was I was able to be with Professor Drucker a number of times, and he was a wonderful person and extraordinarily talented wife, Doris, in the East Room of the White House when President Bush in 2002 bestowed the Medal of Freedom, the highest civilian award in our country, on Professor Drucker.

The Economist Magazine, one of my favorite publications, called him the greatest thinker management theory has ever produced. In his book, Innovation and Entrepreneurship, Dr. Drucker described entrepreneurs as those who create something new, something different. They change or transmute values. By his own definition, it is clear that Dr. Drucker was an intellectual entrepreneur.

I mentioned this dinner that I had with him just a few years ago. I had the thrill of spending 3 hours with him. We talked about the impact that he had on so many people. The Los Angeles Times among other entrepreneurs Jack Welch, who headed General Electric, as saying that the turning point in large part came for him when Professor Drucker asked him the question, if you were not doing exactly what you are doing today, would you begin doing it, which was a very, very important point in determining what the future of General Electric was going to be.

I would like to remember our colleague Amo Houghton often quoting Peter Drucker when he said every brilliant idea ultimately degenerates to hard work. He was an amazing individual. He was a man of great warmth and ac-commerce, and I will miss him personally, and I know the world is better for his life.

My thoughts and prayers are with Doris and their wonderful children and grandchildren. I will simply say to Professor Drucker, thank you, thank you, thank you for everything that you have done to improve the quality of life for so many.
RECESS

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

Accordingly (at 10 o’clock and 50 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

Lord God Almighty, Creator of innumerable rights, guide the work of Congress and the personal decisions of all Americans today.

Having sworn an oath to uphold the Constitution of the United States, help the Members of the House of Representatives to make sound judgments. Give them wisdom to shape common sense until noon.

Lord, help all Americans to be true democratic citizens who can give an account of their commitment to human rights and abide by the rule of law.

May government leaders and citizens together seek personal excellence and the common good of all; so to give You glory now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Rhode Island (Mr. KENNEDY) come forward and lead the Pledge of Allegiance as follows:

KENNEDY) come forward and lead the Pledge of Allegiance as follows:

and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate 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. 2419) ‘‘An Act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.’’

MEDICARE PRESCRIPTION DRUG COVERAGE

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

Mr. CARTER. Mr. Speaker, I rise today to remind seniors all across America that they can sign up for Medicare prescription drug coverage starting today, November 15. As of January 1, 2006, Medicare begins offering participants drug coverage for citizens 65 and older. Medicare will work with employers and unions to ensure that people who currently receive prescription drug coverage through their employer or union will continue to do so.

Like other insurance, if you join, you will pay a monthly premium, generally about $37, plus a share of the cost of the medications. Costs may be different, depending on the drug plan you choose. Plans will vary in the prescription drugs covered, how much you have to pay, and the pharmacies you can use.

All drug plans will have to provide at least a standard level of coverage which Medicare will set. Some plans may offer more coverage and additional drugs for higher monthly premiums. I encourage you to join the drug plan that best meets your needs.

MENTAL HEALTH PARITY

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, as of today, a bipartisan majority of the House has cosponsored the Paul Wellstone Mental Health Equity Treatment Act. This marks the fifth year in a row that the majority of our colleagues have supported ending this arbitrary insurance limit on the treatment of a whole category of what this poster makes clear are neurological, physical diseases.

In the last 5 years, more than 150,000 Americans have lost their lives to suicide, 90 percent of them with serious mental illness.

In the last 5 years, American employers have lost over $150 billion of productivity to depression alone. That is more than the GDP of 28 different States during the same period.

In the 5 years, well over 60,000 American families have been broken apart by the absence of insurance because the only way for parents to get treatment for their children is to turn the custody of those children over to the State.

And, in those 5 years, Mr. Speaker, the leadership of this House and the committees of jurisdiction have yet to even give this bill an up and down vote. We need a vote on the Paul Wellstone Equity Act for mental health insurance.

TRIBUTE TO LANCE CORPORAL SCOTT ZUBOWSKI

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

Mr. PENCE. Mr. Speaker, Marines arrived here today. Barbara Weitzel’s doorstep this Saturday at 5:30 p.m. in New Castle, Indiana. She said, my first question was, ‘‘Which one?’’ Two of her sons are Marines. Both are in Iraq.

She learned in that moment that her brave son, Lance Corporal Scott Zubowski, died in Iraq on December 11, 2005. While fighting to defend America and secure Iraq, he was a rear passenger traveling with four other soldiers near Fallujah when a roadside bomb exploded beneath his vehicle.

Scott and his family moved to New Castle in 1991 where he attended Greenstreet Elementary School for first and second grade. His teachers quickly recognized him. They placed him in the gifted and talented program, an accelerated academic program at Sunnyside Elementary.

Scott did not grow up dreaming of a life in the military but, as is the case with other brothers, he wanted to enlist as well. He did after graduating from North Manchester High School in 2003.

Mr. Speaker, Lance Corporal Scott Zubowski is a hero. I offer my deepest condolences to his parents, Barbara Weitzel and Richard Zubowski; his lovely new wife, Klacey Zubowski; his two brothers, Brian and Sergeant David Zubowski; and all the family and friends who loved and admired this courageous young man.

Scott’s mother barbara Zubowski is a hero. I offer my deepest condolences to his parents, Barbara Weitzel and Richard Zubowski; his lovely new wife, Klacey Zubowski; his two brothers, Brian and Sergeant David Zubowski; and all the family and friends who loved and admired this courageous young man.

Mr. GEORGE MILLER of California.

AMERICANS DESERVE THE TRUTH REGARDING WAR IN IRAQ

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

Mr. GEORGE MILLER of California. Mr. Speaker, last week, President Bush said it was irresponsible for people to rewrite the way the war began, and the White House communications director said the American people expect an honest debate. I could not agree with both statements more.

Then, yesterday, the President donned his flight jacket and suggested that he was going to attack his critics and, in fact, attacked his critics rather than contribute to the honest debate.

The American people need to know, after the dramatic failure of intelligence, just how that intelligence was
used, how it was emphasized, how it was manipulated, and who was the source of much of the intelligence that this administration used to hook people into the war in Iraq.

Did they use the intelligence provided by Mr. Chalabi, who was on our payroll, or Chalabi’s defenders, who paid and bribed to provide that intelligence to the administration? Did the administration, and this goes to the crux of the question: Did the administration do the due diligence that was necessary before they made the decision to go? Did the administration push us into the war in Iraq. We now need to know how that decision was made. We need that honest debate. They are entitled to the results of the investigations that were promised 17 months ago, and nothing has happened from those investigations.

The American people are entitled to that debate. They are entitled to the results of the investigations that were promised 17 months ago, and nothing has happened from those investigations.

WORLD WAR I VETERAN KENNETH MEYERS

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

Mr. POE. Mr. Speaker, when Kenneth Meyers was born in 1899, Teddy Roosevelt was charging up San Juan Hill, the airplane had not been invented, and electrician was a novelty. Kenneth Meyers, at 107, is the oldest surviving World War I veteran in Texas. There are less than 30 World War I veterans in all of the United States. Meyers joined the Navy as a teenager in 1917 and served aboard the Battleship Oklahoma in World War I until 1919. Meyers, who lives in Houston, says he was proud to serve in the “War to End All Wars.”

After the Navy, Meyers earned his master’s degree, became an agricultural expert for Uncle Sam, and even helped farmers as far away as Greece. He herded cattle in Wyoming, and he still owns land there.

As we honor American veterans, we appreciate the generations of sailors and soldiers in World War I who adopted the song “Over There” that states, in part, “Send the word to beware, that the Yanks are coming, the Yanks are coming and we won’t come back ‘til its over, over there.”

Mr. Speaker, those Yanks got the job done for freedom and only came back when it was over, over there. That’s just the way it is.

PREEMIE ACT

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

Mr. GINGREY. Mr. Speaker, I rise today in support of National Prematurity Awareness Day. I stand with parents and physicians, organizations and associations around our country that are working to draw attention to the serious and growing problem of preterm birth.

Nearly 500,000 babies will be born prematurely this year. In my State of Georgia, 3,423 premature babies will be born this week. It is a serious problem, one that is far too common. Unfortunately, in most cases, we do not know why it happens.

From my experience as an OB-GYN physician for nearly 30 years, I know the anxiety, confusion, frustration and concern that premature birth places on both the families as well as the medical system. That is why I am a proud cosponsor of H.R. 2861, the PREEMIE Act, which was introduced by my friend and colleague from Michigan (Mr. Upton).

Mr. Speaker, I am here today not only to encourage my colleagues to cosponsor this important piece of legislation but also to let the women in our country know how important it is to talk to their doctors about the risk factors associated with pre-term birth. Together, we can work to find a solution to this very costly crisis.

NEW MEDICARE PRESCRIPTION DRUG BENEFIT

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

Mr. PRICE of Georgia. Mr. Speaker, can you imagine an insurance policy that paid thousands of dollars for the most expensive treatment for a disease but not a few hundred dollars for medicine to prevent that disease from occurring? Well, that is what Medicare has been, until now. Today is the first day that seniors all across our country can join Medicare part D.

I talk to my patients about this new and exciting program. This is not about politics, this is about helping those eligible for Medicare to select the plan that is best for them. I encourage all of my colleagues in medicine and in Congress to help seniors as they have the opportunity to participate in a new health program, one that should result in a more rewarding and healthier life.
buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District. The Clerk read as follows:

H.R. 1564

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 “Yakima-Tieton Irrigation District Conveyance Act of 2005”.

SEC. 2. CONVEYANCE OF CERTAIN BUILDINGS AND LANDS OF THE YAKIMA PROJECT, WASHINGTON.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall convey to the Yakima-Tieton Irrigation District, located in Yakima County, Washington, all right, title, and interest of the United States in and to the buildings and lands of the Yakima Project, Washington, in accordance with the terms and conditions set forth in the agreement titled “Agreement Between the United States and the Yakima-Tieton Irrigation District toTransfer Title to Certain Federally Owned Buildings and Lands, With Certain Property Rights, Title, and Interest, to the Yakima-Tieton Irrigation District” (Contract No. 5-07-10-L1658).

(b) LIABILITY.—Effective upon the date of conveyance under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed lands, except for damages caused by acts of negligence committed by the United States or by its employees or agents before the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act), on the date of the enactment of this Act.

(c) BENEFITS.—After conveyance of the buildings and lands to the Yakima-Tieton Irrigation District under this section—

(1) such buildings and lands shall not be considered to be a part of a Federal reclamation project;

(2) such irrigation district shall not be eligible to receive any benefits with respect to any buildings and lands conveyed, except benefits available to a similarly situated person with respect to such buildings and lands that are not part of a Federal reclamation project.

(d) EFFECTIVE DATE.—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report explaining the reason such conveyance has not been completed and stating the date by which the conveyance will be completed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mrs. MUSGRAVE) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mrs. MUSGRAVE).

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?
Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

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

H.R. 1972, introduced by Congresswoman MARSHA BLACKBURN, would direct the Secretary of the Interior to determine the suitability and feasibility of including sites related to the Battle of Franklin into the National Park System. This study area will include the cities of Brentwood, Franklin, Triune, Thompson’s Station and Spring Hill, Tennessee. The Secretary will determine if the sites within the study area have national significance and if they may be included in an existing national park or another federally designated unit.

I urge adoption of the bill.

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

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

I want to congratulate both sponsors, including the cosponsor on this side, Congressman LINCOLN DAVIS, for their leadership in getting this bill to the floor today. The majority has already explained this legislation. I would only add that we on this side of the aisle also support it.

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

Mrs. MUSGRAVE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Tennessee (Mr. DAVIS), the cosponsor of the legislation.

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today in strong support of H.R. 1972, the Franklin National Battlefield Study Act. It is fitting that we protect this piece of American history by preserving this battlefield, home to the Battle of Franklin. As Roberts Hicks and Julian Bibb of Franklin Battlefield, Incorporated, put it best:

“With the Battle of Franklin ended, the Civil War came to a conclusion designated Franklin as one of the Civil War Sites of North America. In the 5 tragic hours that make up the Battle of Franklin, more men died in those 5 hours than the 19 hours on D-Day. Eleven Congressional Medals of Honor were awarded at the battle of Franklin.

The Civil War Sites Advisory Commission designated Franklin as one of just 45 principal battles having a direct, observable impact on the direction, duration, conduct, or outcome of the war. Marking the beginning of the end for the Western Theater of the Civil War, it is now listed among the country’s 10 Most Endangered Civil War Battlefields by the Civil War Preservation Trust. I strongly support Representative BLACKBURN’s legislation to correct this oversight. The Battle of Franklin is considered the beginning of the defeat of the Confederacy.

I applaud the efforts of Save the Franklin Battlefield, Incorporated; Mayor Miller of Franklin; Franklin’s Charge; the Williamson County Historical Society; interested city and county leaders; and leading preservationists and conservation organizations that have sought to make this legislation a reality. It has been a delight to work with the gentlewoman from Tennessee on this particular issue, which is in her home district, a county that we both share.

I believe it is our duty to preserve this historical battlefield, and we are bound by the respect and homage we must pay for those who died to preserve the Nation we hold so dear and revere today. But this is also for our children and grandchildren who will now be able to experience a chapter in our Nation’s history in a way that they cannot now. It is fitting that we protect this piece of American history by preserving this battlefield.

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

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

The SPEAKER pro tempore. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 1972, as amended, passed.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 1972, as amended, passed.

A motion to reconsider was laid on the table.
in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseño Mission Indians, and for other purposes.

The Clerk read as follows:

H.R. 3507

SEC. 2. TRANSFER OF LAND IN TRUST FOR PECHANGA BAND OF LUISENO MISSION INDIANS.

(a) TRANSFER AND ADMINISTRATION.—

(1) TRANSFER.—Effective on the date of the enactment of this Act and subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands described in subsection (b), including all improvements thereon, appurtenances thereto, and rights to all minerals thereon or therein, including oil and gas, water, and related resources, shall be held by the United States for the Pechanga Band of Luiseño Mission Indians, a federally recognized Indian tribe.

(2) ADMINISTRATION.—The transferred land shall be administered as a part of the Pechanga Indian Reservation and administered in accordance with—

(A) the laws and regulations generally applicable to public land held in trust by the United States for an Indian tribe; and

(B) a memorandum of understanding entered into between the Pechanga Band of Luiseño Mission Indians and the United States Fish and Wildlife Service.

(b) DESCRIPTION OF LAND.—The lands referred to in subsection (a) consist of approximately 990 acres of land currently administered by the Bureau of Land Management and are more particularly described as follows:

(1) Sections 29, 30, and 32 of township 8 north, range 2 west, San Bernardino base and meridian.

(2) Section 6 of township 9 south, range 2 west, San Bernardino base and meridian.

(3) Mineral Survey 3540, section 22 of township 9 south, range 4 west, San Bernardino base and meridian.

(c) SURVEY.—Not later than 180 days after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete a survey of the lands transferred under subsection (a) for the purpose of establishing the boundaries of the lands.

(d) UP ON FILE.—The map referred to in subsection (b) shall be on file in the appropriate offices of the Bureau of Land Management.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval of the survey completed under subsection (c) by the duly elected tribal council of the Pechanga Band of Luiseño Mission Indians, the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the boundary lines; and

(B) legal description of the lands transferred under subsection (a).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of the boundary lines and the lands transferred under subsection (a).

(f) RULES OF CONSTRUCTION.—Nothing in this Act shall—

(1) enlarge, impair, or otherwise affect any right or claim of the Pechanga Band of Luiseño Mission Indians to any land or interest in land that is in existence before the date of the enactment of this Act; or

(2) affect any water right of the Pechanga Band of Luiseño Mission Indians in existence before the date of the enactment of this Act.

(g) RESTRICTED USE OF TRANSFERRED LANDS.—The lands transferred under subsection (a) may be used only for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources thereon.

The SPEAKER pro tempore (Mr. Bishop of Utah). Pursuant to the rule, the gentlewoman from Colorado (Mrs. Musgrave) and the gentlewoman from the Virgin Islands (Mrs. Christensen) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. Musgrave).

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

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

Mr. Speaker, H.R. 3507 is a non-controversial bill to transfer two parcels of public land to the Pechanga Band of Mission Indians. Located in Riverside County, California, these lands total 991 acres in size.

The lands subject to the transfer are currently administered by the Bureau of Land Management, but they contain archaeological, cultural and wildlife resources that are extremely valuable to the tribe.

In the last Congress, the Resources Committee held a hearing on a similar bill to transfer the same lands. In this hearing, both the tribe and the Interior Department testified that these lands belong in Tribal ownership.

After reporting that legislation, it was learned that the U.S. Fish and Wildlife Service had certain concerns relating to the management and use of the lands, and Congress adjourned before the problem could be resolved. These concerns have been addressed through a memorandum of understanding between the tribe and the Fish and Wildlife Service, and the sponsor of last year's bill has introduced H.R. 3507 to reference the MOU.

Because the lands are part of the Pechanga's ancient heritage, the tribe has adopted a resolution to zone them for conservation purposes. To reinforce the Tribe's intent, this bill requires the tribe to maintain the lands, and Congress adjourned before the problem could be resolved.

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arbitrarily separated from their tribal community.

In 2002 I co-sponsored H.R. 3476 to protect the ancestral land of Great Oak Ranch because I understand the significance of these sites to both the tribe and the surrounding community.

In preserving these lands we show that we are aware of our Congressional responsibility to ensure that archaeological, historical, and cultural sites from America’s Native American heritage are not taken from future generations.

We must continue the work begun today to restore and strengthen our awareness of America’s rich Native American history.

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

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

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

A motion to reconsider was laid on the table.

ALLOWING USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP NATIONAL RECREATION AREA

Mrs. MUSGRAVE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3721) to amend the Omnibus Parks and Public Lands Management Act of 1996 to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area in Pennsylvania as well as allow the National Park Service to continue to collect fees from those vehicles.

Since 1996, this route has become an increasingly important north-south artery connecting the two northeast Pennsylvania towns of Milford and Stroudsburg. While an alternate routes does exist outside the Recreation Area, the fact is that the route transverses a much more mountainous region and is thus taken by those driving dangerously, especially during the winter months. I urge adoption of the bill.

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

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

Mr. Speaker, the majority has again already the purpose of H.R. 3721, which deals with the traffic on a park road within the Delaware Water Gap National Recreation Area. The Congress has dealt with this issue on three different occasions in the past. It is our hope that this will be the last time we will need to address this subject.

Mr. Speaker, we have no objection to its adoption as amended by the House today.

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

Mrs. MUSGRAVE. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I thank Chairman Pombo and Ranking Member Rahall for working with me to get H.R. 3721 on the suspension calendar and considered in an expedient fashion.

At the request of the National Park Service, I introduced H.R. 3721 which would extend for 10 years the current authority for commercial vehicle traffic through the Delaware Water Gap National Recreation Area along Route 209. All bordering counties and boroughs are supportive of the bill.

In supporting the bill, the National Park Service cites the continuing need for commercial use restrictions to serve local businesses immediately adjacent to the park and concessionaires within the park and is necessary for continued business operation within the area for another decade.

The management of U.S. Route 209, in accordance with this legislation, meets the goals of the park and is supported by the experience of the park, public sentiment, and economic analysis. On behalf of the National Park Service, I ask for your support for this legislation.

Mrs. MUSGRAVE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3721), as amended.

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

A motion to reconsider was laid on the table.

LAND EXCHANGES, TAHOE NATIONAL FOREST, CALIFORNIA

Mrs. MUSGRAVE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3891) to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest land in the Tahoe National Forest in the State of California, and for other purposes.

The Clerk read as follows:

LAND EXCHANGES, TAHOE NATIONAL FOREST, CALIFORNIA

Mrs. MUSGRAVE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3891) to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest land in the Tahoe National Forest in the State of California, and for other purposes.

The Clerk read as follows:

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arbitrarily separated from their tribal community.

In 2002 I co-sponsored H.R. 3476 to protect the ancestral land of Great Oak Ranch because I understand the significance of these sites to both the tribe and the surrounding community.

In preserving these lands we show that we are aware of our Congressional responsibility to ensure that archaeological, historical, and cultural sites from America’s Native American heritage are not taken from future generations.

We must continue the work begun today to restore and strengthen our awareness of America’s rich Native American history.

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

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

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

A motion to reconsider was laid on the table.

ALLOWING USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP NATIONAL RECREATION AREA

Mrs. MUSGRAVE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3721) to amend the Omnibus Parks and Public Lands Management Act of 1996 to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area and to allow the National Park Service to continue to collect fees from those vehicles, and for other purposes, as amended.

The Chair recognizes the gentlewoman from Pennsylvania (Mrs. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3507.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) to use additional time?

Mrs. CHRISTENSEN. No, Mr. Speaker.

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

A motion to reconsider was laid on the table.

SECTION 1. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP NATIONAL RECREATION AREA

Section 722 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended:

(1) by striking “2005” and inserting “2015,” or whenever a feasible alternative exists, whichever comes first,” each place it appears; and

(2) by amending the last sentence in subsection (c)(2) to read as follows: “Such fee shall be set to fully cover the cost of operation of the road, but not to exceed $40 per trip.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) to use additional time?

There was no objection.

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

H.R. 3721, introduced by the gentlewoman from Pennsylvania (Mr. SHERWOOD) and amended by the Resources Committee, would amend the Omnibus Parks and Public Lands Management Act of 1996 to continue to permit certain commercial vehicles to utilize Route 209 within the Delaware Water Gap National Recreation Area in Pennsylvania as well as allow the National Park Service to continue to collect fees from these vehicles.

Since 1996, this route has become an increasingly important north-south artery connecting the two northeast Pennsylvania towns of Milford and Stroudsburg. While an alternate routes does exist outside the Recreation Area, the fact is that the route transverses a much more mountainous region and is thus taken by those driving dangerously, especially during the winter months. I urge adoption of the bill.

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

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

Mr. Speaker, the majority has again already explained the purpose of H.R. 3721, which deals with the traffic on a park road within the Delaware Water Gap National Recreation Area. The Congress has dealt with this issue on three different occasions in the past. It is our hope that this will be the last time we will need to address this subject.

Mr. Speaker, we have no objection to its adoption as amended by the House today.

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

Mrs. MUSGRAVE. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I thank Chairman Pombo and Ranking Member Rahall for working with me to get H.R. 3721 on the suspension calendar and considered in an expedient fashion.

At the request of the National Park Service, I introduced H.R. 3721 which would extend for 10 years the current authority for commercial vehicle traffic through the Delaware Water Gap National Recreation Area along Route 209.

All bordering counties and boroughs are supportive of the bill.

In supporting the bill, the National Park Service cites the continuing need for commercial use restrictions to serve local businesses immediately adjacent to the park and concessionaires within the park and is necessary for continued business operation within the area for another decade.

The management of U.S. Route 209, in accordance with this legislation, meets the goals of the park and is supported by the experience of the park, public sentiment, and economic analysis. On behalf of the National Park Service, I ask for your support for this legislation.

Mrs. MUSGRAVE. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 3721, as amended.

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

A motion to reconsider was laid on the table.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) that the House suspend the rules and pass the bill, H.R. 3721, as amended.

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Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assem-
ded,

TITLE I—NORTHERN ARIZONA LAND EXCHANGE

SEC. 101. DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005".

(b) TABLE OF CONTENTS.—The table of con-
tents of this Act is as follows:

1. Short title; table of contents.
3. Definitions.
4. Land exchange.
5. Secretary.
7. Equal value exchange.
8. Exchange process.
10. Memorandum of understanding.
11. Land conveyed.
12. Miscellaneous provisions.
13. Conveyance of additional land.
14. Title II—Verde River Basin Partnership
15. Purpose.
17. Description of non-Federal land.
20. Miscellaneous provisions.
22. Title II—Verde River Basin Partnership
23. Purpose.
24. Definitions.
27. Verde River Basin studies.


SEC. 203. Memorandum of understanding.

SEC. 204. Effect.
North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(a) A portion of the Camp Verde parcel described in subsection (4), containing approximately 314 acres, located in the Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26, the south 1/4 of section 30, and the northeast quarter of SE¼ of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(b) Determining at the south boundary of section 31, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 33, and 35, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east-to-west across the sections.

(c) Any other parcel, or portions thereof, agreed to by the Secretary and Yavapai Ranch.

(d) Any parcel of Federal land or non-Federal land is not conveyed because of any reason, that parcel of land, or portion thereof, shall be excluded from the exchange and the remaining land shall be adjusted as provided in this subsection.

(e) The value of the Federal land exceeds the value of the non-Federal land by more than $50,000, the Secretary and Yavapai Ranch shall, by mutual agreement, delete any of the parcels referenced in this subsection.

(f) The conveyance of land under this title shall be non-Federal land to the United States under sections 104(a)(5).

(g) The Secretary shall convey to such city or camp all right, title, and interest of the United States in and to the applicable parcel of Federal land or portion thereof, upon payment of the present value of the parcel and subject to any terms and conditions the Secretary may require.

Section 102. Conveyance of land under this paragraph shall not require new administrative or environmental analyses or appraisals beyond those prepared for the land exchange.

(h) If the Secretary is purchasing land under this subsection shall reimburse Yavapai Ranch for any costs incurred which are directly associated with surveys and appraisals for the specific property conveyed.

(i) A conveyance of land under this subsection shall not affect the timing of the land exchange.

(j) Nothing in this subsection limits the authority of the Secretary or Yavapai Ranch to delete any of the parcels referenced in this subsection from the land exchange.

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SEC. 103. DESCRIPTION OF NON-FEDERAL LAND.

(a) In General.—The non-Federal land referred to in this title consists of approximately 3,100 acres of non-Federal land within the boundaries of the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Non-Federal Lands", dated August 2004.

(b) EASEMENTS.—(1) The conveyance of non-Federal land to the United States under section 102 shall be subject to the reservation of—

(A) water rights and perpetual easements for the run with and benefit the land retained by Yavapai Ranch for the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(B) related storage tanks, valves, pumps, and hardware; and

(C) pipelines to point of use; and

(b) easements for reasonable access to accomplish the purposes of the easements described in subparagraph (A).

Each easement for an existing well referred to in paragraph (1) shall be 40 acres in area, and to the maximum extent practicable, centered on the existing well.

(iii) pipelines to point of use; and

(e) easements for reasonable access to accomplish the purposes of the easements described in paragraph (a).

The Federal land referred to in this title consists of the following:

(2) Certain land located in the Coconino National Forest—
(A) comprising approximately 1,500 acres as generally depicted on the map entitled “Yavapai Ranch Land Exchange, Flagstaff Federal Lands Airport Parcel”, dated August 2004; and

(3) Certain land located in the Kaibab National Forest, and referred to as the Williams Airport, Williams golf course, Williams Trail, Williams Railroad, and Well parcels numbers 2, 3, and 4, cumulatively comprising approximately 950 acres, as generally depicted on the map entitled “Yavapai Ranch Land Exchange, Williams Federal Lands”, dated August 2004.


(5) Certain land located in the Kaibab National Forest, comprising approximately 237.5 acres, as generally depicted on the map entitled “Yavapai Ranch Land Exchange, Young’s Lot 1 in Forestlands, Summer Youth Camp Camps”, dated August 2004.


(b) CONDITION OF CONVEYANCE OF CAMP VERDE PARCEL.—(1) To conserve water in the Verde River and to minimize the adverse impacts from future development of the Camp Verde General Crook parcel described in subsection (a)(4) on current and future holders of water rights in existence on the date of enactment of this Act and the Verde River and National Forest System lands retained by the United States, the United States shall in perpetuity for the use of water on the parcel by reserving conservation easements that—
(A) run with the land;
(B) prohibit golf course development on the parcel;
(C) require that any public park or greenbelt on the parcel be watered with treated wastewater;
(D) limit total post-exchange water use on the parcel to not more than 300 acre-feet of water per year;
(E) provide that any water supplied by municipalities or private water companies shall count towards the post-exchange water use limitation described in subparagraph (D); and
(F) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(2) If Yavapai Ranch conveys the Camp Verde parcel described in subsection (a)(4), or any portion thereof, the terms of conveyance shall include a recorded and binding agreement of the quantity of water available for use conveyed, as determined by Yavapai Ranch, except that total water use on the Camp Verde parcel may not exceed the amount specified in paragraph (1)(D).

(3) The Secretary may enter into a memorandum of understanding with the State or political subdivision of the State to enforce the terms of the conservation easement.

SEC. 105. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) In General.—Land acquired by the United States under this title shall become part of the Prescott National Forest and shall be administered in accordance with this title and the laws applicable to the National Forest System.

(b) Grazing.—Where grazing on non-Federal land is authorized by the Secretary under this title, prior to the date of enactment of this Act, the Secretary may manage the land to allow for continued grazing use, in accordance with laws generally applicable to domestic livestock grazing on National Forest System land.

(c) Timber Harvesting.—(1) After completion of the land exchange under this title, except as provided in paragraph (2), commercial timber harvesting shall be prohibited on the non-Federal land acquired by the United States.

(2) Timber harvesting may be conducted on the non-Federal land acquired under this title if the Secretary determines that such harvesting is necessary—
(A) to prevent or control fires, insects, and disease threats; and
(B) to manage grazing or other forest management techniques.

(d) Water Budget.—(1) The term “water budget” means the accounting of water for the Verde River Basin that identifies the quantities of water leaving the Verde River Basin—
(i) as discharge to the Verde River and tributaries;
(ii) as subsurface outflow;
(iii) as evapotranspiration by riparian vegetation;
(iv) as surface evaporation;
(v) for agricultural use; and
(vi) for human consumption; and
(2) The quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 201. PURPOSE.

The purpose of this title is to authorize as- sign for a collaborative and science- based water resource planning and manage- ment partnership for the Verde River Basin in the State of Arizona, consisting of members representing—
(1) Federal, State, and local agencies; and
(2) economic, environmental, and commu- nity water interests in the Verde River Basin.

SEC. 202. DEFINITIONS.

In this title:
(1) DIRECTOR.—The term “Director” means the Director of the Arizona Department of Water Resources.

(2) PARTNERSHIP.—The term “Partnership” means the Verde River Basin Partnership.

(3) PLAN.—The term “plan” means the plan for the Verde River Basin required by section 204(a)(1).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(5) STATE.—The term “State” means the State of Arizona.

(6) VERDE RIVER BASIN.—The term “Verde River Basin” means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, drainage and recharge areas with a hydrologic connection to the Verde River.

(7) WATER BUDGET.—The term “water bud- get” means the accounting—
(A) the quantities of water leaving the Verde River Basin—
(i) as discharge to the Verde River and tributaries;
(ii) as subsurface outflow;
(iii) as evapotranspiration by riparian vegetation;
(iv) as surface evaporation;
(v) for agricultural use; and
(vi) for human consumption; and
(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 203. VERDE RIVER BASIN PARTNERSHIP.

(a) IN GENERAL.—The Secretary may par- ticipate in the establishment of a partner- ship, to be known as the “Verde River Basin Partnership”, made up of Federal, State, local governments, and other entities with responsibilities and expertise in water to co- ordinate and cooperate in the identification and implementation of comprehensive science-based policies, projects, and manage- ment activities relating to the Verde River Basin.

(b) AUTHORIZATION OF APPROPRIATIONS.—On establishment of the Partnership, there are authorized to be appropriated to the Sec- retary and the Secretary of the Interior such sums as are necessary to carry out the ac- tivities of the Partnership for each of fiscal years 2006 through 2010.

SEC. 204. VERDE RIVER BASIN STUDIES.

(a) STUDIES.—
(1) IN GENERAL.—The Partnership shall pre- pare a plan for conducting water resource studies in the Verde River Basin that identifi- es—
(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and
(B) which water resources models, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water sup- ply management options within the Verde River Basin.

(2) REQUIREMENTS.—At a minimum, the plan shall include a list of specific studies and analyses that are needed to support Partner- ship planning and management decisions;
(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the costs and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley.

(b) Verde Valley Water Budget Analysis—

(1) In general.—Subject to the availability of appropriations, not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) Components.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgaging station to the city of Camp Verde at United States Geological Survey station 09296000; and

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(p) Preliminary Report and Recommendations—

(1) In general.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley.

(2) Consideration of Recommendations.—The Secretary may take into account the recommendations included in the report submitted under paragraph (1) with respect to decisions affecting land under the jurisdiction of the Secretary, including any future sales or exchanges of Federal land in the Verde River Basin after the date of enactment of this Act.

(3) Effect.—Any recommendations included in the report submitted under paragraph (1) shall not affect the land exchange process or the appraisals of the Federal land and non-Federal land conducted under sections 103 and 104.


Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this title in the Verde River Basin; and

(2) identifies any areas in the Verde River Basin that are determined to have ground-water deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) contains a management plan and monitoring needed to support the implementation of management options.

SEC. 206. Memorandum of Understanding.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on Forest Service land) to carry out this title.

SEC. 207. Effect.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

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

S. 161, introduced by Senator MccAIN, provides for a land exchange in the State of Arizona between the Secretary of Agriculture and the Yavapai Ranch Limit Partnership.

This bill would consolidate the largest remaining checkerboard ownership in Arizona. The Forest Service will receive 35,000 acres of land and the Yavapai Ranch Limited Partnership would receive approximately 21,000 acres of land.

This legislation also creates the Verde River Basin Partnership to help resolve water issues. The goal of this collaborative group is to develop a water resource management plan and submit this plan to the Secretary of the Interior and the Governor of Arizona.

Nothing in this section would undermine State and local water laws. In fact, this legislation’s partnership is simply a forum for planning and working together. The Verde Basin is pressing water issues. As such, there is a very serious expectation that the partnership will reach out to everyone in the basin’s communities as it creates its plan. Holding town meetings, meeting with all levels of local government, and releasing draft documents for the general public’s comment are just three items that the partnership is expected to perform.

I am confident that the partnership will truly be accountable to the local community which lives in the backyard of the Verde River. These local citizens have asked for and deserve the very best in having their voices heard and this legislation will meet that need. I urge adoption of the bill.

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

Mr. Speaker, S. 161 directs the Secretary of Agriculture to provide for a land exchange of various parcels between the United States Forest Service and the Yavapai Ranch Limited Partnership in Arizona.

While S. 161 is not ideal, it is an improvement upon legislation considered by the House in the past.

Specifically, efforts were made to address water use concerns with the Camp Verde parcel, lowering the watering use limitation from 700 acre feet per year to 300 acre feet per year. Furthermore, a parcel in the city of Cottonwood was removed from this legislation.

Mr. Speaker, we, therefore, have no objections to S. 161.

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

Mrs. MUSGRAVE. Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Colorado for her comments.

Mr. Speaker, S. 161 provides for a Federal land exchange that places some 35,000 acres of pristine ponderosa pine forest land and biologically diverse land, much of which borders an existing wilderness area, in the hands of the Forest Service.

This bill has been carefully crafted to ensure that the environment, ecosystem, watershed, and forest lands of northern Arizona are protected and preserved. I would particularly like to commend my colleague from Arizona, Congressman RENZI of the first district, for his very hard work on this legislation.

Mr. Speaker, I know that we work here in a deliberative body, but it is not an overstatement to say that this bill has been a long time coming. Over half a decade ago, I originally introduced this bill in the House, working closely with my good friend, the late Bob Stump.

For several years now, details of this bill have been negotiated and many compromises made on all sides in order to come up with this legislation entertained on the floor of the people’s House today. I do not believe that it gives every party everything they wanted, but it shows that the overarching goal of preserving forest land and doing something good for small towns and communities in Arizona has been given the highest priority by all parties involved.

The concept of a land exchange to consolidate the Yavapai Ranch lands just makes sense. Through this land exchange, the Federal Government will
receive environmentally sensitive, pristine forest lands that truly belong under the stewardship of the U.S. Forest Service to be preserved for future generations.

This exchange was originally initiated by the Forest Service to consolidate the largest remaining checkerboard parcel of land in Arizona and to protect the Juniper Mountains forested area from future development. Water-shed management, wildlife habitat, and outdoor recreation in the consolidated land area will be preserved through this action.

Many of the land parcels the Forest Service will trade to accomplish these goals are eagerly sought by local communities for a variety of worthwhile civic purposes, including expansion of airports, parks, and other municipal facilities. Also, six summer camps that currently lease lands from the Forest Service will acquire those leased areas.

There has been considerable participation from Forest Service personnel, private citizens, and various citizen groups from northern Arizona and Arizona’s Verde Valley in drafting this legislation. Their input and perspectives have proven invaluable. Evidence that the bill now put forth by my colleague from Arizona addresses every major concern that has been brought forward.

This bill makes good common sense for our forests and for our people of Arizona. The conservation of the Federal Government and, therefore, for American taxpayers associated with this land exchange are significant. The savings are accomplished through consolidation of Federal lands that allows for much greater ease in forest management.

But much more important, this exchange will ensure that one of the last largest pristine forested parcels in Arizona will pass out of private hands and be protected from potentially harmful development indefinitely.

It will prove good for this generation of Arizonans, future generations of Arizonans and for all Americans, and I join my colleagues from both Colorado and the Virgin Islands in urging passage of this legislation.

Mr. RENZI. Mr. Speaker, I rise in support of S. 161, the Northern Arizona Land Exchange and Verde River Basin Partnership Act. This legislation facilitates a land exchange in northern Arizona and within the Verde River Ranch for Forest Service land in the northern portion of the state and establishes a water resource planning and management partnership in the Verde River Basin.

This legislation accomplishes several goals in northern Arizona. First, it will preserve the pristine, historic 17th century Danish estate house that sits on over 4 miles of pristine Caribbean oceanfront property.

In addition to being an area for turtle nesting and night heron nesting, it is the home for the Senepol cattle breed, a unique breed of cattle that was developed on St. Croix, U.S. Virgin Islands, is the largest parcel of privately-held land in the Virgin Islands and has been an operating cattle ranch for 50 years.

This land has the largest and healthiest fringing coral reef anywhere in the Virgin Islands.

The legislation will benefit the public, the many communities and camps in northern Arizona that will receive opportunities for future economic development, and the natural beauty of the Yavapai Ranch. In addition, the science-based water resource planning and management partnership created by this legislation will provide much-needed research in the sensitive area. Bringing the Yavapai Ranch into federal ownership is in the best interest of the public, and the Forest Service has indicated that it would otherwise be unable to acquire these parcels.

I urge my colleagues to support S. 161, the Northern Arizona Land Exchange and Verde River Basin Partnership Act.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. MUSGRAVE. Mr. Speaker, I yield myself as much time as I may consume.
H.R. 318, introduced by my Resources Committee colleague DONNA CHRISTENSEN of the U.S. Virgin Islands, would authorize the Secretary of the Interior to study the suitability and feasibility of designating the Castle Nugent Farms located on St. Croix, U.S. Virgin Islands, a unit of the National Park System. I understand that the owners of the farm, the largest parcel of privately held land in the United States Virgin Islands, are aware of this legislation and support the national park study.

Mr. Speaker, H.R. 318 is supported by the majority and minority of the Resources Committee and the administration. Additionally, identical legislation was passed by the House in the 108th Congress. I urge adoption of the bill.

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

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

Mr. Speaker, I am very pleased that the House today is considering H.R. 318, legislation that I introduced to provide for a study to determine the feasibility and suitability of designating Castle Nugent Farms as a unit of the National Park System.

Castle Nugent Farms is a unique 1,350-acre property located on the southeastern shore of my home island of St. Croix. It contains natural and cultural resources which could provide an unparalleled insight into the plantation period of the Virgin Islands.

Castle Nugent Farms is presently operated as a cattle ranch by owners who are very interested in preserving and interpreting the natural and cultural resources of the area. Caroline Gasperi, whose family members have been stewards of this land for more than 50 years, has been an enthusiastic supporter for the preservation of this site. The passage of this bill today would bring her one step closer to her long-held and also hard-fought-for dream.

The owners are justifiably proud of their ranch, which contains more than 4 miles of pristine oceanfront with a large and healthy fringing coral reef. The interior of the property consists of Caribbean dry forest and pasture lands with cultural resources from both pre-Columbian and post-European settlement.

A large Danish estate house, dating to the 1730s, sits on the property. That house is listed on the National Register of Historic Places.

At various points in its history, Castle Nugent Farm has been operated as a cotton plantation and a sugar cane plantation. Its current use as a cattle ranch involves raising unique Senepol cattle, a breed which is well suited to the climate and vegetation of the area. H.R. 318 is a noncontroversial bill. Identical as we have considered, passed the House in the last Congress. The National Park Service has no objections to the legislation, and the property’s owners not only support a park study of the site but are enthusiastic about the opportunity to preserve the natural and cultural resources of the farm.

Mr. Speaker, it is my hope that the park study will provide the blueprint by which we can preserve and interpret this unique piece of island history and resources for the benefit of present and future generations.

I thank my colleagues on the other side of the aisle for their support, and I strongly urge adoption of this bill by the House today.

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

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

Mr. Speaker, H.R. 318 is a noncontroversial bill. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**BOB HOPE MEMORIAL LIBRARY**

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 323) to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the “Bob Hope Memorial Library”.

The Clerk reads as follows:

**H.R. 323**

To suspend the rules and pass the bill (H.R. 323) to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the “Bob Hope Memorial Library”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ellis Island Library on the third floor of the Ellis Island Immigration Museum referred to in section 1 shall be deemed to be a reference to the “Bob Hope Memorial Library”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mrs. MUSGRAVE) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mrs. MUSGRAVE).

**GENERAL LEAVE**

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?
Bob Hope has been honored in many ways for his work. In fact, the family tells us he has been honored with over 1,500 awards. Some notable awards include several Academy Awards, obviously; a Congressional Gold Medal in 1962; an Emmy; and a Golden Globe. Despite all the awards Bob Hope received, he had a special place in his heart for Ellis Island, and in 1990 when the Ellis Island Restoration Commission suggested naming the third floor library of the museum in his honor, he stated that he hoped the library would become “one of the single most important highpoints in my career.”

Sadly, Bob Hope passed away in 2003 at the age of 100 and did not see this project finished. So the Bob Hope Memorial Library will serve as a daily reminder to Ellis Island’s visitors of Bob Hope’s great contributions to the American people, American culture, and the American dream.

Mr. Speaker, I have a letter from Bob Hope expressing his support of the museum as well as a letter from the Ellis Island Restoration Commission expressing their support for this project which I will include for the RECORD.

In conclusion, I want to just say I know that everyone supports this and I trust this will pass unanimously because, after all, this is Bob Hope.


Mr. PHILIP LAX, President.
Mr. NORMAN LISS, Chairman of Development,
Ellis Island Restoration Commission,
New York, NY 10005.

DEAR PHIL AND NORMAN: As you well know, I am very honored to be part of the Family Heritage Center at Ellis Island. However, with my trip to Saudi Arabia at Christmas, two television specials and a hectic schedule, I have not been able to fully express my enthusiasm for the project. Enthusiasm, by the way, which is greater than ever.

Is it possible that I can meet with you and Ann Belkiv of Ellis Island along with Alan Prigge and his associate Friedman to discuss details of the campaign and/or a news conference?

I’ll be in New York from June 12-16 and hope we can all meet during that period at my Garden City Hotel suite to go over the important details. Or, would you like to set up a press conference date hosted by Secretary Lujan?

Once again, the Ellis Island recognition is very special to me and my family and I really appreciate this great honor.

Warm regards,

BOB HOPE,
Ellis Island Restoration Commission,

Mr. WARD GRADY,
North Pass Avenue,
Burbank, CA.

DEAR MR. GRANT: The Ellis Island Restoration Commission, together with the National Park Service, are desirous of naming the third floor of the National Museum at Ellis Island in New York Harbor, the Bob Hope Memorial Library in honor of that great American legend.

The ship’s manifest, which we have in our possession, reflects that Bob Hope emigrated to America as an immigrant to come through Ellis Island, of the sixteen million who so emigrated. Forty percent of the current United States population has roots in Ellis Island.

The Museum is owned and administered by the National Park Service on behalf of the Department of the Interior. Ellis Island and the Statue of Liberty, to which it is connected, are the most visited destinations for tourists visiting New York. The Library, contains, among other rooms, the Oral History Room, in which the stories of immigrants who arrived through Ellis Island are recorded and computerized, and the Ellis Island Archives.

As reflected in the letters we have enclosed, Mr. Hope in 1990 and 1991, showed great interest in the Island and reflected sincere appreciation for the honor of having the Library named after him. Unfortunately, at that time, bureaucratic complications did not permit the project to move ahead.

It would be our intention, if the family approves, to seek a bill passed by Congress and have it signed into law by the President. We would not be seeking any funds from the Bob Hope Foundation or any family members, but this would simply be in recognition of the great contributions to American life, culture and entertainment by Bob Hope.

Ironically, we were in London at the time of Mr. Hope’s passing and took the opportunity to visit his childhood home and the Bob Hope Theatre in Eltham. We were provided your contact information by WOII’s Joe Franklin and his producer, Richard Orenstein, in New York, both of whom enthusiastically encouraged this idea.

We look forward to hearing from you after you have communicated with the family and if the response is in the affirmative, make appropriate arrangements for a formal announcement by the Commission. Congressional representatives, National Park Service, as well as family members. We eagerly await your response.

Sincerely yours,

PHIL LAX,
President.
NORMAN LISS,
Chairman of Development.

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

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

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by Mrs. MUSGRAVE that the House suspend the rules and pass the bill, H.R. 323.

The question was taken.

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

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

The yeas and nays were ordered.

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

YUMA CROSSING NATIONAL HERITAGE AREA BOUNDARY ADJUSTMENT

Mrs. MUSGRAVE. Mr. Speaker, I move to suspend the rules and pass the
bill (H.R. 326) to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act, as amended.

The Clerk reads as follows:

H.R. 326

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

SECTION 1. YUMA CROSSING NATIONAL HERITAGE AREA BOUNDARY ADJUSTMENT.

Section 3(b) of the Yuma Crossing National Heritage Area Act of 2000 (16 U.S.C. 461 note; Public Law 106-319; 114 Stat. 1281) is amended to read as follows:

“(b) BOUNDARIES.—The Heritage Area shall comprise the lands generally depicted on the map entitled ‘Yuma Crossing National Heritage Area Boundary Adjustment’, numbered 903-80071, and dated October 16, 2005.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

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

H.R. 326, introduced by Congressman RAÚL GRIJALVA, reduces the boundary of the Yuma Crossing Heritage Area. When the Yuma Crossing Heritage Area was authorized in 2000, the public in Yuma County did not understand the scope of the project and were surprised by the size of the designation.

Citizens originally believed that the heritage area would focus mainly around the historic district. Many private property owners were not aware that they were also included in the new designation. Concerns were raised by citizens about the size of the designation and the potential for additional Federal oversight.

Local officials testified that there is now broad public support for the designation with the new reduced boundary.

I urge adoption of the bill.

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

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

Mr. Speaker, my colleague has already explained the purpose of H.R. 326, which was introduced by the gentleman from Arizona (Mr. GRIJALVA).

Representative GRIJALVA is to be commended for his leadership on this legislation. He has worked closely with the local community and others to determine the most appropriate means to preserve and interpret the history of the area.

Mr. Speaker, we support H.R. 326 and urge its adoption by the House today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) that the House suspend the rules and pass the bill, H.R. 326, as amended.

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

The title of the bill was amended so as to read: “A bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and for other purposes.”

A motion to reconsider was laid on the table.

FEDERAL YOUTH COORDINATION ACT

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 856) to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, and for other purposes, as amended.

The Clerk reads as follows:

H.R. 856

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 “Federal Youth Coordination Act”.

SEC. 2. ESTABLISHMENT AND MEMBERSHIP.

(a) MEMBERS AND TERMS.—There is established the Federal Youth Development Council (in this Act referred to as the “Council”) composed of members as follows:

(1) The Attorney General, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, Secretary of Housing and Urban Development, the Secretary of Education, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Director of National Drug Control Policy, the Director of the Office of Management and Budget, the Assistant to the President, the President’s representative for interagency efforts, and the Chief Executive Officer of the Corporation for National and Community Service, or a designee of each such individual who holds significant decision-making authority, and other Federal officials as directed by the President, to serve for the life of the Council.

(2) Any additional members as the President shall appoint from among representatives of faith-based organizations, community-based organizations, child and youth focused organizations, universities, non-profit organizations, youth service providers, State and local government, and youth in disadvantaged situations. In making the appointments under this paragraph, the President shall consult with the Speaker of the House of Representatives, who shall take into account the recommendations of the Majority Leader and the Minority Leader of the House of Representatives, and the president pro tem of the Senate, who shall take into account the recommendations of the Majority Leader and the minority Leader of the Senate. Each member appointed under this paragraph shall serve for 1 term of 2 years.

(b) CHAIRPERSON.—The Chairperson of the Council shall be the Secretary of Health and Human Services.

(c) MEETINGS.—The Council shall meet at the call of the Chairperson, not less frequently than 4 times each year. The first meeting shall be not less than 4 months after the date of enactment of this Act.

SEC. 3. DUTIES OF THE COUNCIL.

(a) The duties of the Council shall be—

(1) to ensure communication among agencies administering programs designed to serve youth, especially those in disadvantaged situations;

(2) to assess the needs of youth, especially those in disadvantaged situations, and those who work with youth, and the quantity and quality of Federal programs offering services, and opportunities to help youth in their educational, social, emotional, physical, vocational, and civic development;

(3) to recommend objectives and quantifiable 5-year goals for such programs;

(4) to make recommendations for the allocation of resources in support of such goals and objectives;

(5) to identify areas of overlap or duplication in purpose and operation of programs serving youth and recommend ways to better facilitate coordination and consultation, improve efficiency, and streamline such programs;

(6) to identify target populations of youth who are disproportionately at risk and assist agencies in focusing additional resources on them;

(7) to solicit and document ongoing input and recommendations from—

(A) youth, especially those in disadvantaged situations;

(B) national youth development experts, researchers, parents, faith and community-based organizations, foundations, business leaders, youth service providers, and teachers; and

(C) State and local government agencies, particularly agencies serving children and youth;

(8) to work with Federal agencies to conduct high-quality research and evaluation, identify and replicate model programs and best practices, provide technical assistance, and coordinate the collection and dissemination of youth services-related data and research.

(b) The Council may provide technical assistance to a State at the request of a State to support State-funded councils for coordinating State youth efforts.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

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

Mr. Speaker, I am Arabs to introduce H.R. 856, the Federal Youth Coordination Act, which was crafted to help implement many of the recommendations of the White House Task Force on Disadvantaged Youth.

The Federal Youth Coordination Council creates the Federal Youth Development Council to evaluate, coordinate, and improve Federal youth-serving programs and hold Federal agencies accountable for achieving results. The purpose of this bipartisan legislation is clear: integrate the return on Federal investment in young people, not to eliminate programs that work.

America’s young people deserve high-quality, effective, and meaningful youth development programs. Our Nation’s taxpayers deserve their tax dollars to be spent on high-quality, effective, and meaningful youth development programs as well.

Among the Council’s duties will be:

1. To ensure communication among agencies administering programs designed to serve youth. Many of these programs are not allowed by statute to even communicate with each other, and this is a mistake.
2. To recommend objectives and quantifiable 5-year goals for Federal youth programs. Many of these programs do not have any measurable quantifiable goals at all.
3. To make recommendations as to how to better facilitate coordination and collaboration.
4. To improve efficiency in programs, identify target populations of youth who are disproportionately at risk and assist agencies in focusing additional resources on them.
5. To assist agencies in coordinating and collaborating on youth programs.
6. To conduct research and evaluation programs, solicit input and recommendations from outside groups.
7. In addition, the Council may provide technical assistance to a State at the request of a State to support State-funded councils for coordinating State youth efforts.

The Council will also be charged with issuing a report to Congress so that Congress and the authorizing and appropriations committees can use the information in future decisions. This additional information will lead to a more cohesive, efficient, and effective Federal youth policy that our young people deserve. Further, while the Council is chaired by the Department of Health and Human Services, its charge is to coordinate across the full range of Federal departments with a focus on the needs of youth, not on the needs of bureaucracy.

This legislation was developed with the assistance of a number of organizations and has been endorsed by over 250 organizations. I want to thank all of these organizations for their grassroots support, which helped propel this legislation. Further, the National Collaboration for Youth, Big Brothers Big Sisters, Campfire USA, Volunteers of America,

SEC. 4. ASSISTANCE OF STAFF.

(a) DIRECTOR.—The Chairperson, in consultation with the Council, shall employ and set the pay of the Director of the Council.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Council, the head of any Federal department or agency may detail, on a reimbursable basis, the number of personnel of that department or agency to the Council to assist it in carrying out its duties under this Act.

SEC. 5. POWERS OF THE COUNCIL.

(a) MAIL.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(b) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Council, the Administrator of General Services shall provide to the Council, on a reimbursable basis, the administrative support services necessary for the Council to carry out its responsibilities under this Act.

SEC. 6. REPORT.

Not later than 1 year after the Council holds its first meeting, the Council shall transmit to Congress a final report including its findings and recommendations. The report shall:

(1) include a comprehensive list of recent research and statistical reporting by various Federal agencies on the overall well-being of youth, including the ratings of the Program Assessment Ratings Tool (PART) of Federal programs serving youth used by the Office of Management and Budget, if applicable;
(2) include the assessment of the needs of youth and those who serve them;
(3) include a summary of the plan called for in section 3(a)(9);
(4) recommend ways to coordinate and improve Federal training and technical assistance, information sharing, and communication among the various programs and agencies serving youth;
(5) include recommendations to better integrate and coordinate policies across agencies at the Federal, State, and local levels, including recommendations for legislation and administrative actions;
(6) include a summary of actions the Council has requested of Federal agencies to facilitate collaboration and coordination on youth serving programs and the results of those collaborations, if available;
(7) include a summary of the actions the Council has taken at the request of States to provide technical assistance under section 3(b), if applicable; and
(8) include a summary of the input and recommendations from the groups identified in section 3(a)(9).

SEC. 7. TERMINATION.

The Council shall terminate 60 days after transmitting its final report under section 6.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for each of fiscal years 2007 and 2008 to carry out this Act.

Mr. OSBORNE. 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 information on H.R. 856.
Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 856, entitled Federal Youth Coordination Act. I would like to commend the gentleman from Nebraska (Mr. OSBORNE) for bringing this bill forward. I would also like to commend the gentleman’s exemplary work in support of our youth from mentoring and outreach programs to this type of effort to coordinate Federal youth programs.

His commitment to young people is genuine, and his leadership is greatly appreciated. His Federal Youth Coordination Act would establish a Federal Youth Development Council consisting of all of the Federal agencies that have youth development programs. With input from community, this council would be tasked with ensuring communication across Federal agencies serving youth and developing a plan and set of recommendations to improve Federal services to youth.

I think that we can all agree that coordination is sorely needed. Today’s population of adolescents and young adults is the largest in our Nation’s history. High schools and colleges are seeing record enrollments.

Tragically, the White House Task Force on Disadvantaged Youth reported that one-quarter of our young people are at serious risk of not achieving productive adulthood. We know from numerous reports that nearly one-third of our high school students fail to earn diplomas with their peers. For African American and Hispanic students, the number is even worse with only 50 percent graduating. Furthermore, many of our young people are not leaving high school ready for college or for work.

It is upon all of us to build communities with the educational opportunities and support system in place to help our youth become successful adults. Our record number of teenagers must become a record number of high school and college graduates, and a record number of teachers, scientists, doctors, lawyers, and unskilled professionals. We must not allow this generation to produce the record numbers of juvenile justice, runaway, and homeless youth or foster care systems.

Clearly, success will require strong coordination, schools, families, community-based organizations, employers, social service providers, and social service agencies all working together. The Federal Government should lead by example, coordinating its own efforts to support our youth, and H.R. 856 is a step in the right direction.

I would note one concern with the legislation as drafted, however. The amended version of the bill requires the council to report using the results from the Office of Management and Budget's program assessment rating tool, often referred to by the acronym PART. This tool is the subject of significant controversy. For example, a recent GAO report highlighted the closed nature of the PART process and its emphasis on short-term budget planning over long-term goal setting.

In fact, the administration has used the PART as a means to eliminate programs that are not viewed as priorities. Some of these programs are critical to youth and young families, such as the Even Start Family Literacy Program, TRIO program, and the GEAR UP and Dropout Prevention programs. It would be ironic to have the PART tool used to provide a rationalization for eliminating programs to help youth rather than expanding their reach and effectiveness.

It is my hope that our focus on accountability for programs will remain with the Government Performance and Results Act of 1993, our public law that provides for a presidentially mandated independent council to report annual progress on developing objective information on the effectiveness and efficiency of Federal programs and spending.

In closing, I would like to encourage my colleagues to support this legislation, H.R. 856, to coordinate our Federal youth programs. May it spark an even greater sustained investment in our young people.

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

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

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time, and thank him for his work on bringing this bill to the floor. He and I have talked about the idea that we ought to take all of these programs that the Federal Government has that affect disadvantaged youth and try to bring some coordination to the overall effort.

As many of us know, Congress gets in the business of duplicating programs coming from different committees and different agencies of the Federal Government. Before we know it, we have a proliferation of programs, many of them not connected to each other in any way, shape, or form. We go through different areas, but I can talk about the Workforce Investment Act, for example. A different example, but I looked up, along with the gentleman from California (Mr. Mckown) some 10 years ago, and we found 63 Federal job training and retraining programs scattered across the different agencies of the government that we were able to bring together under one roof to serve those who needed training and retraining. We have one-stop-shop centers now all over the country.

This is a little different example of trying to reorganize how we do what we do, well meaning, well intentioned; but when we have all of these different programs working on their own without the kind of coordination that this council would bring, I do not think we bring as much of an impact to these children who need our help as we could.

I think the goal here is pretty clear from Mr. OSBORNE, myself, and others that this coordinating council would be there to see that these programs are working, that they are working together to help the disadvantaged youth who need help.

I do not think there is any effort here to consolidate programs, but I think the effort here ought to be making sure that they are effective and making sure that they work together for the advantage of these disadvantaged youth who so desperately need our help. I congratulate my colleague from Nebraska for his work and ask my colleagues to support the bill.

Mr. HINOJOSA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Davis).

Mr. Davis of Illinois. Mr. Speaker, I rise in strong support of H.R. 856. I commend the gentleman from Nebraska for introducing this legislation, as well as for many of the other creative ideas and thoughts that I have seen and heard him express in the Education Committee.

I also want to commend my colleague from Texas for yielding to me and for the leadership he displays as the ranking member on one of our subcommittees.

I think that coordination, while it does not necessarily appear to be earth-shaking or earth-shattering, is a tremendous concept that is greatly needed. Unfortunately, many of our programs operate in isolation. Unfortunately, there are instances where there is duplication and things oftentimes get missed.

When we can bring together all of these tremendous resources we have at
Mr. Speaker, I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, it is always a pleasure to work with Congressman OSBORNE, and I want to say that I think this piece of legislation is one that is going to be very beneficial.

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

The SPEAKER pro tempore (Mr. COLE of Oklahoma). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the Committee of the Whole be discharged from further consideration of the bill, H. R. 856, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the consent of the House, the rules and the bill, H. R. 856, as amended, were suspended, the yeas and nays ordered.

The SPEAKER pro tempore. There was no objection.

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 288.

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

There was no objection.

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

The SPEAKER pro tempore. The request of the gentleman from Delaware (Mr. CASTLE) being granted, he is recognized.

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 288.

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

There was no objection.

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

The Clerk reads as follows:

H.R. 288

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-142) was signed into law 30 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act:

Whereas the Education for All Handicapped Children Act of 1975 established the Federal priority of ensuring that all children with disabilities, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment:

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities aged 3 through 5 and an early intervention program for infants and toddlers with disabilities under 3 years of age and their families:

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the statute as the Individuals with Disabilities Education Act (IDEA):

Whereas IDEA currently serves an estimated 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21:

Whereas IDEA has been reauthorized in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families; whereas the number of children with disabilities who, at school with standard diplomas has grown significantly since the enactment of IDEA;

Whereas the individuals with disabilities who enroll in college as freshmen have more than tripled since the enactment of IDEA;

Whereas IDEA promotes partnerships between parents of children with disabilities and education professionals in the design and implementation of the special education and related services provided to children with disabilities;

Whereas IDEA has raised the Nation’s expectations regarding the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas the 2004 reauthorization of IDEA ensures that children with disabilities are guaranteed a quality education based on the high academic standards required under the No Child Left Behind Act of 2001 (Public Law 107-110);

Whereas the 2004 reauthorization strengthens IDEA’s focus on the educational results of children with disabilities and better prepares those children for postsecondary or further education beyond high school;

Whereas the 2004 reauthorization further enables special education teachers, related services providers, other educators, State and local educational agencies to focus on promoting the academic achievement of children with disabilities;

Whereas the 2004 reauthorization maintains the necessary procedural safeguards that guarantee the rights of children with disabilities and their parents while encouraging the mutual resolution of disputes and reducing unnecessary litigation;

Whereas the 2004 reauthorization continues to ensure the provision of a free appropriate public education to students referred to a private school by a public agency and ensures the provision of special education and related services to students placed by their parents in private schools;

Whereas, although the Federal Government has not yet met its commitment to fund IDEA at 49 percent of the average per pupil expenditure for public education, recent increased IDEA funding over the last decade from $2.3 billion to $10.6 billion and increased its percentage share of the average per pupil expenditure from 7.8 percent to 18.6 percent;

Whereas the 2004 reauthorization ensures that the vast majority of funds will go directly to the classroom and provides States and local educational agencies additional flexibility to provide for the costs of educating high need children with disabilities;

Whereas IDEA has supported, through its discretionary programs, three decades of research, demonstration, and personnel preparation in effective practices for educating children with disabilities, including teachers, related services providers, and other educators to effectively meet the educational needs of all children;

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; and

Whereas IDEA has contributed to marshaling the resources of this Nation to implement the promise of full participation in society for children with disabilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services providers, and other educators and deem to the individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 288.

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

There was no objection.
the Federal priority of ensuring that all children, regardless of the nature or severity of their disability, have available to them what has become the tenet of IDEA, a free, appropriate public education in the least restrictive environment.

In 1986 we expanded the program to serve children with disabilities age 3 through 5, and created an early intervention program for infants and toddlers with disabilities under 3 years of age and their families.

The successes over the past 30 years are worth stating. Based on data from the U.S. Department of Education, since enactment there has been a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families.

The number of children with disabilities who complete high school with standard diplomas has grown significantly since the enactment of IDEA. The number of children with disabilities who enroll in college as freshman has more than tripled since the enactment of IDEA. And IDEA has raised the Nation’s expectations regarding the abilities of children with disabilities by requiring access to the general education curriculum.

Last December, President Bush signed into law the latest reauthorization of IDEA. The evolution of the Act, its successes and other education reforms demonstrate an integral role in special education. The 2004 reauthorization aligns IDEA with the No Child Left Behind Act by guaranteeing children with disabilities a quality education based on high academic standards. Along these same lines, we strengthened the focus on the educational results of children with disabilities to better prepare these children for employment or an education beyond high school.

I am pleased that we are able to come together to give the goal that has been done and to recognize the parents, students and educators impacted over the past 30 years. My hope for the future is that we continue to find ways to raise the achievement of students with disabilities and ensure that they have the services necessary to do so.

I ask my colleagues to support my resolution.

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

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

I rise to support H.R. 288, recognizing the 30th anniversary of the Education for All Handicapped Children Act of 1975, now known as the Individuals With Disabilities Education Act, or by the acronym, IDEA. I am proud to join our committee chairman, chairman of the committee of the whole, Mr. BOEHRER, and the chairman of one of the subcommittees, Mr. CASTLE, as well as our ranking members, Mr. MITLENSKY, and Mr. MCDERMOTT, to commemorate this important occasion.

I remember the hope that was ushered in with the passage of the Education for All Handicapped Children Act of 1975. As a member of the Texas State Board of Education at that time, I chaired the Committee on Special Populations which oversaw programs for migrant children, bilingual education programs, gifted and talented programs and programs for children with disabilities. In those days, it was a struggle to provide even basic access to schools for children with disabilities.

We have come a long way. IDEA currently serves an estimated 269,000 infants and toddlers, as well as 679,000 preschoolers and 6 million children ages 6 to 21. There has been a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families. The number of children with disabilities who complete high school with standard diplomas has also grown significantly since the enactment of IDEA.

Finally, the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA 30 years ago.

Although we have come a long way, we still have a way to go. The Federal Government’s promise to schools across the country was to share 40 percent of the cost of providing free and appropriate public education to children with disabilities. Today, in 2005, we are only halfway there and seem to have lost our momentum.

In 2004, IDEA reauthorization authorized full funding by the year 2011. Unfortunately, the President’s fiscal year 2006 budget proposal for IDEA, part B, was $3.5 billion less than the authorized level for fiscal year 2006. The House fiscal year 2006 bill is about $3.9 billion less than the authorized level.

Mr. Speaker, it seems to me that if we continue to increase IDEA funding at the same rate, the percentage increase between fiscal year 2005 and the 2006 House bill, we will never reach full funding.

As we celebrate the 30th anniversary of this landmark education and civil rights act, let us redouble our commitment to keeping our congressional commitment and promise in 2004 to fully fund IDEA.

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

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

I ask my colleagues to support my resolution.

Mr. BOEHRER. Mr. Speaker, let me thank the gentleman from Ohio (Mr. BOEHRER), chairman of the Education and Workforce Committee.

Mr. BOEHRER. Mr. Speaker, let me thank the gentleman from Delaware (Mr. CASTLE), who has worked on IDEA issues for a long time; thank him for bringing this resolution to the floor today, he and Ranking Member WOOTSKY from California, who have brought this resolution honoring the 30th year, the passage of the first IDEA bill.

For far too long in our history, we treated people with disabilities as outside of the mainstream of American society. The opportunity to serve those children prior to the passage of IDEA in 1975 was often haphazard. Certainly there was not any organization to it, and many times these children were not in any school whatsoever. And I think passage of IDEA clearly has sent a commitment to special needs children, all schools, that we believe that all children can learn.

Just last year, we reauthorized the IDEA law. That, along with the work we did with No Child Left Behind, I think, presents a new paradigm for special needs children. For far too long we judged the accountability for educating those children by how many T’s we could cross and how many I’s we could dot. Mountains of paperwork, but no focus on the results that we were getting for those children.

Today, under No Child Left Behind and under the new IDEA law, the paradigm has shifted to one of let us measure the results that we are getting for our children, including those with special needs; and I think what we are beginning to see are improved results. Because while they may not learn at the same rate and while they may not attain the same levels, these children will learn just like other children. So 30 years of good work, I think, is something that we should be proud of; and I appreciate the opportunity to take time and to remember how far we have come over these last 30 years.

I think passage of IDEA, they made a commitment, a commitment that said that we would pay up to 40 percent of the cost of educating special needs children. Over the years, the education community and others believed that the law said that we would spend 40 percent to educate special needs children. But I will remind you what the original law says and what it says today is that we will spend up to 40 percent and try to reach that.

I think the interest from 1975 until the mid-1990s, Congress paid little attention to the commitment that they gave to those parents of special needs children and to educators who were obliged to follow the law, and it really has only been over the last 10 or 12 years that we have made a real commitment to funding the needs of these children.

If you go back to 1995, Congress at that time was spending $2.3 billion annually for the special needs children. Today, that has grown to $10.6 billion, a 360 percent increase over these last 10 years. While we have not reached the goal of getting up to 40 percent of the cost, we are about halfway there. I think we have made tremendous progress.

In 1995, we were paying about 6 percent of the cost of educating these children. So we have made great strides. Do we need to continue to do more? Yes, we do. And I think you will see another increment in funding this year as we approach the next round in the budget process begins to come to a close. I think the commitment for Members on both sides of the aisle is
very strong to continue our commitment to increasing those funds.

Let me, lastly, remark that someone I would have hoped would have been on the floor today is not here. In 1974, there was a new Member of Congress, a member of our subcommittee, happened to be the ranking Democrat on our committee today, GEORGE MILLER. GEORGE MILLER, over these last 30 years that he has been a Member of Congress, probably has exhibited more commitment to this issue and the education of children with special needs than any Member.

I think that while we are pausing to remember the great things that have happened since IDEA became law, we ought to take a moment to thank our colleague, GEORGE MILLER, who, without his commitment, without his dedication to this cause, many Members of Congress may have forgotten.

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

Mr. Speaker, I enjoyed listening to the remarks by our chairman of the Education Committee. I, too, am saddened that the ranking member of our committee, GEORGE MILLER from California, and the ranking member of one of those committees that deals with this issue, LYNN WOOLSEY, was unable to make the hearing so that they could participate and express their own thoughts. But I can say this, that everything that the chairman said is correct, the things he made great strides.

But coming from an area that has a great rural community in Texas that I represent, I have met with many parents who have children who need this type of education. Their children are disabled, and they talk about the frustration that they have. They wish that the State government would invest much more, together with our public schools. Unfortunately, throughout the country, States find themselves lacking the resources and money, and the ability to put more money into many of our public schools. So it is up to the Federal Government, who has a $2.5 trillion budget, to be able to find the money to increase that investment as we promised 30 years ago and to get to that full funding as we promised then, because I see a lot of potential in those disabled children who, but for the money that the Federal Government could invest, they are not getting the best education that they possibly could.

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

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to join with Chairman BOEHNER, with Subcommittee Chairman CASTLE, with Mr. MILLER, who is not here, and certainly with Mrs. WOOLSEY and the ranking member, Mr. HINOJOSA, in strong support of H. Con. Res. 288, which recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirms support for individuals with disabilities education.

This program currently serves 7 million children, and without it many of those children would live in State institutions, would not have been able to complete high school and would have no possibility of enjoying the quality of life to which now they have the potential to enjoy.

I have always been led to believe that the greatness of society can be measured by how well it treats its old, how well it treats its young, and how well it treats those who have difficulty caring for themselves. I must say that I have been tremendously impressed with the progress that we have made toward the goal of assuring every handicapped child in our country optimal opportunity to experience the educational attainment and personal development that they have the potential to experience.

I agree that we have certainly come a long way and there is still much further to go. I have had the good fortune of being fairly close to the education of individuals with disabilities, and I can tell my colleagues I had one of the greatest experiences of my life last year when I gave a commencement address at the Milton School.

There were young people there who had difficulty speaking and needed special equipment in order to be able to speak. There were individuals who could not walk and were in wheelchairs or had other kinds of devices that helped them move. But the interesting thing, and actually, it was one of those days that I actually left Washington to go back to Chicago to participate in this activity. My sister was the principal of that school, and I had promised her that I would be there for the graduation.

But by the time the graduation ended, there was not a dry eye in the auditorium. Because all of the teachers, all of the parents, all of the students who had come to see what had become so emotionally involved in what was taking place and to see the glee and excitement on the faces and to feel the emotion coming from these young people, many of whom would never have been given any real chance at all of reaching that level of educational attainment, as I sat there and saw that, I could not help but say to myself that no matter how difficult funds may be to acquire, no matter how hard the path, that because of the court-ordered access to 40 percent before it is all said and done.

I think it is important to understand that because of the court-ordered aspect and the way IDEA was born, that the States have the responsibility to make up that difference. So, essentially, when we pick up that extra amount of money, we are basically letting the States spend that money on something else, which may or may not be something else. And we are trying to continue to move that along and give the States fuller funding. But a tremendous effort has been done in a bipartisan way on that in the last 10 years. I just want to make sure that that is recognized.

I appreciate the comments from everybody on both sides of the aisle on this. I think it is an important subject, and I hope that everybody would support it.

Mr. WOOLSEY. Mr. Speaker, I was pleased to join my Subcommittee Chairman, Mr. CASTLE, and many other Republicans and Democrats, in introducing this resolution to commemorate the upcoming 30th anniversary of the Individuals with Disabilities Education Act.

In 1975, when what we now call IDEA was passed as the Education for All Handicapped Children Act, educating children with disabilities was an afterthought at best.

IDEA marked a critical turning point in the lives of people with disabilities, by ensuring that a child, regardless of their disability, have available to them a free appropriate public education.

IDEA currently serves 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21. It has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families.

Under IDEA, the number of students with disabilities who graduate from high school has more than tripled.

Unfortunately, as this resolution recognizes, the Federal Government has not met even half of its commitment to fund IDEA at 40 percent of the average per pupil expenditure.

Four years ago, during conference on the No Child Left Behind Act, we could have included a bipartisan provision that would have fully funded IDEA, but House Republican leaders refused to agree to that.

Today, I believe that the best way for Congress and the President to commemorate...
IDEA’s 30th anniversary would be to fund IDEA at the levels authorized in the 2004 re-authorization, which passed the House and Senate with overwhelming bipartisan support. Those levels would fully fund IDEA by 2011.

Unfortunately, less than a year later, the Republican House has passed an appropria- tions bill that falls nearly $4 billion short of the funding promised for this fiscal year.

At the rate of increase proposed by the Republican House for this fiscal year, we would never—never—reach full funding.

I hope that my colleagues will join me in supporting both this resolution and full funding for IDEA, so that the Federal Government fi- nally will keep its promise to all students, their parents, and their teachers.

Mr. HOLT. Mr. Speaker, I rise today in sup- port of H. Con. Res. 288, recognizing the 30th anniversary of the Education for All Handi- capped Children Act. I am pleased to be an original cosponsor of this resolution.

First introduced in 1975 as the Education for All Handicapped Children Act and later as the Individuals with Disabilities Education Act for IDEA, this legislation has continued to be a vital part of providing equal support for chil- dren with disabilities. Before its passage, chil- dren with disabilities were either segregated from other students or had little opportunity for education. Today, about 6.1 million children with disabilities are receiving special education and related services.

As a former educator and a member of the Committee on Education and the Workforce, I recognize the importance of continued Federal support of special education. Recognizing shows that while we invest in the education of chil- dren with disabilities from birth throughout their school years, our entire society benefits. Giving these children the opportunities they deserve directly impacts their ability to live independently as contributing members of so- ciety.

Congress reauthorized IDEA almost a year ago, and it has continued to provide enormous support to children in dire need. However, as this resolution states, we have not yet met our commitment to fund 40 percent of the addi- tional core educational expenditure. Until we fulfill our responsibility, we are failing our Nation’s children. This funding is needed by school dis- tricts that must make up the difference of what the Federal Government is not funding.

IDEA is a powerful civil rights law that was intended to provide education to more than one million children who were marginalized because of their disabilities. Today, it does much more. IDEA is based on the premise that children in our society are capable of suc- cess, and this law has raised the standards in education. In doing so, it has also produced much improved results, proving that when we dedicate resources and attention to our children they can succeed.

IDEA requires teachers to be qualified and fair in their classrooms. IDEA also protects and supports the parents of children with dis- abilities. These parents have demanding full-time jobs in raising their children. However, when given the support that they need, their children succeed. There cannot be a greater reward for a parent than this.

The controlled House has. It strives to di- rect funding to where it makes a difference, to give teachers and schools the resources they need to help students. I believe that more funding will produce greater results. While we have, as a society, made great strides, we can not let these children fall behind. I urge my fel- low Representatives to work towards full fund- ing of this act.

We should be proud that we are now pro- viding free and appropriate public education to every child with a disability. This law adds to the basic right of education the rights to fair- ness, support, and respect. I join my fellow Representatives in celebrating the 30th anni- versary of the Education for All Handicapped Children Act.

Mr. HONDA. Mr. Speaker, I rise today in support of H. Con. Res. 288, a resolution commemorating the 30th anniversary of the legislation that led to the Individuals with Dis- abilities Education Act, IDEA.

On November 29, 1975, the Education for All Handicapped Children Act was signed into law. Enactment of that legislation was a his- toric achievement, ensuring for the first time access to education for children with disabili- ties, regardless of the nature or severity of their disability. IDEA was designed to pro- vide for a free appropriate public education for children with disabilities in the least restrictive environment—in other words, it ensures edu- cational opportunities for children with special needs.

The expansion of IDEA to cover preschool aged children through a grant program and to cover infants and toddlers through an early intervention program has enabled the program to reach many more students—currently IDEA serves an estimated 269,000 infants and tod- dlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21. Because these services are being delivered near their homes, IDEA has helped to dramatically reduce the number of children with developmental disabilities who must live in State institutions away from their families.

The success of IDEA has been over- coming. Under IDEA, the number of children with disabilities who receive a high school di- ploma has increased significantly and the number of children who enroll in college has more than tripled. By promoting partnerships, between parents and educators in the design and implementation of special education and related services for children with disabilities, IDEA helps these children to reach their full potential and prepares those children for em- ployment or further education beyond high school.

As we recognize the 30th anniversary of IDEA today and reaffirm our support for the legislation, I must note that the Federal Gover- nment is still falling far short of its commit- ment to fully fund IDEA at 40 percent of the average per pupil expenditure. We are cur- rently providing funding at only 18.6 percent, less than half of what we promised. While the teachers and students working under the auspices of IDEA have been able to accomplish many great things, we should think about all that is not being done, the students who are not reaching their full potential and the teach- ers who cannot do all that they want or need to do with their students, because IDEA is not being fully funded.

We must live up to our commitment and fully fund IDEA, so that it can truly live up to its potential and so that students with disabili- ties can live up to their potential.

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

The SPEAKER pro tempore (Mr. COLK of Oklahoma). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 288.

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

A motion to reconsider was laid on the table.

CHILD MEDICATION SAFETY ACT

Mr. KLINE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1790) to protect children and their parents from being coerced into admin- istering a controlled substance or a psychotropic drug in order to attend school, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1790

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Medi- cation Safety Act of 2005.”

SEC. 2. REQUIRED POLICIES AND PROCEDURES.

(a) IN GENERAL.—As a condition of receiv- ing funds under any program or activity ad- ministered by the Secretary of Education, not later than 1 year after the date of the en- actment of this Act, each State shall develop and implement policies and procedures pro- hibiting school personnel from requiring a child to take a prescription or any substance covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) as a condi- tion of attending school or receiving serv- ices.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student’s academic performance or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under section 612(a)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(3)).

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD.—The term “child” means any person within the age limits for which the State provides free public education.

(2) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico.

SEC. 4. GAO STUDY AND REVIEW.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of—

(1) the variation among States in defini- tions of psychotropic medication as used in regard to State jurisdiction over public edu- cation;

(2) the prescription rates of medications used in public schools to treat children diagnos- ed with attention deficit disorder, atten- tion deficit hyperactivity disorder, and other disorders or illnesses;

(3) which medications used to treat such children in public schools are listed under the Controlled Substances Act; and

(4) which medications used to treat such children in public schools are listed under the Controlled Substances Act, includ- ing the properties and effects of any such
medications and whether such medications have been considered for listing under the Controlled Substances Act.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report that contains the results of the review under subsection (a).

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

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

Mr. KLINE. 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. 1790.

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

The Chair recognizers the gentleman from Minnesota (Mr. KLINE). Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1790, the Child Medication Safety Act. This common sense legislation will prevent school personnel from forcing parents to medicate their children in order to remain in the classroom.

I would first like to thank Chairman Boehner and Speaker Hastert for their support of this legislation and staff members from my office and the Education Committee for their hard work on this bipartisan bill.

In recent decades, a growing number of children have been diagnosed with attention deficit disorder, ADD, or attention deficit hyperactivity disorder, ADHD, and treated with medication such as Ritalin or Adderall. When a licensed medical practitioner properly diagnoses a child as needing these drugs, the administration of the drugs may be beneficial. However, these medications also have the potential for serious harm and abuse, especially for children who do not need the medications.

Unfortunately, in some instances, school personnel freely offer diagnoses for ADD and ADHD disorders and urge parents to obtain drug treatment for their child. Sometimes, officials even attempt to force parents into choosing between medicating their child and allowing that child to remain in the classroom.

This is unconscionable. Parents should never be forced to medicate their child against their will and better judgment in order to ensure their child will receive educational services.

That is why I introduced the Child Medication Safety Act. This common sense legislation will prevent school personnel from forcing parents to medicate their child on any drug intended to have an altering effect on perception, emotion, or behavior in order to attend school.

The bill before the House today also includes a provision to ensure that parents and teachers are not prohibited from having an open dialogue about any academic or behavior-related needs of their child. Teachers spend a great deal of time with students and observe behavior in a wide variety of situations. These men and women have a valuable perspective to offer to parents, and a candid dialogue between teachers and parents should be encouraged, not stifled.

The Child Medication Safety Act makes clear that these constructive conversations can still take place.

This bill is not anti-school, anti-teacher, or anti-medication. This bill is pro-children and pro-parent. The Child Medication Safety Act is essential in protecting children and reinforcing parental control.

I urge my colleagues to support this bill that restores power to parents and puts children first.

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

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

Mr. Speaker, I rise today in support of H.R. 1790, entitled the Child Medication Safety Act.

Later today, we will be considering a resolution. In fact, we just finished that resolution where we are celebrating the 30th anniversary of the Individuals with Disabilities Education Act. So it is fitting that we consider this bill that protects parents’ rights on this day, and I thank the gentleman from Minnesota (Mr. KLINE) for bringing this legislation forward.

One of the most difficult decisions for parents is choosing the best course of care for a child with mental health needs. Teachers and other school personnel often play a very important role in bringing problems to the attention of parents because children spend the majority of the day in the classroom. They have the chance to observe mental health needs and behavioral problems and assist children and their families in overcoming these barriers toward academic achievement.

Mental health professionals often work with teachers and other school personnel to help create classroom environments that best support children’s mental health needs. The information that school personnel provide to the health care professionals about a child’s behavioral problems in the classroom is critical to an accurate diagnosis of a child’s emotional disorder, learning disability, or other disability. However, the decision to medicate a child to treat mental health problems such as attention deficit hyperactivity disorder, better known as ADHD, belongs solely to the parents. It is a matter between the child, his or her parents, and qualified health and mental health care professionals.

That is what this suspension bill today is aimed at achieving.

I support this bill because it achieves this goal while especially recognizing the critical role of teachers and other school personnel in promoting positive child adjustment together with parents.

Mr. Speaker, our intent here today is not to cause school administrators to become overly cautious or to discourage teachers in aiding parents in the identification of children with serious emotional disorders but to ensure that the decision to use medication to treat serious problem behavior remains with the family.

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

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

Mr. BOEHNER. Mr. Speaker, I appreciate the chance to be here to support the bill offered by the gentleman from Minnesota (Mr. KLINE). An identical bill to this passed the last Congress 425–1.

Now, one would wonder, why do we need to be here doing this? There are children that do, in fact, have behavioral disorders, have mental health issues, other issues, and certainly teachers and school administrators have a role to play in terms of helping parents make these decisions and, in many cases, urging them to seek qualified medical attention.

But what has come to our attention in a number of hearings that we have had on this issue over the last 4 or 5 years are the number of complaints from parents, grandparents and others where their children were going to be denied admission to school or denied services unless their child was put on medication.

As was noted by both of my colleagues earlier, that is a decision that should be left to the parents, and only to the parents. Certainly, school personnel and teachers can play a role in terms of helping the parents understand what is happening in the school, helping the medical professional in terms of what type of behavior is being exhibited, but, at the end of the day, parents of children ought to have the right to make that decision about whether their child should be on some prescription drug.

The bill is very simple, and I think it lays it out very clearly. Last year when we reauthorized IDEA, the special ed law, we put identical language in that law to protect the parents of special needs children. What this does is covers the rest of the children. I think it is a great step in the right direction, and I urge my colleagues to support it.

Mr. HINOJOSA. Mr. Speaker, I was delighted to participate in the discussion and debate on this legislation. I want to urge my colleagues to support and vote for H.R. 1790, the Child Medication Safety Act.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.
Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume only to thank my colleague from Texas (Mr. Hinojosa) and, of course, the chairman of the full committee, the gentleman from Ohio (Mr. Boehner), for their support on this very important bill and again to encourage all of my colleagues to pass this pro-parent, pro-child bill.

Mr. MURPHY. Mr. Speaker, I want to convey my appreciation to my distinguished colleague from Minnesota (Mr. Kline) for his deep concern about our Nation’s youth. I want to thank for offering this legislation and I also thank the distinguished Chairman of the Education Committee for his work. Let me be clear that I support H.R. 1790.

Mr. Speaker, during my career in elected office, I have worked to raise awareness that mental illnesses are real and they must be dealt with. Patients diagnosed with psychological disorders, like depression, have higher rates of chronic medical illness and use health care services more often. Untreated depression costs employers more than $51 billion per year in lost wages and lost productivity, plus even higher medical and pharmaceutical costs. I have seen first-hand that medication can, indeed, be very successful to depression patients, especially when it is accompanied by proper psychotherapy by a trained and licensed professional.

That notwithstanding, I am concerned about some schools coercing parents to medicate their children without medical justification—exactly what this legislation aims to prevent. When I saw child patients as a psychologist, I was often alarmed by a school administrator to recommend medication for students. That sort of pressure is unethical, not to mention potentially leading to harm for children.

While I support H.R. 1790, please allow me to raise one concern that we should keep in mind as the bill moves forward. This bill would make Federal education funding to States contingent on their establishing a policy to prohibit school personnel from requiring a child to be medicated in order to attend school. I am concerned that an unintended consequence of this requirement would be that teachers will be less likely to report legitimate mental health illnesses and needs out of a fear of losing Federal funds.

The current language of the bill does not address this problem. I believe, instead, that the study should focus on schools that actively influence parents to have their children receive controlled substances. I have shared language that provides this focus with the author of the bill, and I know we can work together with our colleagues to adjust the direction of the GAO study.

Ultimately, we should be doing all we can to encourage parents, teachers and health personnel to communicate with each other whenever there are concerns about children. Our job is to support that communication in every way possible. Nothing in this bill should be construed to limit that important relationship.

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

The SPEAKER pro tempore (Mr. Cole of Oklahoma). The question is on the motion offered by the gentleman from Minnesota (Mr. Kline) that the House suspend the rules and pass the bill, H.R. 1790, as amended.
So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BOB HOPE MEMORIAL LIBRARY

The SPEAKER pro tempore (Mr. KLINE). The pending business is the question of suspending the rules and passing the bill, H.R. 323.

The Clerk read the title of the bill.

The SPEAKER pro tempore.

The question is on the motion offered by the gentleman from Colorado (Mrs. MUSGRAVE) that the House suspend the rules and pass the bill, H.R. 323, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, answered “present” 1, not voting 13, as follows:

Not Voting—13

Andrews
Boswell
Cunningham
Granger
Gutierrez
Reichert

The roll call vote was completed.

The total votes cast were—yeas 419, nays 0.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLINE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the RECORD to show that, had I been present, I would have voted “yea” on roll calls 586, 587 and 588.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3385

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to remove Representative SANDER LEVIN as a cosponsor of H.R. 3385.

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

There was no objection.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. BOEHLERT, from the Committee on Science, submitted an adverse privileged report (Rept. No. 109-296) on the
ED ROYBAL
(Ms. SOLIS asked and was given permission to address the House for 1 minute.)
Ms. SOLIS. Mr. Speaker, I too wish to associate my words with my colleagues from California to honor the great legend, Congressman Ed Roybal. I had the privilege of knowing of his work. I worked with his daughter also when she was a member of the assembly. Ed Roybal in the tradition of Hispanic politics really led the way for so many of us in terms of how to do politics and participation that cannot be compared anywhere.
He started NALEO, National Association of Latino Elected Officials, and all we very much an advocate on health care. One of his major comprehensive health care centers is in East Los Angeles, and it stands there as a tribute to the work that he did tirelessly for the people in poverty, for the elderly, for seniors and helped establish the school of gerontology at USC and UCLA.
He has been a wonderful individual role model for many of us, fighting discrimination. He fought against Dodger Stadium in East L.A. in Chavez Ravine when developers wanted to displace low-income Mexican Americans back in that era.
He is someone who will be strongly remembered by many of us. I know that his daughter serves very proudly representing his district, and I know that legacy will continue on. He is someone who fought for immigrants when it was not popular, someone who fought for civil rights, for education and for equal treatment and also for AIDS education and awareness. He was truly a caring and someone to this very day whose very history can be repeated here through, I think, the leadership of his daughter as well as other members of the Hispanic Caucus, which he was the first individual to start. He served as our Chair for that congressional caucus that now has been in operation, I would say, for more than 20 years, if not more.
Mr. Speaker, with that, I would just pay tribute to the Roybal family and also to their daughter who serves with us here.

ED ROYBAL
(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)
Mr. GRIJALVA. Mr. Speaker, I rise today to add my voice of homage and respect that we all have for Congressman Ed Roybal. Our entire Nation, and Latinos in particular, owe Congressman Roybal a huge debt of gratitude. We can manifest our gratitude by holding true to the integrity, the values, the fairness that Congressman Roybal represented in this Chamber.
We can also repay Congressman Roybal by insisting that all Americans have an equal voice and demanding truth as a guiding principle in our government.
I would not be here to celebrate the life of Ed Roybal if he had not blazed a path to which all of us aspire to follow in our political lives. Indeed, Congressman Roybal's shoes cannot be filled, but we can all stay on the path.
My sincere respect and pesame to the Roybal family and my thanks to Congressman Roybal for sharing the possibilities and raising our expectations. Congressman Roybal established the Hispanic Caucus as a founder of NALEO, an organization that represents Latino elected officials; but more importantly he broke the stereotypes about Latinos' place in our Nation and in our political life, that we no longer are just observers in this process but empowered participants. And for that all Americans should be grateful. We should honor and celebrate a life well-served, a life well-dedicated and a life well-spent.

U.S. DOES NOT CONDONE TORTURE
(Mr. HUNTER asked and was given permission to address the House for 1 minute.)
Mr. HUNTER. Mr. Speaker, around the world right now American troops are being disserted by a mistake promulgated by the American and international news media to the effect that American law allows torture. That is the lie that is being propagated by electronic and written news media around the world.
Mr. Speaker, we have the law here. It is title 16, section 2340A; and I want to read it. It says, "Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisonment for any term of years or for life."
That law was signed by then President Bill Clinton on September 13, 1994.
The United States does not allow torture. It is against the law to torture people, and if you torture someone to death you may be executed.

CONGRESSMAN EDWARD ROYBAL
(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, this evening I honor and celebrate the life of former Representative Edward Ross Roybal.

Edward Roybal is a role model and a hero to us all. Congressman Roybal was a founding member of the Congressional Hispanic Caucus, the National Association of Latino Elected and Appointed Officials, and the Congressional Hispanic Caucus Institute.

Much is owed to him for his foresight and leadership in establishing these organizations. Today, these organizations are among the leading voices for the Latino community.

I quickly want to share a story that I think epitomizes Ed Roybal’s life in the House. In 1982, he opposed a comprehensive immigration reform bill that included many punitive provisions in it. He threatened to offer more than 100 amendments to the bill and demand a recorded vote on each amendment if the bill was brought to the floor.

Fighting for the Latino community, the House leaders backed down from this battle. This also is a clear example of how much respect folks had for this man because he stood up for what was right. The powers that be recognized him for his leadership.

In June of 1984, this bill was brought up again; and this time he offered seven amendments to amend the bill. His actions showed his relentless commitment and passion for immigration and its human impact on the Latino community.

Today, we face a similar challenge defending those seeking a better life. It is my hope that Members will remember his courage and integrity when we debate this matter.

Mother Teresa once said, “I slept and I dreamed that life is all joy. I woke and I saw that life is all service. I served and I saw that service is joy.” Ed Roybal serves as a shining example of the profound impact one person can have on his or her community and country. He is a model for selflessness and eternal optimism, and I wish to honor him this evening.

“Blessed is the leader who seeks the best for those he serves.” For over a quarter of a century, the people of California had such a leader in Edward Roybal. As we all know, the name Ed Roybal has become synonymous with leadership and integrity in the local and national political arena. Indeed, Ed Roybal was blessed for selflessly giving his energy and love and for dedicating his life to those most in need. Let us honor and celebrate his life’s work in public service.

Through his life, Edward Ross Roybal was a tireless champion of the most vulnerable—

... (for continuation see next page)
ED ROYBAL

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

Mr. HOYER. Mr. Speaker, I rise to join my colleagues to reflect upon the life and service of Ed Roybal. I had a great privilege in that I served all of the time that he and I served together, from 1981 until his retirement.

I had the opportunity to serve on two of the appropriations subcommittees with Congressman Roybal. First on the Labor Health Subcommittee, on which I now serve with his daughter Lucille who does an extraordinary job and of whom I know he is extraordinarily proud. I then served with him as well on the Treasury Financial Subcommittee, a subcommittee that was very important to me in my district because of my Federal employees. I was a young, new Member, Ed Roybal was a mentor. Ed Roybal was someone who had great experience and wisdom and who taught me much as a Member of the House of Representatives. He taught me about commitment to people and keeping people uppermost in our minds as we considered the policies before the House and before the Appropriations Committee. I was privileged to work with Ed Roybal. I was privileged to learn from Ed Roybal. I was privileged to know a gentleman, an American, a proud Mexican-American, and an American who made a difference.

Lucille, as you sit there and listen to us talk, and you and I have talked before, I know that you are extraordinarily proud to be the daughter of an American who made a difference, of a Mexican-American who made his people proud of a Californian who represented his State well.

Mr. Speaker, I am pleased to rise to honor the memory and the record of a great American, my friend and mentor, Chairman Ed Roybal.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

REPUBLICAN CREDIBILITY DROWNING IN SEA OF RED INK

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

Mr. HOYER. Mr. Speaker, today House Republicans had the audacity to claim that they are getting tough on spending, that they are restoring fiscal discipline. But I say to my friends on the other side of the aisle, who do you think you are kidding? Do you not think the American public is watching what you are doing?

Just this morning, USA Today reported on our Nation's dire fiscal conditions, quoting experts on both sides of the aisle.

For example, the newspaper said: "To hear Comptroller General David Walker tell it, the United States can be likened to Rome before the fall of the empire. Its financial condition is worse than advertised." It has a 'broken business model.' It faces deficits in its budgets, its balance-of-payments, its savings, and its leadership.

The leadership, of course, of this city and this country is a Republican President, a Republican-led Senate, and a Republican-led House.

Mr. Speaker, I have been a proud Member of this body for 28 years. For 17 of those years, a Republican has occupied the White House. I would suggest to my colleagues, there is one person and only one person in America that can stop spending in its tracks, and that is the President of the United States. No single Member of Congress, no single member of the Senate, but a President can say "no" to spending. So when Presidents lament spending, they lament what they have done.

Here is the reality, Mr. Speaker: in every single one of those 17 years, this country has had substantial deficits. Let me repeat that: 17 years of Republican leadership and 17 straight years of deficits.

The Republican budget reconciliation bill would only perpetuate that record of irresponsibility and recklessness. Why? Because the net effect of their reconciliation package would add $20 billion additional deficits in this country. Five years ago, the Bush administration and this Republican Congress imposed a $3.4 trillion deficit. Under Democratic President a 10-year budget surplus of $5.6 trillion and four consecutive budget surpluses from the Clinton administration.
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But they also plan to cut taxes on the wealthiest people in America by $70 billion. Anyways you cut it, this Republican majority intends to cut the deficit, not reduce it. Even Alan Greenspan, the Chairman of the Federal Reserve, is sounding the alarm. Recently, he said: “You should not be cutting taxes by borrowing.” Fortunately, not all Republicans are willing to participate in this irresponsible fraud.

Last Thursday, for example, Senator Voinovich told the Washington Post: “I do not know what we can say with a straight face that when we voted to cut spending last week, to help achieve deficit reductions, we can now then turn around two weeks later to provide tax cuts that exceed the reduction in spending. That is beyond me, and I am sure the American people.”

So I implore my colleagues on the other side of the aisle: Demonstrate the courage of your convictions.

Put the interests of the American people ahead of the interests of your political party. Oppose these irresponsible reconciliation bills.

Join Democrats in fighting to restore fiscal discipline to our budget.

RECOGNIZING THE LEADERSHIP OF COACH BILL SNYDER OF KANSAS STATE UNIVERSITY

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

Mr. Moran of Kansas. Mr. Speaker, I am here this evening to honor a legend at Kansas State University, its football program coach Bill Snyder. At a press conference earlier today, Coach Snyder announced his retirement as the head coach of the Kansas State Wildcats after 17 seasons. Coach Snyder leaves behind a legacy of success for a football program, a school, and a community that is stronger and better because of his tremendous leadership.

Football is a great American tradition, and this tradition is alive and well in Manhattan, Kansas. This is Wildcat country, where during football season Powercat flags are proudly flown and where Saturdays are spent at Wagner Field cheering K-State to victories.

But times were different when Coach Snyder took over the Kansas State football program in 1988. Sports Illustrated had identified K-State as the worst college football program in the Nation. Undeterred, Coach Snyder took on the challenge, and through hard work and determination performed what has been labeled as the “Miracle in Manhattan.”

By 1993, K-State had achieved a victory in the Copper Bowl. During the next 10 seasons, they would advance to bowl games, including the Cotton Bowl, Fiesta Bowl, and a memorable defeat over first-ranked Oklahoma in 2003 to seize the Big 12 Championship.

With 135 victories, Coach Snyder is K-State’s all-time winningest football coach. He is credited with orchestrating what many regard to be the biggest turnaround in college football history. As former Oklahoma and Dallas Cowboy coach Barry Switzer once said, “Bill Snyder isn’t the coach of the year, and he isn’t the coach of decade. He’s the coach of the century.”

Coach Snyder’s successes on the field are matched by his achievements off the field. He has taught his players the value of a sound work ethic, attention to detail and respect that has helped them succeed during the game as well as in the classroom and in their lives.

Coach Snyder’s prominence in the hearts of K-State fans to promote causes that have strengthened the Manhattan community and our entire State of Kansas. No one could deny the pride that has risen following K-State President John Wefald’s decision to hire Coach Snyder.

The school’s growing athletic program, flourishing and succeeding student body, visionary administration and supportive alumni have all contributed to Kansas State University being one of our country’s premier institutions of higher education.

On behalf of many grateful Kansans, I thank Coach Snyder for his contributions. It will be hard to imagine K-State football without this legendary coach, but I wish him and his family the very best.

MEDIARIZE PRESCRIPTION DRUG PROGRAM AND PLAN FINDER COMPILATION FOR SENIORS

Mr. DeFazio. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. George Miller) is recognized for 5 minutes.

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

MEDICARE PRESCRIPTION DRUG PROGRAM AND PLAN FINDER COMPILATION FOR SENIORS

Mr. DeFazio. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. George Miller) since I am next on the list.

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

There was no objection.

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

TRIBUTE TO ED ROYBAL

Mr. DeFazio. Mr. Speaker, first, I missed the earlier discussion of Chairman Ed Roybal, but I had the privilege of serving with him for a number of years on the Transportation Committee, and he was a wonderful inspiration to a young Member of Congress. I was much younger then, and I learned a good deal during his leadership and would say that he provided a tremendous leadership and a legacy for Californians in the forms of his investment in transportation infrastructure for America. So my condolences to the family.

I rise tonight to discuss the Medicare prescription drug benefit. I went online today to see what seniors would experience. It is fairly extraordinary, mind-boggling, particularly given the fact that a large number of seniors have never experienced the Internet.

Four-year-olds have never been online. I have. It was still not easy. Twenty-six percent of people on Medicare have cognitive impairments. Some of my detractors on the other side of the aisle might say I have them, but I do not. Three million have visual impairments. I wear corrective lenses. And 2.3 million reside in nursing homes.

These are all extraordinary complications for an unbelievably, unnecessarily complicated program. Why was it constructed this way? For two reasons: the pharmaceutical industry and the insurance industry, not the 40 million seniors and others who are eligible for Medicare in this country. The bill was designed by the insurance companies to reward their very, very generous contributors in the pharmaceutical and insurance industry.

The insurance industry is an industry, of course, which is exempt from antitrust law. It is allowed to set prices, exclude people, and is quite profitable. Then, of course, the pharmaceutical industry is the most consistently profitable industry in the world.

They are both given subsidies through this legislation. We could have done something much simpler, much less expensive. This plan will cost $1 trillion over 10 years for the American taxpayers in addition to incredible sums for seniors, particularly those who make wrong choices.

In my little survey, 41 plans came up; and in comparing three, it is going to take me all night if I wanted to compare all 41. I keep going back to the screen that only allows three at a time.

My annual costs would vary between $2,457 and $5,243; and, of course, the pharmaceutical companies can change the drug benefit weekly. Seniors can change the plan once a year, and you know what will happen if they have large claims during the year and they actually get a benefit? They will be disallowed. They will not be allowed to re-enroll in that plan by the private insurance sector next year. There is nothing that requires that they be re-enrolled if they are willing to pay the premiums to get the benefits.

We could have had the government, like we do with the VA, go out and negotiate the lowest price for prescription drugs for the Nation’s 40 million Medicare eligible citizens. That would have saved billions of dollars; but the Republicans said, well, that is unfair, that is anticompetitive. Well, no, actually we are forming a buying group. We are using market power to negotiate a better deal. Why shouldn’t we give subsidies to the pharmaceutical industry and subsidies to the non-competitive insurance industry. That
is their version of a free market. Of course, again, they are generous campaign contributors so we can understand some of this rhetoric on their side of the aisle.

Nonetheless, an incredibly expensive, confusing plan which gives all of the benefits to the pharmaceutical and insurance industry, puts seniors at risk, puts taxpayers at risk, and we could have done so much better for so much less. It would cost nothing to negotiate those lower prices. The VA gets prices at a 30 percent reduction from list price; but, no, the Republicans had a special provision in this bill.

Medicare, the default provider for anybody who cannot buy into an insurance plan that is red-lined by the insurance industry, and they can do that legally under this bill, they say, oh, we are not selling you a premium; you have got too many drug claims; we are not going to take you. But they can go to Medicare as a default provider, and guess where your care is the only entity in the world, other than uninsured individuals, who will have to pay list price for drugs. Nobody can afford list price for drugs except the superwealthy and, according to Republicans, Medicare. This will bankrupt the program, but that is where the highest risk seniors, the ones that are not desirable to the industry, will get pushed after maybe 1 year of enrollment, if they are lucky enough to get enrolled in the first year.

So huge costs to taxpayers, confusion and risks for seniors, the end of Medicare in the not-too-distant future by bankruptcy, by design, by the Republicans, all to profit the private insurance industry and the pharmaceutical industry.

You should be really, really ashamed of this horrible product.

NATURAL GAS CRISIS

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to speak about an issue I have spoken about many times: the natural gas crisis that faces this country.

Yes, we just passed an energy bill, but it did little to help our homeowners. We have had a 500 percent increase in natural gas prices in the last 5 years. A month ago, when we were still facing the impact of Katrina, we had a 700 percent gas increase when it reached $45.00 when it had been $2 just 5 years ago.

These natural gas prices, in my view, threaten homeownership, church ownership, schools, YMCAs, YWCAs, and small businesses.

In my districts, those kinds of organizations are renewing their gas contracts. They are paying 100 percent more than they paid last year and many times more than they paid a couple of years ago.

Industries like the fertilizer industry are being crushed by these natural gas prices because 70 percent of the cost of producing fertilizer is natural gas. Forty-four percent of our fertilizer companies are now offshore, and our farmers are paying two and three and four times as much for fertilizer as they did just several years ago.

The huge petrochemical industry that is dominated by America will not be for long because there are 20 chemical plants being built in the world and 19 are offshore, using natural gas prices. Petrochemicals use gas not only as a fuel, but they use it as an ingredient for all the chemicals we buy every day. Polyurethanes and plastics involved in everything we market today use natural gas as an ingredient and natural gas as a fuel. Forty to fifty percent of their costs are natural gas.

We have huge reserves in this country of natural gas. We are not poor on natural gas. Congress and Presidents have chosen to lock it up. Our Outer Continental Shelf, that is the first 200 miles offshore, is rich in natural gas.

We have a bill that we introduced today that will open up the Outer Continental Shelf. We increase States’ rights by allowing States to choose to open up their coastal areas. They have beautiful beaches. They are not a threat. There has never been a gas production well that has ever in any way soiled a beach. We need to unlock our natural gas supplies.

Canada, Belgium, Great Britain, Norway, Denmark, Sweden, New Zealand, and Australia produce most of their natural gas offshore, right off of their coastlines. They have beautiful beaches. They are not a threat. There has never been a gas production well that has ever in any way caused beach problems.

I urge Members of this body to deal with this natural gas crisis. We have to open up some supply or we are going to lose more industries. A million or more jobs will be gone in the next 2 or 3 years, some of the best blue collar jobs we have left in this country.

We cannot just subsidize people with natural gas prices. We need to bring prices down by increasing supply because we have lots of it. We have lots of it in the Midwest. But on the Outer Continental Shelf on our coastlines, it is right close to our population centers, it is right close to our plants and our manufacturers.

We will not make steel in this country in the years ahead if we continue. We will not make aluminum in this country. We will not produce anything that uses natural gas to melt it, to bend it, to twist it, to treat it because we cannot afford it. Europe pays half as much for natural gas as we do. China, Taiwan, and Japan are big competitors economically and pay a third of what we pay for natural gas. The rest of the world is paying 200 percent more.

It is time to get our heads out of the sand. It is time to open up our natural gas reserves in this country and pass House bill 4318, which would open up huge reserves on our shorelines to produce natural gas in this country so we can compete and have jobs for our working people.

PAYING TRIBUTE TO ED ROYBAL

Ms. PELOSI. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentlewoman from California?

There was no objection.

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

Ms. PELOSI. Mr. Speaker, I rise this evening to join my colleagues in paying tribute to our former colleague and friend Ed Roybal.

Many people who are in Congress now did not have the privilege of serving with him. They serve with his very distinguished daughter, Congresswoman LUCILLE ROYBAL-ALLARD, but the legacy lives on. I wish everyone in this Congress could have seen the outpouring of love and support and devotion to Ed Roybal at his magnificent funeral at the Catholic Cathedral in Los Angeles. We know how respected Ed Roybal is in this body. It was wonderful to see the love of the people he was closest to in California. Many of us went there, and we told his many friends and his family and those close to him of the respect in which he was held here.

Mr. Speaker, I knew Ed Roybal very well for many years. I was a big fan of his when he was doing work with the farm workers organizing in California. He was a legend in our State. And then he continued his leadership for our country in the Congress of the United States.

When I was first named to the Appropriations Committee, Ed Roybal was my chairman. We were in the majority at the time. He was my chairman on the Treasury Postal Subcommittee. So, on a daily basis, I saw firsthand his command of the policy, of the issues, the power of his advocacy and his determination to help all Americans.

Ed Roybal had no time for government of the few. He was about the many. When others in Washington turned their backs on seniors, the disabled, Los Angeles. We know how respected Ed Roybal is in this body. It was wonderful to see the love of the people he was closest to in California. Many of us went there, and we told his many friends and his family and those close to him of the respect in which he was held here.

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at the Centers for Disease Control, they named an entire campus for him, if that gives Members any idea of the respect and the gratitude that they felt for Ed Roybal.

Fiercely proud of his Hispanic roots and with a passionate zeal, the two went hand in hand. Ed Roybal loved America. He helped found the Congressional Hispanic Caucus and the Caucus’s Institute and embarked on a mission to provide scholarships to needy Latino children and expand opportunities for all Americans.

Through his work as founder emeritus of the National Association of Latino Elected and Appointed Officials, he contributed to the advancement of Latino political power first in Southern California and then in the Nation. Hundreds of Latino elected officials have since followed in his footsteps, all knowing that they stand on his shoulders. By his courage and his determination to open the doors to minorities, Latinos have become much more active in politics and all facets of American society. Indeed, in our State of California, we are now a minority majority State, so we see regularly and firsthand the magnificent contribution of the Latino community to our great country, and Ed Roybal was very much a part of facilitating all of that.

As I said, Mr. Speaker, Eddie Roybal loved his country and he loved his family, speaking with pride of them every day that he served here. Tonight we bring the deepest sympathy of this Congress in which he led and served and indeed the sympathy of our entire country to the family he loved, he adored. I hope it is a comfort to Ms. Roybal-Allard’s beautiful mother, Lucille, her name is Lucille as well, and his three children, our colleague Lucille, her sister Lillian and Ed, Jr., that so many people mourn their loss and are praying for them at this sad time.

With the life and leadership of Ed Roybal, God truly blessed America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes. (Mr. STEARNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes. (Mrs. McCarthy addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

MEDICARE PRESCRIPTION DRUG BENEFIT IS A FAILURE

Mr. EMANUEL. 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 gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes. (Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The benefit is so complicated and confusing that even beneficiaries who are PhDs say they cannot figure it out. A recent Kaiser Family Foundation poll found that more than six in ten seniors either barely understand the benefit or do not understand it at all.

But just as important are the choices that the Republican Congress did not provide. Why did they do nothing about the price of these drugs? They could have done something with direct negotiations just like Wal-Mart, just like Target, just like private sector companies, just like VA, the Veterans Administration doing the same for its services, purchase bulk, just like every company in the private sector does. They refused to allow Medicare to do that. So we in America now are paying top premium dollar for drug and pharmaceutical prices and products that we could negotiate and get better. Why do we do that? Because of the pharmaceutical companies. And who is left holding the bag? The taxpayers and seniors.

What else does this legislation refuse to do? It does not allow us to actually access products in Canada and Europe and allow companies to bring prices down. For a party dedicated to the principles of a free market, it is not understandable why they decided to choose a closed market, forcing America to pay the highest prices of any country in the world. Again, negotiations that allow companies to choose the prices of drugs in Canada and Europe, we could have brought prices down; and, third, they could have allowed generics to get to the market faster. Three market ways: competition, open markets, negotiations. They could have brought the prices down. Why did they refuse to do? Because of the pharmaceutical companies.

The final bill that created the drug benefit left seniors with a limited benefit that failed to reduce the cost of prescription drugs, gave them serious choices that have led to complexity.

Now it is possible that seniors would understand the benefit a little better if this administration had distributed information to beneficiaries that was actually correct. But they botched that, too. The administration’s own “Medicare & You” handbook included inaccurate information. Once the errors were discovered, CMS directed Medicare beneficiaries to the Web site, even though over 75 percent of seniors have never used the Internet.

Mr. Speaker, the Medicare prescription drug benefit is an absolute failure. It is a failure because it was never designed with the customer in mind.
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes. 

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

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

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

HONORING DON DEARMON ON THE OCCASION OF HIS RETIREMENT

Ms. ROYBAL-ALLARD. 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 California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to honor a friend and trusted adviser, Donald McCamie DeArmon, on the occasion of his retirement from a distinguished career of 28 years of public service in the United States House of Representatives.

Don began his service on Capitol Hill following his graduation from the University of North Carolina at Chapel Hill in 1977. During those 28 years, he worked for the Office of House Information Systems and six Members of Congress.

Congressmembers Bill Ketchum, Barbara Mikulski, Les AuCoin, David Price, Vic Fazio, and I all had the good fortune to know and work with him.

It was in 1999 that Don brought his wealth of experience and knowledge to my office, serving first as associate staff for appropriations and then as legislative director and currently as acting chief of staff.

Don is a team player who has mentored many junior coworkers. His political sense and institutional knowledge of the House and his familiarity with the legislative process have provided my office with wise counsel.

His many bipartisan and bicameral friendships built over years in the House have been invaluable to my work on the Committee on Appropriations. His knowledge of the numerous funding accounts has been key to my ability to serve my constituents better.

In addition to his work on the Committee on Appropriations, Don has also been the lead staff person for my legislative health agenda. Through his stewardship, he has made progress in addressing the health crisis of underaged drinking and in reducing preventable birth defects through enhanced education of women on the importance of folic acid.

Don's commitment to public service and his love of politics reached its natural conclusion when he ran for a seat in the U.S. House of Representatives. There is no doubt that during his campaigns Maryland's political future was enriched by Don's discussions of the critical issues facing our Nation.

Although his neighbors in Maryland were denied his direct representation, I can attest to the fact that his public service and the past 28 years has enriched their lives and the lives of many in our Nation.

Don is a man who has admirably met the difficult challenge of balancing the demanding world of public service with being an involved, loving father and husband. He and his wife, Ann, a teacher, have raised four successful and politically active children. Belle, 23, is an English major at the University of Maryland, College Park. McCamie, 21, will be graduating in December from the University of Virginia. Alexandria, 17, is a freshman at Wagner College; and John, 13, is an 8th grader at Western Frederick Middle School.

To Don and his family, I extend my deep appreciation and heartfelt congratulations on the momentous occasion of his retirement. We will miss him, his hard work, his wealth of knowledge of political history, and his wonderful anecdotes about his childhood in North Carolina, experiences on the Hill and life in Frederick, Maryland.

Mr. Speaker, I join the many friends and colleagues who have had the privilege of working with Don in wishing him happiness and success as he embarks on his new career in the private sector. Don's new work, advocating on behalf of institutions of health, clearly demonstrates his commitment to the true public servant's belief that the people's work is never done. Godspeed, Don DeArmon.

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

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

BROKEN PENSION SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BOEHNER), who chairs the committee here in the House, is not that needed legislation.

It pays lip service to pension reform for workers, but continues to protect big corporate interests and executives at the expense of workers. It is my sincere hope that this Congress will produce legislation that is truly needed by America and American workers.

Private pension plans are supposed to be one leg of a three-legged stool of retirement security for all American workers, along with Social Security. However, we live in an era when personal savings are virtually non-existent, and Social Security's future is menaced by the specter of Republican plans to privatize Social Security. Therefore, workers have to try even harder to shore up increasingly fragile private pension plans.

Unfortunately, the Republican leaders in this Congress want to pass legislation which would actually further destabilize and underfund private pension plans. How in the world can they defend that approach?

Doehler-Jarvis, a company in my district, several years ago was the victim of a takeover where they had to cancel retiree health benefits, and they just did it over one weekend. They never told the workers they were going to do it. When they filed liquidation bankruptcy, they pushed their obligations onto the Pension Benefit Guarantee Corporation, which is going further and further into the red as I speak here this evening.

Though that was not a perfect solution, that was the only one that existed at that time. Recently, we have heard the announcement by Delphi, the largest U.S. automotive manufacturer, that they are going to declare bankruptcy; and that it is the largest filing in the history of the automotive industry. It will have a significant impact on thousands and thousands of workers. And under the terms of their bankruptcy filing, Delphi is attempting to require its employees to take pay cuts as high as 63 percent and benefit cuts of up to 77 percent just, they say, to keep a few of their U.S. plants open.

The current Pension Benefit Guarantee Corporation has a several billion dollar shortfall already. How in the world are they going to be able to try to hold things together without that

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fund being shored up, whether it is to help Delphi or anyone else. Frankly, this Congress should have legislation passed that would disallow the bankruptcy system to be used by companies to abdicate their pension and health responsibilities.

However, given the recent flood of companies that have experienced pension problems or breakdowns, the Pension Benefit Guaranty Corporation is not longer as fail-safe as it used to be. It had a $23 billion deficit last year, and since the year President Clinton signed it has continued to fall from a position of surplus to greater and greater deficit. The chairman of the committee, Mr. Boehner, dubs his plan the Pension Protection Plan, but it does nothing to prevent runaway pension plan terminations, nothing to provide meaningful disclosure and transparency, or ensure fairness to workers, while rewarding corporate executives. And it does nothing to adequately protect the workers pension responsibilities.

Mr. Speaker, true pension reform legislation would repeal special protections for executives where they can receive these so-called golden parachutes while employees suffer deep cuts in their promised benefits. And the bill currently authored here says if an employer does not fund its pension plan above 80 percent, then workers cannot receive any increases in benefits or take a lump sum at retirement. No similar restriction is placed on executives.

And as the amount of guaranteed benefit goes down, for example if the employer does not fund above 60 percent, the workers’ plan must be frozen with no new benefits allowed.

Mr. Speaker, America can do better than this. We ought to deep six the current law and do the right thing for America’s largest corporations.

[From the USA Today, Nov. 15, 2005]

“FUNDAMENTALLY BROKEN” PENSION SYSTEM IN ‘CRISSY NEED’ OF A FIX

(By Marilyn Adams)

WASHINGTON—Most surviving American steelmakers long ago abandoned costly pension plans. But AK Steel still covers most of its 7,500 workers with a plan that pays retirees a monthly benefit based on tenure and past performance. The defined-benefit plan.

AK has never missed a benefit payment to a plan participant. But a company, or a payment to fund the plan. That’s a source of pride for the 105-year-old company.

Nonetheless, the assets of the AK pension plan fall $1.3 billion short of meeting estimated future obligations. The plan’s long-term survival isn’t assured.

Much of the attention in the raging pension-reform debate in Congress and the executive branch focuses on big companies such as United and other corporations that have used Chapter 11 bankruptcy-court reorganization to dump defined-benefit pension plans on the already overburdened government insurer, the Pension Benefit Guaranty Corp. But it’s also cases such as AK Steel—a relative corporate good guy that has seen assets fall short of liabilities even while the company follows the rules—that have reformers fearing a possible financial catastrophe on the scale of the savings-and-loan meltdown.

David Walker, chief of Congress’ non-partisan Government Accountability Office, describes the pension system as “fundamentally broken.” Industry analysts say that pension makers so far have been unable to solve a problem that’s been documented over and over.

“THERE’S A CRISS-NEED,” he says.

Business, Congress and the Bush administration agree that the U.S. system of private pensions is badly in need of fixing. What this bill has failed to do to it. Despite alarming statistics, years of studies and urgent calls for reform from advocates on all sides, Rep. John Boehner, R-Ohio, a sponsor of the pending House bill on pension reform, rates chances of passage by both houses of Congress this year as slim. Senate Majority Leader Bill Frist, R-Tenn., said Monday that the Senate bill might reach that chamber’s floor by next week. If Congress fails to act, “The problem will become much worse,” said Bradley Belt, PBGC special counsel. “It’s call upon taxpay—most of whom don’t have adequate—pensions—to provide benefits for the people who do would be fundamentally unfair.”

In total, defined-benefit pension plans offered by private employers are underfunded by $450 billion just five years ago. The PBGC itself has a deficit at least $23 billion. PBGC numbers coming out today are expected to paint an even bleaker picture: number of failed plans has left it without enough assets to cover future benefits. As more plans fail, the agency’s deficit will grow.

In recent years, Huffy bicycles, Big Bear supermarkets, Pola留意, Kaiser Aluminum, Bethlehem Steel, WestPoint Stevens, Archibald Candy and United Airlines have terminated their plans and transferred responsibility for them to the PBGC. What worries PBGC officials now is how many other large companies are out there with alarming plans covering tens of thousands of workers.

The PBGC last year calculated that financially weak companies with a reasonable chance of terminating their pensions are $96 billion short of covering promised benefits. The PBGC’s board of directors is investigating how GM restructured its pension plan, meanwhile, is investigating how GM restructured its pension plan.

GM, whose plan covers 600,000 participants, has struggled to recover from financial troubles. GM had to terminate its plan soon, it would be underfunded by $31 billion, an estimate first reported by The New York Times. Using a different accounting method, Credit Suisse First Boston estimates the underfunding at $12.3 billion.

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risk for pension default and should be required to do more to keep plans afloat.

'SKY IS NOT FALLING'

Boehner, The Ohio congressman, says such tough medicine would “kill the patient” and prompts debts to drop their plans.

AK Steel, for example, says its credit rating has been below investment grade for years, yet it has never missed a payment.

Business as usual: the National Association of Manufacturers acknowledged pension rules require tightening. But they question the administration’s alarming projections of how companies with pension problems don’t represent the majority.

“Our message is the pension sky is not falling,” says NAM spokesperson Darren McKinney. “The problem is not as big as some would have you believe.”

He says the PBGC’s statistics show only 15% of private defined-benefit plans were funded at less than 70% in 2002, the latest data available.

What seems to gall reformers most is the recent pattern of big companies using Chapter 11 of the bankruptcy code as a business strategy to escape their bankruptcy-court judges.

Bear did the same in the bankruptcy court. So, AK has been going to its unions during the evening to recognize and honor and pay tribute to the extraordinary life of Congressman Edward R. Roybal.

Throughout his career, including 30 years in the United States Congress, Congressman Roybal championed the rights of the underprivileged and broke down barriers to justice.

I would like to express my deepest sympathy to his family and his friends, especially to his devoted daughter, my colleague and friend, Congresswoman Lucille Roybal-Allard, and say with the people of California, we lost a great man, a man who stood up for his convictions, a man who stood up for what he believed, and one who stood up for those who needed a voice who did not have a voice in our country. He will be deeply missed.

Like many, I feel very blessed to have known Congressman Roybal personally. He lived his life and I always noticed how he did this: by his actions and his words. He had principles. He stood up for what he believed in, and every one of his actions, and I think all of us should really understand that those principles are absolutely necessary for us to fight for the rights and the well-being of all human beings, especially those who have been shut out of the American Dream.

His life was not only extraordinary; it was an example to follow for generations to come. Each one of us, I believe, has a duty to carry on the legacy of this great man. Our young people must get to know Congressman Roybal, for he made history taking on tough issues when they were not popular. What a role model he was.

Congressman Roybal not only cared about his own congressional district, which he did very deeply, but he also worked very hard to help communities throughout our country. As a member of the United Steelworkers union, Ronald Dellums, staff, I vividly remember Congressman Roybal’s unbelievable efforts to help bring a Federal building to downtown Oakland. Congressman Roybal and Congressman Dellums had a deep friendship and respect for each other. As a result of their partnership, we have a beautiful Ronald V. Dellums Federal Building where my congressional office is presently located.

And in the Federal Building, we also have an Edward R. Roybal Auditorium, and each time I walk into this beautiful building, I am reminded of this great man and his magnificent spirit and his love for his country and for our district.

The 9th congressional District of California, we owe Congressman Roybal a debt of gratitude; and we thank you and his family for really sharing this giant of a human being with us.

I have personal and professional affiliations with Congressman Roybal. His son, Eddie, headed up a successful legal services center called Centro Legal De La Raza in Oakland, California. This center provides badly needed legal services to families otherwise unable to afford them.

Many years ago after leaving Ron’s staff, Congressman Roybal called me and he said, Barbara, please, you have to do this for me. I really want you to help raise money for Centro Legal De La Raza.

Of course I was honored to receive this call from Congressman Roybal, and how could I say no? It was such a privilege to work so closely with him and his family to make sure that we raised the money for many years to provide these badly needed services.

His commitment to justice was unparalleled. His ability to use his clout for those who were without the halls of power, not for himself personally, but for all of those shut out, his love for human kind, his great spirit will be with me forever. He was such a gentleman, a kind human spirit. He was a respectful man, and many of us loved him so much.

So tonight, on behalf of the 9th congressional District of California, we salute a great warrior; we thank him for a job well done. We also thank Congressman Roybal for a life well lived. In his memory, I think we should all re-dedicated ourselves to Congressman Edward R. Roybal’s ideals and his vision for a better world.

Mr. Speaker, my thoughts and prayers are with you and your family, Lucille. May God bless you.

Mr. Speaker, first, I need to say I did not know Congressman Edward Roybal; but if he did nothing more than bring his daughter, Lucille Roybal-Allard, into this world, he brought a gift to all of us. I honor him for that.

Mr. Speaker, I was struck by something that I heard the chairman of the Senate Intelligence Committee say over the weekend. Now that it is all too clear that the intelligence leading up to the Iraq war was deeply flawed, he was brave enough to say, ‘I think a
Great. I am glad that the gentleman from Kansas, Mr. ROBERTS, is so cautious and skeptical now, after more than 2,000 soldiers have been killed, after we have poured $200 billion into this war, after we have squandered America’s global credibility and goodwill.

Back when this could have made a difference, the chairman and so many others in this body and the upper Chamber fell in line behind the President, rubberstamping his war with barely a peep of dissent.

Where were the hard questions then? Where was the oversight and the scrutiny back when it could have saved lives and changed the course of history?

The latest line of argument from the White House is essentially this: Sure, we were wrong about Saddam and weapons of mass destruction, but we did the best we could with what we had.

Leaving aside whether they were mistaken about the intelligence or they actively manipulated it, I would like to see the President look a widow or a grieving mother in the eye and use that line.

The other thing they are saying is maybe we were wrong, but so were a lot of other people, including a lot of Democrats, so get off our backs. This attempt at spreading the blame is dishonest, and it is irresponsible. It was not the previous administration, nor was it the President’s opponents in last year’s election who launched a preemptive war and put American credibility on the line in selling it.

It was only the other Vice President that leaned on analysts at Langley to reach certain conclusions. It was not some other White House that was fixing the intelligence and the facts around the policy, as the Downing Street Memo put it.

There is only one Commander-in-Chief, and the buck must stop with him. Besides, there were plenty of us who were deeply skeptical about the case for war; and for raising our concerns, many of us had our patriotism called into question. Ambassador Joe Wilson was among those who raised the red flag, and look what they did to him and to his family.

But of course, as the President is now implicitly admitting, we who questioned the intelligence were right. The very fact that they are trying to re-write the history of the run-up to war is evidence that the war has been a disastrous mistake. If all were going well in Iraq, the President would not be in this embattled posture, casting about for scapegoats.

There is a way to make it right. There is a way to fix the problem. By ending the war once and for all. It is time for the President not just to admit his mistakes but to correct them. It is time to return Iraq to the Iraqi people and return our troops home to the families that have gone too long without them.

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, Congressman Ed Roybal, who recently passed, will be remembered as a true pioneer in the struggle for human and civil rights. He was an advocate his whole life for the poor, disenfranchised and for seniors.

Ed was first elected to the House of Representatives in 1962, at a time when there was only one other Hispanic representative in the House of Representatives. Ed served with distinction in the House of Representatives for 30 years. He quickly earned the respect of his congressional colleagues and in 1976 was elected to serve on the Appropriations Committee, where he remained for the rest of his career in Congress. He became Chair of the Treasury, Postal Service, General Government Subcommittee in 1981. There he became a powerful advocate for funding for education, civil rights and health programs. He was one of the first Members of Congress to support HIV/AIDS research funding.

Ed also had an abiding interest in the needs of our elderly and from 1985 to 1989 served as the Chair of the Select Committee on Aging. In 1989, he successfully restored funds to programs for the elderly and in 1982 played an instrumental role in maintaining the Medicare program.

He was a trailblazer for the rights of not only Hispanics but of all persons, white, black, brown, the young and the elderly, who had been denied an equal opportunity and were looking for a hand up. He always selflessly extended his hand and never lost sight of those in need throughout his distinguished career as a public servant.

I looked to Ed as he served on the Los Angeles City Council. Reacting to his defeat he founded the Los Angeles Community Services Organization, CSO, with a goal of mobilizing L.A.’s Mexican Americans against discrimination in housing, employment and education. The CSO was founded on the idea that people would learn from each other and would craft solutions to mutual problems, and the model caught on and chapters formed throughout California.

In San Jose, Cesar Chavez’s first experience in politics was registering voters for the San Jose CSO, and the rest is history.

Today, Congressman Roybal’s legacy lives on in Congress and in cities across this country. More than 6,000 Hispanic elected officials have followed him into public service. His daughter and our colleague, the distinguished Congresswoman Lucille Roybal-Allard, now represents part of her father’s old district in East L.A. Lucille carries on his father’s work of fighting for compassion and diversity in our government.

Although he has passed from this earth, Congressman Roybal’s passion
for the poor and his vision for a more inclusive America will live on in the law books of this country and in the hearts and minds of those who have been touched by his service to our country.

On behalf of the my California Democratic colleagues and my constituents in San Jose, I am honored to be here this evening to pay tribute to former Congressman Ed Roybal.

We will long remember for supporting his work over many years and for being the source of tremendous pride for him, his wife, Lucille, his three children, Congresswoman Lucille Roybal-Allard, Lillian and Edward. Our thoughts are with you during your grief, and we are honored to be in this institution that was graced by Congressman Roybal.

This evening, we are going to manage the time. We have the Chairperson of the Congressional Hispanic Caucus, Ms. Napolitano, who will speak now for 4 minutes; and then we will yield back to the many colleagues who are here this evening who want to remember Ed.

Ms. Napolitano. Mr. Speaker. I do not want to repeat all the accolades that have been showered upon a former Member of Congress who I had the opportunity to meet but unfortunately never was able to work alongside of him. You have heard how he was a trailblazer and how he cared for all minorities, all people that were the unvoiced of America; that he chose his battles to where he would stand on this floor and advocate relentlessly on behalf of all and all the just things that were carried out against the many peoples of the United States.

I can tell you, though, that from listening to the many stories said about this wonderful individual, you are able to put a very warm, a very human, dedicated, compassionate, loving family man who devoted his life to politics to make life better for all. And as you have heard, Mr. Speaker, he has become the trailblazer of Latino politics in not only California but in the United States; that, because of him, many of us now are able to stand before great bodies and be able to voice the concerns of those who have no voice in these Chambers.

Mr. Speaker, we have great pride; and another accomplishment of this great man is that he and four other individuals, including the father of our seated Member of Congress from San Antonio, Charlie Gonzalez, Hennessy, and several others joined together to form the Congressional Hispanic Caucus Institute, which now fosters young Latinos for future leadership of this country. Another great accomplishment.

I could go on, and I probably would be repeating a lot of things, but there are a lot of unsaid accolades that this gentleman, this gentle man was able to transmit to those many people who knew nothing of him but knew of his greatness.

To his daughter, Lucille, my good friend, we are very, very happy she is here and trust that he is smiling down upon her.

Ms. Zoe LOFGREN of California. 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 subject of my special order today.

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

There was none.

Ms. LOFGREN of California. Mr. Speaker, I yield to the gentleman from Texas (Mr. Reyes).

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding.

Tonight is both a sad night, because we are here because of the passing of a great American, Congressman Ed Roybal, but it is also a time to celebrate his life and his accomplishments and his legacy.

I was just spending a few minutes with my good friend and colleague, the gentlewoman from California (Ms. Roybal-Allard), a great American in her own right, who carries on that great legacy of her dad, and I was telling her how proud she must be here this evening to hear so many people talk about her dad. I know that she misses him, and I know that there is a huge void in her heart as there exists in many Members that worked with Congressman Roybal.

I did not have the privilege of working with him in the House, but I certainly knew him, or at least I felt I knew him. I got to know him even more by virtue of becoming a good friend of his daughter and my colleague, Lucille Roybal-Allard. She always told us about her experiences coming to Washington and working in and around the Capitol with her mom and her dad and about the things that her dad stood for and about the things that he wanted to change and the things that he did change.

She told us about the optimism that some day in this great country and in this, the people's House, there would be many more Latinos and Latinas that would represent communities all around the country. And guess what? Today, that is reality. Today, we have not only Latinos and Latinas here but many other minorities that carry on the work and the legacy of Congressman Roybal.

What a giant he is among all of us. What a giant he is for us to look up to. As a grandfather, I want to be able to tell my grandkids that they should be proud of their heritage because of leaders like Congressman Roybal and the many things that he has left for us.

There is a lot of work left to be done, but certainly many of us are here today to be here in these elected positions because of the work that he and a few others did back then when it must have been much harder than it is today. The challenge may be different. The challenge today may take on a different venue and a different texture, but we are able to do that and to take on that responsibility because we stand on the shoulders of great leaders like Ed Roybal.

Tonight, it is important to be here because we are going to miss him, but it is also a time to celebrate a great American, a great leader, one that leaves a legacy that I feel personally blessed is carried on by his daughter. Lucille Roybal-Allard. God bless all of the Roybal family, and certainly God has blessed this country because they have walked into this people's House for two generations.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield to the gentleman from California (Mr. Baca).

Mr. BACA. Mr. Speaker, I rise to pay tribute and respect to Congressman Roybal, father to Lucille Roybal-Allard, who passed away recently. I was very fortunate to work with many other individuals who attended the funeral, and there was an outpouring of love that came out. It was an outpouring because this is an individual that led by example. This is an individual that really believed in true family traditions. It is the example by leading by example. A true husband, a father, an individual who cared about his family.

Beyond caring about his family, he accomplished many things along the way; that he created hope and opportunity, and he paved the way for many of us who are currently serving right now.

I was blessed to know him as a member of San Bernardino Community College district during my period of time; and during that time, I was involved in NALEAO. He was the man that was very instrumental in creating NALEAO. NALEAO now has created an opportunity for 6,000 individuals to be educated.

He created hope, he created opportunity, and he created an opportunity to say, "si se puede," that you can be whatever you want to be.

He was an individual that cared about people. He cared about the poor, the disadvantaged, the seniors. He believed in fighting for what was right. It is not about representing one segment of the community but representing all segments of the community, because he never forgot where his roots came from.

He originally was born in New Mexico, in Albuquerque, like I and many others who have gone out, but he never forgot his roots. He felt it was important for others to be proud of who you are and where you come from, and to say, I represent you individually, regardless of where I come from, but be proud of who you are and where you come from. And he did that. He did that for a lot of us.

Because of that, many of us are in positions that we would not be in right now. But it took someone that was willing to stand up and pave the way, not only fighting for civil rights and
education and opportunities for many individuals and being the first elected to many of the positions that we now have. He was a city councilman, the very first one, and then he became a role model, a mentor, a counselor, someone who guided someone. It is not easy to be first. There was another first, and everybody else expects you to fall down. He did not fall down. He set a good example for others to follow.

Mr. Speaker, because he led by example and did positive things. There were many opportunities for Hispanics like me and others to say, you know what? If Congressman Roybal can be a city councilman, maybe I can become a school board member, a Senator, a United States Congressman like him. He created that. He created those opportunities for us.

Let me tell my colleagues, we are all very proud of his accomplishments, of what he has done not only in creating opportunity but, at the same time, when they did not let Mexican Americans and others utilize the pools, he wanted to make sure that everyone could. Like Rosa Parks, he believed in civil rights, and he believed in standing up for those who could not. The path was not easy, but he stood up and fought. Because of that, America is a lot better today. He has paved the way and set an example for all of us to follow.

Let us follow the lead that Congressman Roybal has done and his daughter is now doing here in Congress by doing the same thing here: fighting for civil rights, fighting for education, fighting for health, being a voice for many people who do not have voices. The daughter is leading because the father set the example to say it is important to have people that speak out.

I am glad to have known Congressman Roybal, and I am equally glad to know LUCILLE ROYBAL-ALLARD, and someday we will all forget her last name, ALLARD, as well as here serving in Congress.

I offer my condolences to the family, his wife, Lucille, his daughters, LUCILLE and Lillian, and his son, Edward, Jr. You truly are a good example that if you follow your dad’s steps, he has true values, he truly is a leader, his legacy will live on forever because he truly is a pioneer for all of us. He has paved the way for hope and opportunities for each and every one of us.

Mr. Speaker, this is a better day, and no one will ever know how those doors have been opened for many individuals throughout the country. I thank him and say God bless him and God bless your mother and God bless you, LUCILLE ROYBAL.

Ms. ZOE LOFGREN of California. Mr. Speaker, I now would like to yield to the distinguished gentlewoman from Los Angeles County (Ms. MILLER).Ms. MILLER-MCDONALD. Mr. Speaker, I am honored tonight to stand here to honor a great American. Last month, America lost a visionary leader, and those of us in Congress lost a dear friend with the passing of the late, great Congressman Edward R. Roybal.

Ed Roybal was a forward-thinking, progressive Latino politician long before there was something called the Chicano movement in February, 1916, in Albuquerque, New Mexico. At the age of 6, he moved with his family to the Boyle Heights neighborhood of Los Angeles. After earning degrees at UCLA and Western Southern University, he joined the Army in 1944 and served in World War II.

Upon his return to Los Angeles in 1945, Ed worked as the Director of Health Education for the Los Angeles County Tuberculosis and Health Association. In 1949, he became the first Mexican American elected to the Los Angeles City Council in nearly a century, and it would be his springboard to greater accomplishments.

In 1959, he founded the Mexican American Political Association, one of the first organizations to improve the social, economic, cultural, and civic advancements of Mexican Americans and all Spanish-speaking Americans through political action. This organization has become a precursor to our Latino leaders fighting for the rights of all Americans.

Later, he also formed the National Association of Latino Elected and Appointed Officials. He knew the importance of a political system and wanted to ensure that their voices heard through this process.

In 1963, he again broke down barriers by becoming the first Mexican American elected to the U.S. House of Representatives in the 20th century. When he took his seat in Congress, Ed Roybal never forgot his roots and those he represented. But not only did he represent Latinos. I saw him as a leader representing all of us. He worked tirelessly to ensure that all people in California, all Latinos, were fairly represented and that their interests were not diluted during redistricting. Sadly, he often stood alone in these efforts.

Ed Roybal was also a strong advocate for the elderly and the working poor. We have heard how he served as chairman of both the Select Committee on Aging and the Subcommittee on Health and Long Term Care, moving legislation on health care, Social Security, the rights of all Americans. He was indeed a New Deal Democrat who was known as a legislator’s legislator for his ability to craft and pass landmark legislation. In the 1960s, he stood up against the loyalty oath of the McCarthy era. In the 1960s, he became an early congressional critic of the Vietnam war. And throughout his life, he was a strong advocate of workers’ rights.

Ed Roybal opened the doors for a new generation of Latino elected officials; and, in my opinion, he opened the doors for all folks, including his great daughter and our friend and colleague, Representative LUCILLE ROYBAL-ALLARD. She will now carry the torch of her great father. Other Latino leaders, such as Los Angeles Mayor Antonio Villaraigosa, owe a huge debt of gratitude to this unassuming, yet powerful figure in American politics. He was a friend, and I think we all remember his Latino community. We all owe a debt of gratitude to this great distinguished American who saw a wrong and tried to right it.

I called upon Congressman Roybal at a time when I was in the State legislature, and I had an issue in the city of Compton. I did not know the man, but I called on him because he had shown such compassion for those who were the downtrodden. I called on him, and he came to my aid and with such compassion helped me through the turmoils that I had in my district. I will never forget this very compassionate, powerful, unassuming but great man.

In 1976, he co-founded the Congressional Hispanic Caucus, a group with others and helped to expand Latino representation across this country. Following his leadership and example, Latinos are today represented in Congress in State legislatures, as governors, and in membership positions, and they lead many of our most populous cities. Yes, he paved the way to political power for today’s Latino leaders and all Americans who care about fair and representative elections, and can be grateful for the path that we crossed with this great man. His service to our country will not be forgotten. His stellar leadership will be with us for always.

The condolences of my constituents of the 37th Congressional District of California are extended to the Roybal family. God bless them all.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ). Mr. GONZALEZ. Mr. Speaker, thank my colleagues.

I think I bring a different perspective to the comments and the remarks regarding the extraordinary life of Congressman Ed Roybal, and that is that I followed in my father’s footsteps just as Congresswoman LUCILLE ROYBAL-ALLARD does today, so I think we have shared experiences.

I know that about 4 years ago Lucille and I were interviewed about our experiences as children being raised in a political family and then following in their parent’s footsteps. We had so much to share. So I think that some of my remarks I would hope do bring what I consider a very special view.

The first thing my fathers started their careers here in this Congress in 1961 and 1962 respectively and, combined, I think served about 67 wonderful, productive, very successful and historical years in so many different ways. I think we need to go to the very beginning. They both started their political years in the late 1940s, and they both lost their first races. So I think they always would rise to the
People forget what that truly signifies. Being the first at anything means that you are surviving in a very hostile environment; and where we find ourselves today, even when we complain about the challenges and the obstacles that are before us, there is no comparison to the situation in the 1940s, the 1950s, and the 1960s; and there is no doubt, even today, the barriers are there for people of color.

They had to succeed where no one else had ever succeeded before, and they had to maintain and sustain that position, because much more was expected of them, being that representative of a minority. Yet I do not want to restrict Ed Roybal’s contributions and define him by his ethnicity, because that is not true. It went way beyond that. He understood until there was justice for all, there would be justice for none; and that is what his life was all about. I am hoping that tonight it is celebrated. I think my colleague, Congressman Reyes, has aptly pointed that out.

On the personal side, I ventured a guess that my colleague, Lucille Roybal-Allard, did not see much of her father. It pales to the situation here on the east coast and the family was way over there on the west coast for the most part, and I know that feeling.

There was tremendous sacrifice on the part of the Roybal family. Tonight I know that my colleagues join me in saying thank you to your mother, to your brother, to your sister and to you, for sharing your father, because he gave more to us than he probably did individually to you as far as the time that was allowed him to spend with the family.

That was a great sacrifice, which then leads you to the eventual question, and one that we all ask ourselves, and that is the careers that we choose, have we made a difference to sacrifice for our families, because there is no doubt that your father could have been very successful at other enterprises that he had a partnership in financial wise had been much more rewarding, and he would have been right there at home, but he chose to do something for so many others, and that is a very special calling.

Your mother, your brother, your sister, yourself will probably ask but was it worth it, was it worth that sacrifice. It is a resounding “yes.” It is a resounding “yes” if you look at all the city halls, if you look at all our State legislatures, if you look at the United States Congress.

If we go back to 1961 and 1962, I think if we had a congressional Spanish Caucus, the total membership would have been two. Lucille’s father and my father. The legacy lives on. Tangible and living proof of that is that tomorrow morning there will be 27 Members of this House that will come through those doors that are either Hispanic or Portuguese in descent. All Americans, of course, first and foremost, because I think that is what your father’s message was. It was then and it is today and his legacy lives tomorrow.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I will be brief, because all that I can say has been said and will be said more eloquently by others on this floor. I wanted to be here for this sad and happy occasion as we celebrate the life and mourn the death of a great American and a great Los Angelino.

Ed Roybal was a pioneer. He started the community service organization and fought for the American, the Jewish community, the Asian community and then was the first in the century, in over a century, member of the Los Angeles City Council, then the first Hispanic in over a century to be a State member here in the House of Representatives, where he served for three decades fighting for the rights of minorities, the elderly, and the physically challenged.

He was a founding member, as he has been said before, and the first chair of the Congressional Hispanic Caucus and was a pioneer in fighting for funding for HIV and AIDS. Edward Roybal leaves a legacy, not just all the awards named after him, not just the program at Cal State Los Angeles that he helped found, not just all of the legislation that he influenced in this House.

He leaves a legacy of his children and grandchildren, and our own Lucille Roybal-Allard, I know you far better than I know your sister; but if you are any indication, he left quite a legacy. He was an inspiration to your family and an inspiration to all of us.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield to the gentleman from California (Mr. FARR), who preceded me as Chair of the Democratic delegation.

Mr. FARR. I thank the gentlewoman for yielding.

Ms. Speaker. I rise tonight realizing what an incredible privilege it is for us to speak in the well of the floor of the House of Representatives and what a privilege it is to grow up in a family that is politically inspired.

I also know what a heart-wrenching loss a parent is. It tears your heart out. I speak tonight because I feel very privileged, having grown up in a political family, like Lucille Roybal-Al- lard. I remember so much early childhood politics of what was going on in our state, in the State of California. In many ways, Ed Roybal was like another father, because he was in the era that my father was in politics.

He was born the same year as my mother, 1916. Albuquerque, New Mexico. He came to California, worked in the Civilian Conservation Corps, worked for the California Tuberculosis Association, became involved in World War II as a soldier, and then returned to the California Community College system and formed a partnership of Mexican Americans, the Jewish community, the Asian community and then was the first in the century, in over a century, member of the Los Angeles City Council, then the first Hispanic in over a century to serve in the United States Congress.

He was a pioneer for all our great State and, indeed, the multicultural democracy that California has become.

He served on the Appropriations Committee, and there is where our paths crossed. I am on the Appropriations Committee. I met Lucille when she got elected to the California State Assembly in 1986. We served together there. She came to Congress a few months before I did. We have served both on the Appropriations Committee, the only California Democrats on that committee.

I think when we think back about the privilege we had, not only growing up in a family, yes, things were tough, as pointed out by Charlie Gonzalez, there were also privileges, the privileges of debate, the privileges of comment, but to public positions of wanting to make the world a better place. Those were privileges.

I think that the legacy that he left for his own children, Lucille serving in the United States Congress, Lillian, who is a constituent of mine in Santa Cruz and a really able professional, doing a lot to deal with discrimination and how to teach tolerance, and their brother, Edward Roybal, Jr., carrying the yoke of his father, obviously, with not the same name but, I think, the same responsibilities that his father has left for him.

It is a privilege, and it is sad to lose a parent, but what an opportunity to be able to come to the well of the House of Representatives and give this tribute, a tribute that he, Mr. Roybal, has gotten not only from us here tonight, for his life, but during his life, recognized by Presidents, by Senators, by Congressmembers, by members of the State legislature and city council members, too. I can only think of a person who we really know was a pioneer in being able to bring an understanding that if you are going to have
a government of by and for the people, it better like look the people.
I am very proud to be in a congres-
sional delegation from California that
is the most multicultural delegation in
the United States Congress. Your fa-
ther taught me that I am very, very
proud to serve with you.

Perhaps one of the nicest titles that
your father has been given, which was
while he was still alive, back in 2004,
the Mexican-American Political Asso-
ciation named him the Latino Legend
of the 20th Century.

LUCILLE, we appreciate the great
life that your father gave to public service.
We love you for serving with us in the
United States Congress. Please pass on
our best to all of your family, your sis-
ter, and your brother and your mother
for the service that your father gave to
this country. It made us a better Amer-
ica.

Ms. ZOE LOFGREN of California. Mr.
Speaker, I yield to Congressman José
SERRANO of New York.

(Mr. SERRANO asked and was given
permission to revise and extend his re-
marks.)

Mr. SERRANO. Mr. Speaker, I thank
the gentlewoman for yielding. I come
with a certain degree of sadness and
affection that sits in my office for many
years. It is a photograph of the day that I was sworn in as chair-
man of the Congressional Hispanic Caucus. In the picture is the previous
chairman, SÉBASTIEN OERTZ, and at the center, LUZ ROYBAL.

I think it is fitting that he was at the
center, because he was always at the
center of any change or movement or
any small or large or historic moment
in our community. The folks that gave
me the photograph titled it ‘Passing of the Torch.’ At that moment, it was
not passing of the torch because I was
such a change in the caucus, but be-
cause he always welcomed every new
Member, and he always felt that every
new Member had something new to add.

Today, as I look at this photograph,
I realize that we have two major par-
ties and a lot of other parties courting
the Latino vote. We have posters and
journalists and editorial boards saying
how strong we have become and how
important we are. Yet I wonder at
times what it must have been for Ed
Roybal to be a member of the L.A. City
Council at that time and to be a Mem-
ber of the House of Representatives
during the time that he was, when it was not fashionable to be
a Latino Member of Congress, when it
was indeed a pioneering effort.

What I remember most about him is
sitting on the House floor and having
him speak to me, and in the cloakroom
speaking to me, with such dignity and
such respect about what was expected
of me as a Member of Congress, and
how much I had to represent the east
coast and the Puerto Rican-American
community in everything that we did.
He had a way about him that is men-
tioned here. He is what we call a class
act. He conducted himself in such a
way. He spoke in such a way. If you did
not know the history, you were baffled
at the fact that this man spoke in a
low voice, in a soft voice, and yet he
had been a giant in tearing down walls.
I guess what he taught me more than
anything else is you do not have to yell
and scream and kick and get into a rage to make your point. He had to
know what it was that you and your
community wanted and go at it. This
photograph has been replicated today;
and tomorrow, LUCILLE, I will present
it to you in the hope that your family
could see it. I was always humbled that
I was the chairman of the caucus, but rather
when the founder of the caucus took
time to once again continue the mes-
gage to yet another generation of Mem-
bers of Congress and Latino Americans,
that this was an important thing to do.

This was the passing of the torch at
that moment, but he has been passing
on the torch and will continue to do so
as long as we are around.

Ms. ZOE LOFGREN of California. Mr.
Speaker, in all seriousness, there are many things today about Congress-
man Edward Roybal, what a giant he was, what a leader he was, how
he stood up for people who had too little, how he changed our
world. I am mindful of all of us who lost a dad know how very hard it is in a
very personal way for those who have nothing and make a difference, as
she is making a difference, just as her father did in the Congress for those in

We love you for serving with us in the
United States Congress. Your fa-
ther did in the Congress for those in

The Roybal family is also extremely
grateful to my father’s former chiefs of
staff and Antonio Villaraigosa, Mayor
of Los Angeles, and his staff for pro-
viding so much help and support during
this difficult time. My family also send
a heartfelt thank you to my many col-
lleagues, constituents, and friends who
gave their condolences, attended the
services and/or sent flowers.

Mr. Speaker, my father Edward R.
Roybal loved our country and this
House of Representatives where he
served proudly for 30 years. In the
past weeks we have heard stories of my
father’s many legislative accomplish-
ments and oftentimes lonely battles on
behalf of the sick, the elderly and the
disadvantaged. As one of the 13 car-
dinals of the House Committee on Ap-
propriations, colleagues from both
sides of the aisle have related to me
stories of his fairness and ability to
work in a bipartisan way on behalf of
his constituents and our Nation.

Perhaps one of the nicest titles that
have also been heard about his sad-
ness, my brother, sister and I sat and
talked about our memories of Dad or
‘Pop’ as we lovingly called him.

Mr. Speaker, by talking about Edward
Roybal, the father, from the personal
experiences of his three children. As
many families do in such times of sad-
ness, we remembered his strong belief
in the value and strength of family and
how he, with my mother, shaped our
values and modeled for us deep per-
sonal integrity.

He taught us faith in God, the value
of family and friends and the impor-
tance of giving back to one’s commu-
nity. And, without a doubt, he taught
us the importance of participating in
the political process.

My sister Lillian, my brother Ed and
I remembered how we never sat down
to dinner at a normal hour with just
the immediate family but always sur-
rounded by our political family and
friends. We remembered how at any
time our house could fill with people
and another emergency meeting would
be scheduled. The Troybal family was
always there at the gathering place. We remembered
triumphant elections, painful defeats,
high expectations, and fearful realities.
The fearful realities were particularly vivid during the forties and fifties when we were young children growing up in the Boyle Heights community of Los Angeles. During that time in our city’s history, Mexican Americans and other minorities were not welcomed in many parts of our city. Therefore, one can well imagine the reception my father received in 1949 when he was the first Latino to be elected to the Los Angeles City Council in the 20th century. The racial slurs and not-so-quiet whispers directed at him and our family when we attended events and dinners remain vivid in our minds today.

But equally as vivid is the strength and the courage he demonstrated as many in our society tried to humiliate and intimidate him to give up his cause. Giving up was something he would never consider, because he clearly understood and reminded us often that the struggles and the victories were not about him and our family but about creating a foundation of opportunity for future generations of Latinos and other disenfranchised Americans and community.

In the midst of all of the political turmoil, we also remembered that there was laughter and fun, and we always knew we were loved. We remembered family gatherings when Dad played his guitar and sang with our mother. We remembered his love for his sons-in-law, Michael Rose and Edward Allard, and the deep love and pride he had for his grandchildren, Lisa Elliott, Ricardo Olivarez, Michael Rose, Loushana R. Rose and his great grandchildren Emily Rose, Diego, Santiago, and Lourdes Olivarez and Mason Elliott.

The void my father leaves behind will always be filled with these and many more fond memories and values he left with us as part of his legacy. We miss him, and he will always be in our hearts with great love and pride.

Mr. Speaker, on behalf of the Roybal family, I sincerely thank my colleagues for tonight’s special order and for sharing their thoughts and special memories of my father, Congressman Edward R. Roybal.

Mr. Speaker, on behalf of the Roybal family, I sincerely thank my colleagues for tonight’s Special Order and for their kind words about my father former Congressman Edward R. Roybal.

I thank the President and Mrs. Bush for their considerate letter of condolence. Speaker DENNIS HASTERT for his graciousness in presenting my mother the flag flown over our Nation’s capitol in my father’s honor, and Senate Minority Leader HARRY REID for sharing his special memories about my father on the Senate floor.

For their kind and eloquent words during the memorial services in Los Angeles, I thank Congresswoman NANCY PELOSI, the Minority Leader, Congressman DAVID DREIER, Chairman of the Rules Committee, Congressman SOLOMON ORTIZ, my father’s good friend and colleague from Texas, Congressman XAVIER BECERRA, from California Mayor Antonio Villaraigosa of Los Angeles, Supervisor Gloria Molina of Los Angeles, Judge Harry Pregerson, U.S. Court of Appeals for the Ninth Circuit, Sheriff Lee Baca of Los Angeles County, Councilman Alex Padilla, President of the Los Angeles City Council, Antonia Hernandez, Dan Maldonado, Evelyn Verdugo-Tabares, Brenda Sutton-Williams, Ricardo Olivarez, Eloise Sotello, Linda Newton, and Manuel Gomez.

The Roybal family is also extremely grateful to my father’s former Chiefs of Staff, Ed Avila, Henry Lozano, Dan Maldonado, Jorge Lambrinos, Harry Pachon and the Mayor of Los Angeles Antonio Villaraigosa and his staff, for providing so much help and support during this difficult time.

My family also sends a heartfelt thank you to my many colleagues, constituents and friends who gave their condolences, attended the services, and/or sent flowers.

Mr. Speaker, my father Edward R. Roybal loved our country and this House of Representatives, where he served proudly for 30 years.

During the past weeks, we have heard stories of my father’s many legislative accomplishments and often time’s lonely battles on behalf of the sick, the elderly, and the disadvantaged.

As one of the 13 cardinals of the House Appropriations Committee, colleagues from both sides of the aisle have related to me stories of his fairness and ability to work in a bi-partisan way on behalf of his constituents and our Nation.

We have also heard about his many tributes, including the naming of the Atlanta campus of the Centers for Disease Control in his honor.

And, the recognition received for his lifelong leadership when he was awarded our Nation’s highest civilian honor: The Presidential Citizens Medal.

I would like to end this Special Order Mr. Speaker, by talking about Edward Roybal, the father, from the personal experiences of his three children.

As many families do in such times of sadness, my brother, sister and I sat and talked about our memories of Dad or Pop as we lovingly called him.

We recalled how deeply he loved our mother and his wife of 65 years, Lucille Beserra Roybal. Always by his side, her hard work and devotion was the glue that held our family together and provided the strength and support that helped to make possible our father’s many accomplishments, which started when he was only a teenager, successfully leading a fight against discrimination at a local swimming pool and continued when he was a public health educator in the state of California.

We remembered his strong belief in the value and strength of family.

And how he, with my mother, shaped our values and modeled for us deep personal integrity.

He taught us faith in God, the value of family and friends, and the importance of giving back to one’s community.

And without a doubt, he taught us the importance of participating in the political process.

My sister Lillian, my brother Ed and I, remembered how we never sat down to dinner at a normal hour with just the immediate family, but always surrounded by our political family and friends.
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Before his election to the House, Ed worked in health education and fought for equal rights in housing, education and employment. Ed brought these passions to the House of Representatives in 1963, and made his mark as a visionary for a more inclusive America. In the years to come, Ed led efforts to pass legislation to outlaw discrimination. He worked for numerous benefits and opportunities for those with handicaps. As we accept and embrace the rights of these fellow citizens, Ed was a trailblazer leading the way.

In his work on the Appropriations Committee, he led the charge for funds for programs for the elderly, including public housing programs for senior citizens, community-based alternatives to nursing homes, and the Meals on Wheels program. Ed also continued to fight for laws that treated all Americans fairly. He voted to pass the Equal Rights Amendment and played a key role in helping to pass legislation that reversed a 1989 Supreme Court decision allowing age-based discrimination in employee benefits. Ed retired following the 1992 elections leaving a thirty-year record of success for minorities, the poor and the elderly.

Los Angeles County, the Center for Disease Control and Prevention, California State Los Angeles, and the University of California, Los Angeles, recognized Ed with facilities carrying his name. President Clinton awarded Representative Roybal the Presidential Citizens Medal for "exemplary deeds of service for our Nation. These honors stand in constant reminder of the lives he touched through his public service to California and the nation."

When Ed retired, he left us an outstanding legacy when his daughter, LUCILLE ROYBAL-ALLARD, was elected to represent a part of his old Congressional district. She continues in that tradition of public service today as a valued friend and colleague. My wife Annette and I extend to her and all her family and friends our most sincere sympathy.

I ask all of my colleagues to join me in remembering a true public servant, Edward Roybal, who served California and our nation with honor, helping to make a better place for all Americans.

Mr. STARK. Mr. Speaker, I rise to honor the life of former Representative Edward Roybal who passed away on October 24, 2005. He is survived by his wife, Lucille Beserra Roybal, and his three children, Rep. LUCILLE ROYBAL-ALLARD, Lillian Roybal-Rose an Edward Roybal, Jr.

Edward Ross Roybal was born on February 10, 1916 in Albuquerque, New Mexico and then moved to the Boyle Heights area of Los Angeles at an early age.

He began his political career as many of us did—by losing his first run for office. In reaction to that defeat, he founded the Los Angeles Community Service Organization (CSO) with the goal of mobilizing Los Angeles's Mexican-Americans against discrimination in housing, employment and education.

In 1949, following a groundswell of support from minority communities, Mr. Roybal was elected to the L.A. City Council, the first Hispanic to serve on the city council in more than a century.

In 1962, he was elected to the U.S. House of Representatives representing an LA District that changed several times during his 30-year tenure in the House.

At the time of his election, he became the first Hispanic from California to serve in Congress since 1879. He was one of the founding members—and became the first chairman—of the Congressional Hispanic Caucus (CHC).

During his tenure in Congress, he ascended to the powerful Appropriations Committee, where he was an outspoken advocate for funding for education, civil rights, and health programs.

He was one of the first members of Congress to press for HIV/AIDS research funding.

He was a true advocate for senior citizens as well. He served on the Select Committee on Aging—and was the Chairman from 1985 to 1993. He worked tirelessly for the rights of senior citizens and was most proud of his efforts to protect and expand the Meals on Wheels program.

Upon his retirement from Congress in 1992, Representative Roybal was honored to see his daughter—and our colleague—LUCILLE ROYBAL-ALLARD elected to Congress to represent the newly-created 33rd District, which included portions of the region that Rep. Ed Roybal had represented in Congress for 30 years.

After leaving Congress, Ed continued to advocate for those he cared most about and founded a non-profit research agency, now called the Roybal Institute for Applied Gerontology, at the California State University—Los Angeles campus.

In 1999, the Centers for Disease Control (CDC) honored Rep. Roybal's support for public health programs by naming its main campus in Atlanta in his honor and awarding him its Champion of Prevention Award.

Rep. Roybal was a tireless advocate for the less fortunate. He served his country with honor both in uniform and in this Congress. His contributions will be remembered and celebrated; his death will be deeply mourned.

On behalf of Congress, I extend my deepest sympathies to those who loved and those who loved him. He had a rich life and we can best honor him by striving to live up to his example of how best to serve.

Mr. MENENDEZ. Mr. Speaker, I thank my distinguished colleague and good friend from Texas for organizing this Special Order and for yielding me this time.

Mr. Speaker, I rise today to pay honor to a visionary leader, a distinguished public servant, and a great American, the late gentleman from California, Edward Roybal. Though I never had the pleasure of serving with Congressman Roybal in the House, I hold him in the highest regard, and I am grateful for the opportunity to join my colleagues in paying tribute to the amazing man.

Today, we mourn the loss of a truly inspiring individual, who spent his long career working to improve the lives of the underprivileged and underrepresented.

During his 30-year tenure in the House of Representatives, Congressman Roybal served with distinction and established himself as a powerful voice in the fight for social justice and a trailblazer among Latino leaders. He rose from the ranks of local politics to become one of the most powerful members of Congress, eventually serving on the House Appropriations Committee.

Though Congressman Roybal was not the most outspoken member of Congress, he was known as a man of action. He worked diligently to give a voice to the voiceless, and fought to make significant policy changes to important issues that affected his constituents, especially the elderly, Latinos, and immigrants.

Even before his political career began, Congressman Roybal was fighting for civil rights and working to create a better future for his East Los Angeles community. He established the Community Service Organization, which partnered the Jewish and Mexican-American communities in efforts to end the discrimination he witnessed in education, housing, and employment.

In 1949, Congressman Roybal overcame threats and racism to become the first Hispanic to serve on the Los Angeles City Council in more than a century. Though he faced discrimination, he was not deterred. He used his experiences as motivation to invoke change, and spent his career in public service advocating civil rights. As a leading figure in the Latino community, he worked to address the issues facing his many Latino constituents, whose problems were often ignored. Congressman Roybal understood the importance of supporting the Hispanic community—and in a country with more than 40 million Latinos, we see that his investment in this community was well founded.

As the son of immigrants, I applaud Congressman Roybal's work to protect the rights of those whose story is America. His legacy of service is a testament to the power of one person making a difference in the lives of others.

Congressman Roybal's efforts to help those that society often overlooks did not end there. During his extensive career in this chamber, he played a critical role in developing legislation to improve the lives of the elderly. As the founder and chairman of the House Select Committee on Aging, he was committed to improving housing and healthcare for our nation's seniors.

In the 1980s, when the country knew little about HIV and AIDS, Congressman Roybal was instrumental in securing funding for research of this deadly disease. His hard work inspired the Centers for Disease Control to rename its main campus after him.

The first Mexican-American to represent a district of California, Congressman Roybal began his career in the House in 1962, joining Henry B. Gonzalez as the second Hispanic serving in the chamber at that time.

But Congressman Roybal was not content being merely a shining star among Latinos. He made it his personal mission to see that others would follow and served as a mentor to new lawmakers and public servants.

He went on to found the Congressional Hispanic Caucus Institute and the National Association of Latino Elect in and Appointed Officials, both influential organizations that empower Latinos and encourage their participation in politics. Today, thanks in part to CHCI's work and NALEO's advocacy, more than 6,000 Latino serve in elected and appointed offices. Within the halls of Congress, he founded the Congressional Hispanic Caucus, which today boasts 21 members.

Congressman Roybal helped pave the way for Latinos in politics, and all of us serving in Congress—myself included—owe part of our success to him. I know his daughter, Congresswoman LUCILLE ROYBAL-ALLARD, feels...
blessed to have had such an inspiring figure in her life, and I’m sure Congressman Roybal enjoyed seeing her continue his legacy in the House.

Once introduced as the “new Mexican councilman who also speaks Mexican,” Congressman Roybal not only educated public officials about Latino culture, but created a lasting legacy in Los Angeles, where he has more buildings named after him than almost any other politician in the city.

Congressman Roybal received numerous honors, including honorary doctorate degrees and the Presidential Citizens Medal of Honor. But it is not his awards that people will remember. It is his dedication to serving his district and the Nation.

Edward Roybal was a man ahead of his time, who saw beyond the limits society tried to impose. His vision for this country has empowered and improved the lives of many in this Nation—and I would not be standing here in the midst of so many of my distinguished Latino colleagues if it hadn’t been for the work of leaders like him. We are impressed by his many accomplishments and truly grateful for his outstanding service.

I would like to offer my sincere condolences to his wife, Lucille, and to my dear colleague, LUCILLE ROYBAL-ALLARD, and her entire family. May they take comfort in the proud legacy that Congressman Roybal left behind, and may they find peace in knowing that his mission to defend civil rights and empower Latinos will be carried on by those of us here today.

Mr. HINOJOSA. Mr. Speaker, I rise to pay tribute to one of the most pre-eminent trail-blazers in the Hispanic community—the recently departed former Congressman Edward Roybal from the great State of California.

Recently, we celebrated the unveiling of the portrait of Romualdo Pacheco—the first Hispanic elected to this body from the State of California. The man we honor today, Congressman Edward Roybal was the second Hispanic Member of Congress, elected in 1962—over 80 years since Congressman Pacheco served.

Congressman Roybal was a founding member of the Congressional Hispanic Caucus. He was also one of the founding members of the National Association of Latino Elected Officials (NALEO) and the Congressional Hispanic Caucus Institute. He made sure that the voice of the barrio was heard loud and clear in our Nation’s capital. His example lobs large over all of the work we do today.

Congressman Roybal wrote the first bilingual education law. He was a tireless champion for children and families whose first language was not English. He made a personal commitment to ensuring that language was no barrier to education, health services, voting rights, our court rooms and other areas vital to the community.

He was a champion for elderly Americans. He served on the Select Committee on Aging and fiercely protected programs such as Meals on Wheels.

As we prepare for the reauthorization of the Older Americans Act, his handbook is evident, and his spirit lives on.

After leaving Congress, he found new venues for his advocacy. In 1993, former Representative Roybal used his leftover campaign funds to found a non-profit research agency dedicated to improving the quality and effectiveness of health and human service delivery to older persons, now called the Edward R. Roybal Institute for Applied Gerontology at the California State University—Los Angeles campus.

Here in the halls of Congress, his legacy continues. The Congressional Hispanic Caucus that he founded is now 21 members strong and poised for growth. His daughter, our friend and colleague, Congresswoman LUCILLE ROYBAL-ALLARD, carries on the family tradition of service and great leadership. Lucille Roybal-Allard is one of the few Members of Congress on both sides of the aisle the same way her father did it during his many years of service in Washington.

The best way we can honor Edward Roybal’s legacy is to go ‘out of future the fight’ to improve the quality of life for our community—young and old, immigrant and native born, English speakers and speakers of other languages. To the Roybal family, I offer my heartfelt condolences and my pledge to continue the fight.

Ms. MATSUI. Mr. Speaker, I rise today in tribute to the late California Congressman Ed Roybal.

Ed Roybal left this nation a rich legacy. He was a civil rights and social justice champion. He was an advocate for those least likely to have a voice—the poor and the elderly. Ed Roybal consistently fought to invest in people, seeing the long-term benefit and future pay-off of this investment.

But Ed Roybal also forged a path in politics creating new opportunities for many Hispanics. Not only was Ed an inspiration to future generation, he actively worked to encourage many in the Hispanic community to explore a future in politics—personally serving as a mentor to a number of elected officials.

While I did not serve with Ed Roybal, my late husband did. Bob was honored to have served in the House of Representatives with him, as he greatly admired Ed. They shared a similar philosophy. Both chose not to allow discrimination in their youth define their role in life. Instead of condemning intolerance in this country, Ed Roybal chose to serve and make it a better place.

To my friend and colleague, LUCILLE and the entire Roybal family, I accept my deepest condolences on your loss.

Mr. BERMAN. Mr. Speaker, Edward Roybal was a man of dignity and determination. I had the great pleasure of serving in Congress with him for 10 years. During that time, we worked very closely on immigration issues and on many matters affecting Los Angeles and California. He was not only a colleague, but my mentor and my friend.

Ed served his country in the Army during World War II and returned to serve it as one of America’s public servants.

Beginning with his first election to the Los Angeles City Council in 1949, Ed’s distinguished career in politics spanned more than six decades. He was the first Hispanic elected to the Council since 1881 and he served there for 15 straight years. In 1962, he was challenged in a primary, he won by more than 80 percent.

From his position as chairman of the Appropriations Committee’s Subcommittee on Treasury, Postal Service and General Government, he fought for Alzheimer’s victims, and for Alzheimer’s disease research.

In 1962, he succeeded Representative Charles B. Pexa as chairman of the Select Committee on Aging. The two of them worked long and hard to provide funding for long-term health care for the chronically ill. In the 101st Congress, he helped enact legislation that reversed a 1989 Supreme Court ruling allowing age-based discrimination in employee benefits.

As a founding member and the first chairman of the Congressional Hispanic Caucus, Ed mounted strong opposition to the Simpson-Mazzoli immigration bill because it imposed sanctions on U.S. employers who hired illegal immigrants. He worked against this provision with such intensity that it had to be brought up in three Congresses—two as Simpson-Mazzoli and one as Simpson-Rodino—before it finally won passage. I supported it, and learned in the process, that he could be not only a good friend, but a worthy adversary.

After his retirement from Congress, Ed maintained his interest in health care and public health programs and to this end, he founded the Edward R. Roybal Institute for Applied Gerontology at the University of Southern California. The Centers for Disease Control named its Atlanta campus after him and named him their “Champion of Prevention”—an honor reserved for individuals who have made significant contributions to public health. He was also honored by President Clinton with the highest civilian award in the Nation—the Presidential Medal of Freedom— for his “exemplary deeds of service for our Nation.”

No award meant more to him than the affection and respect of his family. He was enormously proud of his three children, LUCILLE, Lila and Ward Ross Roybal. He was absolutely certain that he was greatly pleased that his oldest daughter followed him into public service and into this great body, where U.S. Representative LUCILLE ROYBAL-ALLARD serves with dedication and distinction and where she is one of my favorite colleagues.

I am privileged today to tell you of my enormous regard and high esteem for Edward R. Roybal—a mentor for a whole generation of Hispanic community leaders, a prominent national advocate for the elderly and the infirm, and a great champion for civil rights and social justice.

Mr. WAXMAN. Mr. Speaker, I rise to pay tribute to the life of my former colleague, Edward Ross Roybal.
Ed Roybal lived an extraordinary life. As a young man growing up during the Great Depression, he joined the Civilian Conservation Corps. Later he served his country in World War II.

He made his jump into politics—and into history—in 1949. Ed was elected to the Los Angeles City Council, becoming the Council’s first Hispanic Member in over 100 years. After 13 years of distinguished service to Los Angeles, Ed was elected to the House of Representatives.

From 1963 to 1993, Ed Roybal served this House—and his constituents—with distinction. He was a quiet power on the Appropriations Committee and used his enormous influence to help those who needed help the most. He worked tirelessly for funding health and civil rights programs and spearheaded efforts to restore funding for programs benefiting the nation’s elderly population. He was ultimately successful in preserving the widely used Meals on Wheels program.

In 1976, Ed was one of the founding members of the Congressional Hispanic Caucus and served as its chairman. He was also one of the founding members of the National Association of Latino Elected Officials, NALEO, as well as the Congressional Hispanic Caucus Institute.

After deciding not to run for re-election in 1992, Ed’s daughter, LUCILLE ROYBAL-ALLARD, was elected to Congress to carry on Ed’s essential work.

His service to his community did not end when he left public office. In 1993, Ed established a non-profit research organization committed to efficient health and human service delivery to the elderly. The center is now known as the Edward R. Roybal Institute for Applied Gerontology. In 2001, Ed Roybal received the Presidential Citizens Medal from President Clinton. And in 2004, the Mexican-American Political Association honored him as a “Latino Legend of the 20th Century.”

Ed Roybal will always be remembered as a dedicated community activist and a devoted public servant who always made the needs of those he served paramount. His life and work will continue to serve as an example to us all. I was proud to have served in the House with him and I consider him a friend and mentor.

Mr. ORTIZ. Mr. Speaker, today we mourn the loss of a 20th Century American giant, Congressman Edward Roybal. When I got to Congress so many years ago, there were not many people in Washington that I could identify with or look up to as a role model. There were just a few Hispanics in Congress when I arrived there. Nobody stood taller than Ed Roybal in my eyes. He was already a legend. He never had a long mustache or wear a sombrero. We were surprised that he spoke English fluently, but exceptional dedication didn’t think he was Mexican because he didn’t have a long mustache or wear a sombrero.

Ed Roybal’s legacy simply cannot be measured but it can be found in policies he championed, in the organizations he created to further the cause of Hispanic Americans. In the thousands of young lives he touched and influenced during the course of his amazing public service and in the service of his daughter who went on to follow in his footsteps in Congress, Mr. LANTOS. Mr. Speaker, at the recent memorial service for our former colleague the Honorable Edward Roybal of California, whom we remember tonight, my distinguished friend the Honorable DAVID DREIER delivered a moving eulogy. The remarks that I will submit for the CONGRESSIONAL RECORD include Mr. DREIER’s account of his mentorship and the influence that our friend Mr. Roybal had on this House. It is in that bipartisan spirit that I compliment my colleague, Mr. DREIER, for his comments.

Mr. Speaker, I ask unanimous consent that the remarks of Mr. DREIER be printed in the CONGRESSIONAL RECORD.

Mr. Speaker, recently, our nation lost two icons in the battle for equal rights. Twenty-five years before Rosa Parks refused to give up her seat on that bus in Montgomery, Alabama, a young Ed Roybal was in the vanguard of the struggle for equality here in Los Angeles.

Speeches are given in Congress every day. Mr. Roybal’s account of his fight for justice was one of the most moving of speeches I have ever heard.

He told a packed House chamber that the Evergreen swimming pool, which was a favorite neighborhood hangout where fun was had by all. There was just one problem. They would only allow Mexican Americans to swim the day before the pool was to be cleaned. Still a teenager, Ed Roybal led the effort to overturn that abhorrent policy. Without bitterness or anger but with resolve, he spent the rest of his life confronting the Evergreen pools that pervade our culture and laws.

On November 15, 2005 — HOUSE

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The Times called him, “a mentor to scores of lawmakers.” I hope this doesn’t upset anyone but he had at least one Republican protege who has been inspired by his example. Mr. Roybal was a giant in public service. A gracious man, who through his conscience and his actions was one of the great leaders of this city and our nation.

I have served in Congress for twenty-five years. It has been an honor to be a colleague of Mr. Roybal’s for half that time and a colleague of Lucille’s for the other half. There is no greater tribute to his legacy than the dedication of his daughter to the very same ideals and beliefs that guided him.

Ms. ZOE LOFGREN of California. Mr. Speaker, it is with a heavy heart at the loss but pride for the service of Congressman Ed Roybal that we yield back the balance of our time.

MEDICARE PRESCRIPTION PART D DRUG PLAN

The SPEAKER pro tempore (Mr. DAVID of Kentucky). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Georgia (Mr. Gingrey) is recognized for 60 minutes as the designee of the majority leader. Mr. GINGREY. Mr. Speaker, I have an honor to talk about the subject that I want to bring to my colleagues, but I think I need to take at least a few seconds of my time from this side of the aisle to express my and our heartfelt sympathies to our colleague, the gentlewoman from California (Ms. Roybal-Allard), on the death of her father.

I spent the last 15 minutes listening to their special hour and learning about that great, great American who represented the State of California so well in this body for 30 years; and I want to express my sympathy to my colleague from California.

Mr. Speaker, today, November 15, is a historic day and not just because it is my birthday, but because of the historic nature of the Medicare Modernization Act, which I was privileged to help pass in 2003. Mr. Speaker, I want to spend most of my time today talking about this aspect of the Medicare Modernization Act of 2003. There are other things that I think are going to be tremendously helpful.

I will mention just briefly, Mr. Speaker, the fact that the legislation that the House passed in the law, for the first time a senior can actually go to his or her internist or family practitioner, we call them primary care specialist, and get a complete, thorough physical examination when they turn 65, if you want to call it the every-level physical examination. In the past, that was not paid for, and a lot of these diseases that I have already spoken of in their earlier stages have no symptoms at all, and people really do not know, but with this new program, they get an opportunity to go have that physical exam.

Also included in the modernization piece is the coverage for a lot of screening tests that were not included in the original Medicare. I am talking about things like mammograms, screening for breast cancer obviously; colonoscopies, screening for colon cancer; PSA blood testing, screening for prostate cancer. I am talking about getting a change to see if the patient needs to be on one of these statin drugs that do such a great job of hopefully preventing heart attacks.

None of this is now available to our seniors. I am not going to spend a lot of time, as I say, Mr. Speaker, on that aspect of the bill because I really do want to spend most of the hour talking about the prescription drug part because it is so important.

I have a few posters here, and we will be referring to them from time to time. I also have some of my colleagues that have worked so hard and been so supportive of this legislation and are working hard in their districts and in their offices. As they go home, usually we get back into the district on Thursday or Friday morning, and I know a lot of our colleagues on both sides of the aisle are holding town hall meetings and trying to explain to the seniors and assure them that although this is somewhat complicated, there are people there to help them through the process and encouraging them, especially the low-income individuals that I spoke of, to sign up and sign up early.

They do have 6 months to do it. It starts November 15, today, and goes until May 15 of 2006. They have that window of opportunity; but it would be a real mistake, particularly for our low-income seniors, not to get signed up before the end of the year because the program really starts, Mr. Speaker, and I know my colleagues are aware of this, it starts on January 1. So if they wait till the last minute into May, they will have lost this 6 months of opportunity, in many instances, to get their prescription drugs with hardly any cost, and I will repeat that, with hardly any cost except
may be $1 if their medication is a generic drug and $3 to $5 if it is a brand-name prescription drug.

So I will have a number of my colleagues joining me, and we will be calling on them in just a few minutes. I want to talk as much as time as they would like to talk about what they are doing in their districts, how they feel about this program, what sort of feedback they are getting from their seniors, and then maybe we will engage also in a little bit of colloquy.

Let me call my colleagues’ attention to this first slide, which I think begins to tell the story: “Helping seniors get the medicine they need to stay well.” That is what it is all about. It is not an emphasis on episodic treatment and maybe trying to catch the horse after the barn door has been left open when some catastrophe occurs. It is so much more difficult, rather, to get the medicine they need to stay well. I do not think we can really emphasize that too much.

Now, Medicare helps seniors prevent disease in addition to treating it. I said at the outset, in 1965, all of the emphasis was on treating it, and that was good, but not the 21st century medicine, we need to emphasize the prevention of disease.

Medicare part D, it is important that our seniors know that this option, prescription drug coverage, really is for all seniors, not just the low-income. I mentioned them, and we will talk about throughout the hour, but no matter what a person’s income, if they are a Medicare recipient, either because they are 65 years old, and that is probably 36 or 37 million in this country, or because of a disability at a younger age, and there are probably 6 million or 7 million of our citizens who are on Medicare because of a disability, but all of them, no matter what their income level, they are eligible for Medicare part D.

As I point out in this next slide, it is a voluntary program. Seniors must choose to enroll. They will be getting lots of information and have gotten lots of information, whether it is public service announcements on television or mail pieces that have come from CMS, the Committee on Medicare and Medicaid Services, information maybe they obtained from a senior center, from their physician’s office or, indeed, from their Member of Congress’ office, either in Washington or in the district, but they do have to make that decision. It cannot and will not be made for them.

There are going to be many plans. Seniors will have a choice of plans. We estimate that the monthly premium, and it is premium-based just like Medicare part B, Mr. Speaker, is a premium-based and an optional program. By the way, I would guess that I am accurate in saying that 88 percent, maybe more, of the seniors have chosen to continue to choose to enroll in that premium-based part D that covers the doctor’s expense and outpatient testing and surgery because it is a very good deal.

We will talk a little bit later about what percentage of seniors we think will want to sign up for the Medicare part D, the prescription drug part; but we are estimating that monthly premiums for that monthly benefit will be about $25 on average, some plans less, some plans more, depending on what the coverage is.

All Medicare-approved plans cover both prescription and generic drugs, and they are accepted at local pharmacies. That is very important because people want to know if they can continue to go to that corner drugstore. In no way am I suggesting that the chains, the Eckerd’s, the Walgreens, the CVSs that do such a great job, are not a wonderful place to go to get prescriptions filled. They are. Many of our glass, and that means that of location, but others who have a pharmacist friend that they have known for many years, they call them doctor and go to church with them, a lot of times they are able to charge their prescriptions at places like that. It is the kind of service that only a small corner druggist can give. That is very important that they know that they will be able to continue as part of this program to be serviced by those great pharmacists that we call drugstores.

Mr. Speaker, before I call on my colleague, the gentleman from Texas (Mr. CARTER), for his remarks, I want to just present one more poster; and again, I do not mean to emphasize this too much, that is, this issue of the dates; and I have already mentioned several times that today is the starting date, November 15, for enrollment. This little icon, if you will, shows an hourglass, and that means that starting today, the sands of time, that 6 months, is ticking away. Of course, the program, if you get signed up right away, you reap the benefits starting January 1. Then if you sign up before May 15, you will be able to do it. Would it be possible that we could get half of the prescription?

The pharmacist said, well, ma’am, the one for you was obviously for something that had come upon her. The other was an ongoing prescription for her husband, the way I understood it. He said, your doctor has a reason he wants you to have this whole prescription. It may have been an antibiotic or something like that. I am not in the medical profession, but the pharmacist clearly said you need to take all of this prescription; you just cannot take half. Well, she said, ma’am, I just cannot spend that kind of money and take care of my family.

When you heard that, when you actually heard that from a human being, you said to yourself, we have got to get something to get some relief for people like this lady that was standing there. I was two people back from her in line, and I heard that lady touched my heart to where I really felt like I had seen the crisis first-hand.
We have now put together Medicare part D, as my colleague from Georgia has been explaining and will be able to explain in far better detail than I can as to what the benefits are for this, but we have now got a solution for that lady who was standing in line, and it is now time for people to start going down and getting signed up for Medicare part D. That is why I wanted to come join my colleague tonight in the hopes that people in my district and people across this county could hear our message that the time is here. We have arrived at the time when they need to go down and register to get involved in Medicare part D. And benefits will actually start, as Mr. Gingrey has explained, in January of 2006.

Now, I have traveled my district and I hold town hall meetings, and a lot of our senior citizens are concerned about, well, this seems so complicated. I do not know whom to turn to. And we are here to let the people know this is important and their loved ones. There are people there to assist them.

I would ask the families of those Medicare recipients that need help, somehow get into our later years, little things become big things to folks like my parents, who now are deceased, but I can remember when they become big things for them as we grow older. And I would hope that the families of these people along with these folks will encourage them to go look into getting registered, getting set up in a plan.

There are multiple plans that are offered. There are people there to help them understand those plans. There are people to tell them what fits their life, their life-style, where they come from, and I would hope not only those people who are going to be eligible for the program but those people who have folks in their family that will be eligible for the program will encourage them to go down and talk to folks, get the help, get signed up.

It is not as complicated as people think it is. There is a lot of fear that is unwarranted fear of this program. It happens on everything we do. When we deal with the government in many areas in our lives, dealing with the government is a frightening thing, dealing with plans and paperwork. This is cut down to where it is not going to be that hard to understand the plans.

There are people there to look at what people's circumstances are and tell them and show them which plans offer them the best options. Every State except Alaska has a State plan, as I recall. There are regional plans, and there are 10 nationwide plans that are available. There are multiple options that they can talk to them about. People can talk to their pharmacists. Medicare has people that will help them.

Call that number, 1-800-Medicare, and they will explain how to sign up. It is so important to your family. Do not let a little fear or a new world attitude that you do not understand keep you from getting signed up for a benefit. Because this is going to be able to assist all Americans in their health care needs, and it is especially going to be of great help to people that are in the lower economic sector of our country. In most instances, those people who make, I think, $11,500 as an individual and $22,000 as a couple, they are basically not going to have hardly any Medicare coverage, and so it is important that you not let the fear of a new program or something you might have seen on television or some political rhetoric that was in some campaign somewhere that got you concerned that you would not be able to understand what the program is about to keep you from getting what you need so that you never have to be like that lady who stood in line in front of me and have to make a decision as to whether you took your medicine.

Does my lady know what was really loving about that story? There was no question she was going to buy her husband's medicine. She never even blinked on that. She was saying, I will give up so we can live our life here and now. What conclusion are we to draw? Is the question I am asking the medicine for my husband.

That kind of love permeates American society, and I think we have a duty to our loved ones who are eligible for Medicare to encourage them to go get signed up for this. Because Americans do care about their elderly. Americans do care about those senior citizens who have given all that they had for us today. It is time for us to give them the benefits that they need so they do not ever have to have the kind of experience that that sweet lady did who was standing in front of me at the drugstore.

That is why I came down here tonight, to congratulate Congressman Gingrey and speak directly to the American people and say, get out there and help, get out there and get yourself registered, or get somebody to help you get registered, because these benefits are important. There are occasions now where people say, right now, prescription drug benefits do not mean much to me. One never knows what is right down the road, and it is important that people get registered now and have everything buttoned up. If in the month of May, they may come down with something where they have got a permanent situation where for the rest of their life they are going to be taking medicine, and if they had not gotten registered, then they would be in a scramble trying to get registered. So it is important to look at it now.

Mr. Speaker, one of the things that I think is most important as we sit here this evening is to encourage our seniors and their families to assist our seniors to get out and learn about the program and get signed up. Getting signed up is what it is all about. Trained professionals are available 24 hours a day, 7 days a week at 1-800-Medicare.

They have got a Web site, and I am reading from Congressman Gingrey's sign, www.Medicare.gov, for those high-tech seniors, who are probably better at doing whatever on the computer, Mom, Dad, and let us go on-line, let us get on www.Medicare.gov. If I tried to do that, that computer would start smoking, and everybody in my office knows that. Anytime I need to do anything on the computer, they have to hold my hand. So I understand the need and the fear of computers. But really for the younger people especially, it is a challenge. It is pretty easy for them. They have learned it in high school and college, and some of them even work in the industry. So help is readily available, as Judge Carter said; and it is not that difficult.

I called this morning. I think it was about 8:30, and I decided I was just going to call 1-800-Medicare just to see how long it took to get somebody on the telephone. Mr. Speaker, I had a response in about 3 minutes. The first time I dialed, I got a busy signal, and
so I immediately, within a matter of seconds, dialed again and got right through and began the process.

Now I am not quite 65, and I did not have a card and a number, so at some point I had to quit. I had to hang up. It was a bogus call. But I was very impressed.

Of course, CMS has hired and trained, and that is very important, not just hired but trained probably by a factor of four the number of employees that they now have, we are responsible to these folks. So, as Judge Carter said, that information, that help is there, whether it is by the telephone or on the Web site, and we will get into the specifics of how a senior prepares themselves for this process. There is something called worksheets that are available through CMS. Those are easily obtained, and people just kind of go through that worksheet. We will talk about it a little later in the hour, so that when those questions come up, and, in fact, not difficult to those folks, we know the answers, and we can help them through the process.

Mr. Speaker, I see that we have been joined by another of our colleagues and not just any colleague because this is my good friend and fellow physician, indeed a fellow OB–GYN physician who came in in the 108th Congress with Judge Carter and me, the gentleman from Texas.

So I yield to the gentleman from Texas (Mr. Burgess) to give us a little of his insight into this program and what he is doing in his district.

Mr. Burgess. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for once again bringing this subject to the floor of the House.

It is a timely subject. Here we are celebrating Medicare’s 40th birthday; and, Mr. Speaker, as the Members will recall, 2 years and 1 week ago we actually passed this legislation, on November 22 of 2003, which now has becomeally passed this legislation, on November 22 of 2003, which now has become

Mr. Speaker, I see that we have been able to accomplish that. But it does leave a gap in coverage, or at least the Medicare proposal, the proposal for the Medicare prescription drug plan, was to leave a gap. But, actually, there are some plans in Texas where, if they are willing to accept generics, there is, in fact, no gap. So there is complete coverage from the first dollar spent up and to the so-called catastrophic ranges.

I have had some people complain about the time frame that is available to sign up for this program. It starts today, and for the next 6 months people can sign up for any of the Medicare-eligible programs. Those who have not signed up by May 15, right now Medicare is proposing a 1 percent penalty per month. That is a 12 percent penalty the first month of June of 2006, and it will continue at a 1 percent per month increase thereafter.

But realistically, this should be thought of as insurance and not an entitlement. That is what I have tried to explain to my constituents when they say they do not like the idea that you are forcing me to sign up. It is a voluntary program. If you decide it is not for you, you are absolutely free not to sign up.

But when I was a physician and I offered health insurance to my employees, they would sign up and pay a small part of it. If they chose not to pay that part, they could opt not to take the insurance. But they could not just wait until they got sick and then say, I would like to sign up for the insurance. Otherwise, it would not be fair that those who have been paying their premiums all along. The program is structured to look like commercial insurance. It is on purpose not scheduled to look like an entitlement, because it is not. It is insurance coverage for seniors who need help with paying for their prescription drugs.

Mr. Speaker, I would just stress as a last point that when people evaluate these plans for their families or for themselves, that they look at cost, coverage, and they look at convenience. Many of the plans cost less than what Medicare has proposed.

Coverage is important. You want to be certain that you pick a plan that covers the medicines that you are actually taking. Talk it over with your doctor. If your doctor is watching a problem like a mild to moderate blood pressure, be sure that those medications would likely be covered. Every plan lists on the Web site how many of the top 100 prescriptions covered by Medicare that particular plan covers. Most are in the high-90 range. I have not seen one less than 80 of the top 100 prescriptions covered by Medicare. But check out the coverage.

Finally, convenience. They will provide a pharmacy that is close by. If you have your neighborhood pharmacy, you want to use because they have a delivery boy you like, use that tool to help you decide which one of those pharmacies you want to use. There is also mail order.

There is a lot of flexibility in these plans. Yes, it is complicated. Health care is complicated in the 21st century. These are not easy decisions. Yet at the same time, Tom Brokaw called you the Greatest Generation. If you want to use that tool, use that tool to help you decide which one you want to use because they have a delivery boy you like, use that tool to help you decide which one of those pharmacies you want to use. There is also mail order.

This program will become streamlined over time. I am happy about things like disease management and physicals that will be offered now. It is good legislation. Mr. Speaker, it is good medicine.

Mr. G. K. Butterfield. Mr. Speaker, one thing that the gentleman from Texas (Mr. Burgess) mentioned was the fact that if a senior is interested in a mail order opportunity, then as they go through that list, the litany of companies that provide a benefit, they may want to choose one that would allow them to get their drugs in a mail-order fashion. So that option is available. I had mentioned earlier in the evening talking about the worksheet and what a senior would have if they are dialing the 1–800 Medicare number or dialing the Web site with or without assistance at www.Medicare.gov, or coming to one of the congressional offices to get help, that they would have a sheet and that worksheet should include and should already be filled out.

Again, it is information that the seniors know. First and foremost, it should include a list of the prescription drugs that you are currently taking, including the dosage, the milligram, the strength, if you will, and how often you are taking those drugs.
Secondly, information about any prescription drug coverage you currently have, be it employer or union-sponsored or a Medigap policy. Or maybe you are a veteran and have TRICARE for Life, or possibly you are retired State or Federal employee. You may have coverage that includes a prescription drug benefit. You need to have that information so we can put that into the formula and help you decide whether you want to continue with that program or opt for the Medicare part D that is set up by the federal government, whichever really is the best deal, unique to your situation.

And of course the name and address, as Mr. Burgess and Mr. Carter both said, the name of the local pharmacy that you use to fill prescriptions. So we will need your ZIP Code as well and the out-of-pocket amount you spend on prescription drugs each year currently. Again, I know our seniors know that because they are real good accountants. They have to watch every dollar, and it is important that we know that. And then last but not least, your Medicare enrollment information, your Medicare number and your address and all of those particulars, whether you are on original Medicare or Medicare Advantage under an HMO or PPO-type program.

Mr. Speaker, I see that we are joined by another health care professional, the gentleman from Pennsylvania (Mr. Murphy) who has been with us on just about all of these hours that we have done on health care and this particular issue.

Mr. Murphy. Mr. Speaker, I thank the gentleman from Georgia for yielding to me. I thought it would be helpful to point out a couple of things. When an individual contacts 1-800 Medicare or Medicare.gov, when they have their name, address, medications and dosage level, and what they are paying for it and that they can find out a number of things. They will be able to compare the cost of medications. Because with the 75 percent discount, 75 percent paid by their tax dollars and other folks’ taxes for the first couple thousand, and then after $5,000, 95 percent is paid for by the government, but from this it is important to be able to compare medications.

I have a chart here. This is Pennsylvania, my home State. I want to point out that is sales tax that is saved for seniors with multiple chronic conditions for someone in Pennsylvania, this is comparing the savings in the best plan and savings in an average plan. Let me read. Jane is a hypothetical medical beneficiary taking the following medications: Celebrex, 200 milligrams; Fosamaz, 70 milligrams; Nexium, 40 milligrams; Singulair, 10 milligrams; Zoloft, 50 milligrams; and metoprolol tartrate, 50 milligrams.

With the coupon, out of this is in the best plan it appears there is about a 60 percent savings, or $3,797. In the average plan, about a 32 percent savings, being $2,036 of what they will pay. I am not sure what sort of medical condition this is, and perhaps you can diagnose based upon the medications alone, but I am just interested in your comments on this because it becomes a matter, it is one of the reasons when somebody calls me they usually ask ‘Is my discount going to be, it gets complex. In each case, you have to look at the individual’s prescriptions.

I wonder if my physician friends here can tell just what this tells them and why it is that a person deals with the discussions of Medicare.

Mr. Gingrey. Mr. Speaker, I call on the gentleman from Texas (Mr. Burgess) and enter into a colloquy with you on that point.

Mr. Burgess. Mr. Speaker, my understanding is you will be offered the top three plans based on cost to evaluate. Then you can go to the next three plans and the next three plans. So the basis is given in those sorts of segment. My understanding is cost, since cost is one of the principal concerns in people’s minds, cost is one of the parameters upon which the three plans are picked. Here are the top three plans in your price cost, covering some portion of these medications, and whether there would be a stand-alone prescription drug plan or one of the PPO or HMO-type products that would include a prescription drug plan, those are the kinds of choices they are as given.

We have some 47 prescription drug plans in Texas that are recognized by Medicare as being good products. You cannot evaluate all 47. So give me the top three based on cost, and let me figure out the coverage and convenience aspect of those. If you have expanded the search to include a HMO or PPO product, let me make the decision based on is it covered in those sorts of segment. My understanding is cost, since cost is one of the principal concerns in people’s minds, cost is one of the parameters upon which the three plans are picked. Here are the top three plans in your price cost, covering some portion of these medications, and whether there would be a stand-alone prescription drug plan or one of the PPO or HMO-type products that would include a prescription drug plan, those are the types of information that would be given to someone. And again, this may be too much for an individual 85 years of age to deal with three plans that are somewhat different in their construct. That is why it is going to be helpful to have a child, a nephew, a grandchild or to be able to help make those decisions. Probably the person who helps arrange for those prescription purchases on a regular basis can I just compare the cost of a drug, what is this drug going to cost, but what is it going to cost me over a year’s period of time.

Mr. Murphy. Mr. Speaker, I thank the gentleman for a thoughtful presentation. I have called for the Web site, and I do not think that is something cheaper. That is the issue is this: that a person should not just compare the cost of a drug, what is this drug going to cost, but what is it going to cost me over a year’s period of time.

Mr. Murphy. Mr. Speaker, when I looked, for this hypothetical person Jane, what does it cost for a year because in some cases people may say if there is coverage up to $2,250, and if my drugs cost $3,000, they may ask, do I have to pay $3,000? And the answer to that is?

Mr. Burgess. The answer is, if it is over $2,250, it would be $750.

Mr. Murphy. But the rest is covered. That is part of the confusion that takes place. We need to make sure that our colleagues and America understands this is a saving at the overall cost of medications for your year, and that is why it is important the person writes down all those numbers, and have those annual costs ready, or even your monthly costs, so you can compare.
to three or four that you want to choose from.

As you go through this process, and again there is someone right there to guide you through it, you can see really what your cost per year, as Mr. Murp

**Mr. CARTER**. What would that be? Would that be and then make that intelligent choice, based on a lot of factors, but not the least of which, of course, is that cost factor.

Mr. MURPHY. I thank the gentleman for explaining that. It is such a critically important thing here. And this is where, when you look at the cost, a couple of elements that I consider very important, as a health care practitioner myself, that one of the things we recognize is for the most part, when a physician prescribes medication, I am sure the gentleman has seen this too in his practice, prescribe medications, sometimes patients will not fill that prescription. Sometimes, even if they fill it, they may not take it all. They may not stay in part and continue it, or they may find if they feel they cannot afford it, they stretch it out. Under such circumstances, when a patient does not take a medication that the physician feels is needed, it can actually worsen their health and cost more.

One of the things about this Medicare plan, when the critics were out there saying this is going to cost more, we have to remember the CBO, the Congress, does not score savings. And between the entry physical, between the case management, where there will be pharmacists and others who will work with the physician to make sure they are not getting duplicate drugs, there is no confusion, just checking the dosage and following through, plus the idea that the drugs are more affordable, lifesaving, life enhancing, the kind of things that are so important for people's health are more affordable, which means people will take them. And part of this effect is people will be staying out of the hospitals and staying out of emergency rooms with that as well.

Mr. GINGREY. If the gentleman will yield. Mr. MURPHY hit the nail, right on the head. And as we talk about this, the gentleman from Texas (Mr. CARTER) is still with us. He may want to weigh in and share some of his knowledge on this subject. But there is no question that this program, the potential to significantly lower prices across the board, maybe not just for our seniors, but to everybody for some of these heretofore very expensive pharmaceutical drugs. And we anticipate that this program, and again, we talked about participation level. Remember, I said at the outset of the hour that Medicare part D, that other optional part of Medicare, probably got a 98 percent participation rate because it is such a good deal.

We will talk about higher participation rate with the part D because many of our seniors already have prescription drug coverage. We mentioned some of those categories. But this program, we anticipate across the board about a 50 percent savings, maybe 11 or $1,200 a year on average, and that of course includes people that are low-income. It includes people that are high-income; but on average, we anticipate, is that not the gentleman, about a 50 percent reduction.

Mr. CARTER. That is right. And if the gentleman would yield once again. As we talk about this, let us reempha-
size to our seniors the impor-
tance of getting registered and signed up for the program. You know, as the gentleman was talking about these drugs, and we read the list off, of those drugs I am familiar with and some of them I am not.

But I thought about how much medi-
cine has changed. And you are the doc-tors. I am just an old lawyer and trial judge. But I can recall that my father almost died from bleeding ulcers. As a younger man, I was working my way through school, and in fact, at one point in time had an ulcer. But Tagamet, I am not plugging any par-
ticular brand, but that is the name I know of because that is what I took when Tagamet came on the market; and that drug, I have not had any more problems whatsoever with ulcers, where my father almost died. They had to give him 7 pints of blood, and he had to be cut from stem to stern like he had been in a knife fight to try to save his life. They had to remove two-thirds of his stomach.

Medicine now can stop a condition that we used to solve with major sur-
gery with prescription drugs. This tool is now available to our Medicare recipi-
ents. It is critical that they under-
stand, do not be frightened even by what we have tried to make simple here tonight. Some could even be frightened by that. Do not be fright-
ened by that. Make the effort to save yourself. I for one have to go out there and have every tool that you can be one of those blessings to our coun-
try, and that is a senior citizen with long life and good wisdom to pass on to future generations. And you can only be that way if you take care of your-
self.

And part of taking care of yourself is getting signed up so that modern medi-
cine can care for you, because with no offense to the great work that our sur-
gers do, if I wanted to do a couple of those surgeries myself, I will take that pill all day long and into the night before I want them to cut me wide open because I think modern med-
icine has been proven over and over, that good preventive medicine, which we now have in this plan, meaning going to get your checkups, get your tests for which you are now covered, do those things that were not available but are now available to you to make sure you are maintaining a look at your health.

And the prescription drug plan along with the other normal medical benefits that have been available before make this a better future for our senior citi-
zens, a better, healthier, longer future. I cannot impress it upon our people enough. This is so, so life changing in the world. It is not perfect, and we all love for the world to be perfect. But if you know what is here, somebody hit it on tonight, when we came in here and signed up for Con-
gress and they dropped those half a dozen or a dozen plans in front of me, it might as well have been written in Greek. And so for some, I stumbled and fumbled and said I am sticking with my Texas plan and stayed right where I was. And that is my own fault. And I am confessing it right here in front of God and everybody that that is what I did. But in fact I thought I had a better plan in Texas anyway. But that is a different story. But I understand their frustration because it is a frustrating thing. But that is the world we deal with right now.

Mr. GINGREY. As usual, the gentleman is right on target. And I think it is important that we remem-
ber that the plan, typically, if I could describe a typical plan for the typical senior, would be about a $30 a month premium, would be a $250 deductible, that is a $2,500 cost, and the senior has to pay 25 percent of the cost of the prescription drugs after the 250 out of pocket, up to a total of $2,250. Then there is this issue of the hole in the doughnut, or the gap, where any costs above that, that is a $2,250, is 100 percent on the back of the senior. A lot of people have been concerned about that. They tend to forget, though, that above that you have this catastrophic coverage. If you have spent in any one year on Medicare part D prescription drugs, if you have spent more than $3,600 out of your pocket, then anything above that is covered at the 95 percent level.

And, really, there are situations like that. Maybe for some seniors today be-
fore they sign up for this program, they already know that they are spending $3,600 or more, maybe $6,000 a year on prescription drugs. Now, they very well may want to choose a plan. This slide that I have in front of me now sort of goes over that, talks about the premium and the deductible and the gap in the coverage. Well, seniors can choose. They can literally, if they want, particularly, and I would reco-
ommend this, if they want to look at a couple of those plans, find the plan where you have in this plan, meaning going to get your checkups, get your tests for which you are now covered, do those things that were not available but are now available to you to make sure you are maintaining a look at your health.

And the prescription drug plan along with the other normal medical benefits that have been available before make this a better future for our senior citi-
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Mr. GINGREY.
express my appreciation to Mr. CARTER, to Mr. MURPHY, and Mr. BURGESS for joining us during this hour.

Mr. MURPHY. Actually, I think we are out of time, so I yield back the floor here and thank the gentleman for leading this.

Mr. GINGREY. I thank my colleagues. Thank you, Mr. Speaker. I yield back whatever remaining time we have and look forward to the next session.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. INGELIS of South Carolina). The Chair would remind all members to direct their remarks to the Chair and not to the television audience.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for half of the remaining time until midnight.

Mr. RYAN of Ohio. Thank you, Mr. Speaker. I appreciate the opportunity to be here again representing the 30-Something Working Group. I want to thank Leader PELOSI for the opportunity, our favorite uncle, BILL DELAHUNT, who is here from Massachusetts, ADAM SMITH, also from Florida, DEBBIE WASSERMAN SCHULTZ from Florida, who are also members of the working group and will be here in just a few minutes.

We want to welcome, Mr. Speaker, everyone to the first-ever 30-Something Live, in which we will be interacting not only with other Members of Congress here, not only with the audience, C-SPAN audience, but also with our friends in the blogosphere. And we will be interacting with them, reading e-mails that they will be sending to us, as we have been receiving e-mails from our constituents in our offices for years on Capitol Hill.

But this is the first time ever that there will be interaction between Members of Congress on the House floor and at the same time constituents and citizens of the United States of America having direct access to this Chamber. So we are very, very excited about introducing 30-Something Live. Being the 30-Something Group, we are trying to take our communications to the next level, trying to reach out to the American people, because we have said for quite some time that if we are going to solve problems in this country, that we have to engage the best and brightest talent that is out in the country in order to do this.

So we are not only going to answer your questions, Mr. Speaker. We are going to take suggestions as to issues that need to be addressed. Ideas that folks may have at home. And this is a pretty exciting time for all of us.

We have been joined here with our friend from Florida, Ms. WASSERMAN SCHULTZ. And this is going to be the first ever. So this is pretty exciting stuff.

Ms. WASSERMAN SCHULTZ. This is really amazing, and I guess, you know, it would not be a surprise. It was an excellent suggestion on your part, Mr. RYAN, and we are trying to make our generational working group here innovative. I mean, I think we all, as individual Members of Congress basically make our highest priority the ability and desire for us to interact directly with constituents. And this is one place that we are generally not able to do that on the floor when we are here debating the very issues that impact everyone in this country.

We can interact fairly well with constituents in committee because they can obviously testify in front of us in committee meetings. We obviously interact with constituents in our offices. But once we are here, this is a very insular environment. This opportunity tonight to kick off this other 30-Something Live, and interact with people who will be submitting questions to us online will be historic and exciting.

Mr. RYAN of Ohio. Now, you and I, we are ready to rock and roll on this. And when Mr. Meek gets here, he is going to be ready to rock and roll. But we may have to break it down for our favorite uncle.

Ms. WASSERMAN SCHULTZ. Maybe we need a glossary for Mr. DELAHUNT. Mr. RYAN of Ohio. We can break it down.

Mr. DELAHUNT. If I can just interrupt, I heard that in my absence the other night that there were some comments that were made about my lack of well, made about my absence. Could you explain that to me?

Mr. RYAN of Ohio. I cannot remember exactly which one of us said something, but it was to the effect that we had to tuck you in bed and make sure that you were getting your proper amount of rest.

Mr. DELAHUNT. Well, I am part of the 30-Something Working Group. I might be a two-fer, though. You know, I mean, I would suggest that in my case you get two for one.

Ms. WASSERMAN SCHULTZ. The only difference in your definition of 30-something is maybe it is 30-something by decade.

Mr. DELAHUNT. Something.

Ms. WASSERMAN SCHULTZ. And we are 30-something by year.

Mr. DELAHUNT. Exactly. It is a very loose term.

Mr. RYAN of Ohio. It is very loose. Adaptable. But it is good to see that you got your nap in this afternoon.

Mr. DELAHUNT. I did. I am rested up and looking forward to participating tonight.

I do concur with everything you said and, again, I want to acknowledge your commitment, your creativity, and the fact that this is an effort to allow people to participate in our conversation, because we want to know what they are interested in, and my understanding is there has been a number of questions posed. Maybe the gentleman from Ohio (Mr. RYAN) or the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) could tell me what the number is.

Mr. RYAN of Ohio. I believe over 400 e-mails.

Mr. DELAHUNT. That is going to take some time.

Mr. RYAN of Ohio. Well, we are not going to be able to get through them all, so we will lay down some basic ground rules here. We will not be able to get through them all, obviously, Mr. Speaker. We are going to have to take a few and maybe expound on them, but we are going to continue, Mr. Speaker, to make our arguments. We are going to lay out the case for what we believe needs to happen in the country, what direction we need to go in, and as we receive information from the public, use that to supplement our arguments that we have been making here.

Ms. WASSERMAN SCHULTZ. This is not the last time we are going to do this. We are really kicking this effort off. So everyone here do not do the questions tonight, which with over 400 we obviously will not be able to do in the 60 minutes, we will be doing this again.

Mr. DELAHUNT. This is simply an initial effort. It is pretty exciting.

Mr. RYAN of Ohio. I think it is important for us to recognize that we want to make cohesive, coherent arguments, and we are asking, Mr. Speaker, other Members in this chamber and the citizens around the country to help us with that, make points that we feel that maybe they feel need to be made.

Before we get into today, before we get rocking and rolling here, the big issue now is the pre-war intelligence.

The President has dusted off this same old speech that he has given hundreds of times already in a hundred different viewing areas regarding the pre-war intelligence. The President has said that anybody accusing the administration of having “manipulated the intelligence” or misled the American people was giving aid and comfort to the enemy.” So if you question the pre-war intelligence, you are giving aid to the enemy. So it seems like the President is asking us as Members of Congress not to question any of the intelligence or any of the drum beat leading up to the war.

Mr. DELAHUNT. Mr. Speaker, if I can, if the gentleman would yield, what I would like to do is try to emphasize that this effort. It will be posed by Republicans as well as Democrats regarding intelligence, whether it was manipulated, or whether it was used in a selective fashion.

Now, I am going to begin by quoting the former Secretary of State, Colin Powell, who back in June of 2004 in an interview had this to say about the issue of intelligence: In recent weeks, Powell has apologized for at least 2
lapses regarding information about Iraq and terrorism. In a recent Meet the Press appearance, Powell said that he had relied on faulty intelligence when he told the United Nations in 2003 that Iraq had biological weapons. It turned out that the sourcing was inaccurate, and in some cases, deliberately misleading.

I want to repeat that this evening, because I believe it is important that the American people pay attention to the former Secretary of State’s use of words here: In some cases, deliberately misleading.

Now, he does not go on to explain who did the misleading, whose responsibility it was to review the intelligence, to ensure that the sources were reliable, whether there was manipulation. But what I find interesting, Mr. Speaker, is that we are here on this floor asking these questions years, years after Democrats have asked for full and exhaustive investigations, inquiries, and oversight hearings. We have not had a single oversight hearing. We simply the product of a situation, when you have a single party controlling both branches of Congress and the White House. But if that is the case, it is damning, because it puts before the responsibilities, the constitutional responsibilities of this Congress party loyalty, and I dare say the American people will not accept that.

If I can further proceed, Mr. Speaker, a statement that the intelligence that was available to him was available to Members of Congress, both Members of the House and Members of the Senate. Well, I find that very interesting. First of all, that is inaccurate and wrong. And to support my premise or the statement I just made, I would refer my colleagues and those overhearing this conversation to read a book called The Price of Loyalty written by a journalist of some renown, which is basically a memoir of the experiences of the former Secretary of the Treasury, Paul O’Neill whom, by the way, is a conservative Republican, a captain of industry. He ran Alcoa and was selected by this President to serve as his Secretary of the Treasury, that the American people will not accept that.

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He relates that in the first National Security Council meeting about a week or 10 days after this President was inaugurated, prior, prior to September 11 of 2001, that he was taken aback at that meeting because he participated in those meetings by virtue of his being Secretary of the Treasury, that the focus of the Bush administration was to share this information with the Israeli-Palestinian issue to how this administration would deal with Iraq. He was truly taken aback by that.

About a week later, he is at another meeting where there is a map that is put forward about how the oil fields in Iraq would be divided up: what countries and what companies would be allowed the development of those oil fields.

Go to page 96 of that book. But what was particularly interesting was on page 334. This is Secretary O’Neill, a member of the administration, a good Republican with solid conservative credentials.

Mr. RYAN of Ohio. He was in the room.

Mr. DELAHUNT. In the room.

‘‘In the 23 months I was there, I never saw anything that I would characterize as evidence of weapons of mass destruction,’’ referring to Time Magazine. ‘‘There were allegations and assertions by people, but I have been around a hell of a long time and I know the difference between evidence and assertions and allusions or conclusions that one could draw from a set of assumptions.’’

To me there is a difference between real evidence and everything else and I never saw anything in the intelligence that I would characterize as real evidence.’’

‘‘In response administration officials tried to dismiss O’Neill as out of the loop on weapons of mass destruction intelligence. That information was on a need-to-know basis. He wouldn’t have been in a position to see it’’.

Just imagine this. We have the President saying that the intelligence was available to everybody. Yet a top administration official in response to the assertion by Secretary O’Neill that he never saw anything to say: ‘‘Oh, it wouldn’t have been available to him.’’

That to me is just inexplicable. I think we deserve an answer from the President. We deserve an answer from the administration as to what actually happened. And I would like to hear from Secretary O’Neill sometime. I think it is important.

Mr. RYAN of Ohio. Then one of the questions we have here, Mr. Speaker, from Ms. Wasserman Schultz, what is our mission in Iraq other than being targets for anyone with a weapon? That is really what we are saying. If you try to ask the administration why are we there, what is going on, when are they coming home, we get called unpatriotic. If we ask these questions that a man like Robert Veloza asks, Mr. Speaker, we get called unpatriotic. These are the questions. We have got a lot of questions that people ask, what are we still doing there? What is the plan for getting out? A lot of these. We have got 400 or 500 of these now. A lot of people are asking us, Mr. Speaker, what are we doing? If we try to say to the President, Mr. President, what are we doing, we are unpatriotic now?

Ms. WASSERMAN SCHULTZ. Both Ms. Delahunt and Ms. Wasserman Schultz. The bottom line is that every morning the President gets an important document that we are not privy to. He gets massive amounts of intelligence that they do not widely distribute, even though we have security clearance, widely distribute to Members of Congress. So they were doing it. If one would think, Mr. Speaker, selective in what they released to the Members of Congress when we were in the throes of making the decision about whether or not to support, and I was not here at that time, but what I see here is that were here in the throes of deciding whether to support the war.

I just want to read this question that brought this all to mind. You have Mr. Ryan of Ohio, Mr. Delahunt, Mr. WASSERMAN SCHULTZ. From the Gentleman from Ohio, who said to us. Since the Iraq war and tax breaks for the wealthy have devastated our Federal budget, why can’t the Democrats invoke procedures to seclude close down Congress as this is an emergency situation which is affecting our national economy when the money could be better spent on domestic social programs including hurricane relief, cut and strutz.

That is a really good point. If the American people are asking what are we doing in Iraq when we have so many needs here, when we have literally hundreds of thousands of people in our gulf coast twisting in the wind literally because we cannot get them the assistance they need, yet we are sending millions of dollars, billions of dollars as the gentleman from Ohio has detailed in the charts we have here in the last few weeks that we have been talking about this, the administration has literally chosen sending assistance, infrastructure rebuilding assistance, to the Iraqi people and we are not able to provide that for our own people. All the
while, today, they may still be in the committee meeting now, our own Ways and Means Committee is marking up the tax reconciliation bill. $70 billion in tax reconciliation to supposedly balance out the budget deficit, the budget deficit reduction act which is a total misnomer that they could not pass last week. The reason that they could not pass it and the reason that it makes no sense is because if you are passing $70 billion in tax cuts and $36 billion in spending cuts, that still leaves $20 billion. It goes against the kind of thing that the people who are communicating with us are asking, just like Mr. Lehman from Indiana.

Mr. RYAN of Ohio. That is absolutely right. Let’s get this straight out. I want to kind of lay some things out here because all the rhetoric that we are now hearing and the administration is really good at getting in the huddle and then breaking the huddle and everyone goes onto the TV shows on Sunday morning and everyone starts singing from the same hymn book and trying to convince the American people that the world is really not what everyone thinks it is. They find a way to try to spin it. I just want to go back just for a couple of minutes for all of us to recognize who we are dealing with here and what their track record is.

The CIA leak where Scooter Libby, the chief of staff of the Vice President of the United States, was indicted on five counts for lying basically, obstruction of justice, false statements, everything else. This is right from the indictment. On July 10 or 11, Libby spoke to Karl Rove who advised Libby of a conversation that he had. Rove talked to Novak, Bob Novak, the columnist, and Novak said that he was going to use Joe Wilson, the ambassador who went to Africa to find out what was really going on with uranium and everything else. So Rove tells Libby that Novak is going to write about Joe Wilson’s wife. That was in July. Okay?

Then we find out, here it is, 2 months later, in September, Karl Rove denies even knowing anything about a CIA leak or outing Valerie Plame. So he told Libby that Joe Wilson’s wife was going to be outed in July and then in September ABC News asks him what is up with this and he says, “I don’t know.” He lied to the American people. Scooter Libby lied to the American people. The Vice President of the United States in the same indictment told Scooter Libby about Joe Wilson’s wife and then 2 months later he did not give all the facts to Meet the Press.

We have to be very careful with the Rules of the House when we deal with high-ranking administrative officials. Okay. So this is the outfit we are dealing with here. This is the group that has failed to be honest.

Now we go through the war. Remember what we heard prior to the war? We are going to use the oil for reconstruction. We are going to be greeted as liberators. They had weapons of mass destruction. All not true.

We even got a little piece of information, it will be interesting to see how this comes out with the use of phosphorus shells which produce smoke were used in Fallujah, not for illumination but for screening purposes.” That was in the March and April, 2005, issue of Field Artillery Magazine; and it was used as a potent psychological weapon against the insurgents in trench lines and spider holes.

Now this is the use of a chemical weapon. Now I do not know if it is true or not, but what I do know is that they said they were not using it, and now they are saying use it.

Mr. DELAHUNT. We do not know. You know what is sad is that this Republican majority in Congress will not allow us an oversight hearing to determine whether this report is true or not, because we want to talk about the hearing in the House of Representatives in terms of the Iraq war and all of the issues that we have raised here, not a single hearing; and I would submit that that is just a total abdication of our responsibility.

Ms. WASSERMAN SCHULTZ. In that vein, we actually have an e-mail from one of the folks out there in blogger land who wants us to talk about and ask the question, Mr. Speaker, are the Americans in the know as to what is going on in terms of the operation of our U.S. House of Representatives constitutional? And if not, what is the remedy for that? There is a person from Vermont. Can a lawsuit be brought about legal or unconstitutional House rules?

In other words, all Americans must have representation in their government, Mr. Speaker; and if Democrats are ignored because of House rules, not allowed hearings like the ones you are talking about, it seemed to offer an amendment on the House floor to legislation when we are duly elected in the same way, putting our pant legs on one side, talking about the operation of our U.S. House of Representatives constitutional? And if not, what is the remedy for that? There is a person from Vermont. Can a lawsuit be brought about legal or unconstitutional House rules?

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Mr. RYAN of Ohio. We are paying ghost employees in Iraq, and we are not allowed to question the validity of what is going on there.

How about ghosts paying some of my Adelphi workers who are going to get their salaries cut by 60 percent? Does this administration want to ghost pay some of them?

Do we have enough money to pay people for not doing work in Iraq?

Mr. RYAN of Ohio. We have wasted billions of dollars of taxpayers’ money in Iraq, and yet not a single hearing. And I do not want a hearing where some administration official comes up and presents a 5-minute overview and we have 5 minutes to question. I am talking about a thorough, exhaustive investigation done by staff on both sides of the aisle and by serious Republicans and Democrats who find this kind of waste and scandal abhorrent.

Mr. RYAN of Ohio. We are joined by our good friend, the gentleman from Florida (Mr. MEKK), who was getting an award tonight. I congratulate the gentleman. Welcome to the inaugural 30-something Lives.

Mr. MEKK of Florida. I thank the gentleman very much. It is always an honor to be here on the floor, not only addressing the Members of the House but also sharing with the American people what is not happening.

I came here, and I actually picked up an e-mail here. Has there ever been a President who has presided in a bigger increase of the country’s national debt and has not vetoed a single spending bill during his term in office? I can tell you that from what I know, just from my knowledge of what I have been reading recently, I can’t remember a President outside of the President that we have right now. And I am pretty sure as we start talking about record-breaking in 4 years, $1.05 trillion in money we have borrowed from foreign nations.

That is more than 42 Presidents combined. Mr. Speaker, 42 Presidents only were able to get to the point of $1 trillion, and that is over a period of 224 years.

I agree with the folks who are saying, well, why are you alarmed? Well, you should be very alarmed, and if the Republican majority allows that kind of borrowing to take place, especially from foreign countries, I guarantee you that the President could not do it on his own.

I guess it is mixed signals when we have over 50 million Americans without health care. What kind of signals are we sending them?

I guess it is mixed signals when we have our men and women who are fighting in harm’s way right now, but because they become veterans, we do not have the same passion for their health care and for their needs.

I guess it is mixed signals when we have to look at our generation and parents that are trying to pay for their child’s education and you cut $40 billion and change out of student loans and student aid. That is mixed signals.

I hope that the President can get just as passionate when it comes down to cutting free and reduced lunches in this country, get passionate about that.

We talk about winning the hearts and minds of the Iraqi people and people abroad. How about winning the hearts and minds of Americans that pay taxes everyday?

One other point. I just want to make, another mixed signal, as we speak now the Budget Committee is meeting. I guarantee that they are ready and meeting, and on the majority side, the Republican side, to protect people who made over $500,000 be able to receive their $80,000 tax cut. That is sending mixed signals to the American taxpayer. So, if anyone that raised their hand and said they upheld the Constitution of the United States, you need to be passionate about those Americans that know what it means to punch in and punch out every day.

Last week, one of the Members on this majority side got on the floor and said, well, we are giving tax cuts to the productive Americans. I am assuming that I guess if anyone makes under $500,000 they are not productive in America.

The bottom line is, I am not disappointed in what the President said. I am just a little taken aback because my constituents work every day. Your constituents work every day. There are Americans out there trying to make ends meet.

Better yet, we want to scream at Members of Congress talking about rewriting history. Let us talk about putting this country in a debt that it will be very difficult for us to get out of.

Let us talk about record-breaking in 4 years, $1.05 trillion in borrowing from foreign countries, like China I must add, more than Democrat, Republican and Whig party Presidents was not able to do, and it is not by any means the majority allowed this President to do.

Mr. MEKK of Florida. I thank the gentleman very much. I am talking about the Department of the U.S. Treasury.

Mr. RYAN of Ohio. Mr. Speaker, one of the words that our President used was irresponsible; it is irresponsible to question what is going on. Is that responsible?

Scooter Libby was irresponsible.

And what else is irresponsible? Cutting money for student loans, that is irresponsible.

How about Karl Rove telling Scooter Libby about Joe Wilson’s wife and then going on TV a couple of months later and saying he did not know anything about it. I think that is kind of irresponsible. We want to scream at the American public. I did not hear the President say Scooter Libby was irresponsible.

Mr. MEKK of Florida. I know the gentleman from Massachusetts (Mr. DELAHUNT) is standing by there, but I want to just share this with you.

I have one message for the majority and for the President: Get passionate about the right issues. We are all passionate about the war. We are all concerned about our men and women in uniform, but I tell you one thing. We have American cities that are trying to make ends meet. We have children that are trying to do the best they can under the circumstances. The Leave No
Child Left Behind Act is known by the States, and States are suing the Federal Government for a lack of funding. Meanwhile, as we speak here on this floor, the Ways and Means Committee is meeting to make sure that the tax cuts are permanent for millionaires and millionaires and millionaires and millionaires.

So I am glad that some members of the Senate last week said I cannot vote, at the same time that I am cutting Medicaid for poor Americans free and reduced lunch for children, veterans benefits and the retirement benefits. And then within the same time period, within a couple of days I am going to vote to give millionaires a permanent tax cut?

What I am saying is that there are things that we should get passionate about, and there are some things that we really need to be passionate about. I can tell you right now, there are a number of issues not being addressed, and like you said, the outting of a CIA agent is just like someone running over and running over and running over about the Marine Reserves are going to be on this beach at this time and this day; I just wanted you to know that because I know it. That is what it is like.

Mr. RYAN of Ohio. That is irresponsible.

Mr. MEEK of Florida. And it is setting us back. My message for the majority and also for the President is get passionate about the right issues. You want to get passionate about some of the actions in the White House, it is happening right there under your nose. Passion stops at we will just give an ethics course on not sharing national secrets from the other side of the aisle, however optimistic they may not be in their presentation to the American people on a regular basis.

As I go through some of the things that are in front of me and I listened to the allegations that have been made that somehow the President has manipulated the intelligence and led this Nation into war because there never were any weapons of mass destruction in Iraq, I will point out that I flat out reject that statement. It is not possible to prove a negative in the first place, and a rational person would understand that from the beginning.

Additionally, we know that Saddam Hussein had weapons of mass destruction. We know that he used them 1 time.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield.

Mr. KING of Iowa. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, there is no doubt that we know that he did have weapons of mass destruction because we provided, during the 1980s, the means for the development of those weapons to Saddam Hussein. Members of this administration, former Secretary of State Colin Powell, the Secretary of Defense Rumsfeld, they clearly knew because they were involved in assuring that the means to develop weapons of mass destruction were provided to the Saddam Hussein regime.

Mr. KING of Iowa. Mr. Speaker, re-claiming my time, I would point out that I will not concede the accuracy of that, and I do not because I do not have the means to develop weapons of mass destruction, I have not seen that, I acknowledge the gentleman’s statement for the honorable individual he is, and I would point out that we can concur then that Saddam had weapons of mass destruction.

In fact, President Clinton made that statement in 1998 very clearly and unequivocally, and my point is that either Saddam Hussein used his last canister of mustard gas and simply ran out of inventory or else those weapons of mass destruction still have to be somewhere, and he constructed then an elaborate ruse to dupe the world and dupe seven or eight or perhaps more countries on the intelligence.

I point out President Clinton’s statement: Other countries possess weapons of mass destruction and ballistic missiles. This is December 1998. With Saddam there is one big difference; he has used them. The international community has little doubt then, and I have no doubt today, says President Clinton, that left unchecked Saddam Hussein will use these terrible weapons.

Again, 1998, Mr. Speaker, and allegations here on this floor and around this country are that somehow President Bush has manipulated intelligence and apparently misrepresented this to the American people, and the implication is also that he has duped these people that have made these statements, including former President Bill Clinton and a number of other high-profile people within his administration.

The allegations would then have to hold true that somehow the governor of Texas, now President Bush, found a way to dupe the national leaders to somehow manipulate and maneuver maneuvers to hundreds of billions of dollars of national intelligence to produce these kinds of results.

It is simply a ludicrous position to take. It will not hold water; it is not logical, it is not rational, and the more the American people hear about this, the more they become to think about it, the more they begin to understand, the more they are going to believe these allegations.

I would also point out that the individual who has had his 15 minutes of fame did not, and then some, the erstwhile ambassador who was sent by the CIA to go to Nigeria to investigate the question as to whether Saddam Hussein was seeking yellowcake uranium from Niger, that individual, of course, we know as former President Bill Clinton and a number of other high-profile people within his administration.

We understand, he was sent by the CIA.

He had not been in Nigeria in 20 years. He was not a weapons expert like his wife may have been. But he went there, and he came back and gave one story to The New Republic Magazine. He gave another story under oath to the Senate Select Committee on Intelligence which thoroughly eviscerated his viability and his credibility.

So the statements that were made for publication for fame did not hold up under oath, did not hold up under scrutiny. One thing we are confident of is that erstwhile ambassador
who went on a mission to supposedly represent the United States, Joseph C. Wilson, the individual who went over there for the CIA, if one is on a mission in a foreign country for the CIA, one would think that they would have some level of integrity they would be able to hold up, have some level of confidentiality that they would have to hold up. One would think that if they went on a mission, a secret clandestine mission, first, that they would be qualified; second, that they would maintain that level of secrecy and confidentiality, that they would come back and report back to their superiors and it would be an accurate report and it would be precise and it would be credible and it would hold up under oath.

That report, alleged to have been delivered in print by one Joseph C. Wilson, erstwhile ambassador, was not delivered in print. It was delivered verbally, and the verbal report that we have the notes of and the knowledge of, Mr. Speaker, indicates that the Iraqis are seeking weapons of mass destruction, yellowcake uranium from Niger. It indicates the very thing that he alleges today was not true.

Yet this assertion is some kind of allegations by the other side, if they like what they hear, are enough for them to say this is confirmed and absolute proof; and rational, thinking Americans know better. Critical thinking Americans know better. In fact, this President would not use any language in a State of the Union address or any other kind of speech unless he knew that it had been thoroughly vetted, it was reliable. And it was, by the way, vetted and reliable and delivered into that speech on January 28, 2003, in these Chambers from just in front of where the Speaker is right now when the President gave his State of the Union Address. That now infamous 16 words that are alleged to have been untruthful to the American people start out with “we have learned from the British” is true. That is a fact, and no one has challenged that fact. “We have learned from the British that the Iraqis have been seeking uranium from Africa. Now,” “we have learned from the British” is true. That is a fact, and no one has challenged that fact. “We have learned from the British that the Iraqis are seeking,” that qualification precludes any of the rest of that statement as long as the rest of that statement is consistent with what we have learned from the British; and to turn that into something that is now called a lie is disingenuous and dishonest to the American people.

I reminded the body here last week, last Wednesday night, that there were commercials that were run across this country on television in the 1996 Presidential campaign. There were issues there about integrity and honesty in that Presidential campaign. Charlton Heston went on television and he said, he looked into the camera, “Mr. President, when you say something that is wrong and you do not know that it is wrong, that is a mistake. But, Mr. President, when you say something that is right and you know it is wrong, that is a lie.” That is the distinction between a mistake and a lie. That distinction has not been recognized by the other side of the aisle, and it is wilfully being ignored.

I will not concede that a mistake was made. I think the words in that State of the Union Address are precisely accurate. I think the British would concede that too, and they would know, since they were involved in any national, critical thinking person would concede that point today, Mr. Speaker. But this has been twisted and warped to the point where it is jeopardizing our national security, and that is why I am on the floor here tonight. I have been over in the Middle East a number of times. The last time I came back was August 20 of this past summer. I have been there with our men and women in uniform when they are strapped on with helmets and bulletproof vests, when they are ridden in and inspected some of those armored vehicles that have been hit by enemy fire, hit by IEDs. I happen to have inspected an armored Humvee that was hit by a rocket and an RPG almost simultaneously just on the rural up-side down, and the four American soldiers that were in that armored Humvee walked away and were on patrol the next day thanks to the armor that is there.

I have been to Fallujah. I believe a year ago last May, the Marines were bolting on armor then and preparing for battle that was ahead. So we have accelerated the production of our armor for all of our vehicles there. Some of them are not armored. They stay on the base where they are safe. But almost all of our vehicles that go out anywhere where they are in danger are fully armored, top, bottom, and sideways, with bullet-proof windows in them. We have fast-tracked our process to ramp up the construction and development of armor and done a pretty good job.

We were not ready for this. The Humvees were not designed to go into combat. They were not designed to drive over IEDs. They were not designed to take direct hits from RPGs or rocket fire. In fact, they were not designed to take hits from AK-47s. They were not a combat vehicle in the beginning of those operations. So we had to adapt to the circumstances that were there.

We began sending steel over there, and it was cut and fitted and it was bolted on or welded on, and our military went right to work as quickly as they could to get as much armor up as fast as they could. We started our factories up here. We took an existing production line and multiplied its production capability by at least 10 times to get our armored Humvees out in place and to put the armor on our trucks and to get ready.

Now we do send out convoys that are fully armored on a regular basis, and it has been a long time since we have exposed significant numbers of vehicles or American soldiers out there in vehicles that were not armored, Mr. Speaker. So this argument that it is something other than that I think is specious, and I do not think it is based on fact.

The statement that the President made about the irresponsible statements when people undermine our efforts, that would be an accurate statement unless he knew that, and I will relate an incident for me a year ago last June, about June 17. I was in a hotel in Kuwait waiting to go into Iraq the next day early. I turned on the television to Al-Jazeera TV. As I watched that television, it was Arabic audio and it was English subtitles, and on that television came Moqtada al-Sadr, a big black beard, and as he spoke in Arabic, the English subtitles came on underneath on the screen, and the subtitles said, “If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Mogadishu.”

Listen to that echo in the ears of our enemy, the people we call the insurgents on our nice days, the people who are sitting somewhere in a mud hut or a stone building and they look at some 155mm rounds. They have got explosives. They have got detonating devices. They have got shrapnel built into this, and they are making improvised explosive devices. They are wearing their new weapons on television.

Some of the communities there in Iraq have more than one satellite dish per household. They were illegal when we first came into Iraq, but every Iraqi today has access to satellite TV. Every Iraqi today can watch Al-Jazeera TV. And on Al-Jazeera TV, they would see these kinds of scenes of Moqtada al-Sadr saying, “If we keep attacking Americans, they will leave Iraq the same way they left Lebanon, the same way they left Mogadishu.” And the enemy who are making improvised explosive devices see that on television. It encourages them. It causes them to build more bombs, not less. It causes them to plant more bombs, not less. It causes them to detonate more bombs, not less. It causes them to have more courage, more hope, a stronger spirit to fight our American soldiers because of the words that came out of Moqtada al-Sadr.

Now, imagine how encouraging that is to our enemy over in Iraq, and many of them are not Iraqis. In fact, most of the enemy, I understand, are not Iraqis but insurgents from other countries. Imagine how encouraging it is when they see on their Al-Jazeera TV, when they hear the voice and see the face of a quasi-leader of the United States of America, someone from the floor of the United States Senate, someone who is doing a press conference out on the steps of the Capitol,
someone who is doing talking head television, someone who says, wrong war, wrong place, wrong time, get them out of there, Mr. President, we need to get out of Iraq. Imagine how much encouragement that gives to the enemy. And what is the enemy going to do? They are going to build more bombs. They are going to attack more Americans.

I reject the idea that one can say they fervently pray that the troops come home, that they supported troops. I reject the idea that they can support the troops and reject their mission. Mr. Speaker, if you are for the troops, you are for their mission. And if you are against the troops, you are against their mission. But these things are inextricably linked. They cannot be separated.

We cannot ask an American soldier to go in this country or overseas, risk their life, perhaps give their life on a mission that we do not believe in. We would not do that on a mission that we do not believe in. We would not ask them to do that. It would be the most dishonest, disingenuous thing we could do as the United States Government in Congress and the President of the United States and our Executive to order men and women into a theater of battle and not support their mission.

When I talk with the families that have lost a loved one in this war on terror, it is a sad time, and that price they paid cannot be felt unless we ourselves have had that loss, but we can empathize with them. We can pray for them. We can sympathize with them. We can try to understand. But invariably those that I talk to, those that I meet with, will tell me they want their son or their daughter’s life to have meaning. They want that sacrifice to have meaning. And they will say do not give up on this mission. My son believed in what he did. He volunteered for this mission. Let us have meaning. Let us have freedom for the Iraqi people. Let us have freedom for the Afghani people.

By the way, while I bring that up, what is the distinction between Afghanistan and Iraq? Why do I not hear from the other side of the aisle “get your troops out of Afghanistan”? The statement is never made. We forget about the naysayers that were here before we went into Afghanistan and before we went into Iraq. There were plenty of naysayers. They said we cannot go into that part of the world. No one has ever been able to be go into that part of Afghanistan or even Afghanistan at all and be able to liberate, invade, occupy because the terrain is so difficult. That Mujahideen are such tough fighters.

So 2 months after September 11, the American military were in there, coalition forces were in there, and we still heard the naysayers. But as the operation got wrapped up, as there was more security and more safety and votes coming along in Afghanistan where people had never voted before on that particular piece of real estate, they did so and they have done so twice. They have done that because of the American soldiers giving them that liberty. But the critics essentially shut up about Afghanistan but not about Iraq. Is the difference the number of lives, Mr. Speaker? Is the difference that 200 Americans have lost their lives in Afghanistan and 2,000 Americans have lost their lives in Iraq? If that is the difference, then I would challenge the left, the liberal left, the people who have difficulty figuring out how they are going to support the troops and oppose the mission, and if they were rational, they would admit that that dichotomy could not be accepted or tolerated. They cannot seem to draw the line on what the difference is between Afghanistan and Iraq. 200 lives versus 2,000 lives. If the number of lives were the difference, then they should tell us from their position how many are enrolled and why they spend to free 25 million Afghans? How many lives would it cost to free 25 million Iraqis?

And, yes, the price has been high, and it has hurt. And it will hurt far more if this job, this task, is not completed, if we still leave when the job is not done; we do not know what happened to them. But the King rule of physics is everything has to be somewhere. So where are they? There is no evidence he destroyed the weapons of mass destruction. But due to Saddam Hussein’s obstruction, the materials once declared by the Saddam regime were never accounted for, even though he declared them.

I also want to point out that in October 2002, a bipartisan majority of Congress authorized President Bush to use force if necessary to deal with the continuing threat posed by Saddam Hussein. We also had a national policy that Congress endorsed of regime change in Iraq.

All of these things were consistent with the will of the people of America, as debated and voted on in Congress. H.J. Res. 114 stated that by continuing to possess and develop a significant chemical and biological weapons capability and actively seeking a nuclear weapons capability and supporting and harboring terrorist organizations, those were the activities going on by Saddam Hussein.

And the intelligence of countries that concurred with ours. The 15 members of our intelligence community in this country, and additionally some of the other countries who concurred with our intelligence were Great Britain and France. France opposed our operations and concurred with our intelligence. Russia same story: concurred with our intelligence, opposed our operations there.

What do those three countries have in common? The answer is those three countries were three of the most vocal opponents to the liberalization of Iraq. I said at the time that the decibels of their objections to the liberation of Iraq can be directly indexed to their interest in the oil development contracts that they did designed with Saddam Hussein prior to the beginning of our operations of the liberation of Iraq.
Mr. Speaker, it is interesting to fly over to the city of Mosul and I did notice any street signs there, but I have a picture of a street sign in Mosul, that sign is 101st Airborne Air Assault Division. They named that street after the 101st Airborne. And this was not something put up by the 101st Airborne unless they had the same difficulty with spelling that the Iraqis had. They misspelled “division” and they misspelled “assault.” That makes it genuine in that effort.

I am quite proud of the way the Iraqis responded to the Americans. I am proud of the way they respond to them in most of the areas of Iraq.

Mr. Speaker, it is interesting to fly over Fallujah, where we have had as much conflict as anywhere, and see people come out into the streets and wave and smile. They come out and wave because they are grateful to Americans for giving them a chance at freedom.

But this message that the American people are getting that the credibility of the American military is not there, that disappoints me a great deal. It undermines our American troops. It does give aid and comfort to the enemy. It encourages the enemy to attack more Americans. It is costing American lives.

When people come to this floor of Congress, when they step out into a press conference, when they speak on the floor of the Senate, they are viewed as quasi-leaders of the United States of America. This encourages our enemies. When I see a soldier anywhere in America, particularly in my district, serve their second tour of duty, and they lost their life defending freedom in their second tour of duty, it is infuriating to me. I believe we need to go together as a Nation, if we stuck by the deal and the agreement that this Congress has when we have our vote on the floor of this Congress, when the vote goes up and men and women go to war, you stand with them, you stand beside them, you support everything you have. That means, yes, bulletproof vests; yes, armored Humvees; and, yes, support and equipment and training and tactics and technology and great leadership.

But it means support the mission, Mr. Speaker. You cannot ask a soldier to go to war and tell him that you do not support their mission. And so the pessimism that abounds that seeks to undermine the presidency here and seeks to establish a majority in the House and the Senate in the upcoming election is all about negativism. It is all about dragging down our foreign policy. It is all about trying to prove to the American people that the administration has not been successful.

But each milestone that is reached in Iraq, handing over the CPA of Paul Bremer’s over to the temporary civilian government, that happened 2 days early. And then they had elections, and the elections were there to put people in temporarily into their temporary parliament and the temporary parliament got together and they agreed on a constitution and the constitution was rolled out on time. And they had an election to ratify the constitution, Mr. Speaker, all in an extraordinary amount of time.

The United States of America declared its independence July 4, 1776; and yet we did not get our Constitution ratified until 1789, 13 years later. Now it took a while to earn our freedom, I grant, and the war was long, and it was bloody, and it was costly, and it was brutal, but we have our freedom, and we have our Constitution. In fact, the Iraqis have their constitution far sooner than the American Constitution has.
been established, and it is ratified by a full vote of the Iraqi people.

Now, about 1 month from today, the Iraqis will go to the polls, and they will select a new parliament, and this will be a sovereign nation when that new parliament is in place. It will be the first time in all of the legitimacy of any nation that sits at the United Nations today. Iraq will be fully, fully legitimated. The vote of the people will seat the members of parliament. They will select a prime minister, all their leaders and that legitimacy that is there takes them to another level.

But this is an astonishing thing. This is far, far more freedom, far, far closer to establishing a functioning rule of law than has ever been seen in that part of the world before. And the inspiration for the Arab people all around Iraq that see that a nation like Iraq can have freedom, when people breathe free, they give inspiration to others who see them breathe free and out of that will be born the dreams, the ideas, the plans to bring them to the streets like it did in Lebanon.

The Lebanese reached out for their measure of freedom, and that is part of the inspiration of Iraq. And it is part of the inspiration of Afghanistan. It is part of the inspiration that this President has laid out in an articulated way to the world, the inspiration that we have been attacked by enemies from without. We did nothing to provoke them. They attacked us and killed approximately 3,000 Americans on September 11, 2001. And we went to Afghanistan and liberated 25 million people, and we went to Iraq and liberated 25 million people. Fifty million people that had not been free before in any substantive way are free today. Those two countries can become and I believe will become the lodestar nations, the Arab nations that can be the inspiration for the rest of the Arab world.

The habitat that breeds terror is a habitat that breeds poverty, ignorance, jealousy and hatred. That is the environment that is being exploited by the wahabis and the madrassas that are teaching this hatred in the young people. And the pressure that comes on those countries from the measure of that kind of hatred, they are being taught that, somehow or another, it is part of this age-old philosophy.

I really do believe that if you would scramble up all of our cultures and all of our eras of our emotional memory and toss us into a totally new environment in a random way, some of us would wake up in the morning and think, huh, my glass is half full, and I am going to go to work and see if I can fill it up the rest of the way. And others, they look at their glass and say mine is half empty and that fellow over there, he is seeking to fill his glass. If he were not doing that, mine would fill spontaneously. That is the class envy, jealousy, hatred that comes.

It has always been this conflict between freedom and communism, freedom and fascism, freedom and national socialism, and freedom and militant Islamic extremism, all the same kind of class envy jealousy, the hatred that comes from the idea that if somehow other people were not industrious and did not earn a profit, somehow those resources of the world are finite and others flow to other folks who do not quite try so hard or have the technology or have not developed the education. But this spirit of entrepreneurship and free enterprise will establish itself in a strong way in Afghanistan and Iraq.

In fact, I gave a speech to the Baghdad Chamber of Commerce. I did not know they had a Chamber of Commerce. We pulled into Baghdad at the al Rashid Hotel, and they asked me if I would give a speech to them. So I said yes I would.

It was about 3:00 in the afternoon. Walked in there, and they were getting ready to introduce me, and I said introduce me to the interpreter first. That interpreter that was going to be really helpful. And they said, no, we do not have an interpreter. You do not need an interpreter, Mr. Congressman, because they all speak English here at the Baghdad Chamber of Commerce. About 50 to 58 of them sitting at their tables.

So I gave them a little speech, and you could tell they understood English. They laughed at the right time, and they smiled at the right time, and they clapped at a time that I thought was appropriate--appreciated at the level of interest in developing a culture of free enterprise in Iraq.

When that speech was over, I needed to get on to the next meeting, but it was an instantaneous cluster, huddle like, actually. They had to eventually just pull me out of this huddle. We were passing back and forth business cards and writing notes and trying to find a way to connect with the inspiration of entrepreneurs that is embodied in almost every American that walks the streets of Baghdad or Iraq. They look to us to be leaders in a lot of ways, not just military but on free enterprise capitalism perspective, and as they continue to develop that their economy will grow.

It takes a level of integrity and morality to have a functioning free enterprise system. It works on trust. Why? Because there is no bank in the equation, so it is the trust. And that trust is built and established in the Arab world and in the world. It will grow and develop. The free enterprise economy will grow in Baghdad and the other cities in Iraq and connects itself with the new thing that will come, that will be available for the Iraqis after December 15, when they are a truly sovereign nation in charge of all of their own assets, then they will be able to sit down and negotiate or have competitive bids for the development of the oil resources in Iraq.

They must have that. They must have outside capital, foreign capital and foreign technology and foreign know-how, and a lot of it should be and hopefully is American technology capital know-how to pour into Iraq, to go out and punch in hundreds of new oil wells and new pipelines and distribution systems and refineries so that that oil can pour out of that country and the economy can thrive.

Another allegation that comes from the other side of the aisle, Mr. Speaker, is that somehow we did this all for oil. But oil is something that you can purchase on the open market around the world. We did not do the huddle of oil; we went in there to protect that oil for the Iraqis.

It is absolutely clear that the oil resources of Iraq belong to the people of Iraq, and we protected that, preserved that, and we are keeping our pledge with the Iraqi people. They will develop the oil resources with foreign capital and, when that happens, then the cash will flow into the economy and will multiply over and over again. And Iraq becomes the lodestar Arab nation that brings freedom to that part of the world.

Like, as the European, the eastern European nations saw, an echo of freedom go across eastern Europe, and the day the wall went down on November 9, 1989, I believe we will see an echo of freedom go through the Arab world, probably not as dramatically, probably not as quickly, probably not as bloodlessly. But I believe we will see a free Arab people some time within the next generation.

At that point, the habitat that breeds terrorists will disappear. It will not be there, that culture that can create that kind of a thing. And I mean that by two ways. But the culture of freedom does not produce a culture of terror. In fact, free people never go to war against other free people. This country has never gone to war against another democracy, another group of people that had an opportunity to go to the polls and select their leaders and their national destiny. That is another known fact that does not seem to get out on the other side of the aisle. It is very important to have those kind of allies.

So I am optimistic about the solutions there. I applaud the President’s vision and having the courage to step in and take the initiative to free 50 million people, 50 million Arab people, to give them an opportunity. And those people will be our allies, by the way, for a long, long time to come in a part of the world where it is pretty important to have those kind of allies.

I listened to some of the other lamentations that were here earlier this evening, the discussion about the Budget Reconciliation Act, the people who are critical of that, of the Deficit Reduction Act that we brought some half of 1 percent trim, given the proposed spending up until the year 2030, not enough, but a start. A half of 1 percent of our budget is all that amounts to, Mr. Speaker. I do not think it is very hard to step up and do a very small half of 1 percent trim, given the kind of spending that we have had.

But the other side of the aisle does not offer $1 in fiscally responsible cuts,
not one; and they do not offer one vote to support our fiscal responsibility, not one. Additionally, they demagogue the very things we have done that are responsible.

The statement was made over here early this night that we have cut $40 billion from the student loans and that somehow it is going to come out of the students, their loans and their aid. Not. Not $40 billion from the student loans. The students are not going to notice any more than there is more cash available, not less, because we have made administrative changes, changes that affect the interest rates and the fees that are being charged by the lenders. This is not going to affect the students. This is reform. That is efficiency in government and efficiency in business.

But you know the demagoguery again. If I was as pessimistic as this and if I had this philosophy, this argument that everything is wrong and you cannot lead; this leadership night after night after night, I think I would swim to Cuba and try to find a place where I would be happy. That would be my advice to the people that are here every night tearing down the optimism of America, undermining the truth that is America, and making it difficult for us to move forward into this bold and brave future that we need to.

And, by the way, they have no confidence in our economy. I could go down through the whole list of economic indicators. We have had the longest period of consistent growth over 3 percent for 10 consecutive quarters. That is the longest since for the last two decades to have that kind of growth. Unemployment is down to 5.0 percent, when 5.6 is considered to be a pretty good position to be in. It has been ratcheting down. This economy has been creating more and more jobs. Nearly every economic indicator is stronger and stronger and stronger.

That in the face of the negatives, that in the face of Hurricane Katrina. This in 10 consecutive quarters of growth over 3 percent is after we got hit by September 11 and the attack on our financial markets. It is after some of the business circumstances that were brought up short by this Congress, and I am pleased that they were, hit the markets as well. After people lost confidence in the markets, September 20th, September, destroyed the financial industry. We still came back and recovered with 10 consecutive quarters of growth over 3 percent, Mr. Speaker.

So this is a strong and robust economy, and it is a credit to the Bush tax cuts, those tax cuts that we need to make permanent, the extra resources, the billions of dollars that we have in our Treasury today because we had the courage to cut taxes so our economy could grow and create jobs. That is the kind of leadership we sorely lack on the other side. They are good at criticizing, but I am waiting for a positive agenda, Mr. Speaker.

This idea that American soldiers should be, go off and fight without support for their mission has got to come back to the people who believe somehow they can support our soldiers but not support the mission, Mr. Speaker.

So I say to you that I am optimistic about the future of America. I know our economy is strong. I am optimistic about the future of our economy.

I am watching a confirmation process begin in the United States Senate for Judge Alito. I think he will be the individual that comes to the Supreme Court and begins a constitutional restoration process. I am looking forward to that. We must restore this Constitution. It has been eroded over the last 30 to 40 years with activist judges.

The Kilo decision was the last straw for me and a lot of us. I agreed with the liberals on that. I will say that the gentleman from Massachusetts and I, I think he will be the individual that comes to the Supreme Court and begins a constitutional restoration process. I am looking forward to that. We must restore this Constitution. It has been eroded over the last 30 to 40 years with activist judges.

We will get back to that, Mr. Speaker, with this confirmation of Judge Alito. The corner needs to be turned. The American people need to be informed on how positive things are over in Iraq and that our economy is strong and we are going to move forward in a bold future with a bold agenda.

We need this reconciliation act so that we can offset the costs of Hurricane Katrina. I will do more. We need to drill for oil in ANWR. We need to drill for natural gas and oil on our Outer Continental Shelf and hand this energy independence to our grandchildren and oil supplies, good tax programs, a national security program, a whole package. So, Mr. Speaker, I appreciate your indulgence tonight and the privilege to speak to this House.

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

PERMISSION TO HAVE UNTIL 2:00 A.M., NOVEMBER 16, 2005 TO FILE CONFERENCE REPORT ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. King of Iowa. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until 2:00 a.m., November 16, 2005 to file the conference report on H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The SPEAKER pro tempore (Mr. Inslee of South Carolina). Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADDRESS OF MR. MCNUITY

Mr. McNulty (at the request of Ms. Pelosi) for today and November 16 on account of a funeral in the district.

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 Ms. Zoe Lofgren of California) to revise and extend their remarks and include extraneous material:)

Mr. Hoyer, for 5 minutes, today.
Mr. George Miller of California, for 5 minutes, today.
Mr. DeFazio, for 5 minutes, today.
Mrs. McCarthy, for 5 minutes, today.
Mr. Wynn, for 5 minutes, today.
Mr. Emanuel, for 5 minutes, today.
Ms. Rohrabacher, for 5 minutes, today.
Ms. Kaptur, for 5 minutes, today.
Ms. Lee, for 5 minutes, today.
Mr. Cummings, for 5 minutes, today.
Ms. Woolsey, for 5 minutes, today.
Ms. Watson, for 5 minutes, today.
Mr. Burton of Indiana, for 5 minutes, today and November 16, and 17.
Mr. Pozzobon, for 5 minutes, today and November 16.
Mr. Jones of North Carolina, for 5 minutes, November 16 and 17.
Mr. King of Iowa, for 5 minutes, November 16.
Mr. Hunter, for 5 minutes, today.
Mr. Moran of Virginia, for 5 minutes, today.
Mr. Peterson of Pennsylvania, for 5 minutes, today.

Ms. Pelosi, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Treanor, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 219. An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.
BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 10, 2005, he presented to the President of the United States, for his approval, the following bill.


ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to, accordingly (at midnight), the House adjourned until today, Wednesday, November 16, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5191. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — 2-Bromo-2-Nitro-1,3-Propanedil (Bromonap); Exemptions from the Requirement of a Tolerance [OPP-2005-0280; FRL-79749-4] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


5193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — 8-methoxachlor; Pesticide Tolerance Technical Correction [OPP-2004-0252; FRL-78774-9] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Sulfofuran; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0253; FRL-78773-9] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5195. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending September 30, 2005, pursuant to 10 U.S.C. 2392; to the Committee on Armed Services.

5196. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Qatar pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5197. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.


5199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Determination of Attainment for Certain Emission Standards and Designation of Areas for Air Quality Planning Purposes; and Control of Air Pollution from New Motor Vehicles; Revisions to Motor Vehicle Diesel Fuel Sulfur Transition Provisions; and Technical Amendments to the Highway Diesel, Nonroad Diesel, and ‘‘Phase 2’’ Final Rule on New and Used Motor Vehicles [FRL-79969-9] (RIN: 2060-AJ71) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


5202. A letter from the Federal Communications Commission, transmitting the Commission’s final rule — Amendment of Section 73.202(b) of Table of Allotments, FM Broadcast Stations, (Goldendale, Washington) [MB Docket No. 05-8; RM-1112] (FCC 05-379, WT Docket No. 05-11; RM-1114; (T)Y, Georgia) [MB Docket No. 05-12; RM-1115] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5203. A letter from the Chairman of the Federal Communications Commission, transmitting the Commission’s final rule — Amendment of Section 73.202(b) of Table of Allotments, FM Broadcast Stations, (Cameron and Hackberry, Louisiana) [MB Docket No. 05-138; RM-1116; RM-1126] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5204. A letter from the Chairman, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule — Amendment of Section 73.202(b) of Table of Allotments, FM Broadcast Stations, (Glenville, Clyde, and Weaverville, North Carolina and Tazewell,
Tennessee) [MB Docket No. 02-352; RM-10692; RM-10776; RM-10777] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5214. A letter from the Assistant General Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements and treaties entered into by the United States, pursuant to 1 U.S.C. 122(b)(a); to the Committee on International Relations.

5215. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, a report pursuant to Section 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for Disaster Relief and Emergency Assistance subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988; to the Committee on Government Reform.

5216. A letter from the Secretary, Department of Transportation, transmitting the Department’s annual report of the activities of the Emergency Preparedness and Response Division, pursuant to 109–295. Referred to the Committee on Transportation and Infrastructure.

5217. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the report required by Section 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988; to the Committee on International Relations.

5218. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Title V, Emergency Preparedness and Response, Department of Transportation Act of 2005; to the Committee on Transportation and Infrastructure.

5219. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the report required by Section 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988; to the Committee on International Relations.

5220. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the report required by Section 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988; to the Committee on International Relations.

5221. A letter from the Secretary, Department of Transportation, transmitting the Department’s sixth report to Congress and sixth report to the President entitled, “The National Initiative for Increasing Safety Belt Use, Buckle Up America Campaign”; to the Committee on Transportation and Infrastructure.

5222. A letter from the Secretary, Department of Transportation, transmitting the Department’s report to Congress as required by Section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

5223. A letter from the Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Lancaster, Pennsylvania; to the Committee on Transportation and Infrastructure.

5224. A letter from the President, John F. Kennedy Center for the Performing Arts, transmitting the report due on October 31, 2005 of the John F. Kennedy Center for the Performing Arts, pursuant to 20 U.S.C. 781(c); to the Committee on Transportation and Infrastructure.

5225. A letter from the Chairman, Labor Member, Medicare Board, Retirement Board, transmitting the Board’s 2005 report for the fiscal year ended September 30, 2004, pursuant to section 7(b)(6) of the Balanced Budget Act and section 121(l) of the Railroad Unemployment Insurance Act; jointly to the Committees on Transportation and Infrastructure and Ways and Means.


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. POMBO: Committee on Resources.

H.R. 326. A bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundaries of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act; with amendments (Rept. 109–295). Referred to the Committee of the Whole on the House of the Union.

Mr. LINCOLN DIAZ-BALART of Florida. Committee on Rules. House Resolution 553. Resolution providing for consideration of the bill (H.R. 1065) to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing (Rept. 109–296). Referred to the House Calendar.

Mr. BOEHLETT: Committee on Science. House Resolution 515. Resolution of inquiry requesting the President of the United States to provide to the House of Representatives certain documents in his possession relating to the climate change on the coastal regions of the United States; adversely (Rept. 109–296). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WELLS (for himself and Mr. OXLEY): H.R. 4319. A bill to provide assistance for small and medium enterprises in sub-Saharan Africa, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself and Mr. FRANK of Massachusetts):

H.R. 4320. A bill to restore the financial solvency of the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. TANNCREDO (for himself, Mr. SMITH of New Jersey, and others): H.R. 4321. A bill to repeal the amendment made by section 796 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006, exempting from harboring sanctions compensation for alien volunteers for certain religious organizations; to the Committee on the Judiciary.

By Mr. POMBO (for himself and Mr. RAHALL):

H.R. 4322. A bill to provide for Indian trust management reform and to rescind historical accounting claims, and for other purposes; to the Committee on Resources.

By Mr. THOMAS:

H.R. 4323. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, to provide certain hurricane-related tax relief, and for other purposes; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. NORTON, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 4324. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the prediaser mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WELLER (for himself, Mr. HONDA, Mr. DOOLITTLE, and Mr. SWEENEY):

H.R. 4325. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income for certain education and training expenses, and for other purposes; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. SCOTT of Virginia):

H.R. 4326. A bill to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70); to the Committee on Armed Services.

By Mr. ANDREWS (for himself and Mr. PAPPAS):

H.R. 4327. A bill to authorize the Secretary of State to deny a passport to a noncustodial parent who is the subject of an outstanding protection order, warrant, or other court order or other court order or order of the court of another country to prevent one with whom the child lives from taking the child out of the United States or going abroad with the child or from having the child’s whereabouts known, and for other purposes; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 4328. A bill to amend title II of the Social Security Act to restore child insurance benefits in the case of children who are 18 years of age or older and are not otherwise eligible for such benefits in the case of children who have left school as full-time students; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4329. A bill to amend the Davis-Bacon Act to provide that a contractor under that Act who has repeated violations of the Act
shall have its contract with the United States canceled and to require the disclosure under freedom of information provisions of Federal law of certain payroll information under the Davis-Bacon Act; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. PUTNAM, Ms. ROS-LEHTINEN, Mr. FOLEY, Ms. WARNER, Mr. SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. MILLER of Florida, Mr. BONNER, Mr. SHAW, Ms. MILLER of Florida, and Mr. MEER of Florida):

H. R. 4330. A bill to provide assistance to agricultural producers whose operations were severely damaged by the hurricanes of 2004; to the Committee on Agriculture, in addition to the Committees on the Budget, Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio, for himself, Mr. SMITH of Washington, Mr. OTTER, Mr. REICHERT, Mr. DICKS, and Mr. WALDEN of Oregon):

H. R. 4331. A bill to provide for a Medicaid demonstration project for chronic disease management; to the Committee on Energy and Commerce.

By Mr. PETERTSON of Minnesota (for himself, Mr. COSTA, Mr. SALAZAR, Mr. HOLDEN, Mr. BUTTERFIELD, Mr. BRESCHNITZ, Mr. MCINTYRE, Mr. DAVIS of Tennessee, Mr. POSEY, Mr. MELANCON, Mr. CUETLA, Mr. HARE, Mr. SMITH, Mr. BARROW, and Mr. BONVELL):

H. R. 4332. A bill to provide for an automatic one-year extension of the authorizations of appropriations and direct spending programs of the Farm Security and Rural Investment Act of 2002 and to provide for an additional two-year extension, if implementation legislation is not submitted with respect to the Doha Development Round of World Trade Organization negotiations by January 15, 2006; to the Committee on Agriculture.

By Mr. SANDERS:

H. R. 4333. A bill to require the Administrator of the Environmental Protection Agency to establish performance standards for fine particulates for certain pulp and paper mills, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mr. FOLK, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WEXLER, Ms. HARRIS, Ms. GINNY BROWN-WATIE of Florida, Mr. MILLER of Florida, Mr. SCHULTZ, Ms. CORRINE BROWN of Florida, Mr. CRISHALL, Mr. PUTNAM, and Mr. DAVIS of Minnesota):

H. R. 4334. A bill to provide emergency tax relief for persons affected by Hurricane Wilma; to the Committee on Ways and Means, and the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H. R. 4335. A bill to extend the temporary suspension of duty on Fluorobenzene; to the Committee on Ways and Means.

By Mr. STUPAK:

H. R. 4336. A bill to designate the visitor center and other related facilities at the U.S.S. Arizona Memorial in Hawaii as the "Pearl Harbor Memorial Site"; to the Committee on Resources.

By Mr. ORTIZ (for himself, Ms. PILLOSI, Mrs. NAPOLITANO, Mr. STA ak, Mr. ZOR LORENC, and Ms. LOUnda T. SANCHEZ of California, Mr. HINOJOSA, Mr. T. GRIJALVA, Ms. SOLIS, Mr. BERNARDO, Ms. SALAZAR, Ms. LORETTA BANZIE of California, Mr. MENENDEZ, Mr. COSTA, Mr. BACA, Mr. PASTOR, Mr. CARDOZA, Mr. GONZALEZ, Ms. RIVERA, Ms. VELAZQUEZ, Ms. HERNANDEZ, Mr. LANTOS, Mrs. DAVIS of California, Mr. BERNARD, Mr. SCHIFF, Mr. FARR, Mr. WAXMAN, Mr. MATSUI, Mr. LEE, Mr. GORBEA MILLER of California, Mrs. CAPPS, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. McDermott, Ms. WATSON, Ms. ESHOO, Mr. SMITH of Washington, Ms. MILLIENDR-McDONALD, Mr. SHEARAN, Mrs. TAUSCHER, Mr. GUTIERREZ, Mr. CONYERS, Mr. UDALL, of New Mexico, Mrs. JOHNS of Ohio, Mr. DELAHOYDE, Mr. HOLT, and Mr. DREIER):

H. Con. Res. 297. Concurrent resolution honoring the life and expressing the deep sense of the Congress of the United States on the passing of Edward Roybal, former United States Congressman; to the Committee on House Administration.

By Mr. SHAW:

H. Con. Res. 298. Concurrent resolution supporting the goals and ideals of National Lung Cancer Awareness Month and expressing the sense of the Congress that the Federal commitment to lung cancer research and earlier detection must be significantly increased; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. CUNNINGHAM, Ms. SLAUGHTER, and Mrs. BONO):

H. Con. Res. 299. Concurrent resolution expressing the sense of Congress that the leaders of Congress and other legislative branch offices should work together to establish and implement a coordinated program for the reuse, recycling, and appropriate disposal of obsolete computers and other electronic equipment and materials; to the Committee on House Administration.

By Ms. BALDWIN:

H. Res. 552. A resolution recognizing the 50th Anniversary of the Crop Science Society of America; to the Committee on Agriculture.

By Mr. PAYNE (for himself and Mr. WYNN):

H. Res. 564. A resolution urging the Government of the Democratic People's Republic to hold orderly, peaceful, and free and fair presidential elections in November 2005; to the Committee on International Relations.

By Mr. TAKASU of Hawaii, for himself, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. CROWLEY, Mrs. MCCARTHY, Mr. McCOTTER, Mr. HIGGINS, Mr. SWEENEY, and Mr. PAYNE):

H. Res. 555. A resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland; to the Committee on International Relations.

MEMORIALS

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

H. R. 23: Mr. MURTHA and Mr. MICA.

H. R. 111: Mr. MELANCON.

H. R. 114: Mr. SHEARMAN.

H. R. 303: Mr. WALDEN of Oregon.

H. R. 408: Mr. SCHIFF.

H. R. 500: Mr. ROYCE.

H. R. 503: Mr. OWENS.

H. R. 562: Mr. FITZPATRICK of Pennsylvania.

H. R. 586: Mr. KING of Iowa.

H. R. 662: Mr. WALDEN of Oregon, Mr. FITZPATRICK of Pennsylvania, and Mr. KUCH of New York.

H. R. 633: Mr. PASTOR and Mr. KENNEDY of Rhode Island.

H. R. 669: Mr. TASHER.

H. R. 676: Ms. CORRINE BROWN of Florida.

H. R. 713: Mr. WAMP.

H. R. 752: Mr. BUTTERFIELD and Mr. BROWN of Ohio.

H. R. 817: Mr. CASTLE.
DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 972: Mr. Davis of Illinois, Mrs. Schmidt, Mr. Snyder, and Mr. Waxman.
H.R. 986: Mr. Shuster.
H.R. 1070: Mrs. Schmidt.
H.R. 871: Mr. Waxman, Mr. Ewing, Mr. Tanner, Mr. Gutierrez, Mr. Nadler, and Ms. Hart.
H.R. 1105: Mr. Otter.
H.R. 1141: Mr. Shuster, Mr. Platts, and Mr. Cooper.
H.R. 1159: Mr. Brown of Ohio, Mr. Wexler, and Mrs. Grijalva.
H.R. 1241: Mr. Moore of Kansas.
H.R. 1259: Mr. Higginson, Mr. Snyder, Mr. Waxman, Mr. Ewing, Mr. Ewing, Mr. Tanner, Mr. Gutierrez, Mr. Nadler, and Ms. Hart.
H.R. 1286: Mr. Calvert.
H.R. 1288: Mr. Nussle.
H.R. 1290: Mr. Jefferson.
H.R. 1332: Mr. Peterson of Minnesota.
H.R. 1356: Mr. Moore of Kansas.
H.R. 1402: Mr. Sweeney and Mr. Harris.
H.R. 1425: Mr. McNulty.
H.R. 1356: Mr. Al Green of Texas.
H.R. 1688: Mr. Ortiz and Mr. McGovern.
H.R. 1790: Mr. Manzullo.
H.R. 1651: Ms. Linda T. Sánchez of California, Mr. Tancredo, and Mr. Schiff.
H.R. 1357: Mr. Shadegg.
H.R. 1445: Mr. Meehan of Pennsylvania.
H.R. 2948: Mr. Miller of Florida, Mr. Deal of Georgia, and Mr. Fossella.
H.R. 2076: Mr. Schwarz of Michigan.
H.R. 2954: Mr. Grijalva, Mr. Wexler, Mr. Wynn, and Mr. Eshoo.
H.R. 4051: Mr. Flake.
H.R. 4025: Mr. Udall of New Mexico, Mr. Stupak, Mr. Boswell, Ms. McKinney, Mr. Grijalva, Mr. Owens, Mr. Ortiz, Ms. Kilpatrick of Michigan, Mrs. McCarthy, and Mr. Strickland.
H.R. 4032: Mr. King of Iowa, Mr. Gurtke, Mr. Rohrabacher, Mr. Issa, Mr. Chabot, Mr. McQuay, Mr. McCaul of Texas, Mr. Neugebauer, Mr. Pence, Mr. Hensarling, Mr. Westmoreland, and Mr. Bartlett of Maryland.
H.R. 4039: Ms. Baldwin.
H.R. 4049: Mr. Thompson of California.
H.R. 4104: Mr. Paul and Mr. Jefferson.
H.R. 4126: Mr. Handel.
H.R. 4055: Mr. B线条, Mr. Sanders, Mr. Pallone, Mr. Berry, Mr. Berkley, Mr. Boswell, Mr. Frank of Massachusetts, Mr. Mollahan, Mr. Blumenauer, Mr. Pasch, Mr. Harman, Mr. Van Hollen, Mr. Engel, Mr. Sherman, Mr. Spratt, Mrs. Capps, Mr. Strickland, Mr. Baldwin, Mr. Markey, Mr. Bouldarlo, Mr. Udall of Colorado, and Mr. Brady of Pennsylvania.
H.R. 4138: Mr. Brady of Pennsylvania and Mr. Hinchey.
H.R. 4184: Mr. Brady of Pennsylvania, Mr. Hinchey, Mr. Engel, and Mr. Peterson of Minnesota.
H.R. 4200: Mr. Crenshaw, Mr. Smith of Texas, Mr. Pitts, Mr. Bishop of Georgia, and Mr. Matney.
H.R. 4222: Ms. Norton, Mrs. Christensen, Ms. Velázquez, Mr. Barrow, Mr. Cleaver, and Mr. Bishop of New York.
H.R. 4236: Mr. Lewis of Washington, Mr. Hall, and Mr. Kuhl of New York.
H.R. 4253: Mr. McKeon.
H.R. 4272: Mr. Paul, Ms. Schakowsky, and Mr. DeFazio.
H.R. 4293: Mr. McKeon and Mr. Payne.
H.R. 4300: Mr. Walsh.
H.R. 4306: Mr. Pence.
H.R. 4308: Mr. Michaud.
H.R. 4309: Mr. Wexler, Mr. Meeks of New York, and Mrs. Capps.
H.R. 4310: Mr. Kennedy of Rhode Island.
H.R. 4316: Mr. Baker.
H.R. 4317: Mr. Conyers.
H.R. 4318: Mr. Lipinski and Ms. Lee.
H.R. 4320: Mr. Payne, Mr. Pearce, and Mr. Van Hollen.
H.R. 4347: Mr. Oberstar, and Mr. Van Hollen.
H.R. 4350: Mr. Leland of California.
H.R. 4363: Mr. Morgan of New York.
H.R. 4366: Mr. Pomeroy, Mr. Moran of Virginia, and Ms. Norton.
H.R. 4368: Mr. Issa, Mr. Ferguson, Ms. Zor Lofgren of California, Mr. Hayes, and Mr. Pombo.
H.R. 4375: Mr. Terry, Mr. McKeon, Mr. Wilson of South Carolina, and Mr. Schiffer.
H.R. 4380: Mr. McKeon, Mr. Faleomavaega, Mr. Watson of Virginia, Mr. Shimkus, Mr. Maloney, and Mr. Weldon of Pennsylvania.
H.R. 4387: Mr. Barrow, Mrs. Capps, Mr. Wexler, Mr. Larson of Connecticut, Mr. Van Hollen, Mr. Saro, Ms. Slaughter, Ms. Corinne Brown of Florida, Mr. Butterfield, and Mr. Rothman.
H.R. 4388: Mr. Engler, Mr. Norwood, Mr. Shimkus, Mr. Maloney, and Mr. Weldon of Pennsylvania.
H.R. 4397: Mr. Treanor, Mr. Wilson of South Carolina, and Mr. Schiffer.
H.R. 4398: Mr. Johanns, Mr. Scott of Virginia, Mr. Derby, Mr. Cardoza, Mr. Berman, Mr. McKeon, Mr. Ackerman, Mr. Ryan of Ohio, Mr. Mica, Mrs. McCathy, Mr. Jones of North Carolina, Mr. Lynch, Mr. Sullivan, Mr. Daniel E. Lungren of California, Mr. Van Hollen, Mr. Frank of Arizona, Mr. McKeon, Mr. Saxton, Mr. Grijalva, and Mrs. Schakowsky.
H.R. 4439: Mr. Mica, Mr. Graf, Mr. Perdue, Mr. Scott of Virginia, Mrs. Maloney, Mr. Kennedy of Rhode Island, and Mr. Honda.
H.R. 4479: Mr. Barrow, Mr. Capps, Mr. Wexler, Mr. Larson of Connecticut, Mr. Van Hollen, Mr. Saro, Ms. Slaughter, Ms. Corinne Brown of Florida, Mr. Butterfield, and Mr. Rothman.
H.R. 4480: Mr. DeLauro, Mr. Scott of Virginia, Mrs. Maloney, Mr. Kennedy of Rhode Island, and Mr. Honda.
H.R. 4497: Mr. Calvert, Mr. Faleomavaega, Mr. Kuhl of New York, Mr. Radanovich, Mr. Meeks of New York, and Mr. Inslee.
H.R. 4500: Mr. Calvert, Mr. Johnson of Illinois, Mr. McKeon, Mr. Wexler, and Mr. Crenshaw.
H.R. 4517: Mr. Hinchey.
H.R. 4519: Mr. Spratt and Mr. Barrett of South Carolina.
H.R. 4526: Mr. Moore of Kansas.
H.R. 4529: Mr. Shimkus, Mr. Crowly, Mr. Stearns, Mr. Ferguson, Mr. Larsen of Washington, Mr. Simmons, Mr. Gary G. Miller, Mr. Lantos of California, Mr. Lantos, Mr. Berman, Mr. Terry, Mr. Rohrabacher, Mr. Hart, Mr. Costello, Mr. Chandler, Mr. Inslee, Mr. Rothman, Mr. Bass, Mr. Thompson of California, and Mrs. Jo Ann Davis of Virginia.
H.R. 4546: Mr. McIntyre, Mr. Smith of New Jersey, Mr. Rothman, and Mr. McHugh.
H.R. 4568: Mr. Chaffetz.
H.R. 4557: Mr. Weldon of Florida.
The Senate met at 9:45 a.m. and was called to order by the Honorable David Vitter, a Senator from the State of Louisiana.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
0 God our saviour, You faithfully answer our prayers with awesome deeds. You formed the mountains with Your power and quieted the raging ocean. Today, bless us with the transforming impact of Your presence. May this walk with You strengthen us to live blameless lives that honor Your name.

Bless our Senators. Give them the courage to speak the truth from sincere hearts. Keep their hearts in tune with You. Help them to labor to bring life and health where there is death and despair. Deliver us all from persistent sins and make us Your faithful followers. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable David Vitter led the Pledge of Allegiance as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The Presiding Officer. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stevens).

The legislative clerk read the following letter:

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable David Vitter, a Senator from the State of Louisiana, to perform the duties of the Chair.

Ted Stevens, President pro tempore.

Mr. Vitter thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The Acting President pro tempore. The majority leader is recognized.

SCHEDULE
Mr. Frist. Mr. President, this morning, following leader remarks we will begin a 30-minute period for morning business. That will be followed by an additional 30-minute period of time which has been set aside for closing remarks on the Defense authorization bill. At approximately 10:30 or so this morning we are scheduled to begin a series of votes which will end with a vote on passage of the Defense authorization bill. Those stacked votes include the Warner amendment on Iraq; a Levin amendment on Iraq; Senator Bingham’s second-degree amendment relating to detainees; Senator Graham’s underlying amendment on detainees, and then final passage of the bill. Therefore, we should complete our work on the Defense bill by the start of our policy lunch recess.

Yesterday, I mentioned the many items that we will need to consider prior to adjourning for Thanksgiving. The tax reconciliation bill may be available as early as later today, and we will proceed to that bill under the statutory time limit as soon as possible. We will know a little bit later this morning.

We will continue to expedite consideration of the other appropriations conference reports as they arrive at the desk and we can clear them with short time agreements. We will also consider other conference reports I mentioned yesterday, the PATRIOT Act, as well as the pension bill under an agreement now being negotiated. That is the pension bill.

If we use all of this time wisely we can get through our remaining business in this week. I hope we can work together during these final days so we do not have to work into Saturday or longer to complete the items that remain. We will have to gauge our progress over the next 24 to 48 hours in that regard, and I urge everyone to keep a flexible schedule over the next several days.

I yield the floor.

Mr. Reid. I suggest the absence of a quorum.

The Acting President pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Reid. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The Acting President pro tempore. Without objection, it is so ordered.

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

MORNING BUSINESS
The Acting President pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Colorado is recognized.

Mr. Salazar. Mr. President, I yield the floor for a unanimous consent request by my colleague from Oklahoma.
The ACTING PRESIDENT pro tem. The Senator from Oklahoma is recognized.

CHANGE OF VOTE

Mr. INHOFE. Mr. President, I thank the Senator from Colorado for yielding. On rollocall vote No. 307, I was recorded as voting yea. I voted no. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The ACTING PRESIDENT pro tem. Without objection, it is so ordered.

The Senator from Colorado.

ENERGY INDEPENDENCE: A 21ST CENTURY IMPERATIVE

Mr. SALAZAR. Mr. President, I rise today to discuss an urgent problem that continues to confront this great Nation. The problem is simply stated. Today, America is held hostage to our overdependence on foreign oil. That dependence is continuing to grow at an ever-alarming rate. America deserves better.

The problem is a result of the malignant neglect of the United States of a meaningful national energy policy for the last three decades. From the formation of OPEC and President Carter’s national statement that we must embrace energy independence with “the moral imperative of war,” Washington has been stuck in the swamp of inaction. It is time to change this neglect and, for the sake of ourselves and for our children, find our way out of this swamp of inaction.

Ever since 1970, America’s domestic production of oil has been dropping. And ever since, many speeches have been given in Washington about the importance of achieving energy independence. Many of us remember the speeches of Richard Nixon and President Carter in the 1970s and the 1980s.

In 1973, following the formation of OPEC, President Nixon gave a speech to the Nation where he said:

our overall objective . . . can be summed up in one word that best characterizes this Nation and its essential character. The word is “independence.”

Then again in 1980, President Carter spoke to the Congress at his State of the Union address. In that speech, President Carter said:

Our excessive dependence on foreign oil is a clear and present danger to our Nation’s security. The need has never been more urgent. At long last, we must have a clear, comprehensive energy policy for the United States.

That was President Jimmy Carter in 1980. Well, here we are in 2005 and the Nation has miserably failed to achieve any meaningful reform and any progress toward energy independence. Instead, we have retreated and gone backward. We have become more dependent on imports of foreign oil. The words of President Nixon and President Carter today in 2005 sound hollow because there has been no action to follow the words that have come out of Washington. I am sure both President Nixon, if he were alive today, and President Carter today would be frustrated with the refusal of Washington, the refusal of this White House, to move this great Nation toward energy independence.

I, too, am tired of this talk, and I believe many of my colleagues in this Chamber are tired of this talk. I am tired of the reasonable hope that Congress will protect the special interests, and it is time for us to take action.

The facts do not lie about the national energy crisis that we are in and how we are being held hostage to the whims of foreign governments. The conclusion is inescapable when one reviews the facts. Let me review just a few of those important facts. One, Americans today consume one-quarter of the world’s oil, but we only stand on top of 3 percent of the known global reserves. So we consume one-quarter of the world’s oil, but we only have 3 percent of the world’s reserves.

Currently, the OPEC member countries produce about 40 percent of the oil in the world. But they hold 80 percent of the proven world reserves. That is a second fact that should be alarming to us because 85 percent of those reserves are in the greater Middle East in countries such as Iraq, Iran, and Saudi Arabia.

Third, 22 percent of the world’s oil is in the hands of state sponsors of terrorism under U.S. or U.N. sanction, and only 9 percent of the world’s oil is in the hands of free countries.

Today, as we debate the Department of Defense authorization bill to make sure that we remain a strong America, this ought to be something in the back of our minds and in the front of our minds, that we cannot really have a strong America unless we address this problem in America.

The facts do not lie about the nation’s energy crisis that we are in and how we are being held hostage to the whims of foreign governments. The conclusion is inescapable when one reviews the facts. Let me review just a few of those important facts. One, Americans today consume one-quarter of the world’s oil, but we only stand on top of 3 percent of the known oil reserves. So we consume one-quarter of the world’s oil, but we only have 3 percent of the world’s reserves.

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Today, as we debate the Department of Defense authorization bill to make sure that we remain a strong America, this ought to be something in the back of our minds and in the front of our minds, that we cannot really have a strong America unless we address this problem in America.

The facts do not lie about the nation’s energy crisis that we are in and how we are being held hostage to the whims of foreign governments. The conclusion is inescapable when one reviews the facts. Let me review just a few of those important facts. One, Americans today consume one-quarter of the world’s oil, but we only stand on top of 3 percent of the known oil reserves. So we consume one-quarter of the world’s oil, but we only have 3 percent of the world’s reserves.

Currently, the OPEC member countries produce about 40 percent of the oil in the world. But they hold 80 percent of the proven world reserves. That is a second fact that should be alarming to us because 85 percent of those reserves are in the greater Middle East in countries such as Iraq, Iran, and Saudi Arabia.

Third, 22 percent of the world’s oil is in the hands of state sponsors of terrorism under U.S. or U.N. sanction, and only 9 percent of the world’s oil is in the hands of free countries.

Today, as we debate the Department of Defense authorization bill to make sure that we remain a strong America, this ought to be something in the back of our minds and in the front of our minds, that we cannot really have a strong America unless we address this problem in America.
bipartisan action on the part of the Senate, the Congress.

Second, the Energy Policy Act of 2005 did some good things in making us move forward toward energy independence. It embraced an ethic of energy conservation. It requires all of the major oil companies to do something about price gouging. It requires the oil companies to have nothing to be afraid of with respect to price gouging because they say they have not engaged in price gouging. But we need to have a definition of what price gouging is. We need to make the determinations as to whether price gouging has occurred on the backs of the American people. We ought to be able to pass a price-gouging law in America today.

Second, we need to immediately embrace conservation emergency efforts for the year 2005 and for this winter. The years of malignant neglect have suddenly caught up with all of us, and we need to conserve energy for this winter. I believe we need to pass an Emergency Energy Conservation Act of 2005. I have promoted a number of proposals on the floor of the Senate, as have several of my colleagues. On the House side, the story is the same. There are many good ideas available to us that we have not courageously used. But we do not have time to wait. We need to act now, before the cold days of winter are upon us.

Finally, we need to continue to put the spotlight on the possibilities and opportunities of renewable energy. Today, the nation of Brazil produces about half of its energy supply from renewable energy. They have truly embraced and achieved a goal of energy independence. If Brazil and other countries that are less prosperous, Third World countries, can in fact achieve energy independence by looking at renewable fuels, why can’t we in the United States do the same? I believe we can. More production of renewable fuels can help combat the future development of wind, solar, biomass, and other renewable resources will move the United States closer to energy independence. At the same time, renewable energy production will directly benefit those agricultural and rural communities hardest hit by high energy prices. Harvesting renewable energy from our Nation’s farmlands and wide open spaces is perhaps the most important opportunity to come to rural America in the last 50 years.

A group called the Energy Future Coalition, composed of leading conservatives and leading progressives—from across the political spectrum—is working toward harvesting 25 percent of America’s energy demands by the year 2025. I believe we can do even better than that, and there are experts within the Department of Energy who believe that we can do that.

There is a lot of work ahead of us as we work toward the Senate. The last week was one of the two most important domestic issues that face America and that is energy and how we get to energy independence. It ought to be at the forefront of the work of this Senate and this Congress.

In conclusion, this country has an energy bill and it is a good first step. However, the Energy Policy Act of 2005 does not do enough to prepare America for the future. The events of the last several months prove that. We can do better with a more comprehensive long-term energy policy that hammers home on two simple points: energy efficiency and development of renewable resources. America can do better. America deserves better. America can do better with true deeds that move us to energy independence, with deeds that transcend the rhetoric of Washington and the stalemate of Washington for the last 30 years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

A REAL WAR

Mr. COBURN. Mr. President, I come to the floor today because, as I travel around Oklahoma, one of the things I find is a lack of recognition of the war we are in, why we are there, what the problems are associated with it. Every one of us has a heavy heart for the fact that we now have troops committed and dying and sacrificing every day in the war on terrorism.

As I thought about what to say to my constituents in Oklahoma but also to the American people, I found that I could not say it as well as retired MG Vernon Chong of the U.S. Air Force. I wish to read, for a few moments, a commentary he has written, dated October 1, 2005. If you would indulge me to read that, I think it will give us some enlightenment to where we are.

He says:

To get out of a difficulty, one usually must go through it. Our country is now facing the most serious threat that we know, as we know it, that we have faced in your lifetime and mine (which includes WWII).

This deadly serious problem is greatly compounded by the fact that there are very few of us who think we can possibly lose this war, and even fewer who realize what losing really means.

First, let’s examine a few basics. When did the threat to us start? Many will say September 11, 2001. The answer, as far as the United States is concerned, is 1979—22 years prior to September 2001—with the following attacks on us:


Why were we attacked? Envy of our position, our success, and our freedoms. The attacks opened during the administrations of Presidents Carter, Reagan, Bush, Clinton, and Bush. We cannot fault either the Republicans or Democrats, as there were no provocation by any of the Presidents or their immediate predecessors, Presidents Ford or Carter.
Who were the attackers? In each case, the attacks on the U.S. were carried out by Muslims. What is the Muslim population of the World? Twenty-five percent. Isn’t the Muslim Religion hopelessly, but that this really not material. There is no doubt that the predominantly Christian population of Germany was peaceful, but under the dictatorial control (and avowed non-Christian), that made no difference. You either went along with the administration, or you were isolated.

Although Hitler kept the world focused on the Jews, he had no hesitancy about killing anyone who got in his way of exterminating the Jews. He also did not care for the Spanish, French, or anyone else. The point here, is that just like the peaceful Germans were of no protection to anyone from the Nazis, no matter how many peaceful Muslims there may be, they are no protection for us from the terrorist Muslim leaders, and what is as far from the truth as one can get, their own pronouncements—killing all of us “infidels.” I don’t blame the peaceful Muslims. What would you do—if the choice was abut us?

So who are we at war with? There is no way we can honestly respond that it is anyone other than the Muslim terrorists. Trying to be more politically correct, and avoiding the obvious conclusion will only be fatal. There is no way to win, if you don’t clearly recognize, and articulate who you are fighting. So put this background over the two major questions: Can we lose this war? What doing losing really mean? If we are to win, we must clearly answer these two pivotal questions.

We can definitely lose this war, and as anomalous as it may sound, the major reason will be that so many of us just do not fathom the answer to the second question—“What does losing mean?” It would appear that a large number of us think that losing the war means hanging our heads, bringing the troops home, and going on about our business, like post-Vietnam. What losing really means is: We would no longer be the premier country in the world. The attacks will not subside, but rather will steadily increase, because the enemy that we are divided and weak. I hasten to add that this isn’t because they are disloyal. It is because they don’t respect you. Nevertheless, that conduct gives the impression to the enemy that we are divided and weak.

And, don’t worry that it is a slippery slope. We gave up plenty of civil rights during WWII, and immediately restored them after the victory, and in fact, added many more since then.

Do I blame President Bush or President Clinton before him?

No, I blame us for blithely assuming we can maintain all of our Political Correctness, and all of our civil rights during this conflict, and have a clean, lawful, honorable war. None of those words apply to war. Get them out of your head.

Some have gone so far in their criticism of the war and/or the Administration that it almost seems they would literally like to see us lose. I hasten to add that this isn’t because they are disloyal. It is because they don’t respect you. Nevertheless, that conduct gives the impression to the enemy that we are divided and weakening. It concerns our friends, and it does great damage to the war effort. Of more recent vintage, the uproar fueled the politicians and media regarding the treatment of the war, perhaps exemplifies best what I am saying.

We have recently had an issue, involving the treatment of a few Muslim prisoners of war, by a small group of military police.

By the way, all of those have gone to trial or are going to trial, and will be punished.

Again, these are MG Chong’s words:

These are the type of prisoners, who just a few months ago, were throwing their own children off buildings, cutting off their heads, cutting out their tongues, and otherwise murdering their own people, just for disagreeing with Saddam Hussein.

And just a few months, these same types of prisoners chemically killed 400,000 of their own people for the same reason. They are also the same type of enemy fighters who re- quired the enemy to wrap their charred corpses with the streets of Iraq.

And still more recently, the same type of enemy fighters have shown progressive videos to all news sources internationally, of the beheading of American prisoners they held.

Compare this with some of our press and politicians, who, for several days, have thought and talked about nothing else but the “humiliating” of some Muslim prisoners. By burning their charred corpses through the streets, not beheading them, but “humiliating” them.

Can this be for real? If this doesn’t show the complete lack of comprehension and understanding of the seriousness of the enemy we are fighting, the total truth is that we are not even in the real world.

Can this be for real? If this doesn’t show the complete lack of comprehension and understanding of the seriousness of the enemy we are fighting, the total truth is that we are not even in the real world.

To bring our country to a virtual political stalemate will over this prisoner issue makes us look like Nero playing his fiddle, as Rome burned—totally oblivious to what is going on in the real world. Neither we, nor any other country, can survive this internal strife.

Again I say, this does not mean that some of our politicians or media people are disloyal. It simply means that they are absolutely oblivious to the magnitude of the situation we are in, and into which the Muslim terrorists have been pushing us, for many years.

Remember, the Muslim terrorists’ stated goal is to kill all infidels! That translates into all non-Muslims—not just in the United States, but throughout the world.

We are the last bastion of defense.

We have been criticized, for many years, as being arrogant. “That charge is valid, in at least one respect. We are arrogant in that we believe that we are so good, powerful, and smart; that we can win the hearts and minds of those who are fighting us, and that with both hands tied behind our back, we can defeat anything bad in the world.

We can’t. If we don’t recognize this, our Nation as we know it, will not survive, and no other free country in the world will survive, if we are defeated.

Finally, name any Muslim countries throughout the world that allow freedom of speech, freedom of thought, freedom of religion, and freedom of the press. Anyone who has won a war, anywhere, a clean, lawful, honorable war. All of them put their freedoms away. None of those words apply to war. Get them out of your head.

And, they are giving those freedoms away to those who have shown, worldwide, that they abhor freedom, and will not apply it to you, or even to themselves, once they are in power.

They have universally shown that when they have taken over, they start brutally killing each other, over who will be the few who control the masses. Will we ever learn?

Democracies don’t have their freedoms taken away from them by some external military force. Instead, they give their freedom away, in exchange for a political correct piece by politically correct piece.

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They have universally shown that when they have taken over, they start brutally killing each other, over who will be the few who control the masses. Will we ever learn?

We hope and pray that we can find a way to deal with this enemy, and fight a clean, lawful, honorable war.
Those are the words of retired MG Vernon Chong, U.S. Air Force. I think it brings to mind the very important facts that face us today. We are at war. The war is real. The threats to our country and to our freedom are real. We must come together as a nation to recognize this threat, or we risk losing the very principles, the very freedom, we each cherish so much. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Graham amendment No. 2515, relating to the review of the status of detainees of the United States Government.

Warner-Frist amendment No. 2518, to clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq.

Levin amendment No. 2519, to clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq.

Bingaman amendment No. 2523 (to amendment No. 2515), to provide for judicial review of detention of enemy combatants.

Graham amendment No. 2524 (to amendment No. 2515), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. There will be 30 minutes for debate equally divided between the bill’s managers.

Mr. WARNER. Mr. President, first, I advise the Senate that last night for a period of 2 hours we had a very thorough debate on amendments of my distinguished colleague from Michigan and made, in my judgment, very significant modifications. That is to send the strongest possible message to the Iraqi people: We mean business. We have done our share. Now the challenge is up to you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, that amendment No. 2515, to provide for judicial review of detention of enemy combatants, has made enormous efforts, enormous sacrifices of life and limb, contributions by the people not only from our own nations but of our coalition partners, to let them establish for themselves a form of democracy.

I believe we have made great progress with several transitional governments, a referendum vote, and now on the verge of what I perceive—and I think the Senator from Michigan shares the view—of an even stronger and larger vote to elect the permanent government.

The next 120 days, in my judgment, are critical—absolutely critical. Every Member of Congress of the United States will be carefully scrutinized not only by the Iraqi people but by the nations throughout the Middle East and indeed our coalition partners. We have to be extremely careful in the formulation of those words and messages so that they are not misconstrued.

I feel, with all due respect to the amendment originally drawn by my colleague from Michigan and others, that the last paragraph phrases a timetable of withdrawal requiring the President to file a report every 90 days giving specific dates and other factors. That is the major change between these two amendments. The amendment of the Senator from Virginia strikes that last paragraph. I will go into further detail momentarily as to exactly why. We made the effort to have a bipartisan amendment. It is forward-looking.

Again, it is my intention to have the amendment on this side of the aisle not contain any language that could be misconstrued as a timetable which could establish and set up a fragile situation, particularly on the eve of another election on December 15.

I thank my distinguished colleague from Michigan. I think it is wise. I accept the suggestion and do so with thanks to my good friend from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, to inform the Senate, there are two amendments. Basically, as we will explain momentarily, the amendments are almost identical except in three areas. They are important areas, and we will go into that in some detail here in a moment.

The Levin amendment will go first, and ours will go second. There will be votes on both amendments.

We had the option to draw up an entirely different amendment, to go into very many complicated issues that we feel very strongly about on this side of the aisle. I take the responsibility. Or if anyone wishes to share it with me, they may well do so. I felt that it is so critical at this point in history with regard to the United States policy towards Iraq, together with our coalition forces, that the extent to which the Senate could speak with one voice had great merit. Therefore, essentially on this side we looked at the amendment of the Senator from Michigan and made, in my judgment, several minor modifications and one very significant modification. That is the standing.

As Senators vote, they will note the similarity between these amendments. But I felt that the Senator from Michigan and I have a very strong feeling that the basic purpose of these amendments—whichever one is voted and survives—is to send the strongest possible message to the Iraqi people, the new government that will be formed subsequently to December 15, that our country, together with our coalition partners, has made enormous efforts, enormous sacrifice of life and limb, contributions by the people not only from our own nations but from our coalition partners, to let them establish for themselves a form of democracy.

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An open-ended commitment in Iraq is not in America’s interests, and it is not in Iraq’s interests, either. Our amendment clearly states that the commitment of our military is not open-ended. The goal of our military should be to establish a functioning government, not to dictate to it. If we want the new Iraqi government to succeed, we need to give Iraq back to the Iraqi people. We need to let Iraq make its own political decisions without American interference. We need to train the Iraqi security forces, but we also need to reduce our military presence.

There is widespread recognition that our overwhelming military presence is inflaming the insurgency. After the election of a permanent Iraqi government, we should begin a substantial and continuing drawdown of U.S. forces. If additional forces are necessary during our drawdown or when our current mission is completed, they should have the support of the Iraqi people and the United Nations and come from the international community. American troops can participate, but, unlike the current force, it should not consist primarily of Americans or be led by Americans.

All nations of the world have an interest in Iraq’s stability and territorial integrity. Defenders of President Bush’s failed stay-the-course policy pretend that alternatives such as this are a cut-and-run strategy. They are not.

Last February, General Abizaid said what makes it hard for the United States is that an overbearing presence or a larger than acceptable footprint in the region works against you. No one accused him of cut and run.

Last July, GEN George Casey, commanding general of the Multi-National Force in Iraq, talked about fairly substantial reduction of troops in 2006. No one has accused him of cut and run.

Just last month, America’s Ambassador to Iraq said it is possible we can adjust our footprint, downsizing them in the course of next year. No one has accused him of cut and run.

This month, Mel Laird, Secretary of Defense of the Nixon administration, wrote in the current issue of the Journal of Foreign Affairs that our presence is what feeds the insurgency, and our gradual withdrawal would feed the confidence and the ability of average Iraqis to stand up to the insurgency. No one has accused him of cut and run.

We need to have an open and honest debate about our future military presence in Iraq. An open-ended commitment of our military forces does not serve America’s interests and does not serve Iraq’s interests, either. Our current misguided policy has turned Iraq into a quagmire with no end in sight. It is urgent for the administration to adopt an honest and effective plan to end the violence and stabilize Iraq so that our soldiers can begin to come home with dignity and honor.

Last Friday, President Bush outlined a new bumper-sticker slogan for his misguided policy in Iraq: “Strategy for Victory.” But it is still the same failed strategy. He should have called it “Strategy for Quagmire.”

Our men and women in uniform deserve better, much better from this President and this Administration. We can do better. I urge my colleagues to support the Levin-Biden-Reid amendment.

I yield back the remainder of my time.

AMENDMENTS NO. 1345, 1346, 1468, AS MODIFIED — 1308, 1348, AS MODIFIED; 1345, 1346, 1358, 1398, 1402, 1422, AS MODIFIED; 1534, 1535, 1536, 1586, 1902, 2325, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, EN BLOC.

Mr. WARNER. At this juncture, the distinguished Senator from Michigan and I would like to offer our managers’ package to this bill. I send a managers’ package of some 64 amendments to the desk. They have been cleared by both sides.

Mr. LEVIN. The amendments have been cleared on our side.

Mr. WARNER. I ask unanimous consent that the Senate consider the amendments en bloc, the amendments en bloc be agreed to, the motions to reconsider be laid upon the table, and any statements relating to any of these individual amendments be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1345

(Purpose: To provide for expedited action in bid protests conducted under OMB Circular P-76)

On page 292, between lines 15 and 16, insert the following:

SEC. 1106. BID PROTESTS BY FEDERAL EMPLOYEES.

(a) OMB CIRCULAR P-76.—(1) Section 3551(2) of title 31, United States Code, is amended by adding at the end the following new item:

''§ 3557. Expedited action in protests for pub- lic-private competitions.''

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraphs:

'(1) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competi-
tion conducted under Office of Management and Budget Circular A-76 regarding perform-
ance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be enti-
tled to intervene in that action.

'(2) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competi-
tion conducted under Office of Management and Budget Circular A-76 regarding perform-
ance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be enti-
tled to intervene in that action.

AMENDMENT NO. 1354

(Purpose: To authorize the participation of members of the Armed Forces in the Paralympic Games)

At the appropriate place in title V, insert the following:

SEC. 807. CONTRACTING FOR PROCUREMENT OF CERTAIN SUPPLIES AND SERVICES.

(a) MODIFICATION OF LIMITATION ON CONVER-
tION TO CONTRACTOR PERFORMANCE.—Section 801(a)(3) of the Department of Defense Appropria-
tions Act, 2005 (Public Law 108–287, 118 Stat. 972) is amended—

'(1) in subparagraph (A), by inserting ‘‘payment that could be used in lieu of such a plan, health savings account, or medical sav-
ings account’’ after ‘‘health insurance plan’’; and

'(2) in paragraph (2), by striking ‘‘that requires such all that does not comply with the requirements of any Federal law governing the provision of health care ben-
efits by Government contractors that would be applicable if the contractor performed the activity or function under the contract’’.
AMENDMENT NO. 1500, AS MODIFIED
(Purpose: To require a strategy and report by the Secretary of Defense regarding the impact on small businesses of the requirement to use radio frequency identifier technology)

On page 237, after line 17, insert the following:

SEC. 846. RADIO FREQUENCY IDENTIFIER TECHNOLOGY.

(a) SMALL BUSINESS STRATEGY.—As part of implementing its requirement that contractors use radio frequency identifier technology, the Secretary of Defense shall develop and implement a strategy to educate the small business community regarding radio frequency identifier technology requirements, compliance, standards, and opportunities.

(b) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business and the Committee on Armed Services of the House of Representatives a report detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported on such technology; and

(B) standardization of the manufacturing quality required for such technology; and

(C) the status of the efforts of the Secretary of Defense to develop and implement a strategy to educate the small business community, as required by subsection (a)(2).

AMENDMENT NO. 1518
(Purpose: To require lenders to include information regarding the mortgage and foreclosure rights of servicemembers under sections 706, 706B, and the Servicemembers Civil Relief Act)

At the end of subtitle E of title VI, add the following:

SEC. 653. SERVICEMEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) IN GENERAL.—Section 106(c)(5)(A)(i) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(i)) is amended—

(1) in subsection (I), by striking “; and” and inserting a semicolon;

(2) in subsection (II), by striking the period at the end and inserting “; and”;

(3) in subsection (III), by striking the period at the end and inserting “; and”;

(4) in subsection (IV), by striking the period at the end and inserting “; and”;

(b) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect 150 days after the date of enactment of this Act.

AMENDMENT NO. 1522, AS MODIFIED

At the end of subtitle D of title VIII, add the following:

SEC. 834. TRAINING FOR DEFENSE ACQUISITION WORKFORCE ON THE REQUIREMENTS OF THE BERRY AMENDMENT.

(a) TRAINING DURING FISCAL YEAR 2006.—The Secretary of Defense shall ensure that each member of the defense acquisition workforce who participates personally and substantially in the acquisition of textiles on a regular basis required during fiscal year 2006 on the requirements of section 2533a of title 10, United States Code (commonly referred to as the “Berry Amendment”), and the regulations implementing that section.

(b) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that each member of the defense acquisition workforce development or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in subsection (a).

AMENDMENT NO. 1538
(Purpose: To provide a termination date for the Small Business Competitiveness Demonstration Program)

On page 237, after line 17, insert the following:

SEC. 846. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1998 (15 U.S.C. 634b) is amended by inserting after “January 1, 1989” the following: “, and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006.”

AMENDMENT NO. 1539
(Purpose: To authorize the disposal and sale to qualified entities of up to 8,000,000 pounds of tungsten ores and concentrates from the National Defense Stockpile)

On page 379, after line 22, add the following:

SEC. 3302. AUTHORIZATION FOR DISPOSAL OF TUNGSTEN ORES AND CONCENTRATES.

(a) DISPOSAL AUTHORIZED.—The President may dispose of up to 8,000,000 pounds of contained tungsten in the form of tungsten ores and concentrates from the National Defense Stockpile in fiscal year 2006.

(b) CERTAIN SALES AUTHORIZED.—The tungsten ores and concentrates disposed under subsection (a) may be sold to entities that are engaged in the conversion or tungsten carbide manufacturing or processing capabilities in the United States.

AMENDMENT NO. 1562
(Purpose: To acquire a report on records maintained by the Department of Defense on civilian casualties in Afghanistan and Iraq)

At the appropriate place in the bill, insert:

REPORT

Sec. . Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Armed Services and the Committee on Appropriations with the following information—

(a) Whether records of civilian casualties in Afghanistan and Iraq are kept by United States Armed Forces, and if so, how and from what sources this information is collected, where it is kept, and who is responsible for maintaining such records.

(b) Whether such records contain (1) any information relating to the circumstances under which the casualties occurred and whether they were fatalities or injuries; (2) if any condolence payment, compensation, or assistance was provided to the victim or to the victim’s family; and (3) any other information relating to the cause of death.

AMENDMENT NO. 2525
(Purpose: To provide for the temporary inapplicability of the Berry Amendment to procurements of specialty metals that are used to produce force protection equipment needed to prevent combat fatalities in Iraq and Afghanistan)

On page 213, between lines 2 and 3, insert the following:

SEC. 857. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF SPECIALTY METALS USED TO PRODUCE FORCE PROTECTION EQUIPMENT.

(a) IN GENERAL.—Section 2533a(a) of title 10, United States Code, shall not apply to the procurement, during the 2-year period beginning on the date of enactment of this Act, of specialty metals if such specialty metals are used to produce force protection equipment needed to prevent combat fatalities in Iraq or Afghanistan.

(b) TREATMENT OF PROCUREMENTS WITHIN 2-YEAR PERIOD.—For the purposes of subparagraph (a), a procurement shall be treated as being made during the 2-year period described in that subsection to the extent that funds are obligated by the Department of Defense for that procurement during that period.

AMENDMENT NO. 2526
(Purpose: To express the sense of the Senate with regard to manned space flight)

At the appropriate place, insert the following:

SEC. . Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Armed Services and the Committee on Appropriations with the following information—

(a) Whether records of civilian casualties in Afghanistan and Iraq are kept by United States Armed Forces, and if so, how and from what sources this information is collected, where it is kept, and who is responsible for maintaining such records.

(b) Whether such records contain (1) any information relating to the circumstances under which the casualties occurred and whether they were fatalities or injuries; (2) if any condolence payment, compensation, or assistance was provided to the victim or to the victim’s family; and (3) any other information relating to the cause of death.

AMENDMENT NO. 2527
(Purpose: To require an annual report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council)

On page 286, between lines 7 and 8, insert the following:
(a) Determination Required.—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall review the application of size standards established pursuant to paragraph (2) to small business concerns and determine if the performance of contracts in qualified areas and determine whether it would be fair and appropriate to exclude from consideration in the average annual gross receipts of such small business concerns any payments made to such small business concerns by Federal agencies to renumerate such small business concerns for work performed on behalf of Federal agencies on contracts awarded to such small business concerns.

(2) Fair Access to Multiple-Award Contracts.—

(A) Statement of Congressional Policy.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts; and

(B) Authorization for Limited Competition.—The head of a contracting agency may include in any contract entered under section 230a(e) of title 10, United States Code, a clause setting aside a multiple-award contract for the purpose of conducting a small business set-aside pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

(3) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(B) Authorization for Limited Competition.—The head of a contracting agency may include in any contract entered under section 230a(e) of title 10, United States Code, a clause setting aside a multiple-award contract for the purpose of conducting a small business set-aside pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

(C) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(4) Fair Access to Multiple-Award Contracts.—

(A) Statement of Congressional Policy.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts; and

(B) Authorization for Limited Competition.—The head of a contracting agency may include in any contract entered under section 230a(e) of title 10, United States Code, a clause setting aside a multiple-award contract for the purpose of conducting a small business set-aside pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

(C) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(5) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(6) Fair Access to Multiple-Award Contracts.—

(A) Statement of Congressional Policy.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts; and

(B) Authorization for Limited Competition.—The head of a contracting agency may include in any contract entered under section 230a(e) of title 10, United States Code, a clause setting aside a multiple-award contract for the purpose of conducting a small business set-aside pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

(C) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(7) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(8) Fair Access to Multiple-Award Contracts.—

(A) Statement of Congressional Policy.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts; and

(B) Authorization for Limited Competition.—The head of a contracting agency may include in any contract entered under section 230a(e) of title 10, United States Code, a clause setting aside a multiple-award contract for the purpose of conducting a small business set-aside pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

(C) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(9) Fair Access to Multiple-Award Contracts.—

(A) Statement of Congressional Policy.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts; and

(B) Authorization for Limited Competition.—The head of a contracting agency may include in any contract entered under section 230a(e) of title 10, United States Code, a clause setting aside a multiple-award contract for the purpose of conducting a small business set-aside pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

(C) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(10) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(11) Fair Access to Multiple-Award Contracts.—

(A) Statement of Congressional Policy.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts; and

(B) Authorization for Limited Competition.—The head of a contracting agency may include in any contract entered under section 230a(e) of title 10, United States Code, a clause setting aside a multiple-award contract for the purpose of conducting a small business set-aside pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

(C) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.

(12) Fair Access to Multiple-Award Contracts.—

(A) Statement of Congressional Policy.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts; and

(B) Authorization for Limited Competition.—The head of a contracting agency may include in any contract entered under section 230a(e) of title 10, United States Code, a clause setting aside a multiple-award contract for the purpose of conducting a small business set-aside pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

(C) Report Requirement.—

(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Defense shall submit to the Senate and the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.
a ‘Commercialization Pilot Program’ to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Program to Phase III and into the acquisition process.

“(2) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—In carrying out the Commercialization Pilot Program, the Secretary of Defense and the Secretary of each military department shall identify research programs of the Small Business Innovation Research Program that hold potential for rapid transitioning to Phase III and into the acquisition process.

“(3) REPORT.—No research program may be identified under paragraph (2), unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

“(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

“(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(B) shall not be used to make Phase III awards.

“(5) EVALUATIVE REPORT.—At the end of each fiscal year, the Secretary of Defense and each Secretary of a military department shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the House of Representatives and the Committee on Armed Services and the Committee on Small Business of the Senate an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include:

“(A) an accounting of the funds used in the Commercialization Pilot Program;

“(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition professionals, program executive officers, and by prime contractors; and

“(C) a detailed compilation of results achieved by the Commercialization Pilot Program, the number of small business concerns assisted and a number of inventions commercialized.

“(6) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2009.

“(b) IMPLEMENTATION OF EXECUTIVE ORDER 13329.—

“(1) The Secretary of Defense shall maintain the Small Business Act (15 U.S.C. 636(b)) is amended—

“(A) in paragraph (5), by striking ‘‘; and’’; and

“(B) in paragraph (6), by striking ‘‘and’’.

“(2) The Secretary of Defense shall maintain the Small Business Innovation Research Program to Phase III and into the acquisition process.

“(3) TESTING AND EVALUATION AUTHORITY.—

“Section 8(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

“(1) in paragraph (7), by striking ‘‘and’’ at the end;

“(2) in paragraph (8), by striking the period at the end and inserting ‘‘; and’’; and

“(3) by adding at the end the following:

“(9) the term ‘commercial applications’ shall specifically include testing and evaluation of products, services, or technologies for use in technical or weapons systems, and further, awards for testing and evaluation of technologies or technologies for use in technical or weapons systems may be made in either the second or the third phase of the Small Business Innovation Research Program and of the Small Business Technology Transfer Program, as defined in this subsection.’’.

AMENDMENT NO. 232
(Purpose: To clarify that the Secretary of Defense shall maintain a publicly-available website that provides information on instances in which major contractors have been fined, paid penalties or restitution, settled, pled guilty to, or had judgments entered against them in connection with allegations of improper conduct. The website shall be updated not less than once a year.

(2) For the purpose of this subsection, a major contractor means an contractor that receives at least $100,000,000 in Federal contracts in the most recent fiscal year for which data are available.

REPORT ON FEDERAL SOLE SOURCE CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress a report on all sole source contracts in excess of $2,000,000 entered into by executive agencies in connection with Iraq reconstruction from January 1, 2003, through the date of the enactment of this Act.

(2) CONTENT.—The report submitted under paragraph (1) shall include the following information with respect to each such contract:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amount awarded.

(E) A brief description of the work to be performed under the contract.

(F) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ‘executive agency’ has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

AMENDMENT NO. 254
(Purpose: To provide for improved assessment of public-private competition for work performed by civilian employees of the Department of Defense

On page 213, between lines 2 and 3, insert the following:

SEC. 807. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Section 2616(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(a) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

“(i) formally compares the cost of civilian employee performance with the cost of performance by a contractor; and

“(ii) creates an agency tender, including a request for proposal that function with the costs of performance by a contractor; and

“(b) The Office of Management and Budget Circular A-76, as implemented on May 29, 2003; and
“(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods specified in the solicitation, the cost of performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization’s personnel-related costs for performance of the activity or function by Federal employees.

“(B) Any function that is performed by civilian personnel of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(C) A function performed by more than 10 Federal agencies or components may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(D) The Secretary of Defense may waive the requirement for a public-private competition subparagraph (A) in specific instances if—

“(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

“(ii) the written waiver is accompanied by a detailed determination that national security interests preclude compliance with the requirement for a public-private competition; and

“(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.

“(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—(Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply to the pilot program established by the authority of section 9902 of title 5, United States Code."


"AMENDMENT NO. 235

PURPOSE: To express the sense of Congress that the President should take immediate steps to establish a plan to address the military and economic development of China.

At the appropriate place, insert the following:

"SEC. 2. THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China’s State-Owned Enterprises (SOEs) are special purpose entities, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States objectives.

(B) United States influence and vital long-term interests in Asia are being challenged by China’s robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China’s transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries that support acts of international terrorism, has helped create a new tier of countries with the capability to produce WMD and ballistic missiles.

(E) the removal of the European Union and arms embargo against China that is currently under consideration in the European Union would provide for weapons modernization and dramatically enhance China’s military capabilities;

(F) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China’s qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(G) China’s growing energy needs are driving China into bilateral and multilateral agreements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

On March 14, 2005, the People’s Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS.—

(1) PLAN.—It is the sense of Congress that the President should take immediate steps to establish a coherent and comprehensive plan to address the military, economically, diplomatically, and militarily, to promote mutually beneficial trade relations with China, and to encourage China’s adherence to international norms in the areas of trade, international security, and human rights.

(2) CONTENTS.—The plan should contain the following:

(A) Actions to address China’s policy of undervaluing its currency, including—

(i) encouraging China to continue to gradually revalue the Chinese yuan against the United States dollar;

(ii) allowing the yuan to float against a trade-weighted basket of currencies; and

(iii) concurrently, expanding United States trading partners with similar interests to join in these efforts.

(B) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China’s trade practices, including exchange rate manipulation, denial of trading and distribution rights, insufficient intellectual property rights protection, objectionable labor standards, subsidization of exports, and forced technology transfers as a condition of doing business.

The United States Trade Representative should consult with our trading partners regarding any trade dispute with China.

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to reinvigorate United States engagement in East Asia. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for the pursuit of such initiatives.

(D) Actions by the administration to work with China to prevent proliferation of prohibited technologies and to secure China’s compliance with the aim of removing China’s commercial export of ballistic missiles."

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(E) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement that has led to some limited exchanges with the organization, to a more structured arrangement.

(F) Actions by the administration to develop a comprehensive national policy and strategy designed to maintain United States scientific and technological leadership and competitiveness, in light of the rise of China and the challenges of globalization.

(G) Actions to review laws and regulations governing the Committee on Foreign Investment in the United States (CFIUS). Investigating whether the definition of national security should include the potential impact on national economic security as a criterion to be weighed when considering the chairmanship of CFIUS should be transferred from the Secretary of the Treasury to a more appropriate executive branch agency.

(II) Actions by the President to press countries to maintain or strengthen their arms embargoes on China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

AMENDMENT NO. 2308

(Purpose: To require a report on the development and utilization by the Department of Defense of robotics and unmanned ground vehicle systems.

At the end of subtitle E of title II, add the following:

SEC. 2. REPORT ON DEVELOPMENT AND USE OF ROBOTICS AND UNMANNED GROUND VEHICLE SYSTEMS.

(a) REPORT REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the development and utilization of robotics and unmanned ground vehicle systems.

(1) A description of the utilization of robotics and unmanned ground vehicle systems in current military operations.

(2) A description of the manner in which the development of robotics and unmanned ground vehicle systems capabilities supports current major acquisition programs of the Department of Defense.

(3) A detailed description, including budget estimates, of all Department programs and activities on robotics and unmanned ground vehicle systems for fiscal years 2004 through 2012, including programs and activities relating to research, development, test and evaluation, procurement, and operation and maintenance.

(4) A description of the long-term research and development strategy of the Department on technology for the development and integration of new robotics and unmanned ground vehicle systems capabilities in support of Department missions.

(5) A description of any planned demonstration experiments or experimentation activities of the Department that will support the development and deployment of robotics and unmanned ground vehicle systems by the Department.

(6) A statement of the Department organizations currently participating in the development of new robotics or unmanned ground vehicle systems capabilities, including the specific missions of each such organization in such efforts.

(7) A description of the activities of the Department to collaborate with industry, academia, and other Government and non-Government organizations in the development and utilization of robotics and unmanned ground vehicle systems.

(8) An assessment of the short-term and long-term capability of the industrial base of the United States to support the production of robotics and unmanned ground vehicle systems to meet Department requirements.

(9) An assessment of the progress being made by industry to enhance the integration of new robotics and unmanned ground vehicle systems for fiscal years 2004 through 2010.

(10) An assessment of international research, technology, and military capabilities in robotics and unmanned ground vehicle systems.

AMENDMENT NO. 2317

(Purpose: To modify and extend the pilot program on share-in-savings contracts.

At the end of section 2502 of title 10, United States Code, as amended by amendment (a), the Secretary of Defense shall submit to Congress a report containing a list of each contract entered into by each Federal agency under subsection (b) during the preceding year that contains terms providing for the contractor to implement information technology improvements in exchange for a share of the savings derived from the implementation of such improvements. The report shall set forth, for each contract listed—

(A) the information technology performance acquired by reason of the improvements concerned;

(B) the total amount of payments made to the contractor during the year covered by the report; and

(C) the total amount of savings or other measurable benefits realized by the Federal agency during such year as a result of such improvements.

(d) REPORTS TO CONGRESS.—

(1) SECRETARY OF DEFENSE REPORT.—Not later than thirty months after the enactment of this section, the Secretary of Defense shall submit to Congress a report containing information on each Federal agency under such contracts during the period covered by such contract; and

(2) COMPTROLLER GENERAL.—Not later than two months after the Secretary submits a report required by paragraph (1), the Comptroller General of the United States shall submit to Congress a report on the costs and benefits to the United States of the implementation of such improvements under the contracts covered by such report, together with such recommendations as the Comptroller General considers appropriate.
SEC. 138. C-37B AIRCRAFT.
(a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT. —The amount authorized to be appropriated by section 103(a) for aircraft procurement for the Air Force is hereby increased by $45,000,000.
(b) OFFSET.—The amount authorized to be appropriated by section 103(a) for aircraft procurement for the Air Force is hereby reduced by $25,000,000 and the amount authorized to be appropriated by section 103(f) for O&M, defensewide is hereby reduced by $20,000,000.

AMENDMENT NO. 2540
(Purpose: To designate certain financial assistance for cadets at military junior colleges as Ike Skelton Early Commissioning Program Scholarships)
At the end of subtitle F of title V, insert the following:

SEC. 2. DESIGNATION OF IKE SKELTON EARLY COMMISSIONING PROGRAM SCHOLARSHIPS.
Section 2107a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(3) Financial assistance provided under this section to a cadet appointed at a military junior college is designated as, and shall be known as, an Ike Skelton Early Commissioning Program Scholarship."

AMENDMENT NO. 2541
(Purpose: To modify eligibility for the position of President of the Naval Postgraduate School)
At the end of subtitle H of title V, add the following:

SEC. 2. MODIFICATION OF ELIGIBILITY FOR POSITION OF PRESIDENT OF THE NAVAL POSTGRADUATE SCHOOL.
Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

"(a)(1) The President of the Naval Postgraduate School shall be one of the following:

"(A) An officer of the Navy not below the grade of rear admiral (lower half) who is detailed to that position.

"(B) A civilian individual having qualifications appropriate to the position of President of the Naval Postgraduate School who is appointed to that position.

"(2) The President of the Naval Postgraduate School shall be detailed or assigned to such position under paragraph (1) by the Secretary of the Navy, upon the recommendation of the Chief of Naval Operations.

"(3) An individual assigned as President of the Naval Postgraduate School under paragraph (1) shall serve in such position for a term of not more than five years."

AMENDMENT NO. 2542
(Purpose: To provide for an additional death gratuity to the eligible survivors of service members who died between October 7, 2001, and May 11, 2005, from noncombat-related causes while on active duty)
On page 167, between lines 6 and 7, insert the following:

"(c) ADDITIONAL DEATH GRATUITY.—In the case of an active duty member of the armed forces who died between October 7, 2001, and May 11, 2005, and was not eligible for an additional death gratuity under section 1478(b)(3)(A) of title 10, United States Code (as added by section 103(b) of Public Law 109-13), the eligible survivors of such decedent shall receive, in addition to the death gratuity payable to such survivors under section 1478(a) of such title, an additional death gratuity of $150,000 under the same conditions as provided under section 1478(c)(4) of such title."

AMENDMENT NO. 2543
(Purpose: To express the sense of the Senate with regard to aeronautics research and development)
At the end of subtitle G of title V, insert:

SEC. 3. SENSE OF SENATE ON AERONAUTICS RESEARCH AND DEVELOPMENT.
(a) FINDINGS.—Congress makes the following findings:

(1) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled long-standing military air superiority for the United States in recent decades.

(2) Military aircraft incorporate advanced technologies developed at research centers of the National Aeronautics and Space Administration.

(3) The vehicle systems program of the National Aeronautics and Space Administration has provided major technology advances that have been used in every major civil and military aircraft developed over the last 50 years.

(4) It is important for the cooperative research efforts of the National Aeronautics and Space Administration and the Department of Defense, funded through research on military aviation technologies be robust.

(5) Recent National Aeronautics and Space Administration and independent studies have demonstrated the competitiveness, scientific merit, and necessity of existing aeronautics programs.

(6) The economic and military security of the United States is enhanced by the continued development of improved aeronautics technologies.

(7) A national effort is needed to ensure that the National Aeronautics and Space Administration can help meet future aviation needs.

(b) SENSE OF SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain a strong aeronautics research and development program that Defensesponsored and the National Aeronautics and Space Administration.

AMENDMENT NO. 2544
(Purpose: To modify the limited acquisition authority for the commander of the United States Joint Forces Command)
At the end of subtitle E of title VIII, add the following:

SEC. 2. MODIFICATION OF LIMITED ACQUISITION AUTHORITY FOR THE COMMANDER OF THE UNITED STATES JOINT FORCES COMMAND.
(a) SCOPE OF AUTHORITY.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking "and having acquired" and inserting "and having acquired ".

(b) INAPPLICABILITY TO CERTAIN SYSTEMS FUNDED WITH OPERATION AND MAINTENANCE FUNDING.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking "or" at the end; and

(2) in paragraph (2), by striking the period at the end and inserting "; or "; and

(3) by adding at the end the following new paragraph:

"(3) The total expenditure for operation and maintenance is estimated to be $200,000 or more."
CONGRESSIONAL RECORD — SENATE

November 15, 2005

S12785

(1) REPORTS ON USE OF CERTAIN FUNDS.—
(1) REPORT ON USE OF EMERGENCY SUPPLEMENTAL FUNDS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure, as of that date, of any funds appropriated to the Department of Defense for fiscal year 2005 pursuant to the Acts referred to in subsections (a) and (b) as authorized by such subsections. The report shall set forth—
(A) the amounts so obligated and expended; and
(B) the purposes for which such amounts were so obligated and expended.

(2) REPORT ON EXPENDITURE OF REIMBURSABLE FUNDS.—The Secretary shall include in the report required by paragraph (1) a statement of any expenditure by the Department of Defense of funds that were reimbursable by the Federal Emergency Management Agency, or any other department or agency of the Federal Government, from funds appropriated in an Act referred to in subsection (a) or (b) to such department or agency.

(3) REPORT ON USE OF CERTAIN OTHER FUNDS.—Not later than May 15, 2006, and quarterly thereafter through November 15, 2006, the Secretary shall submit to the congressional defense committees a report on the obligation and expenditure, during the previous fiscal year quarter, of any funds appropriated to the Department of Defense as specified in subsection (c) and any funds reallocated to the Department of Defense as specified in subsection (d). Each report shall, for the fiscal year quarter covered by such report, set forth—
(A) the amounts so obligated and expended; and
(B) the purposes for which such amounts were so obligated and expended.

(g) RECONSTRUCTION AND RELIEF ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing Department of Defense efforts to provide relief to victims of the earthquake that devastated northern Pakistan on October 8, 2005, and assessing the need for further reconstruction and relief assistance.

AMENDMENT NO. 2496

(Purpose: To express the sense of the Senate on cemeteries relating to the National Guard and Reserve.

At the end of subtitle C of title V, add the following:

SEC. 2887. REQUIRED CONSULTATION WITH STATE AND LOCAL ENTITIES ON TRANSPORTATION, HOUSING, AND OTHER INFRASTRUCTURE ISSUES RELATED TO THE ADDITION OF PERSONNEL TO DEFENSE INSTALLATIONS AS PART OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2506 of the Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(5) In carrying out any closure or realignment under this part that would add personnel or facilities to an existing military installation, the Secretary shall consult with appropriate State and local entities on matters affecting the local community related to transportation, utility infrastructure, housing, schools, and family support activities during the development of plans to implement such closure or realignment.”.

AMENDMENT NO. 250

(Purpose: To express the sense of the Senate on reversionary interests at Navy homeports.

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. SENSE OF THE SENATE ON REVERSIONARY INTERESTS AT NAVY HOMEPORTS.

It is the sense of the Senate that, in implementing the decisions made with respect to Navy homeports as part of the 2005 round of defense base closure and realignment, the Secretary of the Navy should, consistent with the national interest and Federal policy supporting cost-free conveyances of Federal surplus property suitable for use as port facilities, release or otherwise relinquish any entitlement to receive, pursuant to any agreement providing for such payment, compensation from any holder of a reversionary interest in real property used by the United States for improvements made to any military installation that is closed or realigned as part of such base closure round.

AMENDMENT NO. 253

(Purpose: To require a report on claims related to the bombing of the LaBelle Discotheque in Berlin, Germany.

At the end of subtitle G of title X, add the following:

SEC. 1072. REPORT ON CLAIMS RELATED TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the Government of Libya should be commended for the steps the Government has taken to renounce terrorism and to eliminate Libya’s weapons of mass destruction and related programs; and
(2) an important priority for improving relations between the United States and Libya should be for the Government of Libya to resolve the claims of members of the Armed Forces of the United States and other United States citizens who were injured in the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, and of family members of members of the Armed Forces of the United States who were killed in that bombing.

(b) REPORTS.—
(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of negotiations between the Government of Libya and the United States concerning claims in connection with the bombing of the LaBelle Discotheque in Berlin, Germany.
that occurred in April 1966, regarding resolution of their claims. The report shall also include information on efforts by the Government of the United States to urge the Government of the United States to make a good faith effort to resolve such claims.

(2) UPDATE.—Not later than one year after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an update of the report required by paragraph (1).

(c) APPLICABLE CONGRESSIONAL COMMITTEES.—In this section, the term “applicable congressional committees” means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

AMENDMENT NO. 252

(Purpose: To provide that none of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator.)

PAGE 378, between lines 10 and 11, insert the following:

SEC. 3114. PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR

None of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator.

AMENDMENT NO. 253

(Purpose: To require the identification of environmental conditions at military installations closed or realigned as part of the 2005 round of defense base closure and realignment.)

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. IDENTIFICATION OF ENVIRONMENTAL CONDITIONS AT MILITARY INSTALLATIONS CLOSED OR REALIGNMENT UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT

(a) IDENTIFICATION OF ENVIRONMENTAL CONDITION OF PROPERTY.—

(1) IN GENERAL.—Not later than May 30, 2007, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, other appropriate Federal agencies, and State, tribal, and local governments, shall complete an identification of the environmental condition of the real property (including groundwater) of each military installation approved for closure or realignment under the 2005 round of defense base closure and realignment in accordance with section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)).

(2) RESULTS.—

(A) IN GENERAL.—As soon as practicable after the date on which an identification under paragraph (1) is completed, the Secretary of Defense shall—

(i) provide a notice of the results of the identification to—

(I) the Administrator of the Environmental Protection Agency;

(II) the head of any other appropriate Federal agency, as determined by the Secretary; and

(III) any affected State or tribal government official, as determined by the Secretary; and

(ii) publish in the Federal Register the results of the identification.

(B) REQUEST FOR CONCURRENCE.—The Secretary, in any notice provided under clause (I) or (III) of subparagraph (A)(i), a request for concurrence with the identification in such form as the Secretary determines to be appropriate.

(3) CONCURRENCE.—

(A) IN GENERAL.—An identification under paragraph (1) shall not be considered to be complete until—

(i) for a property that is a site, or part of a site, on the National Priorities List developed in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)), the date on which the Administrator of the Environmental Protection Agency and each appropriate State and tribal government official concur with the identification; and

(ii) in the case of a site described in clause (i), the date on which each appropriate State and tribal government official concurs with the identification.

(B) FAILURE TO CONCUR.—If the Administrator, or a State or tribal government official, shall be considered to concur with an identification under paragraph (1) if the Administrator or government official fails to make a determination with respect to a request for concurrence with such identification under paragraph (2)(B) by not later than 90 days after the date on which such request for concurrence is received.

(c) REPORT.—

The Secretary shall submit to Congress, as part of each annual report under section 2706 of title 10, United States Code, a report on the progress made in carrying out this section.

(d) EFFECT OF SECTION.—Nothing in this section affects any obligation of the Secretary with respect to any other Federal or State requirement relating to—

(1) the environment; or

(2) the transfer of property.

AMENDMENT NO. 254

(Purpose: To express the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation closed or realigned due to the relocation of forces under the Global Presence and Basing Strategy or the 2005 round of defense base closure and realignment until adequate facilities and infrastructure necessary to support such unit and quality of life requirements are ready at the receiving location.)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2887. SENSE OF CONGRESS ON LIMITATION ON TRANSFER OF UNITS FROM CLOSED AND REALIGNMENT MILITARY INSTALLATIONS PENDING READINESS OF RECEIVING LOCATIONS.

(a) FINDINGS.—

(1) The Commission on Review of Overseas Military Facility Structure of the United States, as the Overseas Basing Commission, transmitted a report to the President and Congress on August 15, 2005, that discussed considerations for the return to the United States of up to 70,000 service personnel and 100,000 family members and civilian employees from overseas garrisons.

(2) The 2005 Base Closure and Realignment Commission released a report on September 8, 2005, to the President that assessed the closure and realignment decisions of the Department of Defense, which would affect 26,000 military conditions (B) of the Social Security Act (42 U.S.C. 1383(a)(1)(B)) is amended by inserting “(24 consecutive months, in the case of an individual whose ineligibility for benefits under or pursuant to both such sections is a result of being called to active duty pursuant to section 12301(d) or 12302 of title 10, United States Code)’’ after ‘‘(for a period of 12 consecutive months)’’.

SEC. 2887. SENSE OF CONGRESS ON LIMITATION ON TRANSFER OF UNITS FROM CLOSED AND REALIGNMENT MILITARY INSTALLATIONS PENDING READINESS OF RECEIVING LOCATIONS.

(a) FINDINGS.—

(1) The Commission on Review of Overseas Military Facility Structure of the United States, as the Overseas Basing Commission, transmitted a report to the President and Congress on August 15, 2005, that discussed considerations for the return to the United States of up to 70,000 service personnel and 100,000 family members and civilian employees from overseas garrisons.

(2) The 2005 Base Closure and Realignment Commission released a report on September 8, 2005, to the President that assessed the closure and realignment decisions of the Department of Defense, which would affect 26,000 military conditions (B) of the Social Security Act (42 U.S.C. 1383(a)(1)(B)) is amended by inserting “(24 consecutive months, in the case of an individual whose ineligibility for benefits under or pursuant to both such sections is a result of being called to active duty pursuant to section 12301(d) or 12302 of title 10, United States Code)’’ after ‘‘(for a period of 12 consecutive months)’’.

(3) Both of these reports expressed concerns that massive movements of units, service personnel, and families may disrupt unit readiness and the quality of life for family members if not carried out with adequate planning and resources.

(4) The 2005 Base Closure and Realignment Commission, in its decision to close Fort Monmouth, included a provision requiring the Secretary of Defense to provide a report on the movement of organizations, functions, or activities from Fort Monmouth to Aberdeen Proving Ground to be accomplished without disruption of their support to the Global War on Terrorism or other critical contingency operations, and that safeguards exist to ensure that necessary redundant capabilities are put in place to mitigate potential degradation of support, and to ensure maximum retention of critical workforce.

(5) The Overseas Basing Commission found that the closures and realignments with the return of yet additional masses of service members and dependents from overseas will have major impact on local communities and the quality of life that can be expected. Movements abroad from established bases into new locations, or into locations already in use that will be put under pressure by increases in populations, will impact on living conditions.”

(6) The Overseas Basing Commission notes that the most critical elements of quality of life as they relate to the quality of the global defense posture are housing, military child education, healthcare, and service member and family services.

(7) The Overseas Basing Commission recommended that ‘‘planners must take a ‘last day-first day’ approach to the movement of units and families from one location to another, meaning that they must maintain the support infrastructure for personnel until the last day they are in place and must have the support infrastructure in place on the first day troops arrive in the new location.”

(8) The Overseas Basing Commission further recommended that it is ‘‘imperative that the last day-first day approach should be taken whether the movement is abroad from one locale to another, from overseas to the United States, or from one base in CONUS [the continental United States] to yet another as a result of base realignment and closure’’.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation closed or realigned due to the relocation of forces under the Global Presence and Basing Strategy or the 2005 round of defense base closure and realignment until adequate facilities and infrastructure necessary to support such unit and quality of life requirements are ready at the receiving location.

AMENDMENT NO. 255

(Purpose: To extend the period for which certain individuals in families that include members of the Reserve and National Guard do not have to reapply for supplemental security income benefits under or pursuant to both such sections is a period of ineligibility for such benefits)
AMENDMENT NO. 256

(Purpose: To urge the prompt submission of interim reports on residual beryllium contamination at Department of Energy vendor facilities.

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. SENSE OF THE SENATE REGARDING INTERIM REPORTS ON RESIDUAL BERYLLIUM CONTAMINATION AT DEPARTMENT OF ENERGY VENDOR FACILITIES.

(a) FINDINGS.—The Senate makes the following findings:


(3) The National Institute for Occupational Safety and Health has completed its evaluation of residual beryllium contamination at the American Beryllium Company.

(4) Workers at the American Beryllium Company and other affected companies should be made aware of the site-specific results of the study as soon as such results are available.

(b) SENSE OF THE SENATE.—It is the sense of the Senate to urge the Director of the National Institute for Occupational Safety and Health—

(1) to provide to Congress interim reports of its evaluation of residual beryllium contamination at facilities not later than 14 days after completing the internal review of such reports; and

(2) to publish in the Federal Register summaries of the findings of such reports, including the dates of any significant residual beryllium contamination, at such time as the reports are provided to Congress under paragraph (1).

AMENDMENT NO. 257

(Purpose: To require a report on an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services.

At the end of subtitle B of title VII, add the following:

SEC. 270. COMPROLLER GENERAL REPORT ON EXPANDED PARTNERSHIP BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON THE PROVISION OF HEALTH CARE SERVICES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the feasibility of an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An overview of the current health care systems of the Department of Defense and the Department of Veterans Affairs, including—

(A) the total number of eligible beneficiaries in each system as of September 30, 2005;

(B) the total number of current consumers of health care services in each system as of that date;

(C) the total cost of each system in the most recent fiscal year for which complete cost data for both systems exists;

(D) the annual workload or production of health care services in each category in each system in the most recent fiscal year for which complete data on workload or production of health care for both systems exists;

(E) the total cost of a beneficiary in each system in the most recent fiscal year for which complete cost data for both systems exists;

(F) the total staffing of medical and administrative personnel in each system as of September 30, 2006;

(G) the location and facilities, including both hospitals and clinics, operated by each system as of that date; and

(H) the size, capacity, and production of graduate medical education programs in each system as of that date.

(2) A comparative analysis of the characteristics of each health care system, including a determination and comparative analysis of—

(A) the mission of such systems;

(B) the demographic characteristics of the populations served by such systems;

(C) the categories of eligibility for health care services in such systems;

(D) the nature of benefits available by beneficiary category in such systems;

(E) access to and quality of health care services in such systems;

(F) the out-of-pocket expenses for health care by beneficiary category in such systems;

(G) the structure and methods of financing the care for all categories of beneficiaries in such systems;

(H) the management and acquisition of medical equipment and supplies in such systems, including pharmaceuticals and prosthetic and other medical assistive devices;

(I) the mix of health care services available in such systems;

(J) the current inpatient and outpatient capacity of such systems; and

(K) the human resource systems for medical personnel in such systems, including the rates of compensation for civilian employees.

(3) A summary of current sharing efforts between the health care systems of the Department of Defense and the Department of Veterans Affairs.

(4) An assessment of the advantages and disadvantages for military retirees and their dependents of the health care system of the Department of Veterans Affairs of an expanded partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, with a separate assessment to be made for—

(A) military retirees and dependents under the age of 65; and

(B) military retirees and dependents over the age of 65.

(5) Projections for the future growth of health care costs for retirees and veterans in the health care systems of the Department of Defense and the Department of Veterans Affairs, including recommendations on mechanisms to ensure more effective and higher quality services in the future for military retirees and veterans now served by both systems.

(6) Options for means of achieving a more effective partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, including options for the expansion of, and enhancement of access of military retirees and their dependents to, the health care system of the Department of Defense.

(c) SOLICITATION OF VIEW.—In preparing the report required by subsection (a), the Comptroller General shall seek the views of representatives of military family organizations, military retiree organizations, and organizations representing veterans and their families.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropri- ate committees of Congress’ means—

(1) the Committees on Armed Services and Veterans Affairs of the Senate; and

(2) the Committees on Armed Services and Veterans Affairs of the House of Representa- tives.

AMENDMENT NO. 258

(Purpose: To authorize grants for local workforce investment boards for the provision of services to spouses of certain members of the Armed Forces.

At the end of subtitle C of title III, add the following:

SEC. 327. GRANTS FOR LOCAL WORKFORCE INVESTMENT BOARDS FOR SERVICES TO CERTAIN SPOUSES OF MEMBERS OF THE ARMED FORCES.

(a) GRANTS AUTHORIZED.—The Secretary of Defense may, from any funds authorized to be appropriated to the Department of Defense, and in consultation with the Department of Labor, make grants to local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), or consortia of such boards, in order to permit such boards or consortia of boards to provide services to spouses of members of the Armed Forces described in subsection (b).

(b) COVERED SPOUSES.—Spouses of members of the Armed Forces described in this subsection are spouses of members of the Armed Forces on active duty, which includes—

(1) those who have experienced a loss of employment as a direct result of relocation of such members to accommodate a permanent change in duty station; or

(2) any in a family whose income is significantly reduced due to—

(A) the deployment of such members;

(B) the call or order of such members to active duty in support of a contingency operation pursuant to a provision of law referred to in section 101(a)(13) of title 10, United States Code;

(C) a permanent change in duty station of such members; or

(D) the incurral by such members of a service-connected disability (as that term is defined in section 101(16) of title 38, United States Code).

(c) REGULATIONS.—Any grants made under this section shall be made pursuant to regulations prescribed by the Secretary in consultation with the Department of Labor. Such regulation shall set forth—

(1) criteria for eligibility of workforce investment boards for grants under this section;

(2) requirements for applications for such grants; and

(3) the nature of services to be provided using such grants.

AMENDMENT NO. 259

(Purpose: To make available $7,000,000 from Operation and Maintenance, Defense-Wide, for the reimbursement of Administration-Support personnel related to the Rest and Recuperation Leave Programs.

At the end of subtitle C of title III, add the following:

SEC. 329. REST AND RECUPEERATION LEAVE PROGRAMS.

(a) AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF EXPENSES.—Of the amount authorized to be appropriated to the Rest and Recuperation Leave Programs for operation and maintenance for Defense-wide activities, $7,000,000 may be available for the
(Purpose: To require a report on the information given to individuals enlisting in the Armed Forces of the so-called "stop loss" authority of the Armed Forces)

At the end of subtitle B of title V, add the following:

SEC. 1025. REPORT ON INFORMATION ON STOP LOSS AUTHORITY GIVEN TO ENLISTEES IN THE ARMD FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense began retaining selected members of the Armed Forces beyond their contractual date of separation from the Armed Forces, a policy commonly known as "stop loss," shortly after the events of September 11, 2001, and for the first time since Operation Desert Shield/Desert Storm.

(2) The Marine Corps, Navy, and Air Force discontinued their use of stop loss authority in 2003. According to the Department of Defense, a total of 3,992 marines, 2,500 sailors, and 6,929 airmen were kept beyond their separation dates under that authority.

(3) The Army is the only Armed Force currently using stop loss authority. The Army reports that, during September 2005, it was retaining 6,929 regular component soldiers, 3,002 soldiers in the National Guard, and 2,847 soldiers in the Army Reserve beyond their separate dates. The Army reports that it has not kept an account of the cumulative number of soldiers who have been kept beyond their separation dates.

(4) The Department of Defense Form 41, Enlistment/Reenlistment Document does not give notice to enlistees and reenlistees in the regular components of the Armed Forces that they may be kept beyond their contractual separation date during times of partial mobilization.

(5) The Department of Defense has an obligation to clearly communicate to all potential enlistees and reenlistees in the Armed Forces their terms of service in the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the actions being taken to ensure that each individual being recruited for service in the Armed Forces is provided, before making a formal enlistment in the Armed Forces, precise and detailed information on the period or periods of service to which such individual may be obligated by reason of enlistment in the Armed Forces, including any revisions to Department of Defense Form 41.

(2) ELEMENTS.—The report under paragraph (1) shall include:

(A) a description of how the Department informs enlistees in the Armed Forces on—

(i) the so-called "stop loss" authority and the manner in which exercise of such authority could affect the duration of an individual's service on active duty in the Armed Forces;

(ii) the authority for the call or order to active duty of members of the Individual Ready Reserve and the manner in which such a call or order could affect an individual following the completion of the individual's expected period of service on active duty or in the Individual Ready Reserve; and

(iii) any other authorities applicable to the call or order to active duty of the Reserves, or of the retention of members of the Armed Forces on active duty which could affect the period of service of an individual on active duty or in the Armed Forces; and

(B) such other information as the Secretary considers appropriate.

AMENDMENT NO. 256:

(Purpose: To require preparation of a development plan for a national coal-to-liquid fuels program)

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. COAL-TO-LIQUID FUEL DEVELOPMENT PLAN.

(a) DEFINITION OF DESIGNATED COMMITTEES.—In this section, the term "designated committees" means:

(1) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Energy and Commerce, and Appropriations of the House of Representatives.

(b) DEVELOPMENT PLAN AND REPORT.—Not later than 90 days after the date of enactment of this Act, using amounts available to the Department of Defense and the National Energy Technology Laboratory of the Department of Energy:

(1) the Secretary of Energy, in coordination with the Secretary of Defense, shall prepare and submit to the designated committees a development plan for a coal-to-liquid fuels program; and

(2) the Secretary of Defense, in coordination with the Secretary of Energy, shall prepare and submit to the designated committees a report on the potential use of the fuels by the Department of Defense.

(c) REQUIREMENTS.—The development plan described in subsection (b)(1) shall be prepared taking into account:

(1) technology needs and developmental barriers;

(2) economic and national security effects;

(3) environmental standards and carbon capture and storage opportunities;

(4) financial incentives;

(5) timelines and milestones;

(6) diverse regional sources that could supply suitable liquefaction plants;

(7) coal-liquid fuel testing to meet civilian and military engine standards and markets; and

(8) any roles other Federal agencies, State governments, and international entities could play in developing a coal-to-liquid fuel industry.

AMENDMENT NO. 262:

(Purpose: To amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits)

(a) PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.—Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) A person whose conviction of a Federal capital crime is final; and"

and

(B) by amending paragraph (2) to read as follows:

"(2) A person whose conviction of a State capital crime is final;"

and

(2) in subsection (c), by striking "the death penalty or life imprisonment" and inserting "a life sentence or the death penalty";

and

(b) DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.—Section 1985 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "who has been convicted of a capital offense under Federal or State law for which the person sentenced to death or life imprisonment without parole," and inserting "described in section 2411(b) of title 38;";

(2) in subsection (b), by striking "convicted of a capital offense under Federal law" and inserting "described in section 2411(b) of title 38;" and

(3) by amending subsection (c) to read as follows:

"(c) DEFINITION.—In this section, the term 'burial' includes inurnment."

(c) DENIAL OF FUNERAL HONORS.—Section 1491(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "means a decedent who—" and inserting the following:

"(1) means a decedent who—"

and

(3) in subparagraph (B), as redesignated, by striking the period at the end and inserting "; and";

and

(4) by adding at the end the following:

"(c) does not include a person described in section 2411(b) of title 38."; and

(d) RULEMAKING.—

(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any national cemetery under the authority of the Secretary of Veterans Affairs or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any national cemetery under the authority of the Secretary of Veterans Affairs or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

(e) SAVINGS PROVISION.—The amendments made by subsections (a), (b), and (c) shall not apply to any person whose sentence for a Federal capital crime or a State capital crime (as such terms are defined in section 2411(d) of title 38, United States Code) was commuted by the President or the Governor of a State.
AMENDMENT NO. 263

(Purpose: To require an annual report on the budgeting of the Department of Defense related to key military equipment)

At the end of subtitle D of title X, add the following:

SEC. 234. Budgeting for key military equipment:

(a) In General.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

&SEC. 8234. Budgeting for key military equipment: annual reports.—

(1) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit of members of the armed forces or civilian employeess of United States, the dependents or survivors of such members or employees, who are wounded or killed while serving in Operation Iraqi Freedom, Operation Enduring Freedom, or any other military operation or activity, or geographic area, designated by the Secretary of Defense for purposes of this section.

(b) SCOPE OF AUTHORITY TO USE ACCEPTED PROPERTY.—Such section is further amended—

(1) by redesignating subsections (b), (c) and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

(2) A description of the current strategies requested for the Department for such fiscal year in order to fully fund such strategies.

(3) A description of the amounts requested for the Department in a fair and objective manner that will be required of such equipment.

(4) A description of the risks, if any, of failing to fund such strategies in the amounts required to fully fund such strategies (as specified in paragraph (2)).

(5) A description of the actions being taken by the Department of Defense to mitigate the risks described in paragraph (4).

(c) KEY MILITARY EQUIPMENT DEFINED.—In this section, the term ‘key military equipment’ means—

(1) major weapons systems that are essential to accomplishing the national defense strategy; and

(2) other military equipment, such as major command, communications, computer intelligence, surveillance, and reconnaissance (C4ISR) equipment and systems designed to prevent fratricide, that is critical to the readiness of military units; and

(3) includes equipment reviewed in the report of the Comptroller General of the United States numbered GAO-06-141.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘234. Budgeting for key military equipment: annual reports.’’

AMENDMENT NO. 264

(Purpose: To improve the general authority of the Secretary of Defense to accept and administer gifts)

At the end of subtitle C of title III, add the following:

SEC. IMPROVEMENT OF AUTHORITIES ON GENERAL GIFT FUNDS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND EXPANSION OF CURRENT AUTHORITY.—Subsection (a) of section 2601 of title 10, United States Code, is amended to read as follows:

‘‘(a)(1) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit, or in connection with the establishment, administration, or maintenance of a school, hospital, library, museum, cemetery, or other institu-

tion or organization under the jurisdiction of such Secretary.

‘‘(2)(A) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit of members of the armed forces or civilian employeess of United States, the dependents or survivors of such members or employees, who are wounded or killed while serving in Operation Iraqi Freedom, Operation Enduring Freedom, or any other military operation or activity, or geographic area, designated by the Secretary of Defense for purposes of this section.

(B) The Secretary concerned shall prescribe regulations specifying the conditions that may be attached to a gift, devise, or bequest accepted under this paragraph.

(C) The authority to accept gifts, devises, or bequests under this paragraph shall expire on December 31, 2007.

(D) The Secretary concerned may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest made under this subsection.

(b) SCOPE OF AUTHORITY TO USE ACCEPTED PROPERTY.—Such section is further amended—

(1) by redesignating subsections (b), (c) and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

(2) A description of the amounts required to fully fund such strategies described in paragraph (1).

(3) A description of the current strategies requested for the Department for such fiscal year in order to fully fund such strategies.

(4) A description of the risks, if any, of failing to fund such strategies in the amounts required to fully fund such strategies (as specified in paragraph (2)).

(5) A description of the actions being taken by the Department of Defense to mitigate the risks described in paragraph (4).

(c) KEY MILITARY EQUIPMENT DEFINED.—In this section, the term ‘key military equipment’ means—

‘‘(1) major weapons systems that are essential to accomplishing the national defense strategy; and

‘‘(2) other military equipment, such as major command, communications, computer intelligence, surveillance, and reconnaissance (C4ISR) equipment and systems designed to prevent fratricide, that is critical to the readiness of military units; and

‘‘(3) includes equipment reviewed in the report of the Comptroller General of the United States numbered GAO-06-141.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘257. Budgeting for key military equipment: annual reports.’’

AMENDMENT NO. 265

(Purpose: To express the sense of the Senate on the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces on inactive-duty training overseas)

At the end of subtitle D of title V, add the following:

SEC. SENSE OF SENATE ON APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO RESERVES ON INACTIVE-DUTY TRAINING OVERSEAS.

It is the sense of the Senate that—

(1) there should be no ambiguity about the applicability of the Uniform Code of Military Justice (UCMJ) to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training (IDT) orders for any period of time under such orders; and

(2) the Secretary of Defense should—

(A) take action, not later than February 1, 2006, to publish in the Federal Register a determination pursuant to such applicability under section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice); and

(B) if necessary, submit to Congress a proposal for legislative action to ensure the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training orders.

AMENDMENT NO. 256

(Purpose: To facilitate the commemoration of the success of the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom)

At the end of subtitle C of title III, add the following:

SEC. COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) FINDING.—Congress finds that it is both right and appropriate that, upon their return from Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, all soldiers, sailors, marines, and airmen in the Armed Forces who served in those operations be honored and recognized for their achievements, with appropriate ceremonies, activities, and awards commemorating their sacrifice and service to the United States and the cause of freedom in the Global War on Terrorism.

(b) CELEBRATION HONORING MILITARY EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—The President may, at the sole discretion of the President—

(1) designate a day of celebration to honor the soldiers, sailors, marines, and airmen of the Armed Forces who have served in Operation Enduring Freedom and Operation Iraqi Freedom and have returned to the United States; and

(2) issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

(c) PARTICIPATION OF ARMED FORCES IN CELEBRATION.—

(1) PARTICIPATION AUTHORIZED.—Members and units of the Armed Forces may participate in activities associated with the day of celebration designated under subsection (b) that are held in Washington, District of Columbia.

(2) AVAILABILITY OF FUNDS.—Subject to paragraph (4), amounts be appropriated for the Department of Defense may be used to cover costs associated with the participation of members and units of the Armed Forces in the activities described in paragraph (1).

(3) ACCEPTANCE OF PRIVATE CONTRIBUTIONS.—(A) Notwithstanding any other provision of law, the Secretary of Defense may accept cash contributions from private individuals and entities for the purposes of covering the costs of the participation of members and units of the Armed Forces in the activities described in paragraph (1). Amounts so accepted shall be deposited in an account established for purposes of this paragraph.

(b) CONTENT OF REPORT.—The Secretary of Defense (UCMJ) to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training orders.

(c) EFFECT.—Nothing in this section shall be construed to negate the authority of the President or the Department of Defense to order a change in the calendar or time of the day designated under subsection (b).
(4) LIMITATION.—The total amount of funds described in paragraph (2) that are available for the purpose set forth in that paragraph may not exceed the amount equal to—
(A) $200,000,000, and
(B) the amount of any cash contributions accepted by the Secretary under paragraph (3).

(5) AWARD OF RECOGNITION ITEMS.—

(d) AWARD OF RECOGNITION ITEMS.—In this subsection, the term ‘ Amount Authorized to be Appropriated by Subtitle A of Title IX ’ is defined as—

 subsection: (d) of such section is amended—
(A) in paragraph (1), by inserting “the Homeland Security Council,” after “the National Security Council,” both places it appears; and
(B) in paragraph (2), by inserting “the Homeland Security Council,” after “the National Security Council,” both places it appears.

(6) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—Subsection (d) of such section is amended—

SEC. 103. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform can significantly reduce the number of American troops deployed to Iraq and Afghanistan.

(2) The Common Remotely Operated Weapons Station is an innovative and cost-effective solution to the problems posed by re-supplying forces deployed in remote areas.

(3) As they become available, new technologies will dramatically improve battlefield awareness and allow for the delivery of essential supplies.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2008 of 750 Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SEC. 1073. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(1) by inserting “(a) Members.—” before “The members”; and
(2) by adding at the end the following new subsection:

Sec. 1073. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform can significantly reduce the number of American troops deployed to Iraq and Afghanistan.

(2) The Common Remotely Operated Weapons Station is an innovative and cost-effective solution to the problems posed by re-supplying forces deployed in remote areas.

(3) As they become available, new technologies will dramatically improve battlefield awareness and allow for the delivery of essential supplies.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(5) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(6) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2008 of 750 Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SEC. 1079. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(1) by inserting “(a) Members.—” before “The members”; and
(2) by adding at the end the following new subsection:

Sec. 1079. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform can significantly reduce the number of American troops deployed to Iraq and Afghanistan.

(2) The Common Remotely Operated Weapons Station is an innovative and cost-effective solution to the problems posed by re-supplying forces deployed in remote areas.

(3) As they become available, new technologies will dramatically improve battlefield awareness and allow for the delivery of essential supplies.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(5) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(6) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2008 of 750 Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SEC. 1079. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(1) by inserting “(a) Members.—” before “The members”; and
(2) by adding at the end the following new subsection:

Sec. 1079. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform can significantly reduce the number of American troops deployed to Iraq and Afghanistan.

(2) The Common Remotely Operated Weapons Station is an innovative and cost-effective solution to the problems posed by re-supplying forces deployed in remote areas.

(3) As they become available, new technologies will dramatically improve battlefield awareness and allow for the delivery of essential supplies.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(5) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(6) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2008 of 750 Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SEC. 1079. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(1) by inserting “(a) Members.—” before “The members”; and
(2) by adding at the end the following new subsection:

Sec. 1079. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform can significantly reduce the number of American troops deployed to Iraq and Afghanistan.

(2) The Common Remotely Operated Weapons Station is an innovative and cost-effective solution to the problems posed by re-supplying forces deployed in remote areas.

(3) As they become available, new technologies will dramatically improve battlefield awareness and allow for the delivery of essential supplies.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(5) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(6) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2008 of 750 Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SEC. 1079. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(1) by inserting “(a) Members.—” before “The members”; and
(2) by adding at the end the following new subsection:

Sec. 1079. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform can significantly reduce the number of American troops deployed to Iraq and Afghanistan.

(2) The Common Remotely Operated Weapons Station is an innovative and cost-effective solution to the problems posed by re-supplying forces deployed in remote areas.

(3) As they become available, new technologies will dramatically improve battlefield awareness and allow for the delivery of essential supplies.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(5) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(6) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2008 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2008 of 750 Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.
AMENDMENT NO. 277

(Purpose: To require quarterly reports on the war strategy in Iraq)

At the end of subtitile D of title X, add the following:

SEC. 718. STUDY AND REPORT ON CIVILIAN AND MILITARY PARTNERSHIP PROJECT.

(a) STUDY.—The Secretary of Defense shall conduct a study on the feasibility of conducting a military and civilian partnership project to permit employees of the Department of Defense military medical care entity to jointly staff and provide health care services to military personnel and civilians at a Department of Defense military treatment facility.

(b) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

AMENDMENT NO. 276

At the appropriate place in title VIII, insert:

SEC. 833. CONTRACTING INCENTIVE FOR SMALL POWER PLANTS ON FORMER MILITARY BASES.

(a) AUTHORIZATION.—Notwithstanding the limitation in Section 501(b)(1)(B) of title 40, United States Code, the Administrator of the General Services Administration is authorized to contract for public utility services for a period of not more than 20 years, provided that such services are electricity services procured from a small power plant located on a qualified HUBZone base closure area.

(b) DEFINITION OF SMALL POWER PLANT.—In this section, the term small power plant includes any power facility or project with electrical output of not more than 60 Megawatts.

(c) DEFINITION OF PUBLIC UTILITY ELECTRIC SERVICES.—In this section, the term public utility services means with respect to electricity services, includes electricity supplies and services, including transmission, generation, distribution, and other services directly used in providing electricity.

(d) DEFINITION OF HUBZONE BASE CLOSURE AREA.—In this section, the term HUBZone base closure area has the same meaning as such term is defined in Section 3(p)(4)(D) of the Small Business Act, 15 U.S.C. 632(p)(4)(D).

(e) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Contracting pursuant to this section shall be subject to all other laws and regulations applicable to contracting for public utility services.

AMENDMENT NO. 275

(Purpose: To extend through 2010 the requirement for an annual report on the maturity of technology at the initiation of major defense acquisition programs)

At the end of subtitile E of title VIII, add the following:

SEC. 904. EXTENSION OF ANNUAL REPORTS ON MATURITY OF TECHNOLOGY AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-101, 113 Stat. 1180) is amended by striking “through 2006” and inserting “through 2010”.

SEC. 702. NATIONAL GUARD CONSTRUCTION PROJECTS.

(a) ARMY NATIONAL GUARD AT CAMP DAWSON, WEST VIRGINIA.

(1) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States is hereby increased by $4,500,000.

(2) USE OF FUNDS.—Of the amount appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States, as increased by paragraph (1), $4,500,000 is available for the construction of a readiness center at Camp Dawson, West Virginia.

(b) AIR NATIONAL GUARD AT EASTERN WEST VIRGINIA REGIONAL AIRPORT, SHEPHERD FIELD, MARTINSBURG, WEST VIRGINIA.

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amount appropriated by section 2603(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and available for the construction of a bridgegate house/force protection entry project at Camp Yeager, West Virginia, is hereby decreased by $4,500,000.

(2) USE OF FUNDS.—Of the amount appropriated by section 2603(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and otherwise available for the construction of a bridgegate house/force protection entry project at Camp Yeager Air National Guard Base, West Virginia, $2,000,000 shall be available instead for C-5 aircraft shop upgrades at Eastern West Virginia Regional Airport, Shepherd Field, Martinsburg, West Virginia.

AMENDMENT NO. 277

(Purpose: To require a report on the effects of windmill farms on military readiness)

At the end of subtitile C of title III, add the following:

SEC. 12791. REPORT ON ADVANCED TECHNOLOGIES FOR NUCLEAR POWER REACTORS IN THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on advanced technologies for nuclear power reactors in the United States.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of the safety performance of nuclear power reactors.

(2) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of proliferation-resistant nuclear power reactors.

AMENDMENT NO. 277

(Purpose: To require quarterly reports on the war strategy in Iraq)

At the end of subtitile D of title X, add the following:

SEC. 719. QUARTERLY REPORTS ON WAR STRATEGY IN IRAQ.

(a) QUARTERLY REPORTS.—At the same time the Secretary of Defense submits to Congress each report on stability and security in Iraq that is submitted to Congress after the date of the enactment of this Act under the Joint Expeditionary Statement of the Committee on Conference to accompany the conference report on the bill H.R. 1268 of the 109th Congress, the Secretary of Defense shall provide appropriate representatives of the National Intelligence Agency shall provide the appropriate committees of Congress a briefing on the strategy for the war in Iraq, including the measures of evaluation utilized in determining the progress made in the execution of that strategy.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term appropriate committees of Congress means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

Mr. DINGELL. Mr. President, I rise today in support of an amendment to the Defense Authorization Act of 2006, introduced by Senator WARNER along with Senator LEVIN and myself, which would authorize emergency supplemental appropriations for the Department of Defense to provide hurricane relief and avian flu preparedness. At my request, this amendment also includes $10 million in relief assistance for the people affected by the devastating earthquake that struck northern Pakistan, India, and Afghanistan on October 8, 2005. It would also require the Secretary to submit a report to Congress describing the Department of Defense’s humanitarian efforts in the region and assessing the need for further reconstruction and relief assistance. Although this $40 million authorized in this amendment, I believe the DOD assessment will reveal the need for a substantial increase
in assistance for the approximately 3 million people left homeless by this earthquake.

Initial reports of this disaster described the situation as critical, with over 30,000 people estimated dead and 1 million people displaced. Assistance has been immediate. There is now growing concern that, with temperatures being consistently below freezing and growing colder, there may be a time when temperatures are consistently below freezing and growing colder. In addition, the U.S. military has been allocated $56 million of this pledge to support logistical and other military relief efforts, and $50 million of this has already been spent. As of November 9, the Department of Defense had more than 900 personnel providing relief and reconstruction support. DOD has flown more than 1,100 helicopter missions delivering 2,700 tons of relief supplies and evacuated over 8,200 casualties from the affected area. In addition, the 212th Mobile Army Surgical Hospital has established a unit in Pakistan and has 56 intensive care unit beds, 60 intermediate minimal care beds, and 2 operating rooms. This unit has performed valiantly, having completed more than 100 surgeries and treated 1,200 nonsurgical patients.

While I fully support these efforts, it has become clear that this disaster is much larger than what was first assumed. The United Nations is now reporting that the unfolding picture reveals levels of human and economic devastation unprecedented in the history of the subcontinent.” In Pakistan alone, approximately 80,000 people have died, half of whom were children. Nearly the same amount of people are injured, with both numbers expected to rise. This region is home to 5 million people scattered across this mountainous area, and with a harsh winter quickly approaching, the situation has the potential to become much worse. The earthquake destroyed most hospitals, schools, and government buildings, and hundreds of towns and villages in the region have been completely wiped out. Most roads and bridges have been completely destroyed, and the 900 aftershocks have blocked the remaining roads by landslides. Tens of thousands of people are still completely cut off from any form of assistance. According to the United Nations, over 2 million people require life-saving assistance, including basic necessities like food, water, and medicine. In addition, approximately 3 million people lack adequate shelter at a time when temperatures are consistently below freezing and growing colder. There are reports of the death toll could double quickly if increased aid is not provided immediately.

The U.N. has increased its appeal for aid to over $50 million for the next 10 months of operations, and it is estimated that disaster relief and reconstruction may cost up to $6 billion over the long term. In the near term however, I believe it is critical that we do all we can before the Thanksgiving recess to help these people as they struggle through the winter months. It is also important that if we are truly committed to changing how the United States is perceived in a region that is predominantly rural, poor, and Muslim, we must be willing to demonstrate America’s compassion and generosity in this time of urgent need. To this end, I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, for the past several years the Senate has been very engaged in producing a comprehensive energy policy. This summer we took a positive step forward passing the first Energy bill in more than 14 years.

It is my hope that this Energy bill will expand domestic supply, encourage alternative sources, and help reduce our overall demand for energy. Alternatively, if we continue to play a larger role in the Nation’s future and I believe wind power is a part of that solution.

The Energy bill shifted the inadequate permitting process for alternative energy sources and wind turbines on their radar abilities. Now the permitting of wind farms, whether on or off shore, follows a strong permitting process with input from the local, State, and Federal Governments.

However, as windmills become a more prevalent part of the Nation’s energy landscape, we must be fully aware of the effects these facilities may have on another aspects of the country’s well being.

I have been prompted to look into this based upon the experiences of the United Kingdom, which has studied in detail the potential adverse effects of wind turbines on their radar abilities. The UK Ministry of Defense is now a part of the permitting process for potential wind farms in that country and some of these findings are currently being shared with our own Department of Defense. However, we need more study.

Today I offer an amendment to provide a study regarding the effects of wind turbines on military readiness, including an assessment of the effects such farms may have on military radar. My amendment also requires the report to include an assessment of technologies that could mitigate any adverse effects wind projects could have on military operations. As the entire world continues the development of alternative energy sources, it is imperative that the Department of Defense and the Congress understand the effects that those energy sources may have on the military’s ability to do its job.

Whether it is a wind farm in the middle of the Arizona desert, several miles off the Alaska Coast, or set along the shore of South Africa, this Nation’s military must be adequately trained to adequately deal with the potential effects.

I thank the Senate for agreeing to include this study in the Defense Authorization bill and look forward to its findings.

The current guidelines under which agencies conduct these competitions are contained in the Office of Management and Budget’s Circular A-76. To ensure that we maximize the benefit of these competitions, the Senate’s A-76 competition must be conducted in a carefully crafted manner. The rules under which they take place must be fair, objective, transparent, and efficient. In one particular regard, I believe the current rules fail to meet this criteria.

Specifically, they do not allow Federal employees to protest the agency’s decisions in an A-76 competition beyond the agency’s own internal review processes to the General Accountability Office. Congress has vested in the GAO the jurisdiction to hear and render opinions in protests of agency acquisition decisions generally. Private sector contractors, in contrast to Federal employees, have standing to protest agency procurement decisions, including those in A-76 competitions, before GAO.

The current situation does not arise from any conscious policy decision of Congress, GAO, or OMB. Rather, it occurs because the Federal statute that confers protest jurisdiction upon GAO, the Competition in Contracting Act of 1984 or “CICA” was not drafted to address the unique nature of A-76 competitions. In particular, the role of Federal employees to protest agency procurement decisions, including those in A-76 competitions, before GAO.

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it lacks the authority under CICA to hear protests from Federal employees in the MEO in these competitions. As a result, corrective legislation became necessary in our view.

The Collins-Akaka amendment addressed another important inequity in our current procurement system. The amendment would extend GAO protest rights on behalf of the MEO in A-76 competitions to two individuals. The first is the Agency Tender Official or “ATO.” The ATO is the agency official who is responsible for developing and representing the Federal employees’ MEO. The second is a representative chosen directly by the Federal employees in the MEO for the purposes of filing a protest with GAO where the ATO does not, in the view of a majority of the MEO, fulfill his or her duties in regards to a GAO protest. Our intent is to bolster the A-76 process by providing a mechanism for Federal employees to seek redress from GAO, an entity that is well known for its fair, effective and expert handling of acquisition protests.

STUDY OF NUCLEAR POWER

Mr. WARNER. Mr. President, as the world economy continues to develop, populations and economies grow, and energy demand continues to rise, it is imperative that we diversify our supply of energy to avoid power plant accidents and outages that we have not had in the past 20 years because of environmental and safety concerns and this is a trend that I feel must be reversed.

I feel these concerns and that opposition to nuclear power are simply a result of a lack of information. Today I offer an amendment that will provide objective data for the public to see. Specifically, my amendment calls on the Department of Energy to report to Congress on the technologies for advanced nuclear power reactors and the potential for safety enhancements as a result of those technologies.

This amendment will build on the nuclear provisions in the recently passed Energy bill. Specifically, the extension of Price Anderson insurance, incentives for nuclear power production, and support for the construction of new nuclear reactors are positive policy developments. In addition, there are several security related provisions regarding security, excepted worker screening, and operating facility standards that will further enhance the safety and security of our nuclear facilities. However, I feel there is information that would help many understand the safety record of the industry and the potential enhancement of that through new technology in the future.

I believe we must expand our nuclear power output as part of a comprehensive energy policy and it is my hope that we will work together to understand the safe and reliable contribution nuclear power can make.

I thank the Senate for including this amendment.

Mr. WARNER. Returning to the debate on the two amendments, I yield from my time 3 minutes to the distinguished Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Virginia. I rise to support the Warner amendment and to respectfully oppose the Levin amendment.

I believe something very important has happened in the last 24 hours. In my opinion, the debate has grown in our country and in this city much too partisan over what is happening in Iraq. That partisanship has begun to get in the way of the potential for a successful completion of our mission there.

I cite the great Senator Arthur Vandenberg of Michigan, who said: Politics must end at the water’s edge. Why? So that America speaks with maximum authority against those who would divide and conquer the free world. That is from an earlier chapter in history, but his words cry out to us.

Here is what the Washington Post said Saturday:

President Bush and leading congressional Democrats lobbed angry charges at each other Friday in an increasingly personal battle over the origins of the Iraq war. The sharp tenor Friday resembled an election year campaign more than a policy disagreement.

That is the danger that Vandenberg warned of. And about what? About pre-war intelligence, almost 3 years ago—not irrelevant, not unimportant, but not as relevant and important as how we successfully complete our mission in Iraq, how we protect the 150,000 men and women fighting for us in uniform over there, how do we what the majority of Members of both parties have said is so important to us—successfully complete this mission in the Middle East.

Senator WARNER and Senator LEVIN have done something unique. Senator LEVIN worked very hard on our side to try to put together a broad amendment that could involve as many members of the Democratic caucus as possible. He did something that is important: expressed support for the troops, for successful completion of the mission, but quite correctly asked the administration and the Pentagon for a plan, for measurements, for the beginning of a more open and complete dialog with Congress.

He put something in there that I don’t agree with that will lead me respectfully to vote against the amendment. The last paragraph in the Levin-Reid amendment looks like a timetable for withdrawal. It may not be the intention, but I fear that is the message it will send. That is a message I fear will discourage our troops in the field, will embolden our terrorists, and will confuse the Iraqis.

Senator WARNER has come along and accepted most of the Levin amendment except primarily eliminated that last paragraph. In doing so, these two leaders—Senator LEVIN and Senator WARNER—have created a context to break through the partisanship that has begun to diminish American public support for the war, and that means making it more difficult for our troops to successfully complete the mission.

We set up a dialog between the Congress and the President, measuring points, and hopefully the administration will respond. This is a statement of trust between Senator WARNER and Senator LEVIN. I hope it will be responded to by the administration because ultimately, only together, as Vandenberg advised, will we achieve success in Iraq. And success in Iraq means great stability in the Middle East, great freedom for the people of Iraq, and a setback for the terrorists who attacked us on September 11 and are anxious to do so again. I thank my friends for working together to get us to this point.

Here is my hope. The vote on the Levin amendment, I gather, will be first. I will respectfully vote against it. If it does not pass, I hope there is overwhelming support for the Warner amendment. I can even dream that 100 Senators would vote for it. That would be the strongest statement of support to our troops and the strongest statement of opposition to our enemy in Iraq.

I yield the floor.

Mr. LEVIN. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes 55 seconds.

Mr. LEVIN. I yield 5 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, before my friend from Connecticut leaves, I point out it is not partisanship that has caused the American people to leave the field. It is the gap between the rhetoric of the administration of the last 2 years and the reality on the ground. Before we ever got into the open debate, the American people in droves were leaving this not just because Americans are dying, as tragic as that is, but because they do not think we have a plan.

What I think all Democrats and Republicans are deciding is, Tell us the plan, Stan. Tell us, Mr. President, what is the plan? It is the first time this has happened.

The purpose of the amendment is as clear as it is critical: to require the Bush administration to lay out what we need to do to succeed in Iraq. For
the first time, our Republican colleagues have joined Democrats in insisting on a clear Iraqi strategy from this administration, a schedule to achieve it, and real accountability.

Let me be clear about what the amendment does. It does not require the administration to explain in detail, in public, its plan for success—it has not been public, and that is why the American people have left this outfit—and do it with specific goals, a realistic schedule for achieving those goals, and the means when achieving those goals and redeploying U.S. forces. It does not set a deadline for withdrawal.

In providing the plan, both Democrats and Republicans are saying: I hope the administration will start by being realistic and state specifically what the mission is. Is the mission to protect every Iraqi, or is the mission different? As the military will tell, and no one knows better than my friends on the Committee on Armed Services, the plan dictates the force structure, and the more realistic mission calls for less force. We have to refocus our mission on preserving America’s fundamental interests in Iraq. What are they?

First, we have to ensure that Iraq does not become what it was not before the war: a haven for jihadist terrorists.

Second, we have to do what we can to prevent a full-blown civil war that turns into regional war. I predict if there is a civil war, there will be a regional war.

To leave Iraq a stable and a united country with representative government, posing no threat to its neighbors, we need to proceed on three tracks at the same time: a political track, an economic track, and a security track. We cannot succeed.

On the diplomatic track, nothing is more important than getting the political bargaining in Iraq’s three main groups—Shiites, Sunnis, and Kurds—to agree to changes in a constitution by next spring so that there is a consensus constitution.

My friend, the chairman of the committee, says without a political solution, we cannot do this. He is right. We need to know exactly what the administration is doing to convince each community to make the compromises necessary for a broad and sustainable political solution.

We also need to know that the administration plans to engage the world powers and regional powers in this effort, as we did in the Six Plus Two Plan in Afghanistan, as we did in Bosnia. Iraq’s neighbors have real influence with these different communities, and we need them to use that influence to arrive at a political settlement.

On the assistance track, the whole house of cards will collapse if Iraqis have no capacity to govern themselves, and that simply cannot turn on the lights, drink the water, and walk out their front doors without wading into sewage.

So we need to know what specific steps the administration is taking to strengthen the capacity of Iraq’s governmental ministries. We all know nothing of them can function now—none. Not a single Iraqi ministry is capable of functioning. The administration rejected our plan to adopt these ministries. So what is the plan? What are you going to do, Mr. President, to make them able to function? How many regular police do we have to keep? What are the basic law-and-order requirements before we can draw down? We need to stop this silliness about having trained 179,000 troops. Stop this silliness. Tell us what the facts are and tell us the relationship between the facts and our ability to draw down.

So, Mr. President, the gap between this administration’s rhetoric on Iraq and the reality on the ground has created a huge credibility gap. And I would have never thought this: Only this President could unite the Senate. He has united the Senate on a single point: What is the plan? That is what our amendment asks.

The ACTING PRESIDENT pro tempore. The Senator’s time has expired.

Mr. BIDEN. I thank the Chair and I thank my colleague.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. Mr. President, I ask unanimous consent, if it is possible, for 1 minute for my friend from California.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask an additional minute above the time allotted to us.

Mr. BIDEN. Yes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Mr. President, I assume that a minute comes to this side likewise.

Mr. BIDEN. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California is recognized for 1 minute.

Mrs. BOXER. I thank the Chair and my friend from Delaware.

Mr. President, remember when Secretary Rumsfeld said he doubted the war would last 6 months, and when White House Budget Director Daniels said Iraq would be an affordable enterprise, and Condoleezza Rice used the imagery of a mushroom cloud to describe the threat of Iraq, and Vice President Cheney’s now famous assessment of the insurgency: “They are in their last throes, if you will”? That is a quote.

Well, this administration has failed to lead in Iraq in a way that is ensuring a way out of this with a successful mission.

Finally, the Senate is finding its voice today in both of these proposals in front of us. I am proud to say the Senate is finally standing up to the Bush administration in policy. The status quo is not working. In California, we have lost about 24 percent of the dead. We are suffering. Their families are suffering. Just to say, “stay the course, stay the course,” as the President has said, is simply not going to help our troops in the field.

So, Mr. President, I view this day as a very important breakthrough for the American people. They are being heard. The Democrats are hearing them. The Republicans took the very words of our resolution, made a couple of changes, I think important changes, which mitigate in favor of ours, but I certainly will be voting for both. Thank you very much.

The ACTING PRESIDENT pro tempore. The Senator has used her 1 minute.

Who yields time?

Mr. LEVIN. Mr. President, how much time is remaining on both sides?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 3 minutes 38 seconds. The Republican side has 4 minutes 18 seconds.

Mr. LEVIN. Mr. President, I yield a minute to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 1 minute.

Mr. RHODII. Mr. President, after 2½ years of insurgency warfare in Iraq, it is a stunning indictment of the Bush administration that this Senate has to ask for a plan. And we are asking on behalf of the American people because their disquiet with Iraq is not a function of political bickering. It is a function of not understanding what the plan is because the President has not presented us with a viable, coherent plan.

I believe an important part of that plan is the phased redeployment of American forces without a deadline. I believe that is being embraced by people around the world. Yesterday, Tony Blair spoke about the possibility of withdrawing British troops in 2006. This morning, the President spoke about it. John Reid, the Defense Secretary of Great Britain, talked about it.

I think we have to have from the administration a notion of when our forces will come out of Iraq or redeployed within Iraq. It is important not only for Iraq, it is important for our security across the globe. How can we defend ourselves in the future if we do not know if our forces will be freed up to respond to other crises? How can we pay for these troops if we don’t know they will be coming out of Iraq? I think it is important to do this and essential to any plan. I hope that is something we can agree on today.
The ACTING PRESIDENT pro tempore. The Senator has used 1 minute.
Who yields time?
Mr. LEVIN. Mr. President, I yield a minute to the Senator from Illinois.
The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 1 minute.
Mr. DURBIN. Mr. President, this debate today is going to be a significant debate because you are going to hear from both sides of the aisle that we are voting for change. We will reject the status quo. We will reject the President’s call for blind loyalty to his policies in Iraq because we cannot be blind to the fact that we have lost over 17,000 American soldiers who have been killed and wounded. We cannot be blind to the fact that there is no plan for success in Iraq. We cannot be blind to the fact that it does no favor to our troops and their families to ignore the obvious.

We need new leadership and new direction. The vote today on the Warner amendment and the vote on the Levin amendment are both votes for change. They are not to cut and run. Even though the Republicans have done a cut-and-paste job on the Democratic amendment, both amendments say to the administration: It is time to change the course for success, to make certain that 2006 is a significant year, so that we move toward a success and victory for our troops and for our Nation.
The ACTING PRESIDENT pro tempore. The Senator’s 1 minute has expired.
Who yields time?
The Senator from Virginia is recognized.
Mr. WARNER. Mr. President, I regret the term “cut and paste” was used. Senator LEVIN and I have worked together for 27 years in the Armed Services Committee. I worked with him and told him we decided not to completely rewrite the amendment. This is a new direction, but the Senator from Connecticut, Mr. LIEBERMAN, a member of our committee, so eloquently stated, to reach a sense of bipartisanship at this very critical time, on the eve of another and perhaps the most significant election in Iraq, to show strong bipartisan support on those points on which we agree. And we agree almost on every point, with the exception of the last paragraph. I was interested in listening to each of the debates thus far, and I did not hear anyone on that side specifically reinforce this last paragraph, which we cannot accept, nor should the country have Congress send across the airwaves of the world this message:
A campaign plan with estimated dates for the phased redeployment of the United States Armed Forces in Iraq as each condition is met, with the understanding that unexpected contingencies may arise.

Therein is a short paragraph that could completely destabilize this forthcoming election on December 15, sending the wrong message. It is not needed.

This amendment, as drawn, is a very powerful, very powerful statement by the Congress—hopefully, if the House adopts it, but certainly by the Senate—of the need to tell the Iraqi people that we have done our share, we are not going to leave them, but we expect from them equal, if not greater, support than they have given to this date. I yield the floor.
The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.
Mr. LEVIN. Mr. President, this amendment represents a significant change in the course that we are on and so does the Republican amendment. The title of both amendments is “To clarify and recommend changes to the policy of the United States on Iraq. . . .” That is the purpose of my amendment. It is a purpose which is retained in the Warner amendment.
We lay out what those changes are. We agree on almost all of the changes, “transition phase of significant transition,” that there should be “phased redeployment of United States forces.” That is on page 2. That is not paragraph 7. They accept the idea that we should create the conditions for phased redeployment. They accept my idea and our idea that the United States “should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary” for a broad-based political settlement.
We need that political settlement. Our military leaders tell us, if there is any chance of a military victory, you have to have a political settlement. So we endorse paragraph 7. Senator FEINGOLD read it. I have read it. We totally endorse it for what it says. It is not cut and run. It is not a statement that we are going to withdraw on a fixed date.
The ACTING PRESIDENT pro tempore. The Senator’s time has expired.
Who yields time?
The minority leader is recognized.
Mr. REID. Mr. President, I will use leader time.
The ACTING PRESIDENT pro tempore. The Senator may use his leader time.
Mr. REID. Mr. President, today, Senate Democrats offer the most important amendment to this most important bill. Our amendment asks the Bush administration to give our troops in Iraq a strategy that is worthy of their sacrifices and heroic service.
Three years ago, America invaded Iraq with the finest Armed Forces in the world. Our military forces were unchallenged and unmatched, and they remain so today. Unfortunately, the President and this administration have not exercised the leadership our troops deserve. They place our troops in harm’s way without a plan for success and have damaged our standing in the world.

It is long past time for the President, the Vice President, and the rest of the Bush White House to level with the American people and present a winning plan and strategy for Iraq and our troops and for the American people. They both deserve this, the troops and the American people.

For the last 3 years, Democrats have stood with our troops and have tried to ensure that we do whatever we could to help them succeed. From the outset, we offered the administration concrete proposals that would have greatly increased our prospects for success.

We called on the administration to put more troops on the ground, but the administration rejected this call. We fought to provide more body armor and equipment for our troops, but the administration rejected this call. We urged the administration to increase international participation to secure and rebuild Iraq, but the administration rejected this call. We stressed the importance of putting together a plan to win the peace, but the administration rejected this call.

Now, to remind my colleagues, it was not just the advice of Democrats that the administration chose to ignore. It ignored the advice of our senior generals, our friends and allies around the world, teams of weapons inspectors, and even our senior colleagues in the previous Bush administration.

The President and his team also chose to disregard the Powell Doctrine, which holds that military actions should be used only as a last resort where there is a clear risk to national security.

According to this doctrine, if we do choose to fight, we should use overwhelming force, we should ensure that the conflict is strongly supported by the American people, and we should develop a clear exit strategy before we get into the conflict. That is the Powell Doctrine.

Before this administration took office, the Powell Doctrine was supported by previous tanks to our military leaders, and congressional leaders from both sides of the aisle. But this administration turned the Powell Doctrine upside down. They determined that military action should be a first resort, not a last. When the risk to our national security was not clear, they manipulated and cherry-picked intelligence to hype the threat. Instead of using overwhelming force, this administration rejected our senior military leaders’ advice and deployed a smaller force. And as we all know, there was not, and is not, an exit strategy to win the peace and bring our troops home.

While we are determined to understand the mistakes this administration made that brought us to this point, we are just as committed to finding a way forward to succeed in Iraq. Every day that goes by, it becomes increasingly clear that the administration’s Iraq policy is adrift and rudderless. All they are offering is a bumper-sticker slogan: “Stay the course.”

“Staying the course” is not a winning strategy. More than 2,050 soldiers...
have died and about 16,000 have been wounded. Iraq now risks becoming what it was not before the war: a haven for international terrorists and, as we saw in Jordan, a new launching pad for terrorist attacks.

In addition, America’s taxpayers have already contributed more than $250 billion and are spending an additional $2 billion every week this war continues. In short, our troops deserve more than a slogan. They deserve a real, concrete plan for completing their mission in faraway Iraq.

Our amendment sets forth in the clearest terms the Democrats’ view of what the President and the Iraqi people must accomplish if they are to succeed in Iraq and complete our mission.

First, it is time to see a significant transition toward full Iraqi sovereignty with Iraqi forces helping to create the conditions that will eventually lead to the phased redeployment of U.S. forces. Two thousand six should be a year we take the training wheels off the Iraqi government and let the Iraqi people run their own country.

Second, the United States must tell the Iraqi people clearly and unambiguously that U.S. military forces will not stay indefinitely and that Iraqis must achieve a broad-based and sustainable political settlement that is essential for defeating the insurgency.

Third, the President must submit to the Congress and the American people a plan for success in Iraq. The American people deserve to know the conditions we seek to establish, the challenges we face in achieving these conditions, and the progress, if any, being made. As an example, the administration said repeatedly that our forces can stand down as Iraqi forces stand up. The American people deserve to know what the phased redeployment is, what U.S. forces as our tasks are achieved? How long will it take? Is it no longer acceptable to the American people for U.S. forces to stand down as Iraqi forces stand up? The answer is yes, it is no longer acceptable not to answer these and many other basic questions about his policy in Iraq. It is not acceptable to this Member of Congress, and it is certainly not acceptable to our troops. Many of those troops are serving their third tour of duty with no apparent end in sight.

With this amendment, Democrats are standing with our troops and the American people, insisting that the President and the Republican-controlled Congress do their jobs. The President must be held accountable and tell our troops and the American people his plan for Iraq and what additional sacrifices will be expected of our troops and the American people. We must honor our troops. We must preserve our national security. We must protect the American people. That is the least we should expect from our Commander in Chief.

I am going to vote for both amendments. Understand that the Democratic amendment and the Republican amendment have the same purpose. It is on both amendments. Purpose: To clarify and recommend changes to the policy of the United States in Iraq and to require reports of matters relating to Iraq. That is the purpose.

Based on what we know today, the Republicans have no plan and no end in sight. We want to change the course. We can’t stay the course. I appreciate, though, the Republicans following the Democrats as far as they have on this amendment. This amendment is a step forward because we all agree—all 100 Senators, obviously—to clarify and recommend changes to the policy of the United States in Iraq and to require reports on matters relating to Iraq. That is the purpose of both amendments. We stand united. The Democrats stand united. We appreciate the support of the Republicans in this amendment process.

The PRESIDING OFFICER (Mr. COLEMAN). Who yields time?

Mr. WARNER. Mr. President, my understanding is that I have 2 minutes remaining on the 15-minute allocation.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Given that we have no time to speak before the amendment of the Senator from South Carolina and Senator LEVIN, I yield my 2 minutes for a matter other than the Iraq debate, the amendments under consideration, to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from Virginia.

I just want to alert my colleagues to the fact that the amended Graham amendment, which is the subject of newspaper comment but hasn’t been the subject of any hearings, apparently agreed to by Senator LEVIN, or at least so it is committed to, this amendment in its present form is blatant court stripping in the most confusing way possible. The language of the amended Graham amendment says that there will be exclusive jurisdiction in the Court of Appeals for the District of Columbia Circuit.

If it means what it says, the Supreme Court of the United States would not have jurisdiction. This language has not been subjected to any analysis or examination of the amendment provides that no court, justice, or judge shall have jurisdiction to consider the application for writ of habeas corpus. The Supreme Court of the United States, in three decisions handed down in habeas corpus, gave very substantial, articulated U.S. constitutional law as giving significant rights to the detainees to have an adjudication as to their status.

We have had many efforts at court stripping. Under the language of exclusion, we have, for the DC Circuit, the U.S. Supreme Court would not have jurisdiction to hear the Hamdan case which came into sharp focus because Chief Justice Roberts was on the panel there.

This is a sophisticated, blatant attempt at court stripping. It ought to be rejected, and we ought to have an opportunity to give it some thoughtful thought before these fundamental changes are made.

I thank my colleague from Virginia.
If we can reach victory in 2006, that would be wonderful. But should 2006 not be the landmark year that these amendments anticipate, we will have once again unrealistically raised the expectations of the American people. That is a grave disservice to America's role in this conflict, a war we must win.

I repeat that. This is a war we must win. The benefits of success and the consequences of failure are too profound to contemplate. The road ahead is likely to be long and hard, but America must follow through to success. While the sponsors of each version of this amendment might argue that their exact language supports this view, perceptions here and in Iraq are critical. By suggesting that withdrawal, rather than victory, is on the minds of America’s legislators, we do this great cause a grave disservice.

The PRESIDING OFFICER. The majority leader recognized.

Mr. FRIST. Mr. President, I wish to speak on leader time.

Shortly, we will be voting on two amendments offered by Senators LIEBERMAN and LEVIN and the other proposed by Senator WARNER and myself.

Our amendment, the Republican amendment, shows leadership, signals our commitment, and reflects an exit strategy we call victory. As Chairman WARNER just said a few moments ago, there are many similarities between the two amendments which reflect a lot of broad agreement that we have on the war, the progress to date, and the way ahead.

Notwithstanding the Democrats’ political carping of the last several days, and really the last several weeks, these two amendments that we will be voting on are forward-looking. They don’t get into the issues that were debated and decided a long time ago in the last election. They are forward-looking. They don’t try to rewrite history of how Members voted, why they voted, or what they supposedly meant at the time they voted when they spoke in support of the war.

There is a lot being made in the media about the requirement of a quarterly report, an update on the war’s progress, allegations that this in some way shows dissatisfaction with the administration. That is absurd. It is ridiculous. The fact is that Congress, this body, is charged with oversight of the executive branch regardless of which party is in power at the time. This amendment is a continuation of that oversight. It is not a change in policy. It is a continuation of that oversight that we have been conducting for years in the Senate. That includes the oversight of war intelligence issues or investigating the Abu Ghraib prison abuses or inquiring about the pace of reconstruction efforts in Iraq.

The Senate has been doing this for years. We are already getting much of the information from the administration, largely at the urging of the Republican leadership.

There is a huge, important difference between the two amendments we will be voting on. That main difference between these amendments is that the Democrats’ amendment requires a timeline, a plan for withdrawal of U.S. forces from Iraq. Some have referred to this as the cut-and-run provision; that is, pick an arbitrary timeline and get out of Iraq regardless of what is happening on the ground, regardless of the security situation, regardless of the political developments occurring in Iraq. We believe that is dangerous. We believe that is irresponsible. It is irresponsible to tell the terrorists, who we know are waiting to take us out, what that timeline will be because the timeline, once exposed, simply says: All we have to do is wait and then we attack. Then we swoop in to overwhelm Iraq’s fledgling democracy, once those troops depart, turning Iraq into a safe haven and base of operations to export terrorism abroad.

That is why cut-and-run is the wrong policy. Such a scenario would play very nicely into the plans that we know al Qaeda and its metastasis in Iraq, Zarqawi, has. The recently intercepted letter between Zawahiri and Zarqawi laid out what that terrorists’ strategy is, to force the United States out of Iraq and use the media and public opinion against us, to turn Iraq into a safe haven and from there launch their twisted vision of establishing a radical caliphate throughout the Middle East. They laid it out. A cut-and-run strategy plays right into their hands.

That is why telling the enemy our plans is irresponsible and dangerous. That is why the votes on these amendments in a few moments are so important. It is dangerous for our troops in the region, for our Nation, and for the American people.

Democrats want an exit strategy, thinking cut-and-run. What we are for is a victory strategy. The President of the United States has laid that strategy out clearly in four steps: First, defeat the insurgency using military force while helping Iraq build its own security capability; second, help Iraq rebuild its infrastructure and supporting economy to promote growth and prosperity and hope; third, promote democracy in its institutions through a political process that culminates in an elected government that respects and represents the views of all Iraqis; and fourth, integrate that new democratic, and prosperous Iraq that is governed by the rule of law, that protects the rights of all Iraqis, that is not a threat to its neighbors, and is a responsible international citizen.

Mr. President, the Republican amendment is not a change in policy. It is not a change in tone as has been suggested on the floor. This amendment reflects where this body has always been, supportive of the President and supportive of our troops overseas, forward-looking and optimistic, always conscious of the oversight responsibilities of this institution and our obligations as Senators to the American people. Indeed, I urge all of my colleagues to oppose the Levin amendment and to support the Frist-Warner amendment.

Mr. President, I ask for the yeas and nays.

Mr. REID. I yield my leader time to the Senator from Michigan.

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 Democratic leader.

Mr. REID. I yield time to the Senator from Michigan. I think I have a minute or 2.

The PRESIDING OFFICER. The Senator has a minute.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the majority leader has railed against language which does not exist in our amendment. Repeating over and over again a cut-and-run strategy is wrong, he tries to create the impression that that is what paragraph 7 proposes. It does not by its own terms. By repeatability or ambiguity. I guess the hope is that people who don’t read this language will believe that that is the language in paragraph 7. It is not.

My colleague from Connecticut, Senator LIEBERMAN, made many of these points a few months ago and again last night when he so eloquently announced his strong support for the Warner amendment. Yes, 2006 will be a transition year for Iraq. We can celebrate that. With elections in 6 weeks, 2006 will be the year a permanent democratically elected government will finally take power, 31 months after the fall of Saddam Hussein. This government will be guided by its recently approved constitution. On October 15, 10.5 million people came out to ratify that constitution. The government will represent the views and the backgrounds and the beliefs and deeds of all peace-loving Iraqis. That is progress.

With Iraqi security forces now numbering 200,000, and their experience and leadership growing every day, I believe we can continue handing our security responsibilities over to Iraqi forces. I also believe that given the professionalism and commitment of the Armed Forces, the commitment of the Iraqi people, and the support of the American people, we can achieve the vision. The vision is crystal clear. It is a free, democratic, and prosperous Iraq that is governed by the rule of law, that protects the rights of all Iraqis, that is not a threat to its neighbors, and is a responsible international citizen.

Mr. President, I ask for another 2 minutes.

The PRESIDING OFFICER. The Senator has 2 minutes.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the majority leader has railed against language which does not exist in our amendment.
What we propose in paragraph 7 is that there be estimated dates, estimated dates if the conditions on the ground are met as the Republican and Democratic amendment both propose occur. Then give us estimated dates for a phased withdrawal—estimated dates—if those conditions are met and with the understanding that unexpected contingencies may arise. That cannot be fairly characterized the way the majority leader repeatedly characterized it.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, 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 result was announced—yeas 40, nays 58, as follows: [Rollcall Vote No. 322 Leg.]

YEAS—40

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Dodd
Dorgan
NAYS—58

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Collins
Cooper
Cranston
Cochran
Coles
Collins
Conrad
Curray
Crapo
DeMint
DeWine
Dole
Dorgan
Alexander

The amendment (No. 2319) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 258

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. Mr. President, beginning with this vote, all remaining votes will be recorded in the calendar and the yeas and nays will be ordered.

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

Under the previous order, there is 2 minutes equally divided on the Warner amendment on which the yeas and nays have been ordered.

Mr. WARNER. Mr. President, I am very grateful for the bipartisan support on this amendment. Our amendment is simply taking portions of the Levin amendment, putting them into an amendment that we put together, rather than draw up a totally new amendment, so we can have the maximum bipartisan support but carefully crafting the Warner amendment so that not any words can be construed to indicate there is a timetable for the withdrawal of coalition forces, most particularly U.S. forces.

We are on the verge of an historic election in Iraq for a permanent government in a matter of weeks, and thereafter they have 30 days in which to stand up that government. The next 120 days are absolutely critical. The Warner amendment is forward-looking. It clearly sends a message to the Iraqi people that we have stood with them; we have done our part. Now it is time for them to put their government together, stand strong so that eventually they can exercise total sovereignty and select their own form of democracy. We cannot allow any verbiage to come out of the Congress of the United States that can be construed as a timetable of withdrawal at this critical time.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. LEVIN. Mr. President, I intend to vote for the Warner amendment because it represents change, not as much change as we would have liked, and we have debated that and argued that. But there are significant changes that are being proposed in this amendment which we have worked very hard to put in our amendment and we think would represent an improvement. We need to have 2006 be a year of transition. We need to have the administration lay out a strategy. We need to state with our military states, which is that the Iraqis have to solve their political problems and come together and unify if that insurgency is going to be defeated. This amendment continues to say to the administration they need to tell that to the Iraqis.

This amendment also sets up a schedule for conditions that are goals we hope to be achieved on the ground. That “schedule,” which is the word that remains in this amendment, is an important schedule that needs to be redefined, and it is retained. It needs to be met, and if it is not met, we need to be told what has changed so that it can be met.

I support the Warner amendment as the second-best approach, but it continues to keep the purpose, to clarify and recommend changes to the policy of the United States on Iraq. Keeping that purpose is critical.

The PRESIDING OFFICER. The Senator’s time has expired. All time has expired for debate.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER). Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “nay.”

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows: [Rollcall Vote No. 323 Leg.]

YEAS—79

Akaka
Allard
Allen
Anderhult
Baucus
Bayh
Bennett
Bond
Brown
Brownback
Burns
Cantwell
Carper
Chafee
Clinton
Cooper
Collins
Collins
Cochran
Coleman
Collins
Collum
Conrad
Crapo
DeMint
DeWine
Dole

NAYS—19

Alaska
Allen
Bennett
Bond
Brown
Brownback
Burns
Chambliss
Chambliss
Collins
Conrad
Dole

NOT VOTING—2

Alexander

The amendment (No. 2518) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 253

Mr. WARNER. Mr. President, may we have order?

I ask the Presiding Officer to once again restate the sequence of votes that are about to take place.

The PRESIDING OFFICER. The Senate will come to order.
The upcoming amendment is the Bingaman amendment to the Graham amendment. The previous order allows 2 minutes of debate.

Mr. WARNER. I thank the Presiding Officer and again remind the Senators the vote is 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is correct. All votes from here on are 10 minutes.

Mr. WARNER. The time reserved to me under the Bingaman amendment I yield to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, last week we had a debate and vote on whether an enemy combatant terrorist al-Qaida member should be able to litigate like an American citizen. The administration claims the right of appeal is consistent with the law of war. However, over the objections of then-Secretary of State Colin Powell and military lawyers, the Bush administration has created a new detention policy that goes far beyond the traditional laws of war.

The administration claims the right to seize anyone, including an American citizen, anywhere in the world, including in the United States, and to hold him until the end of the war on terrorism, whenever that may be.

They claim that a person detained in the war on terrorism has no legal rights. That means no right to a lawyer, no right to see the evidence against him, and no right to challenge his detention. In fact, the government has argued in court that detainees would have no right to challenge their detentions even if they claimed they were being tortured or summarily executed.

U.S. military lawyers have called this detention system “a legal black hole.”
Under their new detention policy, people who never raised arms against the United States have reportedly been taken prisoner far from the battlefield, including in places like Bosnia and Thailand.

Defense Secretary Rumsfeld has described the detainees as “the hardest of the hard core” and “among the most dangerous, best trained, vicious killers on the face of the Earth.” However, the administration now acknowledges that innocent people are held at Guantanamo Bay. In 2003, the Pentagon reportedly determined that 15 Chinese Muslims held at Guantanamo are not enemy combatants and were mistakenly detained. Almost 2 years later, those individuals remain in Guantanamo Bay.

Last year, in the Rasul decision, the Supreme Court rejected the administration’s detention policy. The Court held that detainees at Guantanamo have the right to habeas corpus to challenge their detentions in federal court. The Court held that the detainees’ claims that they were detained for years without charge and without access to counsel “unquestionably deserve custody in violation of the Constitution, or laws or treaties of the United States.”

The Graham amendment would protect the Bush administration’s detention system from legal challenge. It would effectively overturn the Supreme Court’s decision. It would prevent, in effect, all legal means to challenge the legal basis of the detention of these individuals.

Colonel Sullivan opposes the Graham amendment. In his letter to me, he said:

I am writing to call your attention to serious errors in the arguments advanced by proponents of Amendment No. 2515 to the FY 2006 DOD Authorization Act that would strip Guantanamo detainees of habeas rights.

In his initial floor speech supporting the Amendment, Senator Graham stated, “Never in the history of the law of armed conflict has an enemy combatant, irregular component, or POW been given access to civilian court-martial proceedings through habeas petitions, in addition to the direct appeal rights.

Sullivan is not the only military leader who has raised concerns about the Graham amendment. Yesterday, every member of the Senate received a letter from nine retired military officers, including seven Generals and one Rear Admiral. The letter is what they said about the Graham amendment:

For generations, the United States has stood firm for the rule of law. It is not the rule of law if you only apply it when it is convenient and toss it over the side when it is not.

The Great Writ of Habeas Corpus has been at the heart of U.S. law since the first drafts of the Constitution. Indeed, it has been part of Western culture for 1000 years, since the Magna Carta... The restriction on habeas corpus contemplated by Amendment 2516 would be a momentous change. It is certainly not a change in the landscape of U.S. jurisprudence we should tack on to the Defense Department Authorization Bill at the last minute.

The practical effects of Amendment 2516 would be sweeping and negative. America’s greatest strength is not our economy or natural resources or the essentially island nation of our geography. It is our mission, and what we stand for. That’s why other nations look to us for leadership and follow our lead. Every step we take that dims that bright, shining light diminishes our role as a world leader. As we limit the rights of human beings, we become more like the enemy. That makes us weaker and imperils our valiant troops. We are proud to be Americans. This Amendment, well intentioned as it may be, will diminish us.

These American patriots, who served our country for decades, say it better than I ever could. This is not about giving rights to suspected terrorists. It is about America. Secret indefinite detention is not the American way. Eliminating habeas corpus is not the American way. I urge my colleagues to support the Bingaman second-degree amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll. Mr. MCCONNELL. The following Senator was not present: Mr. MCCONNELL.

Mr. MCCONNELL, the Senator from Tennessee (Mr. MC Donnell) would have voted “no.”

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORSINK) is necessarily absent from voting and would have voted “no.”

The PRESIDING OFFICER. Are any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 524 Leg.]

YEAS—44

Akaka
Baucus
Bingaman
Boxer
Byrd
Cantwell
Carper
Collins
Dodd
Dorgan
Durbin
Feingold
Frist
Grassley
Graham
Hutchison
Inhofe
Isakson
Kay
 rendre
Sessions
Warner
NAYS—54

Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Burr
Buchanan
Chambliss
Coakley
Collins
Cordes
Corzine
Cra apo

The amendment was rejected.

Mr. GRAHAM, 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.

AMENDMENT NO. 2515 TO AMENDMENT NO. 215

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided on the Amendment to the Graham amendment.

Mr. GRAHAM, Mr. President, I ask unanimous consent for an additional minute to set the record straight.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER, Mr. President, reserving the right to object, is the Senator from South Carolina asking for a second minute for each side?

Mr. GRAHAM, That would be fine. I would like an extra minute, Senator KERRY gave me some very good advice, and I will take it if I am given the time.

The PRESIDING OFFICER. Is there objection to 4 minutes equally divided?

Mr. SPECTER. No objection.

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

Mr. GRAHAM, Mr. President, this is a serious and very important vote. During the debate last week, I made a statement about what rights our troops would have. Our troops, once they are charged under the Uniform Code of Military Justice, get appeal rights under the military system, and they do have habeas rights about their criminal conduct.

What I am trying to say—I got it wrong—is when our troops are enemy prisoners there is no right to appeal to...
the civil courts wherever they may be, nor has there ever been a right for an enemy prisoner to go to our court. Senator Kerry gave me some good advice. I misstated, and I am sorry. But the concept of an enemy prisoner or enemy combatant not having access to civilian courts has been a tradition of 200 years. We are about to end this whole endeavor on a high note. I thank Senator Kyl for being a very constructive finder of solutions, and I thank Senator Levin for going that extra mile to find a way we can leave this issue with honor.

This Levin-Graham-Kyl amendment allows every detainee under our control to have their day in court. They are allowed to appeal their convictions, if they are tried by military commissions—a model that goes back for decades to the Federal courts of this country, if they get a sentence of 10 years or the death penalty.

We are going to have court review. An enemy prisoner will not be left at Guantanamo without a court looking at whether they are properly characterized. We are doing it in a way consistent with the law of armed conflict, in an orderly way.

I appreciate that we are because this is a war of values. We can win this war without sacrificing our values, and part of our values is due process, even for the worst among us.

I thank Senator Levin very much. Senator Levin stated that the Circuit Court of Appeals of the District of Columbia is the primary court to hear these cases, but the Supreme Court can receive a certiorari petition from that court.

The PRESIDING OFFICER. Is there a Senator seeking time in opposition?

Mr. SPECTER. Mr. President, when the Senator from South Carolina says the Supreme Court of the United States can take certiorari, it is at variance with the plain language of the statute. The statute states:

The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction.

Mr. GRAHAM. Mr. President, will the Senator yield?

Mr. SPECTER. No. It means what it says.

I can't yield having only 2 minutes, but I would be glad to hear the Senator afterwards.

It means what it says—the Supreme Court has no jurisdiction.

The great difficulty with the Graham-Levin amendment is that it was worked out yesterday—sort of an affront to the Judiciary Committee, if I may say so. There is no time for the Judiciary Committee to have a hearing on the matter to consider it.

We are dealing with very fundamental rights, habeas corpus.

Another provision of the Graham-Levin amendment says there shall be no habeas corpus jurisdiction.

There have been repeated efforts in the history of our country to take away the jurisdiction of the courts. Court stripping was a big issue in the confirmation process of Chief Justice Roberts. He ran from it like the plague. He had an early memo. He didn’t want to be associated with it.

These are weighty and momentous considerations that go far beyond the detainees at Guantanamo. And we ought not to be deciding these questions on an amendment, which was agreed to yesterday between Senator Graham and Senator Levin, and no one has had a chance to be heard. I have analyzed most of the authors—which on the face takes away jurisdiction of the Supreme Court of the United States. It is untenable and unthinkable and ought to be rejected.

Mr. LEAHY. Mr. President, I commend my colleagues across the aisle who are attempting to address the treatment of detainees in U.S. custody, despite resistance from members of their own party and the strong opposition of the White House. I know Senator GRAHAM and Senator LEVIN, and no one has worked closer with Senator McCaIN and others to give our troops the clear guidance they need to effectively detain and interrogate enemy prisoners, and I commend him for that. The legislative branch has not met a test of oversight and policy making in this area. For months, Senator GRAHAM has been prodding the executive to take action. He is one of the few members of his party to forcefully speak out on the need to change the administration’s policies.

While I support Senator Graham’s efforts on these issues, I cannot support his amendment to strip Federal courts of the authority to consider a habeas petition from detainees being held in U.S. custody as enemy combatants. The Graham amendment would deny prisoners who the administration claims are unlawful combatants the right to challenge their detention. At no time in the history of this Nation have legal rights been permanently cut off from a group of prisoners. Even President Lincoln’s suspension of habeas was temporary. The Supreme Court has held numerous times that enemy combatants can challenge their detention.

Many of my colleagues across the aisle argue that terrorists do not deserve access to the Federal courts. This argument would be far more persuasive if all of the detainees at Guantanamo may have entreé. I cannot state with confidence that many of them are almost certainly not. Numerous press accounts have quoted unnamed officials who believe that a significant percentage of those detained at Guantanamo do not have a connection to terrorism. And yet they have been held for years without the right to challenge their detention in a fair and impartial hearing, a situation that does significant harm to our Nation’s reputation as a leader in human rights and which puts our own soldiers at risk.

Filing a writ of habeas corpus is often the detainee’s only opportunity to openly challenge the basis for his detention. Providing detainees this right is not about coddling terrorists—it is about showing the world that we are a nation of laws and that we are willing to uphold the values that we urge other nations to follow. It is about honoring and reinforcing the principles that are a part of our heritage as Americans and that have been a beacon to the rest of the world. Allowing a detainee to file a habeas petition provides legitimacy to our detention system and quells speculation that we are holding innocent people in secret prisons without any right to due process.

Some Members of the Senate have argued that these prisoners should be tried in the military justice system. I think that we could all agree on such a course if the administration had worked with Congress from the start and established with our approval procedures that are fair and consistent with our tradition of military justice. I introduced a bill in the 107th Congress that Senator Specter cosponsored. The fact is, that the system that has been established by the administration to try individuals held at Guantanamo is not a system that reflects our values. It does not give due process or independent review.

Everyone in Congress agrees that we must capture and detain terrorist suspects, but it can and should be done in accord with the laws of war and in a manner that upholds our commitment to the rule of law. The Judiciary Committee held a hearing on detainee issues in June. At that hearing, Senator Graham said that once enemy combatant status has been conferred upon someone, “it is almost impossible not to envision that some form of prosecution would follow.” He continued, “We can do this and be a rule of law nation. We can prove to the world that even among the worst people in the world, the rule of law is not an inconsistent concept.” I agree with Senator Graham, but I strongly believe that in order to uphold our commitment to the rule of law, we must allow detainees the right to challenge their detention in Federal court.

Chairman Specter noted on the floor last week, there are existing procedures under habeas corpus that have been upheld by the Supreme Court that do not invite frivolous claims, and that are appropriate. Senator Graham’s approach would not aim to do that. He would not aim to do that in a manner never done before in our Nation, but, as the chairman of the Judiciary Committee said last week, it would open a Pandora’s box.

The chairman is right. He spoke forcefully again this morning about the danger of such court stripping efforts. We must not rush to change a legal right that predates our Constitution. Creating one exemption to the “great writ” only invites more. The Judiciary Committee has jurisdiction over habeas corpus and it has had its first opportunity to review any proposed changes carefully and thoroughly. Although congressional action on the
issue of foreign detainees is long overdue, we must not act hastily when the "great writ"—something that protects us all—is at stake.

I ask unanimous consent to have printed in the RECORD a letter from the deans of four of our Nation’s most prestigious law schools that articulates the dangers of adopting the Graham amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

November 14, 2005.

Dear Senator Leahy: We write to urge that the Senate reject the amendment of Senator Bingaman removing the court-stripping provisions of the Graham Amendment to the Department of Defense authorization bill. As professors of law who serve as deans of American law schools, we believe that immunizing the executive branch from review of its treatment of persons held at the U.S. Naval Base at Guantánamo strikes at the heart of the idea of the rule of law and establishes a precedent we would not want other nations to emulate.

At the Guantánamo Naval Base, the Government has subjected foreign nationals believed to be linked to Al Qaeda to long-term detention and has established military commissions to try a small number of the detainees. It is entirely clear that one of the Executive Branch’s motivations for detaining noncitizens at Guantánamo was to put their treatment beyond the jurisdiction of American courts.

The Supreme Court rejected the Government’s claim in Rasul v. Bush that federal habeas corpus review did not extend to Guantánamo. The extent of the rights protected by federal habeas law is now before the Federal Court of Appeals for the D.C. Circuit. Another challenge has been filed to the authority of the President, acting without congressional authorization, to convene military commissions at Guantánamo. Just last week the Supreme Court announced that it would review the case, Hamdan v. Rumsfeld.

The Graham Amendment would attempt to stop both of these cases from proceeding and would unwisely interrupt judicial processes in midcourse. Respect for the constitutional principle of separation of powers and counsel against such legislative interference in the ongoing work of the Supreme Court and independent judges.

Unfortunately, the Graham Amendment would do much more. With a minor exception, the legislation would prohibit challenges to detention practices, treatment of prisoners, and convictions of their guilt and their punishment.

To put this most pointedly, were the Graham Amendment to become law, a person suspected of being a member of Al Qaeda could be arrested abroad, transferred to Guantánamo, detained indefinitely (provided that proper procedures had been followed in deciding that the person is an "enemy combatant," subjected to inhumane treatment, tried before a military commission and sentenced to death without any express authorization from Congress and without review by any independent court. The American form of government was established precisely to prevent this kind of unreviewable exercise of power over the lives of individuals.

We do not object to the Graham Amendment’s procedural requirements for determining whether or not a detainee is an enemy combatant and providing for limited judicial review of such decisions. This kind of congressional structuring of the detention of military prisoners is long overdue, and it highlights the absence of congressional regulation of standards of detainee treatment and the establishment of military commissions. Curiously, the Graham Amendment recognizes the need for congressional regulation of the determination of enemy combatant status, but then purports to bar judicial review of far more momentous commission rulings regarding determinations of guilt and imposition of punishment.

We cannot imagine a more inappropriate moment to remove scrutiny of Executive Branch treatment of Guantánamo detainees. We are all aware of serious and disturbing reports of secret overseas prisons, extraordinary renditions, and the abuse of prisoners in Guantánamo, Iraq and Afghanistan. The Graham Amendment would simply reinforce the public perception that Congress approves Executive Branch decisions to act beyond the reach of law. As such, it undermines two core elements of the rule of law: constitutionally sanctioned rules that limit and guide the exercise of Executive power and judicial review to ensure that those rules have in fact been honored. When dictatorial powers have passed laws stripping their courts of power to review executive detention or punishment of prisoners, we are all aware that international courts have challenged such acts as fundamentally lawless. The same standard should apply to our own government. We urge you to vote to remove the court-stripping provisions of the Graham Amendment from the pending legislation.

T. Alexander Aleinikoff, Dean, Georgetown University Law Center.
Elena Kagan, Dean and Charles Hamilton Houston Professor of Law, Harvard Law School.
Harold Hongju Koh, Dean and Gerard C. & Bernice Latrobe Smith Professor of International Law, Yale Law School.
Larry Kramer, Dean and Richard E. Lang Professor of Law, Stanford Law School.

Mr. LEVIN. Mr. President, the Graham amendment, which the Senate approved last Thursday, includes a prohibition on Federal courts having jurisdiction to hear any petitions brought by aliens outside the United States who are detained by the Defense Department at Guantánamo Bay, Cuba. The Graham-Levin-Kyl amendment would make three significant improvements to the underlying Graham amendment.

The habeas prohibition in the Graham amendment applied retroactively to all pending cases—this would have the effect of stripping the Federal courts, including the Supreme Court, of jurisdiction over all pending cases, including the Hamdan case. The Graham-Levin-Kyl amendment would not apply the habeas prohibition in paragraph (1) to pending cases. So, although the amendment would change the substantive law applicable to pending cases, it would not strip the courts of jurisdiction to hear them.

Under the Graham-Levin-Kyl amendment, the habeas prohibition would take effect on the date of enactment of the legislation. Thus, this prohibition would apply only to new cases filed after the date of enactment.

The approach in this amendment preserves comity between the judiciary and legislative branches. It avoids repeating the unfortunate precedent in Ex parte McCardle, in which Congress intervened to strip the Supreme Court of jurisdiction over a case which was pending before that Court.

The Graham amendment would provide for direct judicial review only of status determinations by combat status review tribunals, not to convictions by military commissions.

The Graham-Levin-Kyl amendment would provide for direct judicial review of both status determinations by CSRTs and convictions by military commissions. The amendment affirmatively authorizes either CSRTs or military commissions; instead, it establishes a judicial procedure for determining the constitutionality of such processes.

The Graham amendment would provide only for review of whether a tribunal complied with its own standards and procedures.

The Graham-Levin-Kyl amendment would authorize courts to determine whether tribunals and commissions applied the correct standards, and whether the application of those standards and procedures is consistent with the Constitution and laws of the United States.

This amendment is not an authorization of the particular procedures for the military commissions; rather it is intended to set a standard—consistent with our Constitution and laws—with which any procedures for the military commissions must conform.

Mr. Reid. Mr. President, in a series of votes last Thursday and today, the Senate has voted to deny the availability of habeas corpus to individuals held by the United States at Guantánamo Bay, Cuba. I rise to explain my vote against the Graham amendment last week, and my votes in favor of the Bingaman amendment and the Graham-Levin amendment earlier today.

First, let’s put the whole issue of the rights of suspected terrorists in context. As Senator McCain said over the weekend, terrorists are “the quintessence of evil. But it’s not about them; it’s about us.” This debate is about respect for human rights and adherence to the rule of law. It is about the continued moral authority of this Nation.

For the past four years, the Bush administration has adopted a policy of detaining suspects indefinitely and largely in secret, without access to meaningful judicial oversight. This policy is inconsistent with our core
values as Americans. In addition, a policy so inconsistent with human rights will further damage America’s image abroad and provide more ammunition for those who wish to do us harm.

The writ of habeas corpus is one of the pillars of our legal system. It is the mechanism by which people who are held by the government can seek an independent review of the legality of their detention. Very often the people who rely on habeas corpus are unpopular, whether they are convicted suspected terrorists. But habeas corpus protects all of us—it is the way we ensure that the executive branch acts within the bounds of the law.

The amendment offered by Senator GRAHAM last week created an exception to the habeas corpus rights established in title 28 of the United States Code. It contained a separate, essentially hollow review of whether the Defense Department had complied with its own procedures in declaring someone an enemy combatant. In a practical sense, the amendment put the actions of U.S. officials with respect to the Guantanamo detainees beyond the reach of the law, and created a legal no-man’s land. I opposed the Graham amendment for this reason.

Nobody thinks that detainees should be able to file habeas petitions about what kind of peanut butter they are served or whether they can watch DVDs in their cells. What this is about is whether we are going to permit the President to detain a human being indefinitely without independent judicial review.

I want to draw the attention of my colleagues to an op-ed published in the Washington Post yesterday by one of the pro bono lawyers for the Guantanamo Bay detainees. The lawyer describes the importance of habeas review for his client, who remains in jail for crimes he denies committing. ‘I oppose the Graham-Levin amendment because it is an improvement over the original Graham amendment. The vote last week demonstrated, would have passed the Senate with or without improvements. Importantly, the Graham-Levin amendment would allow courts to consider whether the standards and procedures used by the Commissar Status Review Tribunals are consistent with the Constitution and U.S. laws, and would allow for court review of the actions of military commissions.

As a supporter of the Graham-Levin amendment, I remain convinced of the need to provide a judicial remedy for people who are held lawfully and in accordance with the laws of the United States. I believe that the provision of the amendment is properly understood to leave pending Supreme Court cases unaffected. It would be highly irregular for the Congress to interfere in the work of the Supreme Court in this fashion, and the amendment should not be read to do so.

Second, I do not understand this legislation to represent a congressional authorization of the military commissions unilaterally established by the executive branch at Guantanamo Bay. We would hardly authorize these commissions based upon a few hours of floor debate. Instead, I regard this legislation as establishing a process for habeas corpus petitions. For this reason, I oppose the final Graham amendment as amended. I hope it is either improved in conference or deleted altogether.

But even if the Graham amendment is enacted into law, the Judiciary Committee should hold hearings to define the rights of the detainees at Guantanamo with greater care and to develop sensible procedures for enforcing those rights. It is of the utmost importance that this Congress work to preserve the principles of human rights and the rule of law upon which this Nation was founded.

The PRESIDING OFFICER. The question is on the Graham amendment. Mr. SPECTER, Mr. President, 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 amendment, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ‘yea.’

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 84, nays 14, as follows:

[RollCall Vote No. 325 Leg.]

YEAS—84

Akaka—Demers—McConnell
Allen—Dorgan—Mikulski
Byrd—Reischauer—Murray
Bennett—Feinstein—Nelson (FL)
Bond—Pratt—Nelson (NE)
Brown—Graham—Graham
Brownback—Grassley—Pryor
Bunning—Gregg—Reed
Burns—Hatch—Roberts
Burwell—Inhofe—Salazar
Chafee—Inouye—Schumer
Chablis—Jebbia—Schumer
Clinton—Jeffords—Sessions
Coburn—Johnson—Shelby
Cochran—Kerry—Smith
Coleman—Kohl—Snowe
Collins—Kyl—Stabenow
Corker—Landrieu—Stevens
Cornyn—Levin—Talent
Craig—Lieberman—Thomas
Cruz—Lincoln—Thune
DeMint—Lott—Vitter
DeWine—Lugar—Voinovich
Dodd—Martinez—Warner
Dole—McCain—Wyden

NAYS—14

Baucus—Durbin—Leahy
Biden—Feinstein—Rockefeller
Baucus—Graham—Sarbanes
Byrd—Kennedy—Specter
Dayton—Laufenberg—

NOT VOTING—2

Alexander—Corzine

The amendment (No. 2524) was agreed to.

Mr. WARNER. I move to reconsider the vote and to lay that motion on the table.
Mr. WARNER. Mr. President, we now turn to the underlying amendment. It is my understanding the Senator from South Carolina has agreed to a voice vote.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2515, AS AMENDED

Mr. DODD. Mr. President, it is in our Nation’s interest and in our own troops’ interests to ensure that Iraq’s security forces, fighting side by side with America’s soldiers and marines, have well-equipped protection. As the chairman of the Armed Services Committee has indicated, our capacity to transfer security responsibilities to the Iraqis will chiefly rely on one thing—the ability of Iraqi forces to stand up and assume control over their nation’s security.

To successfully complete the mission in Iraq and to bring our troops home as quickly as possible, we need to ensure that Iraq’s soldiers and policemen have the capacity to assume control over their nation’s security and law enforcement. And in the immediate term, as our troops deploy on patrol with their Iraqi partners, they need to know that they can rely on Iraqi forces to shoulder their share of combat operations.

Achieving this goal is not only a matter of training Iraq’s soldiers and policemen. We need to also ensure that they are adequately equipped to perform their missions safely and effectively.

Mr. FRIST. Mr. President, I think it is our understanding. I ask unanimous consent to accommodate the motion to consider the underlying amendment. It is so ordered.

Mr. REID. Mr. President, 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Mr. President, I presume, now that the quorum call has been withdrawn, that under the unanimous consent agreement, the Senate may now move to third reading of the bill.

Mr. REID. Mr. President, 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I appreciate very much the chairman of the subcommittee and the ranking member, Senators SHELBY and MUKULSKI, for being understanding. I ask unanimous consent that the recess be extended until 2:30.

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

Mr. FRIST. Mr. President, I think it is a reasonable request by the Democratic leader so we can get on with this vote and go to our caucuses. The reason was an initial objection to it was because Senator Sinema, chairman of the subcommittee, had something he had to move. But we will work it out and start at 2:30. We will have plenty of time for our caucus lunch.

IRAQ MILITARY EQUIPMENT

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U.S. forces the responsibilities for maintaining peace and order through Iraq.

Mr. WARNER. I thank the Senator from Connecticut. He has raised a significant concern that we both, and many others in this body, share. There is no question we must continue to provide for our magnificent soldiers, sailors, airmen, and marines with the finest equipment available to meet the mission requirements in Iraq and elsewhere around the world. In Iraq, there is no doubt that efforts to train and equip Iraqi Security Forces are decisive to Iraq’s future and a major element in the policy of the United States. Lieutenant General Petraeus performed masterfully as Commander of the Multi-National Security Transition Command in Iraq that was charged with training the Iraqi Security Forces and now Lieutenant General Petraeus has his hands on this mission. During the most recent elections in Iraq, the performance of Iraqi Security Forces was an important contributor to that success. The Iraqi Security Forces provided protection to more than 6,000 polling sites. That was a very positive step in the right direction, but we still have some way to go in training and equipping the Iraqi Security Forces. As chairman of the Senate Armed Services Committee, I am monitoring the readiness of these Iraqi units. The viability of Iraqi units must be measured by a series of indicators, including efforts to measure intangibles such as morale and unit cohesion, as well as quantitatively by military training of Iraqi Security Forces and the distribution of weapons and equipment. As the Senator from Connecticut indicated, the quality of the weapons and equipment we provide to the Iraqi Security Forces is of the utmost importance. It contributes to the discipline, confidence, and morale of the Iraqis we are training. It is in the best interest of all that we move quickly to equip the Iraqi Security Forces with the best gear. We cannot ask the Iraqi Security Forces to conduct patrols or engage in battle in pickup trucks and SUVs while the embedded American forces are in up- armored HMMWVs and Bradley Fighting Vehicles. I am prepared to work with my colleagues and the Secretary of Defense to provide suitable equipment for the Iraqi Security Forces. I am also prepared to work with other elements of the administration to engage our Al- lied partners in this effort. I, for one, do not believe we have time to build and then rebuild the Iraqi Security Forces.

Mr. DODD. I thank the chairman for his statement and applaud his commitment to improving the availability of suitable equipment to the Iraqi Security Forces. As I stated before, I share his belief that our first obligation is to the safety and well-being of our men and women deployed in harm’s way. In that spirit, I am confident in the members of this body who I believe that ensuring Iraqi troops have the equipment they need is in the security interest of our Nation and our
troops. I urge the administration to—make available to the Iraqis adequate force protection equipment as soon as possible to allow them to take the lead in Iraq, and, ultimately, operate independently in securing their own country.

As American forces upgrade their own armor and safety equipment, perhaps the Departments of Defense and State will consider making available to Iraqi forces some of the older equipment and State, perhaps allowing Iraqis the ability to operate side by side with American forces. As U.S. forces upgrade their armored vehicles in Iraq, from what is called Level One protection to the more advanced Level Two protection, we might wish to consider distributing these older vehicles to Iraqi forces. And perhaps, when American forces eventually withdraw from Iraq, the United States would further consider leaving their older Level One armored fleet for use by the Iraqis. Another option might be to see if other non-U.S. sources of armored vehicles can be used.

The sooner we can properly train and equip our Iraqi police and military units, the sooner we can get our troops home safe and secure. And that must be our principal objective in completing Operation Iraqi Freedom.

I thank the Chairman for engaging in this colloquy.

Mr. OBAMA. Mr. President, I rise today to thank my colleagues, the senior Senator from Virginia and the Senior Senator from Michigan, for their hard work in getting the fiscal year 2006 Defense authorization bill to the floor and for including in the bill two amendments I offered. These amendments will directly affect the quality of health care we provide our nation's armed forces.

As many of you know, the Department of Veterans Affairs, VA, has created one of the most effective electronic medical records systems in the nation. Though I have problems at VA—funding shortfalls to delay benefits—the electronic medical records system is one of the VA's great successes and serves as a national model. Unfortunately, the Department of Defense, DOD, has not created a similar system for members of the military.

Despite a significant expenditure of time and money, the Department of Defense appears to be far from completion of its system, the Composite Health Care System II, CHCS II. Consequently, we have soldiers who have voluntarily served their country leaving the military and entering the VA system, and yet there is no easy way to transfer their medical records to the new health care system. This lack of compatibility results in severe inefficiencies, delays in benefits for our veterans. This is a problem that the national veterans' service organizations have highlighted over the years, but despite their efforts, the Department of Defense is still lagging behind the VA.

The Government Accountability Office, in a report released last year, found that one of the primary reasons for the delays in producing a compatible medical records system is the lack of strong oversight of the process. My amendment is an effort to implement some oversight. Pursuant to my amendment, the monitoring of the bill, the DOD would be required to report to Congress on the progress being made on the development of the CHCS II system, the timeframe for implementation of the system, a cost estimate for completion of the system, and a description of the management structure used in the development of the system.

I also want to thank Senators LEVIN and WARNER for accepting my amendment requiring that DOD report to the Senate Armed Services Committees about its pandemic flu preparedness activities. When pandemic flu strikes, many of our military and civilian personnel will be at high risk for infection, particularly those in our forces who deploy in Iraq. The greatest risk is military and civilian personnel in this country also will likely be involved in domestic response activities in the event of a pandemic. Our Nation's security is contingent on a healthy military, and we must ensure that these members will be protected.

It is Congress's duty to oversee the delivery of health care to our Nation's soldiers, and these amendments will help in our efforts to exercise this oversight. I hope to work with the conferences on this authorization bill to retain these provisions in conference.

Mrs. CLINTON. Mr. President, the Senate today is considering the Department of Defense Authorization bill for the 2006 fiscal year. As a member of the Senate Armed Services Committee, I have attended numerous hearings and participated in the markup of this legislation. And I want to commend the chairman of the Senate Armed Services Committee, Senator WARNER, and the ranking member, Senator LEVIN, for the serious, bipartisan approach they have taken in preparing this bill for consideration on the Senate floor.

I just returned from an International Rule of Law symposium focusing on the need to create an international rule of law movement. As we talk today about providing our troops with the support they need to serve our Nation, it is also important to recognize that we should be doing all we can to make sure that we are not tarnishing their service. As we promote the rule of law in other societies, we need to begin by recognizing that the United States has a special heritage and a special responsibility to want to be perfect, for that is impossible, but to admit our mistakes and use the rule of law to mend them, not to cover them up. When we fail that standard, we harm the ideals we most seek to promote—and undermine the foundations of our own society and our influence around the world.

That is why it is so important that we send a clear signal that the mistreatment of prisoners under our control was a mistake that will not happen again. Our commitment to the rule of law demands it. The men and women who signed up to defend our country, to defend accusations of torture, deserve it.

It is very unclear whether any good information ever comes from torture—many experienced intelligence officers say no. But it is crystal clear that the bad consequences of this high-level political decision will haunt us for years—in how hostile armies treat our soldiers; how foreign governments judge our trustworthiness; and how foreign citizens respond to our best shared values, like faith in law.

This DOD authorization bill is critically important, particularly with our service men and women serving bravely in Iraq, Afghanistan, and around the world. We owe it to our men and women in uniform to do everything we can to support them.

Back when we first considered the DOD authorization bill in July, the Senate accepted an amendment Senator GRAHAM and I offered to make Tricare available to all National Guard members and reservists. This week, the Senate has accepted another amendment I offered—this one Senator COLLINS and I offered—to improve financial education for our soldiers. This is a problem that has plagued military service men and women for years: a lack of general knowledge about the insurance and other financial services available to them.

This amendment instructs the Secretary of Defense to carry out a comprehensive education program for military members regarding public and private financial services, including life insurance and the marketing practices of these services, available to them. This education will be institutionalized in the initial and recurring training for members of the military. This is important so that we don't just make an instantaneous improvement, but a truly lasting benefit to members of the military.

This amendment also requires that counseling services on these issues be made available, upon request, to members and their spouses. I think it is very important to include the spouses in this program, because we all know that investment decisions should be made as a family. Too many times, a military spouse has to make these decisions alone, while their husband or wife is deployed.

This amendment requires that during counseling of members or spouses regarding life insurance, counselors must include information on the availability of Servicemembers' Group Life Insurance, SGLI, as well as other available media.
products. It requires that any junior enlisted member—those in the grades of E1–E4—that must provide confirmation that they have received counseling before entering into any new contract with a private sector life insurer. It is my expectation that this will prevent our youth from being taken advantage of by unscrupulous insurance companies.

I am proud my fellow Senators support this legislation and I look forward to working hard during conference to ensure its incorporation in the final bill put before the President.

Today, I would also like to speak about several issues that, while unlikely to be brought up as amendments to this bill, we will have to seriously consider during conference.

The first is the extremely important issue of the role of women in combat. In the House Armed Services Subcommittee markup of the Defense bill, a provision was inserted that would have turned back the clock on the roles that women play in our military. The uproar over this provision from the public and from the Pentagon was strong. General Cody, the Vice Chief of Staff of the Army, wrote a letter to the House Armed Services Committee explaining that such a provision would disrupt our forces serving overseas. The House Armed Services Committee withdrew the offending provision and instead included a provision to codify the 1994 policy regarding women in combat. I am uncertain that this policy needs to be codified and will be looking at this language closely in conference.

Because of the House’s efforts to restrict the role of women, I want to take a few minutes to recognize the enormous contributions that women have made and continue to make to our military.

Women have a long history of proud service in our Armed Forces. Women have served on the battlefield as far back as the American Revolution, where they served as nurses, water bearers, cooks, laundresses, and saboteurs. Since that time, opportunities have increased, especially since 1948 when the Women’s Armed Services Integration Act of 1948 was passed.

More than 200,000 women currently serve, making up approximately 17 percent of the total force. Thousands of women have been serving bravely in Iraq, Afghanistan, and elsewhere. During my own visits to Iraq—and as I am sure that many of my colleagues who have also visited Iraq can also attest—I witnessed women performing a wide range of tasks in a dangerous environment. In Iraq, the old distinctions between the front lines and the rear are being blurred, and women are ably shouldering many of the same risks as men. And when I have met with women soldiers in Iraq and Afghanistan, they have impressed me with their dedication and intelligence, and that women are being placed in harm’s way. To the contrary, they have expressed pride in being able to contribute to the mission.

At a time when our Armed Forces are struggling to meet recruiting and retention goals, it makes no sense to further restrict the role of our women in uniform. Doing so would only add to the strain on our Armed Forces and undermine the morale of our service members.

Since September 11, our Armed Forces have stretched to meet new and growing needs. It is essential that we fully utilize and retain personnel. Women, in uniform have increasingly served in the line of fire, performing honorably and courageously in service to our country. Over 100,000 women have been deployed in support of military operations since September 11. Women are currently serving bravely in combat. I am uncertain that we should suffer if many of these women were suddenly deemed ineligible to serve in their current roles.

Our soldiers, both men and women, volunteered to serve their Nation. They have performed magnificently. There should be no change to existing policies that would decrease the roles or positions available to women in the Armed Forces. Earlier this year, I introduced, along with several of my colleagues, a resolution stating that there should be no change to existing laws, policies or regulations that would decrease the roles or positions available to women in the Armed Forces.

As we approach the conference, I will oppose any efforts that would send a negative signal to women currently serving and I hope my colleagues will join me in preserving the ability of women to fully serve their country.

As we talk about honoring those who serve, I would also like to draw the attention of my colleagues to another piece of legislation that I have introduced in the Senate, the Cold War Medal Act of 2005.

It is important that we remember and honor the contributions of all veterans, from our World War II veterans to those just returning from Iraq. It is especially important that we do not forget those who served during the Cold War, a decades-long struggle that, even in the absence of a formal declaration of hostilities, was for nothing less than the future of the world.

Our victory in the Cold War was made possible by the willingness of millions of Americans in uniform to stand prepared against the threat from behind the Iron Curtain. That is why I have introduced legislation, S. 1351, the Cold War Medal Act of 2005, to create a military service medal to members of the Armed Forces who served honorably during the Cold War.

This is the companion bill to legislation that was introduced on the House side by Congressman ANDREWS. This legislation would establish a Cold War Medal for those who served at least 180 days from September 2, 1945 to December 26, 1991. About 4.8 million veterans would be eligible to receive this medal. Our victory in the Cold War was a tremendous accomplishment and the men and women who served during that time deserve to be recognized. This legislation has been included in the House-passed version of the Defense authorization bill and I intend to encourage my colleagues in both the House and Senate to support its inclusion in the bill that emerges from the House-Senate conference.

It is also important that we honor those men and women who are currently serving. One issue that has come to my attention is the status of National Guard members who served at Ground Zero in the aftermath of September 11. In the rush to send National Guard members to Ground Zero immediately after the attacks on September 11, New York’s Governor activated them in their State status. However, many of these Guard men and women ended up serving at Ground Zero for over a year. Since they were in their State status, these Guard men and women did not qualify for Federal retirement credits. However, other New York National Guardsmen who were activated to protect Federal installations after September 11 were activated in their Federal status and were therefore eligible for Federal retirement credits. This was because that two groups of Guardsmen were created. Each group served honorably after September 11, but the Guardsmen serving at Ground Zero did not earn retirement credit, while the Guardsmen protecting Federal installations did.

As we talk about honoring those who served, I would also like to draw the attention of my colleagues to another piece of legislation that I have introduced in the Senate, the Defense Authorization Act of 2005.

One issue that is not addressed in either the House or the Senate version of the Defense authorization bill is our spending priorities for science and technology at the Defense Advanced Research Projects Agency, DARPA. I would like to use the remainder of my time to raise some concerns I have regarding the Department of Defense’s investments in science and technology and disturbing trends in our investments in the longer term, basic research—investments that will develop the next generation of capabilities on which our military superiority will depend. To put it plainly, I am concerned that DARPA is losing its focus on basic and early stage research.

The Department’s science and technology programs make investments in research at our nation’s universities and universities that are developing innovative high-tech small businesses in areas such as robotics, artificial intelligence, and nanotechnology. In the past, we have seen these investments grow into revolutionary capabilities that our military takes for granted today. We have seen the fruits of such investments in efforts in the global war on terrorism and operations in Iraq and Afghanistan.
That is why I am concerned that the Department of Defense seems to be systematically underinvesting in fundamental and long-term research programs that will shape the military of the future. I note that the Department of Defense technology request for 2006 was down $2.8 billion from the 2005 appropriated level and even $28 million below the original 2005 budget request. In fact, the request is so low it has triggered a congressionally mandated Services Committee and an influential government scientists and engineers review of the effects of the lowered science and technology investment on national security. I look forward to seeing the results of that review. I am pleased that this bill has increased those funding levels by over $400 million. While I understand the need to focus efforts on current events and operational issues—we cannot do it at the expense of sacrificing the research base that shapes the military of the future.

Of particular concern to me are the trends in funding of DOD’s premier research agency, DARPA. DARPA has been the engine of defense innovation for nearly 50 years—spawning innovations such as the Internet, unmanned air vehicles, and stealth capability—a record of unmatchable technological accomplishment on which we can all be proud. However, I am concerned that in recent years—despite tremendous overall budgetary increases—DARPA has lost some of its unique, innovative character and is no longer funding the kind of long-term research for which it was famous.

Concern over DOD’s, and especially DARPA’s, support for early stage research has come from a number of distinguished scientific circles. The National Academy of Sciences, in a recent report requested by the Senate Armed Services Committee, recommended that “DOD should redress the imbalance between its current basic research allocation and the needs to support new technology areas, new researchers, and especially more unfettered or long-term research.”

President Bush’s own Information Technology Advisory Committee, PITAC, recently noted that DARPA had decreased funding in the critical area of cybersecurity research, stating, “. . . very little, if any, of DARPA’s substantial cybersecurity R&D investment was directed towards fundamental research.” They also noted a “shift in DARPA’s portfolio towards classified and short-term research and development and away from its traditional support of unclassified longer-term R&D.”

The Defense Science Board has also raised concerns over DARPA’s funding of computer science, stating that DARPA has further limited university participation in its computer science programs. These limitations have arisen in a number of ways, including nonfiscal limitations, such as the classification of work in areas that were previously unclassified, precluding university submission as prime contractors on certain solicitations, and reducing the periods of performance to 18–24 months.” That kind of short-term focus is not conducive to university programs or to addressing broad, fundamental technical challenges—especially when research in computer science and engineering is how we shape our networked forces of the future.

I know that our chairman, Senator WARNER, is also a great supporter of DARPA research programs and the committee has asked for ways to ensure that these programs are well-managed and adequately funded. In addition to the National Academy study that I mentioned above, the Senate Armed Services Committee has initiated a Defense Science Board, DSB, review of the position of the Director of Defense Research and Engineering. This position also serves as the Chief Technology Officer of DOD, and the head of all science and technology programs. The committee has been concerned that the position does not have adequate authority to advocate for S&T budgets or ensure that Services and DARPA programs are well-coordinated into a broader defense technology strategy. I understand that the DSB should report out its findings sometime later this year.

I hope the members of the Armed Services Committee, and indeed the entire Senate, will consider carefully the findings of these expert, independent studies and take the time when we are so dependent on technologies to combat IEDs, treat battlefield injuries, and defend our homeland, we should make sure that DOD’s science and technology organizations—especially DARPA—are adequately funded, well-managed, and investing in the development of capabilities for the battlefields of both today and tomorrow.

I look forward to working with the committee to look closely at DARPA and the rest of the DOD S&T program. Although we should be clearly focused on the issues our troops are facing here at home in Iraq, Afghanistan and elsewhere, we cannot afford to lose sight of the important role that scientific research plays in developing the military of the future.

Mr. President, I look forward to working with my colleagues in the Armed Services committee and in the Senate as well as the House on the issues that I mentioned today.

Mr. SALAZAR. Mr. President, I rise to support the Defense authorization bill for the 2006 fiscal year, and to comment on several amendments to the bill that build on the good work of the Armed Services Committee under the leadership of Chairman WARNER and Ranking Member LEVIN.

I am pleased that this bill includes an amendment I offered to create a grant program for employment services provided to the spouses of certain military service members. Many of our men and women in uniform change duty stations every 2 to 5 years, wreaking havoc on their spouses’ careers. Additionally, when Reservists and National Guard members are called to active duty, many of their spouses enter the workforce to make up the difference between civilian and military pay.

It is not just those in uniform who make sacrifices for this country. Military families need our support as well. My amendment would create a DoD grant program for workforce boards established under the Workforce Investment Act of 1998. Many of these centers already provide employment services for military spouses through the National Emergency Services Program and under the Department of Labor, but this fund has been severely strained.

This DoD grant program will provide assistance to spouses who have lost their job to accommodate a service member’s permanent change in duty station. It will also assist spouses who have left the workforce to make up the difference in family income due to a servicemember’s deployment, disability, death or the activation of a National Guard or Reserve.

Helping our military families cope with the disruption that comes with deployment cycles proves to be the least we can do, and I thank the managers for including my amendment.

I have also cosponsored an amendment with Senator LANDRIEU that will allow up to $10 million under Title VI, the Defense Health Program, to be used for mental health screenings for members of the Armed Forces.

Mental health experts predict that because of the intensity of warfare in Iraq and Afghanistan 15 percent or more of the servicemembers returning from these conflicts will develop posttraumatic stress disorder, PTSD. This nearly equals the PTSD rate for Vietnam War veterans, and the Veterans Affairs’ National Center for Post Traumatic Stress Disorder estimates rates of PTSD could reach as high as 30 percent.

Additionally, concussions both small and large can cause what is known as Traumatic Brain Injury, or TBI. While there are no service-wide figures available on how many troops are affected by TBIs, doctors at Walter Reed found that 67 percent of the casualties they treated in a 6-month period had TBI injuries. This is far higher than the 20 percent figure that military doctors documented in Vietnam and other modern wars. Because of the number of soldiers affected by TBIs, they are being called the “signature injury” of the war.

Rates of TBI in Iraq and Afghanistan are high because of soldiers’ frequent exposure to improvised explosive devices. Thanks to dramatic improvements to body armor and vehicle armor in recent years, these explosions, thankfully, often do not kill a soldier. But the blast jars their brain, often causing bruising or permanent damage. Studies of veterans who suffered TBIs
in previous wars indicate that they experience cognitive deficits in social behavior, reasoning, attention, and planning that need effective diagnosis and rehabilitation.

Without more mental health screens, too many of these injuries will continue to go undiagnosed. This amendment will help to diagnose soldiers earlier, and improve their long-term quality of life. I am pleased that it has been included in the bill.

This bill also includes an amendment I authored to allow the Office of Special Events within the Department of Defense to provide more support to paralympic competitions in the United States. This is a matter of basic fairness. The Pentagon currently supports Olympic and other international games. This amendment just makes it easier for the Pentagon to support such competitions. It is especially important now, as so many of our seriously injured servicemembers are working to rebuild their lives and find new outlets for their drive and determination.

This bill also contains an amendment I authored as a result of a letter I received from one of my constituents. He is an Army specialist and is currently deployed to Iraq. He wrote to me because one of his friends was killed by an IED while sitting in the exposed gunner’s seat of a Humvee. His letter reads as follows:

Two days ago a good friend of mine was killed in action when an Improvised Explosive Device (IED) detonated next to his M1114 Humvee. He was sitting in the gunner seat and pulling rear security. I have seen automated guns that can go on the top of these same Humvees. These guns are controlled from inside the vehicle. Why are these guns not on every Humvee? I do not have the time or the resources to check, but if you were to look into it I believe you would be shocked at the percentage of KIA’s that were sitting in the gunner’s seat of a M1114 in 2006. All I do know is that the four people that were inside the vehicle were physically unharmed. If the answer is yes I would really like to know how much my friend’s life was worth.

Since receiving that letter I have been in close contact with the Pentagon about the technology this young specialist is referring to. The Common Remotely Operated Weapons Station, known as CROWS, can move our soldiers out of the exposed gunner’s seat and inside the protective shell of an armored Humvee. In a CROWS-equipped vehicle, the gunner controls a powerful weapons platform through a computer screen. The system can be mounted on a variety of platforms, and it gives a soldier the capability to acquire and engage targets while protected inside the vehicle, out of range of enemy fire or IED attacks.

Right now we have a few of these systems deployed in Iraq, and I am told that our soldiers ‘hot seat them, which means that when one of the Humvees comes back from a patrol or an escort mission, another group of soldiers takes the vehicle out again as soon as they can gas it up.

My amendment would express the sense of the Senate that the administration should ask for full funding of this program in their next supplemental budget request. I appreciate the managers’ support for my efforts to send a strong message to the Pentagon about this important priority.

Another amendment, which I cosponsored, will resolve the last remaining obstacle to the creation of the Rocky Flats National Wildlife Refuge. The amendment authorizes the Department of Energy to spend up to $10 million to acquire the mineral interests on four parcels of land within the tentative boundaries of the refuge. These mineral interests would be acquired from willing sellers. The Departments of Energy and Interior agree that these four parcels represent the areas which include sand and gravel deposits of sufficient value that future mining is possible and which also include significant and unique ecological values that should be protected.

This amendment also resolves the potential claims for natural resource damages that might arise in the future as a result of releases of hazardous substances that have already been identified. It provides a more attractive record of the Rocky Flats cleanup. The State of Colorado trusts with responsibility to pursue such claims, the Colorado attorney general, the director of the Colorado Department of Natural Resources, and the Colorado Department of Public Health and the Environment, all agree that the expenditure of $10 million to acquire these mineral interests is fair compensation for the waiver of potential Natural Resource Damage claims. The release of hazardous materials not previously identified would not be waived by this amendment, and the Department of Energy would remain liable for such releases, if any.

As our troops and women in uniform continue to perform so admirably in tremendously difficult conditions, and as their families continue to make their own sacrifices, it is vitally important that the Senate has finally acted on this bill. I am committed to continuing to work with my colleagues on both sides of the aisle to give our troops the support that they deserve.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate was finally able to pass the Defense Authorization bill. It was inexcusable that this bill that is so critical to our men and women in uniform was allowed to languish for over half a year. Vital defense policies are set every year in the authorization bill, including policies with a direct impact on military families such as pay and benefits. I am very pleased that we were able to include a 3.1 percent pay raise for all of our men and women in uniform and am proud of the Senate’s strong stand to make TRICARE available for the Guard and Reserve. I was pleased to support these efforts and the successful efforts to eliminate the SBP-DIC offset and reduce the retirement age for those in the Reserve component.

One of the key policy debates that took place during the Senate’s consideration of this bill involved our Nation’s policy on the withdrawal of our troops from Iraq. I have been calling on the President to provide a flexible, public timetable for completing our mission in Iraq and for withdrawing our troops once that mission is complete. I am not calling for a rigid timetable I mean one that is tied to clear and achievable benchmarks, with estimated dates for meeting those benchmarks. I worked with some of my distinguished Democratic colleagues in the Senate to draft an amendment that demanded just that, and I am pleased that 40 Members of the Senate agreed that we need a flexible timetable for achieving our military mission in Iraq and withdrawing our troops. They recognize what increasing numbers of military leaders and experts are saying—this having a timeline will help us defeat the insurgency.

Our servicemembers deserve to know what their military mission is and when they can expect to achieve it. And the American people deserve to have a transparent and strong bipartisan efforts to make a transition that has clear benchmarks, for achieving our military goals and redeploying our troops out of Iraq so we can focus on our most pressing national security priority, defeating the global terrorists who threaten the stability of nations, and keeping the peace through the political process. This is a matter of basic fairness. The American people deserve to know what their military mission is and when they can expect to achieve it.

I am pleased that the Senate passed my amendment to enhance and strengthen the transition services that are provided to our military personnel by making a number of improvements to the existing transition and post-deployment/pre-discharge health assessment programs. My amendment will ensure that members of the National Guard and Reserve who have been on active duty continuously for at least 180 days are able to participate in transition programs and requires that additional information be included in these transition programs, such as details about employment and reemployment rights and a description of the health benefits to which service personnel may be entitled through the VA. The amendment also requires that demobilizing military personnel have access to follow-up care for physical or psychological conditions incurred as a result of their service. In addition, the amendment requires that assistance be provided to eligible military personnel to enroll in the VA health care system. I thank the chairman and the Ranking Member for their assistance on this important issue.

This bill also contains a provision I authored establishing the Civilian Linguist Reserve Corps, CLRc, pilot project. It became abundantly clear
after the attacks of September 11, 2001, that the U.S. Government had a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency that, unfortunately, we still have not addressed adequately. It is depressing to note that 4 years after the 9/11 tragedy, CLRC is designed to address the Government’s critical language shortfall by creating a pool of people with advanced language skills that the Federal Government can call on to assist when needed. The National Security Education Program completed a feasibility study of CLRC and concluded that the concept was sound and “an important step in addressing both short- and long-term shortfalls related to language assets in the national security community.” It also recommended that a 3-year pilot project be conducted to work out any potential problems. My amendment establishes this pilot program that will enable the managers of the bill for working with me to include this worthwhile measure and thank Senator COLEMAN for cosponsoring my amendment.

I also want to thank the bill managers for congressionally writing in the families of injured servicemembers. I was pleased that Congress included my amendment on travel benefits for the families of injured servicemembers in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, P.L. 109-13. My amendment corrected a flaw in the law that unintentionally restricted the number of families of injured servicemembers that qualify for travel assistance. Too many families were being denied help in visiting their injured loved ones because the Army had not officially listed them as “seriously injured,” even though these men and women have been evacuated out of the combat zone to the United States for medical treatment. The change in the law now ensures that families of injured servicemembers evacuated to a U.S. hospital get at least one trip paid for so that these families can quickly reunite and begin recovering from the trauma they have experienced. I introduced my amendment to this bill because the family travel provision in P.L. 109-13 was sunset at the end of the 2005 fiscal year by the conferees. I thank the Senate for amending my amendment that will make the provision permanent.

The Senate also adopted an amendment I authored requiring the Department of Defense to report on the steps it is taking to clearly communicate the stop-loss policy to potential enlistees and re-enlistees. One of my constituents, a sergeant in the Army, wrote to me earlier this year articulating his frustration with the Army’s stop-loss policy. He had been scheduled to be deployed from service prior to his unit’s deployment but prior to his unit’s deployment, he was placed on stop-loss order kept him in uniform making him feel that his service was completely unappreciated. Part of this sergeant’s frustration and the frustration experienced by others who have been put under stop-loss orders stems from the fact that many don’t know that the military can keep them beyond their contractual date of separation. They too make my amendment and shortly before they are deployed to a war zone, as was the case with my constituent. This situation is simply unacceptable.

The sergeant who shared his story with me TLSU killed in Iraq only days after he wrote his letter. With thousands of soldiers still on stop-loss, I am certain that similar tragic stories have played out many times over the last few years. The very least we owe those who volunteer to serve our Nation is full disclosure of the terms under which they are volunteering. My amendment includes a finding that states exactly that. I hope that, by pushing the Department to report on the actions it is taking to ensure that potential recruits know the terms of their service, the Department will take quick action to do just that. One good place for it to start would be to revise DOD Form 41, Enlistment-Reenlistment Document, the service contract new enlistees must sign to join the military. Form 41 does not currently include information that tells those joining the active component that they may be kept on stop-loss during partial mobilizations. The Department must surely fix this flaw and take other steps to clearly communicate to our men and women in uniform the terms under which they are volunteering to serve.

Congress has a crucial role in defense oversight and I am disappointed that the Senate has again failed to adopt Senator DORGAN’s amendment that would have created a Truman Committee to oversee our efforts in Iraq. This measure was a commonsense way to assure that we could rationally test our policies in the most effect way possible and not, as now, waste millions if not billions of taxpayer dollars. After all, our shared goal is to get needed resources to our troops and rebuilding efforts not to profit from them. One measure the Senate adopted that should assist in our oversight responsibilities is my amendment requiring DOD to report on how it will address deficiencies related to key military equipment identified in the recent GAO report. DOD has not done a good job in replacing equipment that is being rapidly worn out due to the military’s high operational tempo or even tracking its equipment needs. Military readiness has suffered as a result. My amendment requires DOD to submit a report in conjunction with the President’s annual budget request that details DOD’s program strategies and funding plans to ensure that DOD’s budget decisions address key equipment deficiencies. Specifically, the Department must detail its plans to sustain and modernize key equipment systems until they are retired or replaced, report the costs associated with the sustainment and modernization of key equipment, and identify these funds in the Future Years Defense Program. Finally, if the Department chooses to delay or not fully fund their plan, it must describe the risks involved and the steps it is taking to mitigate those risks.

Although I am voting for the Department of Defense authorization bill, I am disappointed with the mixed messages that the Senate continues to send to the administration and the Congress on issues related to detainees held at Guantanamo Bay. Even as the Senate passed the important McCain amendment on torture, the Senate also included in this bill the Graham amendment, which even as modified would still eliminate habeas review for detainees at Guantanamo Bay. The modification worked out by Senators GRAHAM and LEVIN would provide detainees with only limited review in the DC Circuit of the procedures for determining whether enemy combatants and the procedures the military commissions used to try them. This is an improvement over the original amendment offered by Senator GRAHAM, but it would not allow a court to review any claim that an individual detainee is not, in fact, an enemy combatant. I was very disappointed that this became part of this bill, although I am pleased with the amendment’s ban on the use of evidence obtained by undue coercion. It is troubling that after 4 years of congressional acquiescence to the administration on this issue, it took a Supreme Court decision allowing habeas review for the Senate to take action. It is good that the Senate is finally paying attention to this issue, but this amendment is the wrong result. It sends the wrong message about this country’s commitment to basic fundamental fairness and the rule of law.

I must also note with some disappointment that this bill continues the wasteful trend of billions of dollars on Cold War era weapons systems while at the same time not fully funding the needs of the military personnel fighting our current wars. I think the Senate missed some opportunities when it rejected amendments that would have been better. However, on balance this legislation contains many good provisions for our men and women in uniform and their families and that is why I support it.

Mr. KERRY. Mr. President, I want to speak in support of the important amendment on Iraq offered by my colleague Senator LEVIN. I am pleased to have worked with many of my Democratic colleagues on this amendment and to be an original cosponsor.

Mr. President, 2006 will be the pivotal year in determining whether we can support our brave men and women in Iraq and bring our troops home in a reasonable amount of time. As we enter this make or break period, the
administration must finally adopt a realistic, clear, and comprehensive strategy.

This Democratic amendment lays out many of the principles that should guide that strategy, including using all of our diplomatic, military, political, and economic leverage to defeat the insurgency, getting greater international support for the reconstruction effort, strengthening the capacity of Iraq’s governing ministries, and training Iraqi security forces. And it requires the administration to regularly report back to Congress and the American public on the status of implementing the measures necessary to complete the mission.

As we know from painful experience, no President can sustain a war without the support of the American people. In the case of Iraq, their patience is frayed nearly to the breaking point because Americans who care deeply about their country will not tolerate our troops giving their lives without a clear strategy, and will not tolerate vague platitudes when real answers are needed.

The Democratic amendment addresses that by calling on the administration to give Congress and the American public a target date for achieving the conditions that will allow for the phased redeployment of U.S. troops, the status of efforts meet that schedule, and the estimated dates for such redeployment.

Let’s be very clear on this point: the Democratic amendment does not call for setting any arbitrary deadlines for withdrawal of U.S. troops. It envisions redeployment of U.S. forces as conditions allow. But it rejects the administration’s hollow, vague declaration to just “stay as long as it takes” by calling on the administration to give target dates and regular updates on reaching those conditions.

For far too long Congress and the American public have been left in the dark when it comes to Iraq. We have repeatedly been asked by the administration to take their word that they have a strategy for success, without being given any sense of what that is or when our troops will be home. It is past time for Congress and the American people to be fully informed about what our strategy is, the progress that is being made in implementing it, and when we might expect to see our troops redeployed. That is what the Levin amendment will do.

While the Democratic amendment and the Republican amendment offered by Senators WARNER and FRIST are a wakeup call to the Bush administration that there is an overwhelming bipartisan majority with deep concerns about the administration’s aimless course in Iraq, I will not support the Warner-Frist amendment because it stripped out two of the key provisions of the Democratic amendment. The first is the sense of the Senate that America should let the Iraqi people know that we will not stay in Iraq indefinitely, which will send an important message about our intentions while reducing the sense of U.S. occupation. The second is the requirement that the administration provide a report to Congress that includes estimated dates for the redeployment of U.S. troops as specific conditions are met, which is necessary to keep Congress and the American public informed about our progress towards the ultimate goal of finishing our mission and getting our troops home. These provisions are an integral part of a real strategy for success in Iraq. We owe our troops and the country nothing less.

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 question is on the passage of the bill, as amended.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. MCCONNELL. The following Senators in the Chamber desire to vote:

The result was announced—yeas 98, nays 0, as follows:

[(Rollcall Vote No. 326 Leg.)

YEAS—98

Akaka—Domenici

Aliard—McCain

Allard—McConnell

Allen—Mikulski

Baucus—Mark Warner

Bayh—Murray

Bennett—Mikulski

Biden—Markoski

Bingaman—Murray

Bond—Murray

Boxer—Mukwokisi

Brownback—Mukwokisi

Bunning—Murphy

Burns—Pyror

Burr—Reed

Byrd—Santorum

Bunning—Santorum

Byrd—Santorum

Cantwell—Santorum

Carper—Santorum

Chafee—Santorum

Chambliss—Santorum

Clinton—Santorum

Coburn—Santorum

Cochran—Sessions

Coburn—Sessions

Collins—Sessions

Conrad—Sessions

Curnyn—Sessions

Craig—Sessions

Craig—Sessions

Cromley—Sessions

DeMint—Sessions

Dodd—Sessions

Dole—Sessions

Dole—Sessions


definitely, which will send an important message about our intentions while reducing the sense of U.S. occupation. The second is the requirement that the administration provide a report to Congress that includes estimated dates for the redeployment of U.S. troops as specific conditions are met, which is necessary to keep Congress and the American public informed about our progress towards the ultimate goal of finishing our mission and getting our troops home. These provisions are an integral part of a real strategy for success in Iraq. We owe our troops and the country nothing less.

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 question is on the passage of the bill, as amended.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. MCCONNELL. The following Senators in the Chamber desire to vote:

The result was announced—yeas 98, nays 0, as follows:

[(Rollcall Vote No. 326 Leg.)

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Biden—Markoski

Bingaman—Murray

Bond—Murray

Boxer—Mukwokisi

Brownback—Mukwokisi

Bunning—Murphy

Burns—Pyror

Burr—Reed

Byrd—Santorum

Bunning—Santorum

Byrd—Santorum

Cantwell—Santorum

Carper—Santorum

Chafee—Santorum

Chambliss—Santorum

Clinton—Santorum

Coburn—Santorum

Cochran—Sessions

Coburn—Sessions

Collins—Sessions

Conrad—Sessions

Curnyn—Sessions

Craig—Sessions

Craig—Sessions

Cromley—Sessions

DeMint—Sessions

Dodd—Sessions

Dole—Sessions

Dole—Sessions

Alexander—Corzine

The bill (S. 1042), as amended, was passed.

(To be printed in a future edition of the RECORD.)

Mr. WARNER. Mr. President, I move to reconsider.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that S. 1042, as amended, be printed for a future edition of the RECORD.

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

Mr. WARNER. Mr. President, I now ask further unanimous consent that the Senate proceed immediately to the consideration en bloc of S. 1043 through S. 1045, Calendar Orders Nos. 103, 104, and 105; that all after the enacting clause of those bills be stricken, and the appropriate portions of S. 1042, as amended, be inserted in lieu thereof according to the schedule which I am submitting to the desk; that these bills be advanced to third reading and passed; that the motions to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The bill (S. 1043) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(To be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2006

The bill (S. 1044) to authorize appropriations for fiscal year 2006 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(To be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2006

The bill (S. 1045) to authorize appropriations for fiscal year 2006 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.
Mr. WARNER. Mr. President, with respect to H.R. 1815, the House-passed version of the National Defense Authorization Act for fiscal year 2006, I ask unanimous consent that the Committee on Armed Services be discharged from any further consideration of the bill; that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1042, as amended, be substituted in lieu thereof; and that the bill be advanced to third reading and passed; that the Senate insist on its amendment to the bill and request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees; that the motion to reconsider the amendments be laid on the table; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill (H.R. 1815), as amended, was read the third time and passed.

Mr. WARNER. I ask unanimous consent with respect to S. 1042, S. 1043, S. 1044, and S. 1045, as just passed by the Senate, that if the Senate receives a message from the House agreeing to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference as appropriate with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees, and that the foregoing occur without intervening action or debate.

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

Mr. WARNER. Now, Mr. President, the Chair was about to announce the conferences.

The PRESIDING OFFICER appointed Mr. WARNER, Mr. McCaIN, Mr. INHOFE, Mr. HUBERTS, Mr. SESSIONS, Ms. COLENS, Mr. ENSIGN, Mr. TALENT, Mr. CRAMBILL, Mr. GRAHAM, Mrs. DOLE, Mr. CORNYN, Mr. THUNE, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. BAYH, and Mrs. CLINTON as conferences on the part of the Senate.

Mr. WARNER. Mr. President, time is short. We are about to go to our respective caucuses, but I say to my colleagues that I wish to express my profound appreciation first, and foremost to my distinguished friend and colleague of 27 years; we have been together in this Chamber, working toward the passage of authorization bills in each and every one of those 27 years. I thank my friend.

I thank the distinguished members of our staff, and I do use the word “distinguished”: Charlie Abell, who left the Department of Defense at our request to come over to be our chief of staff, replacing a very fine person, Judy Ansley, who went on up to the National Security Council, and our Democratic staff director, Rick DeBobes, who has been with us years, together they have led a dedicated professional staff, all of whom deserve credit and recognition in helping Members reach agreements and to prepare all types of information needed by the Members, their staff, and their constituents. I have always encouraged that of our staff. They are not just to be there to be “yeasayers” or naysayers. They are to give us their best advice, and that they do.

Accordingly, I ask unanimous consent that the names of both the majority and minority staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES STAFF
Charles S. Abell, Staff Director; Richard D. DeBobes, Democratic Staff Director; June M. Borawski, Printing and Documents Clerk; Janet C. Frey, Conference Clerk; William M. Caniano, Professional Staff Member; Jonathan D. Clark, Minority Counsel; Fletcher L. Cork, Receptionist; Christina M. Cowart, Administrative Assistant to the Minority; Daniel J. Cox, Jr., Professional Staff Member; Madelyn R. Creedon, Minority Counsel; Marie Fabrizio Dickenson, Chief Clerk; Gabriella Eisen, Research Assistant; Evelyn N. Parkas, Professional Staff Member; Richard W. Fieldhouse, Professional Staff Member; Brighton Greens, Professional Staff Member; William C. Greenwalt, Professional Staff Member; Micah H. Harris, Staff Assistant; Bridget W. Higgins, Research Assistant; Ambrose R. Hock, Professional Staff Member; Gary J. Howard, Systems Administrator; Gregory T. Killey, Professional Staff Member; Jessica L. Kingston, Staff Assistant; Michael J. Kuiken, Professional Staff Member.

Gerald J. Leeling, Minority Counsel; Peter K. Levine, Minority Counsel; Sandra E. Luff, Professional Staff Member; L. MacKenzie, Professional Staff Member; Derek J. Maurer, Professional Staff Member; Michael J. McCard, Professional Staff Member; Elaine A. McCusker, Professional Staff Member; William G. P. Monahan, Minority Counsel; David M. Morriss, Counsel; Lucian L. Niemeyer, Professional Staff Member; Stanley R. O’Connor, Jr., Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; Paula J. Philbin, Professional Staff Member; Benjamin L. Rubin, Professional Staff Member; Robert M. Soofer, Professional Staff Member; Catherine E. Sendak, Special Assistant; Arun A. Seraphin, Professional Staff Member; Jill L. Simodejka, Staff Assistant; Robert M. Soofer, Professional Staff Member; Scott W. Stucky, General Counsel; Kristine L. Svinicki, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Richard P. Walsh, Counsel; Pendred K. Wilson, Staff Assistant.

Mr. WARNER. Mr. President, as we stand in this great Chamber, I marvel at the work conducted by the Armed Services Committee, since the beginning of the 109th Congress. The committee has conducted 46 hearings and received numerous policy and operational briefings on the President’s budget request for 2006 and related defense issues. Since the committee reported out this important legislation on May 12, the Senate has debated many important provisions contained in this legislation. Along the way, there have been many contentious issues that required us to resolve policy, missile defense, BRAC, and many others.

After a total of 12 days of debate on the Senate floor, we have now resolved them. Dick and I, on behalf of our colleagues, and the chair of the Armed Services Committee, Senator John Warner, who is not only a person who is eminently fair—he is invariably that, fair—he is unflappable. Despite his passion for the men and women of the military, he is unflappable when it comes to getting things done in a very calm, deliberative, and bipartisan manner. I am proud to serve in this Senate for many reasons but not the least of them is being able to be a friend and colleague of John Warner of Virginia, truly a gentleman.

Our staff, as he has pointed out, has made it possible for us to be here as well. We function on a bipartisan basis. We obviously have disagreements at times. We are always able to work those out in an agreeable way or disagree in an agreeable way. We have been able to bring the bill to the floor again with the help of our bipartisan staff. We are glad Charlie Abell is back on our side of the Potomac again where he belongs. Dick DeBobes, our dear chairman pointed out, leads our minority staff with distinction. I probably should not single out any other member of our staff, but I want to mention Peter Levine because of the unusual circumstances we found ourselves in where his particular expertise made it possible for us to resolve this issue relative to detainees. It is most needed and appreciated by all of us.

I think I can speak for both Senator Warner and myself, and my colleagues, to say that our staffs not only work together, as Senator WARNER has indicated, but we have achieved our goal of passing this important bill. This marks the 46th year the Senate has passed a national defense authorization bill. I thank particularly my ranking member and my colleagues for their support.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we would not be at this point in our deliberations, we could not have arrived at this point on the road without our chairman, Senator John Warner, who is not only a person who is eminently fair—he is invariably that, fair—he is unflappable. Despite his passion for the men and women of the military, he is unflappable when it comes to getting things done in a very calm, deliberative, and bipartisan manner. I am proud to serve in this Senate for many reasons but not the least of them is being able to be a friend and colleague of John Warner of Virginia, truly a gentleman.

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I think I can speak for both Senator Warner and myself, and my colleagues, to say that our staffs not only work together, as Senator WARNER has indicated, but make it possible for us to reach the point where we are.

I wanted to add my thanks, and now on to conference, which is always fun. We have had more bumps on the road this year than I can remember in any prior year for an authorization bill. We were on the floor, off the floor, on the floor, off the floor for various reasons which you don’t need to recount. All those for the road are behind us. I hope the road will be smoother and we can come out of conference, I guess now would be early in the next year.
In the Senate, the subcommittee that I chair is called the Commerce, Justice, Science and Related Agencies, CJS, Appropriations Subcommittee. The Senate CJS Subcommittee no longer has jurisdiction over the operations budget of the State Department, which has been merged with the Foreign Operations Subcommittee. Under a previous arrangement, however, the State Department is being considered under the House framework, therefore the bill before the Senate is the Senate Appropriations Committee Appropriations conference report.

The bill that we are considering today provides a total of $61.8 billion in budget authority to agencies under the bill's jurisdiction, including the State Department. For those agencies under the State subcommittee's jurisdiction—the Departments of Commerce and Justice, NASA, NSF, and others—approximately $52.2 billion in budget authority is provided.

The bill includes an increase of just over $1 billion above the budget request for the Department of Justice. The bulk of this increase is due to the restoration of many of the proposed cuts to State and local law enforcement grant programs.

The bill provides $6.5 million for the Department of Commerce. Several programs within the Department of Commerce were proposed for termination in the President's fiscal year 2006 budget. This bill restores funding for these programs, among them the Economic Development Administration and the Public Telecommunications Facilities, Planning and Construction grants.

The bill provides increases for NASA to move forward with the vision the President has proposed, while fulfilling our commitments to important existing programs.

At a time when there are so many demands being made on scarce Federal dollars, difficult choices have to be made. We have tried to address the priorities that so many of our colleagues brought to our attention. Though we were able to accommodate many of our colleagues' requests, we were obviously not able to do everything everyone has requested.

I believe that we endeavored to produce a bill that is bipartisan and that, we feel, serves the need of this country and we were successful.

I yield to Senator Mikulski, my esteemed ranking member, for her statement.

Ms. MIKULSKI. Mr. President, Senator Shelby and I have worked on a bipartisan basis to bring this bill back to the floor as a conference report. We are in agreement with the principles of the bill so we are able to bring the bill forward. On our side, we estimate that we have three other speakers. We note the Senator from Minnesota is in the Chamber and he wishes to speak. There are two others whom we expect to speak.

This is a new subcommittee. The VA-HUD Subcommittee on Appropriations

MR. WARNER. Mr. President, on behalf of the distinguished majority leader, I ask unanimous consent that at 2:30 p.m. today, the Senate proceed to the consideration of the conference report to accompany H.R. 2862, the Science, State, Justice and Commerce appropriations bill. We further ask that there be 75 minutes of debate, with 22½ minutes under the control of the Republican Chairman, 37½ minutes under the control of the Democratic leader or his designee, and 15 minutes under the control of Senator CUBIN. I further ask that following the use or yielding back of time and at a time to be determined by the majority leader in consultation with the Democratic leader, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

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

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report to accompany H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, having met, have agreed that the House recede from its disagreement to the Senate amendments.

This bill restores funding for these programs, among them the Economic Development Administration and the Public Telecommunications Facilities, Planning and Construction grants.

This bill provides increases for NASA to move forward with the vision the President has proposed, while fulfilling our commitments to important existing programs.

At a time when there are so many demands being made on scarce Federal dollars, difficult choices have to be made. We have tried to address the priorities that so many of our colleagues brought to our attention. Though we were able to accommodate many of our colleagues’ requests, we were obviously not able to do everything everyone has requested.

I believe that we endeavored to produce a bill that is bipartisan and that, we feel, serves the need of this country and we were successful.

I yield to Senator Mikulski, my esteemed ranking member, for her statement.

Ms. MIKULSKI. Mr. President, Senator Shelby and I have worked on a bipartisan basis to bring this bill back to the floor as a conference report. We are in agreement with the principles of the bill so we are able to bring the bill forward. On our side, we estimate that we have three other speakers. We note the Senator from Minnesota is in the Chamber and he wishes to speak. There are two others whom we expect to speak.

This is a new subcommittee. The VA-HUD Subcommittee on Appropriations

Mr. WARNER. Mr. President, we won’t make any predictions. We will get started and do our best. I thank my good friend and look forward to working with him again next year. We have truly formed a unique partnership, the two of us together. I thank so many Senators that have made it a tremendous effort to achieve that.

I must say, I have consulted with the Senator from Michigan. Both of us have great concern about the IED problem. We are going to have one more hearing, in all probability a closed hearing, on this subject, listening to some viewpoints in the private sector. We regularly meet with those in the Department of Defense who have the primary jurisdiction over this problem. This is one issue on which I am gravely concerned and over which I lose sleep at night, as I am sure all of us do, about the frightful weaponry the insurgents are employing and how best we can put the entire country to work to resolve this problem.

I thank my good friend.

Mr. LEVIN. Mr. President, if I may very briefly respond.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our chairman for the initiative which he has shown on the IED issue. We had a hearing a few weeks ago on this issue which was one of the most fascinating and I think one of the most important hearings our committee has held, at least that I can remember, exclusively on the IED issue. It was under the chairman’s leadership that we did this. I think it was a significant hearing.

This committee has been absolutely dedicated to doing everything we possibly can in addressing this threat. We have done everything we know how to do, but we still have not solved the problem. As the chairman mentioned, we are looking for additional technologies, additional ways in which this problem can be addressed.

I did want to mention that hearing because I thought it was unusually important.

Mr. WARNER. Mr. President, I thank my good friend; again, a partnership effort to achieve that.

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, I ask unanimous consent that at 2:30 p.m. today, the Senate proceed to the consideration of the conference report to accompany H.R. 2862, the Science-State-State-Justice appropriations bill. We further ask that there be 75 minutes of debate, with 22½ minutes under the control of the Republican Chairman, 37½ minutes under the control of the Democratic leader or his designee, and 15 minutes under the control of Senator COBURN. I further ask that following the use or yielding back of time and at a time to be determined by the majority leader in consultation with the Democratic leader, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

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

RECESS

Mr. WARNER. Mr. President, we will now go to the standing order.

The PRESIDING OFFICER. Under the previous order, following the vote on passage of S. 1042, the Senate stands in recess until 2:30 p.m.

Thereupon, the Senate, at 1:22 p.m., recessed until 2:29 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

Mr. WARNER. Mr. President, I would like to begin by thanking Senator MIKULSKI, the distinguished ranking member of this subcommittee. The Senator from Maryland and I have worked in a bipartisan manner to produce the bill that is now before the Senate.

I thank Chairman WOLF and Congressman MOLLORAN. They have worked with us to resolve some considerable differences in our two bills, and I commend them for their efforts.

Finally, I thank Chairman COCHRAN, the chairman of the full Appropriations Committee.

The bill before us today is the conference report for H.R. 2862, the Science, State, Justice and Commerce appropriations bill. Overall, this is a very good bill. Make no mistake, this was a lean year, a very lean year. The subcommittee’s 302(b) allocation did not provide for sizeable programs which were proposed for termination in the administration’s budget, which this subcommittee restored.
was dismantled and farmed out to different subcommittees, so some parts came to the Commerce Committee and the Justice Committee, and now we call it the Science Committee. It has a fantastic jurisdiction. Its jurisdiction is focused on curing lives and saving livelihoods. It is about investing in innovation through science and technology for our country’s future, and it is about looking out for our communities and justice system.

Describing legislation, I believe this bill, as completed, is fair and we have done the best we could. The Commerce Department oversees many agencies, some of which are very important Federal labs such as NOAA and the National Institute of Standards. The Department of Justice is on the front line. It funds the FBI, DEA, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Marshals Service, and the U.S. Attorneys.

These are not just agencies; these are men and women who every single day are trying to find those people who are often criminals in our country, those who have committed terrible acts of arson. In my own home State, they detected the sniper who held the capital region hostage years ago. It is our U.S. attorneys, America’s DAs, who are prosecuting drug dealers, organized crime, and white-collar crime, and also chairing the task forces on homeland security.

The Justice Department tries to protect us from terrorists and protect our neighborhoods and our communities. It also provides grants to State and local law enforcement and helps fight gang violence. This year, this bill provides $21 billion to the Justice Department. That is $800 million more than last year. The Justice Department accounts for almost 50 percent of the entire cost of our bill. The FBI, with tremendous responsibility to fight both crime and to fulfill its responsibilities, received $5 billion this year. This is a $500 million increase over last year. It will focus on things such as counterterrorism, in which we then try to use this as a domestic agency to fight terrorists.

We also remember we have other obligations, particularly for missing and exploited children. We are working very closely with the President of the United States and our Attorney General to make sure we have a hotline and to identify those sexual predators who have been released from prison who come back to our communities, and also to recover missing children and to prevent abduction and sexual exploitation, whether it is on the Internet or in our communities. They are doing a great job.

Also, they have been used to identify those children who were missing after Katrina. So we not only look for the kids on AMBER alert—as terrible and as chilling as that could be—but after the hurricanes hit, we could not find a lot of our children. Moms and dads put their children on some of the last busses leaving Louisiana and now, thanks to the way we work, we have helped bring about family reunification.

At the same time, we have a new menace sweeping our country and that is gangs. We have certainly seen an increase in my own home State. We are providing Federal funding initiatives, particularly focused in Montgomery County and Prince George’s County.

Our way of fighting gangs is going to follow a three-point strategy of suppression, intervention, and prevention. We believe the bill will work by law enforcement in our communities and community support groups to do that. At the same time, we have substantial funding to deal with the methamphetamine scourge that is sweeping our country. Many of my colleagues have spoken about that.

While we are busy fighting criminals, though, we also have to protect the judges as we bring those criminals to justice. We are all aware of the great threat that often happens to our judges as they try to do their duty. So we have increased the funding for the Marshals Service to capture fugitives and protect judges in our Federal court systems. Just this past week, the marshals captured a convicted murderer who escaped from the roof of the courthouse.

Where we had a tough fight was in State and local law enforcement. The President’s budget cut that by $1.4 billion. Working on a bipartisan basis, we did increase the budget by $1.1 billion, but I am left $300 million short. I am sorry that had to happen. We did the best we could, and I know others will talk about it.

We put a great deal of effort into making sure we have a national effort that will be funded locally for the growing problem of methamphetamine—and, gosh, how it is affecting not only urban but rural communities is shocking—and also to fund counterterrorism and counterintelligence. These two problems that are facing us. We did the best we could.

I know some of our colleagues will ask: Senator MIKULSKI, how did it all work out with the methamphetamine in conference? When the bill left the Senate, it was pretty good.

I say to my colleagues on both sides of the aisle, we have provided a record amount of money, over $60 million, to fight meth abuse. Meth abuse is one of our biggest problems and we hope this $60 million is a significant amount in dealing with this problem.

While we are busy fighting crime, we also want to fight for America’s future. We believe we need to focus more on innovation. A country that does not innovate stagnates. We are worried that we are losing ground in terms of our ability to innovate. We believe one of the ways to strengthen innovation is through our Federal laboratories. That is why this year we have funded an increase of $62 million at the National Institute of Standards and Technology, raising their appropriations to $761 million. The NIST partners, working with industry, develop new technologies and new breakthroughs that create jobs. At the same time it creates standards for new products coming to the marketplace so they can file patents, they can be exported, and they can meet the demands of the EU and the WTO.

In terms of our Federal labs, we want not only new ideas but also those ideas that protect America. So this year we have increased funding for NOAA, the National Oceanic and Atmospheric Administration. Everybody knows NOAA: they are known for their weather reports. We know them for their hurricane reports. NOAA generally saves lives and saves livelihoods.

The weather service has given us important forecasts and warnings so we can secure our property and get people out of harm’s way. Also, we made a particular note that the conference prohibits the consolidation or reducing of hours of those weather forecast officers. It supports our fisheries which are critical to our economy.

While we are busy working on some of the new ideas, such as at NASA and the National Science Foundation, I will talk about it in a minute. I want to talk about the issue of intellectual property, as I have talked about NIST. In America, we often invent great ideas. We win the Nobel Prizes, but we have to win not only the Nobel Prizes, we have to win the markets. When we go out there to win those markets, we have to protect our intellectual property. It is as important as defending the homeland because it is our jobs, our future, and our source of revenue. All around the world, particularly in southeast Asia, they are trying to steal our ideas. Well, we are not going to allow it. We have to make sure we fight it in our trade agreements, we have to fight it in our trade enforcement, but we have to begin at home to make sure we have a patent office that protects this intellectual property. We have increased their funding 30 percent to reduce the backlog of over 500,000 patents.

Who knows what those patents are. It could be the next generation of pacemaker. It could be the next generation of hybrid for an automobile or for a truck. Most of all, it is going to be the next generation that hopefully keeps jobs, and jobs in manufacturing, in the United States of America.

So while we talk about labs, this is not some wonky legislation. We believe it is our ideas that are saving lives, saving property, and saving jobs.

We do know we need to be on the cutting edge of science. We believe that cutting edge comes from the National Science Foundation, which we have funded at $5.5 billion, $180 million more than last year. The National Science Foundation funds a lot. It funds our biotechnology, our nanotechnology, and in physics. We all know about the National Institutes of Health and salute them, but at the same time we
need to know it is the NSF that is doing the basic science and also breakthrough science such as in nanotechnology and in global warming. It also funds the post-doctorates and the graduate school stipends so our young people can get into graduate school. That is the next generation.

Then, of course, near and dear to my heart is NASA. This year, we have provided $16.4 billion, $260 million over last year. I know many people are wondering what is going to happen to the Hubble. Will the Hubble go on to run out of steam? Will the Hubble stop discovering all that wonderful new science?

Hang on. Hope and help is on the way. We have increased the funding for the Hubble budget to accommodate a servicing mission into space to rescue the Hubble. It will take new batteries. It will take new operating and optical equipment. What we do need, though, is to make sure the shuttle makes two more flights so it is safe for the astronauts to help the astronauts. We are providing full funding for the Space Shuttle, the space station, and the development of crew exploration vehicles. All science programs are funded at the President’s request.

We also have funded the Census Bureau at $812 million, which allows the census to move forward with the 2010 census. The census is America’s database, and we need to keep it contemporary.

What I have just given sounds like an accountant. I will submit a statement later on that will talk about what this means in terms of innovation. But today Senator Shelby wanted to brief our colleagues on the numbers and on the money.

We think we have done a good job. What we have done is take our appropriations allocation, put 50 percent of our money into protecting America from terrorism, 25 percent helping the astronauts, and from the exploiters of children. At the same time, we have used the other 50 percent to promote innovation in science and technology and also to protect our intellectual property. We think we have done a very good job.

I thank at this time my very good friend, Senator Shelby. Senator Shelby and I came to the House of Representatives together and served with the Energy and Commerce Committee. We came to the Senate at the same time. He is an excellent colleague to work with. We share the same priorities for this country. I want America to know that we do work together, and when we work together we always do better.

I thank staffs who really function with collegiality and with great civility. I thank the Shelby staff: Katherine Hennessey, Art Cameron, Joe Long, Christa Crawford, and Allan Cutler.

My own staff who worked so hard, I thank Paul Carliner, Gabrielle Batkin, Alexa Sewell, and Kate Fitzpatrick for all of the hard work they have done.

This is kind of a thumbnail sketch for our bill in the interest of time. There will be Senators who will be coming to speak on the bill. I will yield 10 minutes to the Senator from Minnesota, Mr. Dayton. Later on, Senator Snowe will yield 5 minutes to the Senator from North Dakota, Mr. Dorgan; to Senator Obama, from Illinois, for 5 minutes; and 5 minutes to Senator Sarpal Sarbanes, my esteemed and cherished colleague from Maryland.

I now yield an excellent colleague from Minnesota, Senator Dayton, who, himself, has been an enormous advocate for local law enforcement and has been a real strong voice for increasing funding for fighting the meth scourge. We are so sorry it is going to be his last year with us, the great guy that he is. We know he will do well. We certainly wish him well, and I look forward to hearing him this afternoon.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. Dayton. I thank the distinguished ranking member, the Senator from Maryland, for her kind words. I commend her and the chairman of the committee, Senator Shelby, for their outstanding work on this conference report. I know it was under very difficult circumstances.

There are many good features to the report, as the Senator has just described. Again, I yield for her leadership and her tenacious fighting on behalf of these efforts, whether they were successful or whether they were not.

Tragically, however, the House and the administration largely prevailed in this conference report in cutting funding for the law enforcement programs to only 38 percent of the Senate’s position. Senator Chambless from Georgia and I cosponsored a bipartisan amendment to the Senate bill that passed the Senate and increased the Byrne grant funding from $900 million for fiscal 2006. Yet the House and administration, in the conference, slashed that appropriations to $16.4 million, which is a one-third reduction from fiscal year 2005.

Byrne grants fund local law enforcement to combat the most urgent public safety problems in their own communities. In my own State of Minnesota, Byrne grant programs have provided the critically important funds to fight the scourge of methamphetamine, which is an illegal drug crisis in many States, as the distinguished ranking member has outlined. She has been in the forefront in efforts to increase the Federal funding to fight this catastrophe that is afflicting our citizens, afflicting people of all ages—I am told by chiefs of police, those as young as 10, and senior citizens in their eighties, from all parts of Minnesota and from all walks of life and backgrounds. This bill will increase Byrne funding and other law enforcement officials have been increasing, Byrne grants to Minnesota have decreased from over $8 million in 2000 to $7.5 million last year. This year’s cut in this conference report will mean that Minnesota’s share of Byrne grant funding will drop to less than $5 million next year, which is a 40 percent reduction from the year 2000.

The Byrne grants in this report are cut from $606 million to $416 million, another one-third reduction, with zero dollars provided for the hiring of new law enforcement officers, which was the program’s original goal. Byrne grants and COPS are the two most important sources of Federal funds to boost police and sheriff forces throughout our country, to increase the drug prevention programs or drug court programs on our streets and in our schools that keep our neighborhoods safer, our communities safer, and our rural counties safer.

Why do the administration and the House want to drastically cut Federal support for local law enforcement; to cut funds from the brave men and women who are on the frontlines against the forces of evil in our society, who are risking their lives day and night to defeat the evil predators who are taking the lives of our citizens? Why? It is unconscionable, it is incomprehensible that the House and the administration are defunding local law enforcement.

Here we have an administration that preaches national security but will not fund it at home. It is an administration that preaches the war against terrorism but will not fund the war against drug-dealing and drug-pushing terrorists on our streets and in our schools. How mistaken, how shortsighted, how wrong-directed could anyone be?

Again, I thank the Senate’s chairman and ranking member for doing their best against the administration, which would like to eliminate these programs because they were the good ideas of the previous administration and their allies in the House. Congress should be providing more money, not less, but more money to strengthen Federal law enforcement in their fight against organized crime, drug dealers, and other predators. For that reason, I regretfully cannot support this report.

The citizens of America deserve better law enforcement and more Federal support to make it possible—not the lower, the cut position of the House and administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized for up to 5 minutes.

Mr. Sarpal Sarbanes. Mr. President, first, I commend both Senator Shelby, the chairman of the subcommittee, and my colleague from Maryland, Senator Mikulski, the ranking member, for their hard work in bringing this conference report to the Senate this afternoon. I do want to express my regret that this report does not contain an important provision, to provide emergency housing vouchers to victims of the recent hurricanes.
On September 14 of this year, the Senate unanimously approved an amendment to this bill to provide $3.5 billion in emergency spending to be used to ensure that any person displaced as a result of the hurricanes could receive a housing voucher. These emergency housing vouchers would have enabled displaced families to find and afford safe, decent, and stable housing.

While FEMA and HUD are providing some housing assistance to evacuees, it is clear from news reports, as well as from people in the affected areas, that the promises of housing assistance from the Federal Government are falling short of what is necessary. Just in the past week, there have been articles about the lack of stable housing for evacuees. The titles alone indicate the stress evacuees are under. For example:

Hurricane Evacuees Face Eviction Threats
At Both Their Old Homes and New
Displaced in Crisis of Affordable Housing
FEMA Housing Slow In Arriving

The administration’s housing policy for the victims of the recent hurricanes is unclear and inadequate. HUD is only assisting people who were assisted by HUD previously in the disaster areas, while FEMA has the responsibility for the vast majority of the evacuees. FEMA, an emergency management agency which is overwhelmed in the face of this unprecedented disaster, is now being tasked with the job of housing hundreds of thousands of people. This is not a job for FEMA. FEMA has provided people 3-months worth of rental assistance. However, it is clear that not all evacuees have received this assistance. Second, it is also not clear how evacuees and the landlords renting to them can be guaranteed that rental assistance will continue. Indeed, some Katrina victims are being threatened with eviction. FEMA seems to be handling the continuation of rental assistance on a case-by-case basis, with no clear rules or principles guiding these critical decisions.

In the words of an editorial in yesterday’s New York Times:

The woefully inadequate program for housing put forward by the administration is tantamount to stonewalling the Katrina victims.

The emergency housing voucher proposal, which was adopted by the Senate, was, regrettably, not included in the current version. This was, and probably still is, unacceptable. The Senate conference met implacable resistance, apparently, from the House conference and from the administration, as I understand it. But the emergency housing voucher proposal only addressed the immediate need. The conference had an agreed-to mechanism to ensure that every evacuee in need would receive at least 6 months of rental assistance with an additional 6 months of assistance available if necessary. The assistance would have been distributed by zip code and the entire housing network, which houses millions of people around the Nation. There is extensive experience at HUD.

I am disappointed, very disappointed that this critical assistance is not included, and I hope that we can find some other way to provide the needed housing assistance to hurricane victims.

Again, I commend my colleagues, Senators SHELBY and MIKULSKI, for their successful completion of this report. I again underscore that this emergency housing voucher provision was included in the bill which passed the Senate under the leadership of my chairman, Senator Mem- ber MIKULSKI. I regret that they met this resistance in conference and were not able to include it in the final version. It is the evacuees of the hurricanes who, unfortunately, will pay the price.

The PRESIDING OFFICER. The Senator from Maryland, Ms. MIKULSKI.

Mr. MIKULSKI. Before the senior Senator returns to the Banking Committee, I want him to know that I, too, regret the rejection of the Senate version of the housing vouchers, the small business administration loans, as well as the economic development assistance Katrina amendments. These have really helped rebuild communities and rebuild lives. But without a housing assistant we could not. We were defeated on a voice vote.

Mr. SARBANES. I thank the ranking member for that observation. I simply point out, as further stories are heard from people in the affected areas, that FEMA and HUD are providing some assistance, but do the housing vouchers, the small business administration loans, as well as the economic development assistance Katrina amendments. These have really helped rebuild communities and rebuild lives. But without a housing assistant we could not. We were defeated on a voice vote.

Mr. INHOFE. Mr. President, I have addressed this Chamber several times on the subject of global warming. Many times, over and over in the past few years in those speeches I have presented well-documented facts regarding the science and economics of the global warming issue that, sadly, many of my colleagues in the public heard for the first time.

Today, I will discuss something else—scientific integrity and how to improve it. Specifically, I will discuss the systematic and documented abuse of the scientific process by an international body that claims it provides the most complete and objective scientific assessment in the world on the subject of climate change—the United Nations-sponsored Intergovernmental Panel on Climate Change, or IPCC. I will conclude with a series of recommendations as to the minimum changes the IPCC must make if it is to restore its credibility.

When I became chairman of the Senate Committee on Environment and Public Works, one of my top three priorities were to improve the quality of environmental science used in public policymaking by taking the politics out of science. I have convened hearings on this subject and the specific issue of global warming science.

As a U.S. Senator and former mayor and businessman, I am not a scientist. But I do understand politics. And the more I have delved into the issue, the more convinced I have become that science is being co-opted by those who care more about peddling fear than finding and telling their own, broader agendas than they do about scientific integrity.

I am committed to shining a light on their activities. Global warming alarmists will undoubtedly continue to accuse me of attacking the science of global warming—that is part of their game. But nothing could be further from the truth. I support and defend credible, objective science by exposing the corrupting influences that would subvert it for political purposes. Good policy must be based on good science, and that requires science be free of bias, whatever its conclusions might be.

As nations meet again next month in Montreal to discuss global warming, the pronouncements of the IPCC leaders will gain renewed attention as they continue their efforts to craft a fourth assessment of the state of global warming science. If the fourth assessment is not accepted by the scientific community, further changes will need to be made.

The flaws in the IPCC process began to manifest themselves in the first assessment, but did so in earnest when the IPCC issued its second assessment report in 1996. The most obvious was the altering of the document on the central question of whether man is causing global warming.

Here is what Chapter 8—the key chapter in the report—stated on this critical question in this assessment accepted by reviewing scientists:

No study to date has positively attributed all or part of the climate change observed to date to anthropogenic causes.

But when the final version was published, this and similar phrases in 15 sections of the chapter were deleted or modified. Nearly all the changes removed hints of scientific doubts regarding the claim that human activities are having a major impact on global warming.

It follows these doubts that were specific in the study.

In the Summary for Policymakers—which is the only part of the report that reporters and policymakers read—a single phrase was inserted. It reads:

The balance of evidence suggests that there is a discernible human influence on global climate.

The lead author for chapter 8, Dr. Ben Santer, should not be held solely accountable. According to the journal Nature, the changes were made in the midst of high-level pressure from the Clinton/Gore State Department to do so. I understand that
after the State Department sent a letter to Sir John Houghton, co-chairman of the IPCC. Houghton prevailed upon Santer to make the changes. The impact was explosive, with media across the world, including heavyweights such as Peter Jennings, declaring this as proof that man is responsible for global warming.

Notably, polls taken shortly afterwards showed scant support for the statement. The word “discernible” implies measurable or detectable, and depended on how the question was asked, only 3–19 percent of American scientists concurred. That is the very best scenario—less than 20 percent.

In 2001, the third assessment report was published. Compared with the flaws in the third assessment, those in the second assessment appear modest. The most famous is the graph produced by Dr. Michael Mann and others. Their study concluded that the 20th century was the warmest on record in the last 1,000 years—flat temperatures until 1900 and then spiking upward—in short, it looked like a hockey stick. It achieved instant fame as proof of man’s causation of global warming because it was featured prominently in the summary statement of the report. Let us take a look at this chart. This is the blade of the hockey stick, and this is what Michael Mann tried to show. Since then, the hockey stick has been shown to be a relic of bad math and impermissible practices.

This chart starts the year 1000, 1200, and so forth. If they had included the three centuries prior to that, that was the time called the medieval warming period. In the medieval warming period, you would find another blade such as this where temperatures were actually higher than they are in this exhibit.

Since then, the hockey stick has been shown to be a relic of bad math and impermissible practices. Dr. Hans von Storch, a prominent German researcher with the GKSS Institute for Coastal Research—who, I am told, believes in global warming—put it this way:

"Methodologically it is wrong: Rubbish.

In fact, a pair of Canadian researchers showed that when random data is fed into Michael Mann’s mathematical construct, it produces a hockey stick more than 99 percent of the time, regardless of what you put into it. Yet the IPCC scientists used the hockey stick as the proof positive of catastrophic global warming.

How can such a thing occur? Sadly, it is due to the institutional structure of the IPCC itself—it breeds manipulation.

First, the IPCC is a political institution. Its charter is to support the efforts of the U.N. Framework Convention on Climate Change, which has the basic mission of eliminating the threat of global warming. This clearly creates a conflict of interest with the standard scientific goal of assessing scientific data in an objective manner.

The IPCC process itself illustrates the problem. The Summary Report for Scientists and economists who contribute to the report.

In other words, the Summary Report for Policymakers is the one for policymakers to follow. That is how people pick up their impressions as to what was in the report. However, the scientists and the economists who contributed to the report never did approve the Summary Report for Policymakers. The report was approved by intergovernmental delegates—in short, politicians. It doesn’t take a leap of imagination to realize that politicians will insist the report support their agenda.

A typical complaint of scientists and economists is that the summary does not adequately reflect the uncertainties associated with tentative conclusions in the basic report. The uncertainties identified by contributing authors and reviewers seem to disappear or are dramatically reduced in the summary.

A corollary of this is that lead authors and the chair of the IPCC control too much of the process. The old adage “power corrupts and absolute power corrupts absolutely” applies here. Only a handful of individuals were involved in changing the entire tone of the second assessment. Likewise, Michael Mann was a chapter lead author in the third assessment.

One stark example of how the process has been corrupted involves a U.S. Government scientist. He was the most respected experts on hurricanes—Dr. Christopher Landsea. Earlier this year, Dr. Landsea resigned as a contributing author in the upcoming fourth assessment. His reason was simple—the lead author for the chapter on extreme weather, Dr. Kevin Trenberth, had demonstrated he would pursue a political agenda linking global warming to more severe hurricanes.

Trenberth had spoken at a forum where he was asked as a lead author and proceeded to forcefully make the link. He has spoken here in the Senate as well, and it is clear that Trenberth’s mind is completely closed on the issue. The only problem is that Trenberth’s views are not widely accepted among the scientific community. As Landsea put it last winter:

All previous and current research in the area of hurricane variability has shown no reliable, long-term trend up in the frequency or intensity of tropical cyclones, either in the Atlantic or any other basin.

When Landsea brought it to the attention of the IPCC, he was told that Trenberth—who as lead author is supposed to bring a neutral, unbiased perspective to his position—would keep his position. Landsea concluded that:

Because of Dr. Trenberth’s pronouncements, the IPCC process on our assessment of these crucial extreme events in our climate system has been subverted and compromised, its neutrality lost.

Landsea’s experience is not unique. Richard Lindzen, a prominent MIT researcher who was a contributing author to a chapter in the third assessment, among others has said that the Summary did not reflect the chapter he contributed to. But when you examine how the IPCC is structured, is it really so surprising?

Furthermore, the IPCC has demonstrated an unreasoning resistance to accepting constructive critiques of its scientific and economic methods, even in the report itself. Of course, combined with my first point, this is a recipe for delegitimizing the entire endeavor in terms of providing information that is useful to policymakers.

Let me offer a few examples of what I am talking about.

Malaria is considered one of the four greatest risks associated with global warming. But the relationship between climate and mosquito populations is highly complex. There are over 3,500 species of mosquito, and all breed, feed, and behave differently. Yet the nine lead authors of the health section in the third assessment had published only six research papers on vector-borne diseases among them.

Dr. Paul Reiter of the Pasteur Institute, a respected entomologist who has spent decades studying mosquito-borne diseases, believes that cooling and warming would have little impact on the spread of malaria. But the IPCC refused to consider his views in its third assessment, and has completely excluded him from contributing to the fourth assessment.

Here is another example: To predict future global warming, the IPCC estimated how much world economies would grow over the next century. They had to somehow tie this into the economic activity. Future increases in carbon dioxide emission estimates are directly tied to growth rates, which in turn drive the global warming predictions.

Unfortunately, the method the IPCC uses to calculate growth rates is wrong. It also contains assumptions that developing nations will experience explosive growth—in some cases, becoming wealthier than the United States. These combine to greatly inflate even its lower-end estimates of future global warming.

The IPCC, however, has bowed to political pressure from the developing countries that refuse to acknowledge the likelihood they will not catch up to the developed world. The result: Future global warming predictions by the IPCC are based on a political choice, not on credible economic methodologies.

Likewise, the IPCC ignored the advice of economists who conclude that, if global warming is real, future generations would have a higher quality of life if societies maximize economic growth and adapt to future warming rather than trying to drastically curb emissions. The IPCC turns a deaf ear.

This problem with the economics led to a full-scale inquiry by the UK’s House of Lords’ Select Committee on Economic Affairs. The ensuing report
should be required reading. The committee identified numerous problems with the IPCC.

In fact, the problems identified were so substantial, it led Lord Nigel Lawson, former Chancellor of the Exchequer and a member of the committee in its early state—in fact, he was here and testified before the committee I chair here in the Senate—Lord Lawson said:

I believe the IPCC process is so flawed, and the institution, it has to be said, so closed to reason, that we are not far better off ploughing it for the work it has done, close it down, and transfer all future international collaboration on the issue of climate change. . . .

To regain its credibility, the IPCC must correct its deficiencies in all of the following areas before it releases its fourth assessment report. Structurally, there are four ways we suggest changes be made.

The first is to adopt procedures by which scientific reviewers formally approve both the chapters and the Summary Report for Policymakers. Government delegates should not be part of the approval process.

The second thing is to limit the authors who lead all authors and the Chair to introduce changes after approval by the reviewers.

The third is to create an ombudsman for each chapter. These ombudsmen should consult with reviewers who believe their views are not being addressed and disseminate a report for reviewers prior to final approval which is made part of the final document.

Fourth is to institute procedures to ensure that an adequate cross-section of qualified scientists wishing to participate in the process is selected based on unbiased criteria. The ombudsmen should review complaints of bias in the selection process.

That is structurally what the IPCC should do.

Now, there are many specific issues that the IPCC must address as well. For instance, the IPCC must ensure that uncertainties in the state of knowledge are clearly expressed in the Summary for Policymakers. When you read the Summary for Policymakers, which is not approved by the scientists and the economists, it does not say anything about the fact that there are doubts in these areas. That should be a part of it.

The IPCC must provide highly defensible ranges of the costs of controlling greenhouse gas emissions. They have to talk about how this is going to be done.

They must defensibly assess the effects of land-use changes in causing observed temperature increases. In other words, there are a lot of things we hear about, we are aware of; that is, the heat island effect that takes place in a lot of the major cities, the various agricultural changes where trees are cut down and crops are planted. These need to be considered.

Fourth is to provide highly defensible ranges of the benefits of global warming. If we know the cost that is going to be incurred, as we learned in the Wharton econometric survey—that for each family of four in America, it would cost them about $1,715 a year in the cost of electricity, the cost of fuel; everything just about doubling—and people need to know what kinds of benefits the global warming will produce.

The fifth thing is to examine the costs and benefits of an adaptive strategy versus a mitigation strategy.

Sixth is to examine studies finding a cooling trend of the Continental Antarctic for the last 40 years, as well as increases in the Antarctic ice mass.

Seventh is to adequately explain why the models predict greater warming than has been observed, avoiding the use of selective data sets.

Eighth is to ensure an unbiased assessment of the literature on hurricanes.

Ninth is to ensure adequate review of malaria predictions by a range of specialists in the field, ensuring all views are expressed.

Going back to No. 8, I am reminded every time something happens—it can be a hurricane or a tornado—there is always somebody standing up and saying: Aha, it is due to global warming. It is a level of desperation that I cannot believe people are becoming subjected to.

There are dozens more issues, most of which are as important as the ones I have just raised. Instead of trying to list all here, I intend to post on my committee’s Web site this winter a more exhaustive and detailed list of issues that must be addressed in the fourth assessment.

In conclusion, I quote from an article in Der Spiegel by Dr. von Storch and Dr. Nico Stehr, who is with Zeppelin University. They wrote:

Other scientists are succumbing to a form of fanaticism almost reminiscent of the McCarthyism of the 1950s only with uncertainty for the benefit of a politically worthy cause reduces credibility, because the public is more well-informed than generally assumed. In the supposedly useful dramatizations achieve exactly the opposite of what they are intended to achieve. If this happens, both science and society will have missed an opportunity.

It is my solemn hope that the IPCC will listen to the words of Dr. von Storch and Stehr and not miss the opportunity to reestablish its credibility, which I believe is totally lost at this time. Only then will its work product be useful to policymakers. If the IPCC remains committed to its current path, however, then Lord Lawson’s solution is the only viable one—the IPCC should be disbanded.

Mr. President, I ask unanimous consent that the order for a quorum be rescinded.

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

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MIKULSKI. Mr. President, as my colleagues know, we continue to discuss the Commerce-Justice-Science Appropriations conference report. We note that our colleague from Illinois expresses a strong wish to speak, and I yield to Senator Obama 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I thank Senator Mikulski.

Mr. President, I know I speak for all Members of the Senate when I say we wholeheartedly support our Nation’s law enforcement officers and we want to do every single thing possible to assist their efforts to keep our communities safe. Unfortunately, the Commerce-Justice-Science conference report before this body today does not send this message. In fact, it sends the exact opposite message.

The conference report provides important funding for programs such as the Office on Violence Against Women, the National Science Foundation, and important juvenile justice programs. But I am very troubled by the drastic cuts it makes to an important law enforcement program, the Byrne Justice Assistance Grant Program.

This bill further eviscerates a program that has suffered significant cuts in the last few years, despite providing real results and benefits around the country. The conference report cuts the Byrne Program from the $900 million we passed in the Senate to $416 million, which is a 34-percent cut from the fiscal year 2005 funding level.

Now, in Illinois, these cuts will have an immediate and direct effect because last year’s Byrne grant has been using Byrne grant funds to fight one of the gravest drug threats facing the Nation today—methamphetamines.

In downstate Illinois, as in other rural communities all across the country, there has been a tremendous surge in the manufacture, trafficking, and use of meth. Illinois State Police encountered 971 meth labs in Illinois in 2003, more than double the number uncovered in 2000.

And according to the Illinois Criminal Justice Information Authority, the quantity of meth seized by the Illinois State Police increased nearly tenfold between 1997 and 2003. This surge is placing enormous burdens on small-town police forces, which are suddenly being confronted with a large drug trade and the ancillary crimes that accompany that trade.

These police departments rely on Byrne grant funding to participate in meth task forces, such as the Metropolitan Enforcement Group or the Southern Illinois Enforcement Group. These task forces allow police in different communities to combine forces...
to battle a regional problem. There are a total of seven meth task force zones in Illinois, and these task forces have seen real results with Byrne grant funding.

In 2004, the Southern Illinois Enforcement Group accounted for more than 27 percent of the State’s reported meth lab seizures. This group pays 5 of its 12 agents through Byrne grants.

In towns such as Granite City and Alton, cuts in Byrne grant funding will force them to make difficult decisions about how to allocate already scarce police resources. Indeed, the chief of police in Granite City told my staff yesterday that cuts in Byrne grant funding will threaten the viability of his meth task force. At a time when meth use is growing, it is inconceivable to me that we would be cutting the resources needed by law enforcement to fight crime and clean up the streets.

This is yet another example of the misplaced priorities of our country. We all know that we are facing a real budget crisis. The deficit is growing, and we need to enforce some fiscal discipline. But I don’t believe we should be balancing the budget on the backs of our Nation’s law enforcement officers who keep our families and communities safe each and every day.

I am disappointed by this bill. I hope next year we will be able to find the necessary funding that local law enforcement needs. I would ask those who are on the conference and who are looking at this to recognize that it is going to have an impact not just in Illinois, but in small communities all across the country, particularly farming communities in the Midwest that have been devastated by the plague of meth. This has been primarily a program to help prevent it. It is being cut drastically in this bill. It is a bad decision and a reflection of misplaced priorities by this Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in my own behalf.

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

IRAQ

Mr. DURBIN. Since the war in Iraq began, 2,067 Americans have died; 15,568 have been wounded. Today, I joined my colleagues Representative PETER DEFEE, HARRY REID, and others, in offering an amendment to honor their sacrifice and service and to seek a new course in Iraq in the coming year. I was proud to cosponsor the Levin amendment. I thought it made three critical policy statements about Iraq.

First, the amendment demanded that the administration provide Congress and the American people with a plan for success and a timetable with estimated dates for the phased redeployment of American forces. Second, the amendment makes it clear that 2006 will not be just another year on the calendar when it comes to the war in Iraq. The amended amendment did not set a date to cut and run, which the critics said, but we are saying to the President: We have to take seriously the 161,000 Americans risks.

Third, we want accountability from this President. It is not good enough for the President to make speeches about staying the course when the course has led to so many lives being lost, so many dollars being spent. Sen- ators WARNER and Frist and our amendment when it was offered. It is interesting because I think what they did is probably a very positive thing. They took the amendment, which we had prepared, and basically made changes on its face. If you take a look at the amendment, this is what we of- fered. Senators WARNER and Frist scratched out the names of all the Democratic sponsors and put their own names on there on the Republican side. Then they went through, without even retyping, and made handwritten changes on the Democratic amend- ment. Some of the changes are innocuous, but some are not.

One of the changes is significant. We made it clear, in language the Iraqis could understand, what the future course will be. Let me read what Democratic language said:

The United States military forces should not stay in Iraq indefinitely and the people of Iraq should be so advised.

Simple and declarative. TheRepul- lican change: They struck the word “inde finitely.” Now it reads:

The United States military forces should not stay in Iraq any longer than required and the people of Iraq should be so advised.

That is quite a difference. Our sentence was clear and more decisive. Theirs is ambiguous, leaving open the possibility of American permanent military bases in Iraq, something I hope does not occur. But the most im- portant thing that they did was to de- lete the last paragraph of this amend- ment. In the last paragraph, we have asked the President to consider to be one of the key para- graph: 'TheSmart Change: They struck the word “and.” And the future course will be.

That was critical because it says to the President and to the administra- tion: Let us start talking now about bringing our soldiers home. We are not going to take control of their own fate and future with their own se- curing a new status of sovereignty and a political arrange- ment that works.

How well is the Iraqi Government doing in defending and caring for its people and training its own military and security forces?

This is yet another example of the problems on in Iraq. We have asked the President over and over again, as the Iraqis stand up, we stand down. The amendment we of- fered asked the basic question, When are they going to have capable forces so that American troops can stand down? How many are standing now? How well is the Government doing in defending and caring for its people and training its own military and security forces?

This isn’t the first time we have asked these questions. Over 40 of us have asked the President over and over again for a report on this war. Sadly, we are still waiting for an answer, un- less you count the reply we received from someone at a lower level in the White House stating that he had re- ceived the letter and sent it to the appropriate person to take a look at. That was over a month ago. That is not the answer that Senators were looking for. It is certainly not the an- swer the American people were looking for. The amendment required answers in an unclassified report because we want the American people to know what is going on in Iraq—the chal- lenges, the progress, and, frankly, if there are contingencies we had not antici- pated, let us know what that is.

What we were seeking to do with this amendment was finally to establish that 2006 will not be just another year. I am hoping that no Senator will stand on the floor a year from now and re- count that we have lost hundreds more of our best and bravest in Iraq, thou- sands more injured, wondering if there is any end in sight.

The amendment made it clear as well that we were holding Iraqis respon- sible. It is their country. It is their fu- ture. They need to take control of their own fate and future with their own se- surity force and a political arrange- ment that works.
their lives every single day, and many—sadly, too many—losing their lives and being injured in the process.

It is interesting to me that this morning's news tells us that the Iraqis are now saying to the British: You can start thinking about going home now. That is great. I am glad they can. I am glad that they will return to the safety of their families and their homes. Shouldn’t that same conversation be taking place with Americans as well? And shouldn’t the President be telling us that we are going to move forward in a phased, orderly redeployment of our troops back home, as the Iraqis take over responsibility of their own country?

That is what the Democrats offered. That is what the Republicans refused. The vote came down. There were about 40 who voted for the Democratic amendment. Then there was a following vote. That vote is significant. It was a vote on the Warner-Frist amendment, an amendment which was offered to the Defense authorization bill. It is true that it was an amendment which was offered to the original Democratic amendment. I have in my hand the original amendment and the changes that were made. It didn’t go as far as I would like to have gone. It didn’t say American troops will not stay in Iraq indefinitely. It didn’t talk about the phased redeployment of American forces. But it did say several important things that were included in the original Democratic amendment.

It did say 2006 is a year of significant transition. It did serve notice on the Iraqis that they have to accept responsibility for their own fate and future. And significantly, this Republican amendment called on their President in the White House to report to the American people, on a quarterly basis, as to the progress being made in Iraq so we can monitor whether the President truly has a plan that can lead to success.

That is significant, maybe historic. The President’s own party overwhelmingly voted for this amendment, an amendment which started on the Democratic side but became bipartisan in the end, an amendment which calls on this administration to be held more accountable in terms of this war in Iraq.

Now, the President did something on Veterans Day which is unusual. The President used Veterans Day, of all days, to discuss foreign policy and national security. It is interesting to me that this morning’s news tells us that the President has been saying repeatedly that he invaded Kuwait. All of that was happening after Saddam Hussein of Iraq we were told by this administration that based on the intelligence that they gathered, there were other compelling reasons for us not to wait for the United Nations, not to wait for our other allies not to wait and exhaust all possibilities but to move decisively and invade.

What were those reasons? Weapons of mass destruction, which we later learned didn’t exist; the possibility that Iraq was becoming a nuclear power, as Secretary of State Condoleezza Rice said, mushroom clouds in the Middle East and around the world from Saddam Hussein’s nuclear weapons program; connections with al-Qaida, with Saddam Hussein, with Osama bin Laden. It was argued that 9/11 and Iraq were the same story.

All of these were given to us together with the assertion that somehow the Iraqis were importing this yellow caked from Niger in Africa to make nuclear weapons. We were told all these things to reach a high level of intensity and anxiety to lead to an invasion of Iraq. We found after the invasion virtually every single statement was false, was not true.

We analyzed what the intelligence agencies did in the first phase of our investigation and found utter failure. The agencies we most counted on to tell us of threats against America and how we could defend against them completely dropped the ball. I was part of the Senate Intelligence Committee at the time, and I listened as our staff people went over and reported to us about what they found at these intelligence agencies.

In the ordinary course of events, before you invade a country there is a very careful analysis of intelligence data. You just don’t start a war without looking at every possibility and understanding information that has been collected.

Well, that National Intelligence Estimate was not even prepared when the invasion started. The intelligence started to come out about the invasion of Iraq. It was ordered, prepared in a manner of 2 or 3 weeks, just a fraction of the time usually required, and when we finally saw it in the Senate Intelligence Committee, it was a report that was not given to us which really didn’t carefully evaluate the intelligence data that had been collected, and it is one of the reasons we made this colossal error in judgment when it came to evaluating intelligence. It was a report given to us which really didn’t carefully evaluate the intelligence data that had been collected, and it is one of the reasons we made this colossal error in judgment when it came to evaluating intelligence.
those who are critical of his decision to invade Iraq today had the same intelligence he had, and so if he made a mistake, they made a mistake, too. I disagree. The President of the United States receives what is known as the daily brief; he goes over the daily brief day by day with intelligence officials, including the head of the CIA and others at the highest level, for a briefing about intelligence gathered around the world and what the threat is to America on that given day. He gets more information than anyone, as he should, as President, as Commander in Chief. By the time you come to Congress, that information has been filtered and chopped and divided and diced and very little of it makes it to Congress. Most of it comes to the Intelligence Committees. Then it goes to the chairman, ranking member, and then down the chain less information is given to members of the Senate Intelligence Committee and even less to the regular rank-and-file Senator, and Congressmen are just the food chain, if you will, on intelligence data.

For so the President to suggest that Members of Congress had the same information he did is just not factual. He is given much more information. He was before Iraq; he is every single day given more information. So if Members of the Senate relied on the President's representation, the President's statement, the Vice President's statement, and then folded into it, it is why they believed the President and Vice President had more information about it than they did.

Now, I sat on the Senate Intelligence Committee shaking my head day in and day out listening as the members of the administration would debate issues like nuclear weapons. This is all unclassified now, but there was a serious disagreement between the Department of Defense and the Department of Energy about what those aluminum tubes meant. The Department of Energy said: We don't think they have anything to do with nuclear weapons. The Department of Defense said: Oh, yes, they do. And the two of them would have it at it in front of us. Then I would walk outside the Intelligence Committee room and hear Vice President CHENEY and Secretary of State Condoleezza Rice saying aluminum tubes equal nuclear weapons, and I am thinking to myself: They are not suggesting there is a difference of opinion even in their own administration.

It was frustrating because serving on that Intelligence Committee I could not discuss what was being debated in that room, but I knew in my heart of hearts that many things believed to the American people were just not backed up with sound, concrete evidence, and that is what is at issue here.

We believe the American people deserve the truth, and the truth comes down to this: The Senate Intelligence Committee promised us over 20 months ago that they would do a thorough investigation to see if any elected official made a statement about the situation in Iraq that could not be substantiated with background intelligence. In other words, did any elected official in this administration, or even in this Congress, deliberately or recklessly mislead the American people as to the true nature of the threat we face?

Is that important? It could not be more important. I cannot think of a greater abuse of power in a democracy than to mislead the people into a war, and to ask the people of a country to offer up the people they love—their sons, their daughters, their husbands, their wives, their friends and their relatives—in defense of the facts.

That is what this investigation is about. We have been waiting 20 months, 20 months for it to take place. I don't know what it will find. There is certainly a lot of questions that need to be asked and answered about statements made by members of the administration. But as of today, we still don't know. We are not certain as to whether that investigation will take place.

I would like to know why, on February 7, 2003, Defense Secretary Donald Rumsfeld told the U.S. troops in Aviano, Italy: It is unknowable how long that conflict in Iraq will last. It could last 6 days, 6 weeks. I doubt 6 months.

Secretary Rumsfeld, February 2003. That was over 21⁄2 years ago. The Defense Secretary was not just overly optimistic; it was wrong. His failure to plan for the conflict that could last years and not weeks has had tragic consequences.

On my first visit to Walter Reed Hospital to visit a soldier whose leg had been amputated, who was from an Ohio Guard unit I asked: What happened? Well, I was in one of those humvees, Senator. It didn't have any armor plating on either side, and one of those homemade bombs went off and blew off my leg.

Were we ready? Did we have a plan to win, to protect that soldier and others? Clearly not. It was not until recently, and all of our findings after 3 years they finally had the armor plating they needed.

On May 1, 2003, that banner on the aircraft carrier proclaimed the Iraqi mission was accomplished and President Bush landed on the carrier and celebrated the end of the war. Tragically, the real war was just beginning. Of those Americans who paid with their lives in this war, only 140 were killed during the phase the President called major combat. We have lost almost 2,000 since then. That means 93 percent of our troops who have been killed in Iraq died after Saddam Hussein was overthrown and his army defeated and since that banner was displayed on that aircraft carrier.

Last May, Vice President CHENEY said the Iraqis were properly worried in its death throes. Well, I can tell you, as we see the casualty reports coming from Iraq, it is clear that the insurgency is not in its death throes. I truly wish it were. Our generals don't agree with that statement. I do not understand what the Vice President used as his basis for making it.

There is one other element I would like to raise which is contemporary; that is to say, that last week we have had a visit by a foreign Head of State. His name is Ahmed Chalabi. Mr. Chalabi is rather well-known in Washington circles. For years and years he was an Iraqi expatriate who was critical of Saddam Hussein, and he created an Iraqi national congress organization of defectors and those who felt as he did that Hussein should be replaced. That is a good thing. I don't know of anyone who was applauding Hussein these years, and certainly Chalabi was on the right track in that area.

He ingratiated himself to some of the leaders in this administration, people making policy in this administration, became, sadly, a source of information. I say "sadly" because we have come to learn that much of the information given by Mr. Chalabi to members of our administration turned out to be just plain wrong. Mr. Chalabi helped weave a web of deceit about what turned out to be nonexistent weapons of mass destruction in Iraq. He helped provide the infamous and aptly named source known as "Curveball," who fabricated information about biological weapons labs. This information became a cornerstone, sadly, of Secretary of State Colin Powell's speech and slide show to the United Nations, and it turned out to be all wrong. I think in his days of distinguished service to the United States there are very few moments that Secretary Powell regrets more than being led into repeating some of these assertions by Ahmed Chalabi and his followers. Chalabi seems to have no such regrets.

I took a look at Mr. Chalabi, who was confronted recently. It was in February of last year, as a matter of fact. He was confronted with the fact that many of the things he told the United States about Iraq turned out to be completely false. And here is what they wrote in this article on February 19 of 2004 in the London Telegraph:

Mr. Chalabi, by far the most effective anti-Saddam lobbyist in Washington, shrugged off charges that he deliberately misled U.S. intelligence. "We are heroes in error," he told the Telegraph in Baghdad.

He goes on to say, and I quote Mr. Chalabi: As far as we're concerned we've been entirely successful. That tyrant Saddam is gone and the Americans are in Baghdad. What was said before is not important. The U.S. administration is looking for a scapegoat. We are ready to fall on our swords, if he wants. Unrepentant, giving bad information to the American Government, which it followed in planning this invasion of Iraq. Ahmed Chalabi, no regrets. He achieved what he wanted to achieve: Saddam Hussein is gone. The Americans are in Baghdad. The fact that the
American people were misled obviously does not trouble him, but it should trouble others.

What about Mr. Chalabi today? He has a title. He is Deputy Prime Minister in Iraq, and he received a hero’s welcome from this administration over the last 7 days.

The other part of this story I haven’t mentioned is that on May 20 of last year, the Iraqi security forces RAIDED Mr. Chalabi’s home in Iraq, seizing documents and other evidence, and charging him with having sold American secrets to Iran, one of the countries in President Bush’s axis of evil, a code that could have endangered American troops and American security.

That is a high crime, as far as I am concerned, the kind of thing which no one can excuse or overlook. In fact, the FBI initiated an investigation of Chalabi for selling or giving those secrets to Iran, and twice last week the FBI told us it was a continuing active investigation. It is ironic they told us that while Mr. Chalabi was the toast of the town in Washington, moving from one Cabinet official to another, from Secretary of Defense Donald Rumsfeld to Secretary of State Condoleezza Rice, where he was greeted as warmly as a dignitary from overseas, and then going to visit with Secretary of Defense Donald Rumsfeld and finally, of course, with Vice President Cheney.

This man under active investigation by the FBI was being warmly received as a Head of State in these agencies. Why, one might ask, isn’t the FBI doing its job? Why aren’t they calling him in for information, whether he sold secrets that could have endangered American lives? Mr. Chalabi is no hero to me. He seems to be one to some members of the Bush administration. This is a man who should not be treated like a hero. He ought to be treated like what? I think that is what the FBI said he was last week. The fact he is being vetted by high-ranking officials rather than being questioned by the FBI speaks volumes. Mr. Chalabi went on to say when he was asked about this during his visit to Washington:

As far as we’re concerned, we have been entirely successful. That tyrant Saddam is gone and Americans are in Baghdad.

He said: Let’s look to the future. Let’s look not to the past.

I think it is a fair, as the New York Times editorial stated on November 10, 2005:

Mr. Chalabi is not just any political opportunist. He is no more than another Iraqi is responding from the Bush administration to make two disastrous mistakes on the Iraqi intervention. Basing its justification for war on the false premise that Saddam had active unconventional weapons programs and falsely imagining that the Iraqi people would greet the invasion with unalloyed joy.

Even after the invasion when people were beginning to ask where were these weapons of mass destruction, Chalabi insisted the U.S. forces were simply in the wrong places and asking the wrong people.

In spite of all these transgressions, Mr. Chalabi is being warmly received by this administration.

Mr. President, I know Senator Stevens is on the floor to deliver a eulogy for our former Sergeant at Arms, and in deference to him and his purpose for coming—

Mr. STEVENS. No, I am not going to deliver a eulogy.

Mr. DURBIN. Mr. President, I will close and give the floor to Senator Stevens for whatever purpose brings him here.

We believe what happened on the floor of the Senate is significant. We said there must be a change of course in Iraq. We said, that failed policy brought us to this point. We owe it to our servicemen and their families and the American people to have a plan for success that will bring stability to Iraq on a timely basis, give them responsibility for their own future, and start to bring American troops home.

Our critics say we want to cut and run. No, we want to stop the loss of life by Americans in Iraq. We want to make sure the Iraqis know it is their responsibility for their future.

I certainly believe, as others do, that someone such as Ahmed Chalabi is one of the reasons we made fatal errors in the beginning of this invasion of Iraq. He should not be treated as a hero. I didn’t vote for this war. In the fall of 2002 when we were debating use of force, I offered an amendment to defend the United States from an imminent attack by Iraqi weapons of mass destruction. That amendment got to the heart of the matter with the intelligence of weapons of mass destruction so cloudy. It would have raised the threshold for war. It failed.

Now we have to move forward making certain that we keep in mind first and foremost commitment to our troops and our commitment to our mission. This is a historic vote today with the adoption of the Democratic amendment as changed by Senators Warner and Frist. I sincerely hope that this vote will change policy to bring our troops home safely.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Illinois for his courtesy. I do intend to attend the ceremony to eulogize the former Sergeant at Arms of the Senate.

(The remarks of Mr. Stevens pertaining to the introduction of S. 12 are printed in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. STEVENS. Mr. President, I ask unanimous consent that the Republican-controlled time of the Commerce-Justice-Science appropriations conference report be reserved for later in the day.

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

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DeMINT. I ask unanimous consent to speak for 10 minutes as in morning business.

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

Mr. DeMINT. Mr. President, I was just across the way in my office working on several things that I think are important to the country. We were working on a bill to stop the increases in taxes that will occur unless we act immediately. We were working on a bill that the Democrats are trying to obstruct, but it is critically important that we pass this stop-the-tax-increase bill in order to keep our economy growing and to keep creating jobs in this country.

I was also working in my office, with some of my staff, on some of the things we can do to move this country more toward energy independence. But I kept listening to my distinguished Democratic colleagues, and I heard him talking about our President and this war. The more I listened, the more frustrated I became. As a matter of fact, I would have to say I became very angry because I was hearing these accusations, and shameful criticisms, things that were said that I think diminish the Senate as an institution, which I feel must be refuted.

I am afraid that my Democratic colleagues are playing the war on terror similar to a political game. It is a dangerous game that endangers our troops, and it is a dangerous game that the Democrats have played before. Over the last 25 years, terrorist attacks in this country and around the world have increased. During the Clinton administration, Americans were killed in our embassies, on our warships and even in New York City when the World Trade Center was attacked by terrorists. From the Democrats and the Clinton administration, there was a lot of talk, but there was no action. It was all left to the next President to deal with. Instead of dealing with it in a way that would help secure our future, the Clinton administration gutted our intelligence network with politically correct ideas that greatly reduced our ability to gather intelligence in difficult places around the world. John Deutsch, President Clinton’s Director of the CIA created rules that hurt our intelligence community’s ability to gather human intelligence.

Now my Democrat colleagues accuse President Bush of using poor intelligence to do what they said needed to be done before He was even elected President.

In 1998, with President Clinton’s leadership, we supported regime change in Iraq. This was something that was decried by many Democrats before President Bush took office. There are some reasons we did this. Saddam Hussein had demonstrated that he was a danger to civilization years before. He not only attacked Kuwait and tried to assassinate an American President, he committed mass murder all over his country using weapons of mass destruction. He was a deadly killer.

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He supported terrorism in other countries. If a terrorist in Israel blew himself up and killed Israelis, the family of that terrorist would receive a check from Saddam Hussein. To suggest that Iraq was not supporting terrorism is not true. Saddam Hussein was part of the original gulf war settlement, agreed to document and prove the destruction of his weapons of mass destruction, which he acknowledged he had. But he did not disarm. He did not document the destruction. He insisted he had to play a mouse-and-mouse game with him. The world did not know what Saddam Hussein had. Our decimated intelligence network had to guess whether he had them. President Bush made the only decision he could.

Knowing the history of Saddam Hussein, having a national policy that was written by the Democrats to remove him from power, he made a decision to take action instead of talking about it. The pressure of removing Saddam Hussein from power happened before President Bush was elected and had been supported by Democrats. But now they come down to the Senate floor and suggest that because the President had information that he rushed us to war. In fact, leaving Saddam Hussein in power would not have been acceptable to any administration that looked at the facts.

This country cannot allow murderous dictators who have attacked our allies, threatened civilians and destabilized the Middle East to stay in power.

Now we have Democrats, whose attitude basically embolden terrorists for a decade during the 1990s by talking but not doing, on the Senate floor attacking our President for doing what we knew had to be done. But this is the Democrat pattern. They say anything, but they do nothing.

We are dealing with a serious energy situation in this country today, but for the last decade they have obstructed any development of our own domestic energy supplies. Now they are on the fence blaming President Bush for the high energy prices, while the President and the Republican Congress have managed, despite the Democratic obstruction, to pass an Energy bill that will move us toward energy independence.

The Democrats are on the floor often complaining about America job losses, but when we try to pass legislation that improves the business climate in this country, they obstruct. They obstructed passing our elimination of junk lawsuits and the elimination of fraudulent bankruptcies. They tried to stop that, voting on bloc against it. But the President and the Republicans have been able to pass that and move us along.

There are a whole list of things that Republicans, with President Bush’s leadership, have done from the Energy bill, to class action and bankruptcy reform. We have passed a budget that reduced the growth in spending. We have passed a number of things that improve vocational training. There is a huge list.

On the back side of this list is what America needs to know about: The Democrat agenda, of which they have none. The reason they are misleading the American people about our President and not talking about the war on terror is they have no agenda. They are not willing to step out and take any leadership on any issue. So all they do is obstruct, attack, distort, and complain with their “do nothing” agenda.

It is hard for some of us, as we try to go about our work, to move America forward and address the difficult problems of today and create more opportunities for tomorrow, when we have to carry a concrete block we call the Democrat Party. But when they go across the line and start misleading America about the importance of this war on terror and treating it akin to some kind of political game, when we and our children and future generations are in the rest of the world. As we see almost every day, this war on terror is real—we cannot treat it as some kind of silly political debate where they are trying to give the Commander in Chief of this country a time out as to when our troops need to go home. It is like they have not bother to go to Iraq themselves and meet with the troops, as I have had the chance to do twice this year, and talk with the generals. The President has met every deadline he set for elections, to approve our constitution, and we are moving exactly as he said we would move, to turn more of the defense of that country over to their military. That is happening. They are opening businesses, schools, and hospitals, and we are helping them along the way. When we get them to the point where they can defend themselves, the President will bring our troops home, but continue to stand firm against terror, wherever it exists around the world.

This is not a game. Terror is a real enemy, and Americans have already died because we did not take the war on terror seriously. It is time to take it seriously and to stop playing political games with the most important issue of our generation.

I do not think we as a Nation should ever yield to terror or the type of rhetoric we have had to listen to today.

Mr. DeMINT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CorNYn. Mr. President, I wish to speak briefly about the events this morning, the votes we had prior to our adoption of the Defense Department authorization bill, particularly on the Levin-Warner, and Levin amendments, and try to put this in some context.

First of all, I think we would all agree that our young men and women in uniform who are fighting for free democracies in Iraq and Afghanistan and elsewhere are doing a magnificent job, one that they have volunteered to do since we no longer have had the draft. Only people who want to be in our military join our military. Certainly, we have nothing but honor and respect for those who put themselves in harm’s way in order to make us safer and, beyond that, to engage in the noble cause of delivering the blessings of liberty to those who have known nothing more than the boot heel of a tyrant, as 25 million or so have in Iraq, and those who lived under the Taliban—a similar number—where al-Qaida trained, recruited, and exported its terror in Afghanistan. Where we were able to turn both of those countries toward the path of democracy and self-determination as peaceful states.

I regret that this war in which we are engaged, the global war on terror, with its central front being Iraq today, has become such a political football. Unfortunately, we see it is just too tempting a target to partisans, some partisans, to try to engage in revisionist history in order to score political points or, as we saw this morning, an attempt to impose an arbitrary deadline on the withdrawal of our troops in a way that would jeopardize everything that we have invested in terms of our young men and women, the lives lost, the injuries sustained, and the treasure we have invested in an effort to try to restore Iraq to a self-governing democracy.

I wish to be clear that I am not questioning the patriotism of those who supported this arbitrary timetable for withdrawal in voting for the Levin amendment, but I am questioning their judgment. I think it is simply too important for us to engage in the partisan push and shove here on the floor of the Senate when there is so much at stake. To me it seems clear that a vote on the Levin amendment today was a bipartisan rejection of an artificial timetable for withdrawal.

I have already seen some of the Web sites and even fundraising appeals that have taken place ever since these amendments were voted on. That is the kind of world we live in here in Washington, inside this big fishbowl where sometimes the people’s common sense or sense of duty. This clearly was not a Democrat victory, to change Iraq policy as some have already suggested, the spin doctors, Chris Warner, and Levin amendments. To me it seems clear that a vote on the Levin amendment today was a bipartisan rejection of an artificial timetable for withdrawal.

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be about whether Republicans have scored points or whether Democrats have scored points. Rather, this should be about our military strategy on the ground in Iraq that is being implemented as we speak to restore Iraq to a self-governing democracy.

How are we doing that? By a three-pronged plan that, No. 1, says we need to train the Iraqis to provide the security necessary so democracy can flourish; No. 2, to build basic infrastructure so the quality of life in Iraq is such that people feel they have a stake in the outcome, the success of this new democracy; and No. 3, to build democratic institutions, beginning with the passage of a constitution on October 15 and now leading up to election of their permanent government on December 15.

The people of Iraq have been through a lot in these last years. They have been through, even since the fall of Saddam, a lot of turmoil since government control has been lost. That event has been complicated in this transition to permanent self-government. It is a shame, it seems to me, that there are those who would call for an artificial deadline for withdrawal, unfortunately to try to generate public opinion in a way that breaks our resolve and increases the likelihood that we will leave before we get the job done.

I am grateful that a bipartisan majority of the Senate rejected that artificial deadline for withdrawal and made a commitment, as I see it, to stay and get the job done until Iraq gets back on its feet and has a reasonable chance of succeeding as a peaceful and democratic country.

Last week, our country celebrated Veterans Day, last Friday, the day we set aside each year to honor the bravery and the sacrifice of our men and women in uniform who serve our country. I had the chance, as did many of us, to tour the home State of veterans who returned to Texas. I went to a ceremony at the Brazos Valley Veterans Memorial to honor these brave men and women. I have must say, I was struck once again at the great chasm that seems to separate the rest of America from the echo chamber here inside the beltway in Washington, DC. I was reminded of the differences in perception of what it is we are about and the obligation we have to support those men and women in uniform who are marching for what we believe in. We know they are fighting for what they believe in, and they do so even when the going gets tough. They do not cut and run when it becomes politically expedient to do so.

I had the chance to look across that audience. We had a large collection of World War II vets, people like my dad who flew in the Army Air Corps out of Molesworth, England, flying a B-17. Ultimately he was shot down and captured, and spent 4 months in a German prison camp before General Patton and his colleagues came along and liberated him and his fellow POWs. But as I looked across that audience, I saw people like my dad, a generation that is certainly getting older and unfortunately leaving us at a relatively rapid pace. There were those present who had previously served, and there were some that have been affected by the cancellation of those programs. There were family members of loved ones who are now overseas and families of those who had paid the ultimate sacrifice.

Although the circumstances differed from person to person there in that audience, they all had several profound things in common. I don’t know that I could tell you that every single person at that veterans event was in complete agreement with the decision of this President or this Congress to authorize the use of force to remove Saddam Hussein, but what I can tell you is that these people were all patriots. They support our troops 100 percent, and they support the ideals upon which our country was founded 100 percent. They know the contributions of our troops and the service of those who actually have the responsibility of conducting our national security and national defense operations, I thought it appropriate to point out that even though there are those who dramatically opposed the war in Iraq, there is a huge chasm, it seemed to me, between what I saw there in Bryan-College Station at the Brazos Valley Veterans Memorial Friday night and what I hear argued in the halls of the U.S. Congress, including this morning. I am glad to report the obvious to all of us who live and represent constituencies around the country, that patriotism is alive and well, and our fellow citizens realize that we must continue to support our men and women in uniform in their brave and selfless and noble efforts.

I have come to this Chamber several times during the past few weeks to speak about the situation in Iraq and to do my small part in refuting the false charges by some partisans that the administration has manipulated intelligence in the lead-up to the war. I wish to reiterate my view that we must not let the politics of the moment undo our military effort in Iraq. Such a decision, such yielding to such a temptation would be incredibly shortsighted considering how much has been accomplished in a relatively short period of time and how dear our investment has been, both in terms of the lives lost and the money the American taxpayer has committed to this noble effort. We must stay the course in Iraq.

If our troops were to leave prematurely, what would happen? It is likely that the country would collapse into chaos. Terrorists such as Ayman al-Zawahiri, al-Qaida’s No. 2 operative and Osama bin Laden’s deputy, and Abu Masab al-Zarqawi, al-Qaida’s chief terrorist in Iraq and the one principally responsible for the terrorist attacks we saw last week in Jordan at the wedding reception that killed other innocent civilians—these are individuals who vowed to destroy America and everyone who stands in their way in their attempt to seize power.

A letter from Zawahiri and Zarqawi makes this threat exceedingly clear. If there is any doubt about who our enemy is and what is at stake—on which there should not be after September—all one needs to do is read this letter. It is easily available to anyone who wants to read it. It is found in full on the Web site of the Director of National Intelligence, which is www.dni.gov. In that letter, Zawahiri clearly describes al-Qaida’s vision to establish an Islamic caliphate that would rule the Middle East, destroy Israel, and threaten the very existence of the free and open society that is life.

The consequences of a United States pullout from Iraq should not be in question, either. In this letter, Zawahiri tells Zarqawi that when the United States leaves Iraq, al-Qaida must be prepared to claim the most political territory possible in the inevitable vacuum of power that would arise.

Yes, that is right; a premature withdrawal of our troops from Iraq would create a safe haven for al-Qaida. Iraq would be more dangerous—not less—if we fail to finish the job. An early arbitrary withdrawal from Iraq would empower and embolden the sworn enemies of America and, indeed, all civilization and anybody who disagreed with them. Failure to stay the course and continuing to lay the foundations of a functioning democracy would result in more—not less—terrorist attacks.

Let me say that again because there are actually some who make the specious argument that our very presence in Iraq results in more terrorist attacks. But the failure to stay the course, the failure to finish the job that we started in 2003. The failure to continue to lay the foundations of a functioning democracy, would result in more—not less—terrorist attacks.

This letter from Zawahiri to Zarqawi makes that clear. Once they see America leave Iraq, once they fill the vacuum that exists, that is where they would continue to train, that is where they would continue to recruit, and that is where they would continue to expand. Terrorists believe there would not be a greater probability of our sustaining another 9/11 on our own soil is kidding themselves.

Some of the administration’s critics are now arguing, as we heard this morning, for a hasty withdrawal from Iraq. Their actions are nothing more than an attempt to gain the attention of a concerned nation for political advantage rather than a serious strategy for victory. Armchair generals in Washington, DC, are hardly in a position to know what is the best military strategy in Iraq. We ought to listen to our combatant commanders,
such as General Abizaid, the CENTCOM commander, and General Casey, who is in charge of coalition forces in Iraq. They have told us we have to finish the job, that we can finish the job, that there is no military on the face of the Earth that can defeat the United States of America, that the only one who can defeat the United States of America is the United States itself—by losing our resolve, by prematurely withdrawing, by cutting and running, and leaving the Iraqis to fend for themselves, what would surely descend into chaos.

Our withdrawal from Iraq should be determined by the military commanders on the ground and our Commander in Chief. All of us who have been to Iraq to visit our troops on the ground are confident that over time the 210,000 or so Iraqis who have now been trained to provide security for their own people sooner or later will be able to take this job upon themselves and gradually, with the circumspection of the rule of law and a consistent commitment of the ground, bring our troops home.

Do all of us wish our troops could come home sooner rather than later? You bet we do. We want them to come home. But we cannot get them home. The consistent commitment of our troops stems from duty to finish the job we started in Iraq. But we should not under any circumstance impose an arbitrary timetable on our forces, signaling weakness to our enemy, emboldening them to stay with their strategy because it must be working, and we must keep going even though it is tough. Our troops in Iraq are committed to victory.

I mentioned the chasm that separates Washington, DC, and these chambers from the rest of America when it comes to the perception of what we are about in Iraq and the fight for freedom’s sake. There is also a huge difference when you travel to Iraq and talk to our troops. They wonder at some of the news reports and some of the politicalization of what they are about, that they aren’t confused about their job, they aren’t confused about the nobility of their cause and the importance of what they are about. Our troops in Iraq are committed to victory. I hope our elected officials would show the same resolve here at home.

As every one of our military personnel in Iraq understands, Americans do not cut and run; Americans do not abandon their friends. We must remember that it is in the absence of democracy, in the absence of the rule of law that extremism appears. When the rule of law as implemented, when people have a forum by which to redress their grievances as we do in democratic circumstances, this is when the radical ideologues are stilled and even extinguished. We have to remember how far the Iraqi people have come in such a relatively short time—from a time when they were ruled by a dictator who cared nothing for human life and who used weapons of mass destruction on his own people. I have seen, as have others in this body, the mass graves where at last count at least 400,000 Iraqis lie dead because of the ruthlessness of this blood-thirsty dictator. It is this, this predatory and brutal dictatorship that the Iraqi people were oppressed by this brutal dictator. Those who privately yearned for freedom kept silent out of fear for their lives and the lives of their family and other loved ones. But that is no longer the case.

We have seen and continue to see that our strategy is working. The Iraqi people will vote in elections next month. I make a prediction that their turnout in these elections will be broad-based, across all the sects in Iraq, and their turnout will exceed the turnout we see in this country in our national elections. We saw that happen with, I believe, the 63-percent turnout in the vote to ratify the Constitution. It now appears that the Sunnis, many of whom boycotted that election, will finally participate in full force in electing their first leaders in a permanent government.

I hope the Members of this body who yield to the temptation to politicize this issue realize their remarks run the real risk of not only dividing Americans but undermining the resolve for the important task we have at hand, and devalue the sacrifice of our brave men and women in uniform and the noble cause that we stand for. I yield the floor.

MORNING BUSINESS

Mr. MCCONNELL. 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.

Mrs. MURRAY. Mr. President, I will not object, but I would amend the unanimous consent request by asking Senators permitted to speak for up to 10 minutes each.

Mr. MCCONNELL. Mr. President, I will not object, but I would amend the unanimous consent request by asking Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

CONDEMNATION OF THE AMMAN TERRORIST BOMBINGS BY KING ABDULLAH II OF JORDAN

Mr. MCCONNELL. Mr. President, I rise to express my deepest condolences to the families of the innocent victims of the brutal terrorist attacks that occurred in Amman, Jordan, last Wednesday. Homicide bombers, wearing deadly explosives under their clothes, entered three popular and crowded hotels and detonated themselves. Jordanian authorities have determined that the attack was the work of al-Qa’ida.

So far, 57 are thought dead, among them a number of children; many more are injured. A wedding reception was underway in one of the hotels, and on the day after what should have been the happiest day of their lives, a young Jordanian bride and her groom each had to bury their slain fathers.

Watch my colleagues and I mourn in completely condemning the terrorists behind this attack. America will never give in to terrorists and their murder of innocents. Unthinkable evil like that only strengthens our resolve to fight terror and bring those who practice it to justice.

According to our great ally King Abdullah II of Jordan, the targets of these Muslim terrorists were not Americans, but fellow Muslims. The hotels were well known to be frequented by Jordanians and Iraqis. The terrorists’ hope is that by attacking America’s allies, like Jordan, they can frighten those countries into abandoning the War on Terror, and divide the grand coalition of free nations who oppose them. That appears to have been the purpose of the Amman attacks.

Well, the terrorists will not get what they want. I wish to bring to my colleagues’ attention the inspired words of our great ally King Abdullah II, given shortly after the terrorists struck. Before this bombing, King Abdullah was America’s steadfast partner in the War on Terror. Today, if possible, he stands even more aligned with our effort to fight terror.

King Abdullah and the Jordanian people will not be swayed by the terrorists.

In fact, we saw the demonstrators in the streets of Jordan—not against the King but against the terrorists.

The day after the bombings, the King declared: ‘‘We will not be intimidated into altering our position, nor will we abandon our convictions or forfeit our role in the fight against terrorism in all its forms.’’ He continued: ‘‘To the contrary, every act of terrorism strengthens our resolve to adhere to our convictions, and to confront, with all the means at our disposal, those who seek to undermine the security and stability of this country.’’

We all applaud King Abdullah for his strength and commitment to this fight. He refuses to bend to fear. His vision of a Jordan that rejects terror strengthens the will of every Jordanian, even those who emerged bloody and scarred from these atrocious attacks, to see this struggle through.

King Abdullah also deserves praise for his message that Islam is a religion of peace, and that the terrorists are not protectors of the Muslim faith but defilers of it. He is one of the world’s foremost voices for moderation and tolerance in Islam. He understands that the War on Terror is not a war between America and Islam, as some of the most radical terrorists try to paint it. The terrorists actually and paradoxically make us small, fringe faction of violent extremists on one hand and a coalition of all freedom-loving peoples, Muslim, Christian,
Jewish and Hindu among them, on the other. I ask for unanimous consent that the entirety of King Abdullah’s statement on the Amman bombings of last week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIS MAJESTY KING ABDULLAH’S ADDRESS TO THE NATION FOLLOWING THE AMMAN BOMBINGS, NOVEMBER 10, 2005, AMMAN, JORDAN

I write by extending my profound condolences to the families of all the innocent victims who were killed, and we are praying for a swift recovery for all of those who were injured.

This is not the first time that Jordan has been a target of terrorism. It is also not the only country that has been a victim of terrorism; there have been many countries in the region and throughout the world which have been similarly terrorized by attacks of greater scope and intensity.

We know, however, that Jordan has been targeted more than any other country for several reasons, among them, its role and its message defending the essence of Islam—the religion of moderation and tolerance that anchors the terrorists who kill innocents in Islam’s name, even as Islam is innocent of such crimes.

Let it be clear to everyone that we will pursue these terrorists and those who aide them; we will reach them wherever they are, pull them from their lairs and submit them to justice.

Jordan does not bow to coercion. We will not be intimidated into altering our position, nor will we abandon our convictions or forego the struggle against terrorism in all its forms. To the contrary, every act of terrorism strengthens our resolve to adhere to our convictions, and to confront, with all means at our disposal, those who seek to undermine the security and stability of this country.

Our confidence in the security services and their ability to protect the security of this country and its stability remains unwavering. We have succeeded in preventing many planned attacks on this country. For every infraction, terrorists have had to carry out one of their crimes, we have had many more successes in foiling their plots.

I appeal to every citizen—man and woman alike—to consider this day as one for a just and dignified life, for himself or herself a soldier and a security officer. Each one of you has a responsibility to protect your country. Circumstances require each and every citizen to be cautious and vigilant, and to cooperate with the security services to prevent any attack on the security and stability of this country. We must be united in confronting these terrorists, who have neither a religion nor a conscience.

I am confident that the patriots of Jordan—men and women, young and old—will maintain as always they have, a watchful eye over the country and its security, and will be the first line of defense in protecting Jordan and its achievements. Jordan will continue, with the help of God and the determination of its people, to overcome evil.

Finally, all my thanks and appreciation go to our brave security forces and civil institutions, as well as to the citizens of Jordan who have acted as one in confronting the attacks on our precious capital, Amman.

Mr. McCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

(The remarks of Mrs. MURRAY and Ms. COLLINS pertaining to the introduction of S2008 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

THE PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Ms. STABENOW. Mr. President, I ask unanimous consent that following my remarks, Senator DURBIN be recognized.

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

Ms. STABENOW. I thank the Chair.

ASIAN TRADE

Ms. STABENOW. Mr. President, President Bush arrived in Japan today and will meet tomorrow with Prime Minister Koizumi. Later this week, he will travel to China to meet with their President as well. It is time that we insist that the President seize this opportunity, this important opportunity, to demand changes, changes in our economic relationship with China and with Japan. The President needs to say, as he is there with those leaders that we will no longer accept their illegal trade practices that are costing American jobs, and we demand that changes be made; we no longer accept the fact that China and Japan manipulate their currency, which means their products are less expensive than ours when they sell them into this country; we no longer accept that they are stealing our patents and our intellectual property.

Last week, I was pleased to author a letter to the President with that very message on behalf of myself and 14 other Senators, urging him to make 2 major changes in our relationship with these important nations: No. 1, we need to end the rampant counterfeiting of American goods. It is occurring in China. It is estimated that 7 percent of world trade is in counterfeit goods, that the counterfeit market is worth $350 billion. It is estimated that in the auto industry alone, we lose over $12 billion annually to counterfeit auto parts, parts that are unsafe as well as costing us jobs. If you stop this illegal activity, the auto industry could hire an additional 200,000 workers—200,000 workers in Michigan. That would equal our ability to cut our unemployment rate by two-thirds of the people who are now challenged with losing their way of life, trying to figure out what they are doing to if they are making half or a third less of what they used to make because of what is happening in manufacturing in our country. People are paying more for health care and may very well lose their pension.

We can do something about this if we simply change our relationship and send a strong message that we are going to put American businesses and American workers first. Our middle class clearly was built on manufacturing, and our manufacturers are having a hard time these days.

It is critical that we continue to manufacture in this country. Is it changing? Has it changed? Of course, it is now high-tech manufacturing. When you walk into an automobile factory, it looks very different—quiet, clean, computerized. That will now become a race to the bottom for American families.

The Economist Magazine recently reported a disturbing fact. This year, manufacturing jobs in the United States dropped below 10 percent of the population for the first time in history. This is not acceptable if we are going to continue to have our way of life in this country, and it is not necessary. If we make things in this country and add value to it as we do so, as well as grow the manufacturing sector, that is a way to grow our economy, and that is what has created the wonderful middle class and the wonderful way of life we have enjoyed for so long as Americans.

We can do better than this policy that is currently in place.

The President must demand that China and Japan stop manipulating their currency. When they undervalue their currency, it makes U.S. exports to China, artificial and excessive, and places U.S. manufacturers at an unfair disadvantage in the Chinese market. It also makes their imports to us artificially less expensive, hurting manufacturers and costing American jobs. If Japan—the leading country of the Asian economic bloc, the Prime Minister of Japan is there with those leaders, that is a country that is now becoming a race to the bottom for American families.

I am confident that the President use this opportunity to demand changes, changes in our economic relationship with China and with Japan. The President needs to say, as he is there with those leaders that we will no longer accept their illegal trade practices that are costing American jobs, and we demand that changes be made; we no longer accept the fact that China and Japan manipulate their currency, which means their products are less expensive than ours when they sell them into this country; we no longer accept that they are stealing our patents and our intellectual property.

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The Economist Magazine recently reported a disturbing fact. This year, manufacturing jobs in the United States dropped below 10 percent of the population for the first time in history. This is not acceptable if we are going to continue to have our way of life in this country, and it is not necessary. If we make things in this country and add value to it as we do so, as well as grow the manufacturing sector, that is a way to grow our economy, and that is what has created the wonderful middle class and the wonderful way of life we have enjoyed for so long as Americans.

We can do better than this policy that is currently in place.

The President must demand that China and Japan stop manipulating their currency. When they undervalue their currency, it makes U.S. exports to China, artificial and excessive, and places U.S. manufacturers at an unfair disadvantage in the Chinese market. It also makes their imports to us artificially less expensive, hurting manufacturers and costing American jobs. If Japan—the leading country of the Asian economic bloc, the Prime Minister of Japan is there with those leaders, that is a country that is now becoming a race to the bottom for American families.

I am confident that the President use this opportunity to demand changes, changes in our economic relationship with China and with Japan. The President needs to say, as he is there with those leaders that we will no longer accept their illegal trade practices that are costing American jobs, and we demand that changes be made; we no longer accept the fact that China and Japan manipulate their currency, which means their products are less expensive than ours when they sell them into this country; we no longer accept that they are stealing our patents and our intellectual property.

Last week, I was pleased to author a letter to the President with that very message on behalf of myself and 14 other Senators, urging him to make 2 major changes in our relationship with these important nations: No. 1, we need to end the rampant counterfeiting of American goods. It is occurring in China. It is estimated that 7 percent of world trade is in counterfeit goods, that the counterfeit market is worth $350 billion. It is estimated that in the auto industry alone, we lose over $12 billion annually to counterfeit auto parts, parts that are unsafe as well as costing us jobs. If you stop this illegal activity, the auto industry could hire an additional 200,000 workers—200,000 workers in Michigan. That would equal our ability to cut our unemployment rate by two-thirds of the people who are now challenged with losing their way of life, trying to figure out what they are doing to if they are making half or a third less of what they used to make because of what is happening in manufacturing in our country. People are paying more for health care and may very well lose their pension.

We can do something about this if we simply change our relationship and send a strong message that we are going to put American businesses and American workers first. Our middle class clearly was built on manufacturing, and our manufacturers are having a hard time these days.

It is critical that we continue to manufacture in this country. Is it changing? Has it changed? Of course, it is now high-tech manufacturing. When you walk into an automobile factory, it looks very different—quiet, clean, computerized. That will now become a race to the bottom for American families.
fact, we can do something about currency manipulation right now. Every 6 months, the Secretary of the Treasury submits a report to us as to whether countries are manipulating. We expect to have a report in front of us this month, the month of November. Unfortunately, I can say that it always said, which is technically they are doing what we all know that they are doing, we all know. Any businessperson in my State can tell you that China is manipulating their currency. Talk to people in the auto industry, they will talk about Japan. And yet our own Treasury Secretary will not certify it is happening, giving us the tools to enforce against this illegal trade practice.

Let me be very clear. Currency manipulation kills American jobs, and it is illegal, it is illegal under the WTO and IMF obligations. China says they want to be a part of the world community, the world marketplace. They have been allowed to do that. We now need to say to them very strongly, with this opportunity comes the responsibility to follow the rules.

One of the things that is extremely concerning to me, when you look at currencies, we have lost over 1.5 million manufacturing jobs because of this one policy that is illegal. The Treasury Secretary can do something about that by simply certifying that it is happening, and the President of the United States right now this week can look the President of China in the eye and say this is no longer going to be tolerated by the United States of America, we will not continue to lose manufacturing jobs and our quality of life in this country because they are not following the rules. Cheating is no longer allowed by China and by Japan.

The bottom line is we can no longer continue to sit on the sidelines while our economy continues to unconstitutionally control prices, look the other way when it comes time to enforce intellectual property rights, and fail to live up to their obligations under the WTO and IMF. It is not acceptable to say that we are going to throw open our economy in the international marketplace and not care what the rules are.

Every other country cares what the rules are. The European Union took us to court they felt we were unfairly subsidizing our businesses. They won. We changed our tax laws. We are doing what we all know they are doing, we all know. Any businessperson in my State can tell you that China is manipulating their currency. Talk to people in the auto industry, they will talk about Japan. And yet our own Treasury Secretary will not certify it is happening, giving us the tools to enforce against this illegal trade practice.

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Every other country cares what the rules are. The European Union took us to court they felt we were unfairly subsidizing our businesses. They won. We changed our tax laws. We are the only country that does not seem to have policies that get it. This administration doesn’t understand they are supposed to be on the same side of the table with American workers and American businesses. It is time for that to happen. I urge the President to act now before our manufacturing economy and our middle-class way of life is taken from us.

Current health insurance policies are based on a philosophy that says to Americans, you are on your own in a global economy; you are on your own, good luck.

To American manufacturers, you are on your own; American workers, you are on your own.

Mr. President, I believe that we are in this thing together, and Americans understand that we have a stake in what the rules are and an economy that puts 80-year-old American manufacturers and by Japan.

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Mr. President, I believe that we are in this thing together, and Americans understand that we have a stake in what the rules are and an economy that puts 80-year-old American manufacturers and American businesses first so that we can continue the great way of life that we have had in this country. Americans know that we are in it together and that to say with each other. I call upon the President to join us in the fight for our way of life in America.

I thank the Chair.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Chair.

PRESCRIPTION DRUG PLANS

Mr. DURBIN. Today is the opening day for the new Medicare prescription drug plan D, and it is a day of great concern across America for millions of senior citizens to get it right. They believe, as I do, that Medicare should include a prescription drug benefit. It is almost hard to believe that a program that has been in existence for 40 years basically does not provide prescription drugs, but it started in a day when there were not that many prescription drugs and they were not as good. Today, we realize that often taking the right medication can make a person independent, strong, and living the life they want to live and avoiding doctors’ care and hospital care.

So it is certainly the thing to do. We have known it for a long time. We have talked about it for a long time. We debated it over 2 years ago and decided to pass this approach to Medicare prescription drug benefits. I do not think we could have dreamed up a more complicated approach for a benefit that is basically pretty straightforward. Many of us thought the plan we passed here in Congress was just a sop or a favor of the pharmaceutical industry. They wanted to be able to offer plans all across America and say to seniors: We have the best prescription drug benefit. America can do better—a lot better—than what we are asking the seniors to go through right now. American seniors are confused about this plan, and Congress needs to give them at least more time to figure it out.

Let me show you a chart that explains part of it. “Understanding How the Benefit Will Be Administered.” They asked seniors:

To the best of your knowledge, do seniors in the traditional Medicare Program have to sign up with a private plan to get the new Medicare drug benefit or not?

Yes, 35 percent; no, 32 percent; don’t know, 33 percent.

Do seniors have to enroll in a Medicare PPO or HMO to get the new Medicare drug benefit or not?

Yes, 17 percent; no, 40 percent; don’t know, 42 percent.

According to a poll released by the Kaiser Family Foundation last week,
two-thirds of seniors don’t even know they have to choose a private plan. One-third of seniors think they are going to get their drugs through Medicare, and that is wrong. That is the proposal we suggested on the Demo

cratic side of this bill. To make this simple and straightforward, a Medicare plan where the Federal Government would bargain with the pharmaceutical companies to get bulk discounts and low prices, saving seniors money and saving taxpayers money. But the phar

caceutical companies wanted no part of it. They want to be able to charge the highest prices they can. They want the smallest bargaining units they can come up with: groups of seniors rather than all Medicare seniors.

Let me show another chart which spells out some of the problems with the current approach seniors are facing. This chart—and this was part of a survey by the Kaiser Family Foundation, Harvard School of Public Health, on awareness and use of the Medicare Web site, medicare.gov. They asked seniors:

Have you ever heard of the Web site medicare.gov?

Two-thirds said no.

Have you ever looked for information on medicare.gov?

Three-fourths of them have never been online.

Let me show some other statistics that show the gravity of this problem that faces seniors as they have to make literally life-or-death decisions.

The Kaiser Family Foundation asked in a survey, “Seniors’ Beliefs about Enrollment”: Do seniors generally need to sign up to get the new Medicare prescription drug benefit or will coverage automatically begin by January 1, 2006?

Have to sign up, 64 percent; 10 percent said it will begin automatically; 25 percent, don’t know. That was in October 2005.

We are finding fewer and fewer seniors understand the obligation and responsibility they currently have. If a senior does not sign up for a Medicare drug plan in 2006 but wants to enroll in a future year, which of the following is true: He or she will face a financial penalty? Thirty-six percent said yes; 27 percent said don’t know; 19 percent said no penalties; 17 percent said maybe.

Most alarming, 63 percent of seniors don’t know they will face financial penalties if they don’t sign up by May of next year. If a senior decides in June of next year to go back and try to sign up, they will have to wait until November of that same year for the next open enrollment period. Boy, you have to read the fine print. And to think we are putting millions of seniors through this is hard to believe.

I would say this: If you enjoy doing your tax returns, you are going to love signing up for this program because this is going to confront you with more choices and more new information and more fine print that can get you in trouble more than most seniors could ever imagine. For every month a senior waits, they will pay a penalty of 1 percent on the national base premium. That penalty is added to their premium every month for the rest of their lives. So by May, if you have not signed it out and you wanted to wait until October or November, you now have incurred a penalty of 1 percent a month which you now will have to pay as long as you are part of the program, and the penalty can increase each year as premiums increase. That is some punishment for not signing up.

Let me talk about my State of Illinois. There are 17 insurance companies offering 84 different Medicare HMO or PPO plans. There are 16 prescription drug organizations offering 52 different prescription drug benefits, for a total of 136 plans in my State of Illinois. In Cook County alone, there will be 64 different Medicare drug plans.

I asked my staff to act as if they are a senior trying to figure out this plan and find out what they can. You won’t be able to make much of this if you are following this debate. But if you think that is a big, long list of plans to choose from in the State of Illinois, that is half the story. Here is the whole story. This is what your mother and grandmother, your father and grandfather will have to sort through. They will have to figure out what the premium might be, what the deductible is, whether they are going to fill the donut, which is another problem with this plan, whether it covers your drug.

Incidentally, you know what we found out, even if you get on their Web site, you can’t find out if the most common drugs are going to be covered by these plans. We tried to find out if Zocor, a common drug for cholesterol, would be covered by these plans. Not in a single instance could we gather that information. You have to call the plan. You are put into voice mail. You have to wait patiently until you get your call. We were put into a single instance could we gather that information. You have to call the plan. You are put into voice mail. You have to wait patiently until you get your call. We were put into voice mail and you could wait for a minute.

What can seniors do at this point if they don’t have someone in their family they can turn to, whom they can trust, who will help them work through this morass of Government red tape to get to the plan for them? Turn to a group that doesn’t have a financial interest in your situation. Never, ever give out your Social Security number. Go to Government agencies such as the Senior Health Insurance Program in my home State of Illinois, but be prepared for a long wait. We had our office call on behalf of some seniors to find out how long it would take to get information, and it turns out you are put in voice mail and you could wait for a long time.

In Peoria, IL, there are 23 volunteers answering the phones. They tell us they need 100 to get the job done in that one town.

It is not uncommon for seniors to attend two or three informational sessions. This benefit is so complicated. Some seniors get pretty emotional. They don’t want to make the wrong decision.
In DeKalb County, there are four counselors for the whole county. Bob Rosemier is so concerned about the lack of staff that he is trying to get the DeKalb County Board to put on counselors to explain this complicated Federal program.

I am sponsoring with Senator Nelson and Senator Schumer a bill called the Medicare Informed Choice Act of 2005. I ask any of my colleagues in the Senate who are receiving phone calls from seniors in their State facing the same issues I just described—finding it almost impossible to wade through this information and make the right choice, concerned they won’t be able to do it even in the few months we have given them, worried over the penalties that could be assessed against them if they miss the next May 16 deadline—to help us pass this bill before we go home for Thanksgiving.

This bill does three things. It delays the late enrollment penalties for an additional year, it gives seniors an entire year to sign up without penalty. It gives every Medicare beneficiary the opportunity to make a one-time change in plan enrollment at any point in 2006, so if a senior makes a mistake and chooses the wrong plan, it can be remedied. It also protects employees from being dropped by their former employer’s plan during the first year of implementation so that beneficiaries have time to correct enrollment mistakes.

The Medicare Informed Choice Act is a modest, time-limited step we can take to ease the pressure on our senior citizens so that in the first year they get the decision made and made right, and if they make a mistake, they will not be penalized for it.

I urge all my colleagues, if you believed passionately in this bill as it was passed—and I did not—at least be sensitive to the people back home who are struggling to make sense out of this complicated issue. I urge all my colleagues to join me in the effort with Senator Nelson and others to help protect Medicare beneficiaries during the benefits implementation period.

UNANIMOUS-CONSENT REQUEST—S. 1841

Mr. DURBIN. Mr. President, as I advised before I started speaking, I ask unanimous consent that S. 1841, the Medicare Informed Choice Act, be discharged from the Finance Committee and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. The Chair hears an objection.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent to speak for up to 40 minutes as in morning business and that the time be equally divided between myself and the Senator from South Carolina, and that we may be permitted to engage in a colloquy during that time.

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

SOCIAL SECURITY GUARANTEE ACT OF 2005

Mr. SANTORUM. Mr. President, Senator Durbin and I tonight want to talk about an issue that has drifted to the back burner of American political discourse. It is unfortunate that it has. It is an issue that both the Senator and I, and I know many others on this side of the aisle, have worked to accomplish diligently now for many years, for me since 1995, trying to grapple with the shifting demographics and the changes that are coming to this country when it comes to the issue of entitlement programs.

There is no more important entitlement program that we have to preserve and protect than the Social Security system. It is the bedrock upon which our seniors have the security to meet the needs they have in their later years in life.

We understand this demographic timebomb of the baby boom generation, people living longer, lower birth rates, all of those things coming together to create a demographic perfect storm that causes the Social Security not to be able to pay for the benefits promised to future retirees. We have tried to put forward solutions. I put forward solutions, Senator Frist put forward more than one solution. Other people on this side of the aisle have done so.

The House has done so. The President has put forward ideas on how to address this problem. We have done so because we believe it is important for us to step up to the plate and be serious about addressing this serious concern that millions of Americans who are retired, near retirement, and even younger Americans have about their ability to collect their Social Security check.

We fought hard to bring this debate to a head on the floor of the Senate. Unfortunately, we have not succeeded. We have not succeeded because we have been met with a partisan obstructionism that is as rock solid as the marble before me on the rostrum.

The fact is, we have seen no cooperation at all from the other side of the aisle. Unfortunately, we have not seen any attempt to come to the table and try to solve the problems of Social Security that all sides of the spectrum admit is looming for future generations of retirees. That is unfortunate. It is unfortunate because we have had an opportunity to address an important issue before the crisis strikes.

One of the great complaints that Americans have about Congress is that we wait until the problem is almost overwhelming before we do anything to react to it and therefore end up with less-than-optimal solutions.

We have an opportunity now, as the crisis looms but far enough away, to be able to address it in a way that can spread out the burden and create better opportunities for future generations of retirees, and just as importantly, future generations of taxpayers and American families trying to keep the quality of life and, in fact, improve the quality of life that we have here in America. But we did not get that accomplished.

What Senator DeMint and I have decided to do, in cooperation with our leadership in the Senate, is to try to take a first step. Using football analogies, which I know the Senator from Virginia, Mr. Allen, loves to use, we tried to throw the long ball and march down the field, but we are going to try to run off tackle here and see if we can pick up a yard or two to move the ball down the field to get to the goal of providing retirement security for future generations and saving and strengthening the Social Security system.

The first play in trying to accomplish that is legislation that I have introduced, called the Social Security Guarantee Act of 2005. As I mentioned before, Americans work very hard and pay a lot of money. It is the biggest tax that most Americans pay. The overwhelming majority of Americans, the Federal tax they pay is Social Security tax. From the tax they pay, they expect that benefit to be there when they retire.

The point is, for those who are at or near retirement, the answer is that it is there. In fact, at the long-term problems of dealing with Social Security, there is nothing this Congress should do to affect the near-term retirees and those who are retired today. We have said over and over again, those of us who have been advocates for strengthening the system, whether it is the President or Senator DeMint or Senator Frist or others, that we do not want to do anything to impact those who are near-term retirees and those who are already in the system.

The reason is twofold. No. 1 is we do not have to. The system is solvent. In other words, there is more money coming in than we need to pay out over the next 15-plus years. Therefore, we do not need to have any kind of fixes for those in the short term. The problem is out in the long term.

The second reason is a matter of fairness and equity. To change the game line before someone crosses the finish line, to move the finish line—or even the people who have already crossed that finish line and have ended up in Social Security, to move it back would simply be inequitable. People would not have the opportunity to plan for that, and it could be very disruptive to their retirement.

So what Senator DeMint and I have suggested in the Social Security Guarantee Act is that we put in writing in the statute what everyone has sort of agreed to in casual conversation and even beyond casual conversation. If we can put that chart up, the Senate recently, March 15 of this year, all 100
Mr. BAUCUS. Mr. President, I am not going to spend a lot of time on this because this is just "kabuki" tonight. Everyone knows this is not a serious effort. Everyone knows that this is an attempt, frankly, to make a statement to the press and the people back home. This is not a serious attempt, believe you me. It is not serious, and it is playing with the lives of a lot of senior citizens who wonder what is going on.

This consent asks the Finance Committee to be discharged of the legislation. I do not understand that at all. If this is such an important issue, why doesn't the Finance Committee deal with that? I think the answer to that is because there are not the votes in the Finance Committee. The majority of Republicans would not support this in the Finance Committee. They know privatization of Social Security is one of the worst ideas that has come out of this body by any group of Senators in a long time. The DeMint bill increases the Federal debt held by the public by $1 trillion in current dollars in the first 10 years. It increases the Federal debt by $1.7 trillion the first 20 years. By 2050, the debt will be higher under current law by more than $800 billion. So it is a massive increase in the Federal debt.

Secondly, it will cause a huge increase in the annual budget deficits for the same reasons.

Third, what does it do? It means a reduction in benefits that would otherwise go to Social Security recipients. Why is that? Because the money taken out of Social Security would not be available to pay for Social Security benefits. That will reduce the benefit payments out of Social Security.

The argument is private accounts would offset that. All studies show, at best, that is barely a wash, probably worse than that because the private accounts would have to bear the vagaries of the markets. Over the long haul, seniors would not be doing very well at all.

Add to that, it usually creates a huge risk. More than that, it creates a very large administrative cost not recognized by the authors.

Jason Furman, from the Center on Budget and Policy Priorities, estimates the plan would have administrative costs of at least $25 billion over the first 10 years. That is above what is paid now in the current Social Security system.

Also, the DeMint proposal would treat individuals with different years of birth in different ways. It would cause an inequity among benefits of Social Security recipients.

So I am not going to say much more about this. It is flawed. Frankly, it is a phony gimmick. One has to call a spade a spade around here sometimes and not be too deferential, not be too nice, too courteous, but to call it a spade. This is a fraudulent effort to play with people's lives, and at the appropriate time, it will be appropriately objected to.

Mr. SANTORUM. Mr. President, while I was trying to be courteous in yielding to my colleague, I want to make a couple of comments about what the Senator from Montana said. I would hope he would go back and read the Social Security Guarantee Act of 2005 because that is the language that the Senator from Montana spoke of. What this bill simply does is guarantee benefits in the law for people who were born before 1950. It does not set up any kind of personal account system. It does not do all the things that the Senator from Montana said.

The Senator from South Carolina will talk about his Stop the Raid bill, which simply takes money out of the surplus and puts it into accounts for holders to make sure that that money is spent on Social Security benefits but no administrative costs. All the things the Senator from Montana talked about do not apply to either one of our bills.

I understand there may be an objection, but I would caution the Senator from Montana that the objection cannot be under those terms because the objections that the Senator from Montana cited are not in either one of the bills. I yield to the Senator from South Carolina.

Mr. DE MINT. Mr. President, I say to Senator SANTORUM, as he can tell, I was originally hesitant to yield to our distinguished Democratic colleague, but I am now so grateful that the Senator did yield because it made the case of why we need to guarantee benefits and why we need to stop the raid on the Social Security surplus.

Practically all the information that we heard is untrue as it relates to my bill, but the misleading information is the best case for the Guarantee Act that Senator SANTORUM has proposed. It is so important, when people are getting untruths and so much misinformation that is intended to confuse them, that we reassure the American people that regardless of how we change Social Security to benefit future workers, that we are not going to change anything about the benefits of anyone who was born before 1950.

I am honored to be presenting these ideas with Senator SANTORUM today. There is no one in this Congress and probably no one in this country who has more to protect Social Security for this generation or the next than has Senator SANTORUM.

I am also supporting this Guarantee Act because Americans know that we must pay more to protect Social Security for this generation or the next than has Senator SANTORUM.

I am also supporting this Guarantee Act because Americans know that we have a problem with Social Security. It is disingenuous for any Member of the Senate to suggest otherwise. So we must guarantee in the face of these folks knowing we have a problem, but we also must begin now the process of fixing the Social Security system so it will be there for younger Americans.

We must know that by enhancing Social Security on other things. That is what we are doing right now as I speak.
Americans know why we have a problem with Social Security. Maybe Senator SANTORUM can add more later since he has done so many townhalls. There are many Congressmen and Senators who have gone out to talk about Social Security, and they have had many townhalls. Many of them I am sure would say that Social Security would be fine if you folks in Congress would stop spending Social Security on other things. They figured out that every dime that comes in for Social Security is not needed for today’s retirees or for tomorrow’s retirees.

What we are proposing is to stop that raid on Social Security. We are not proposing a comprehensive change in the Social Security system. In fact, Americans would see no difference in the Social Security system. What we would start doing is to take the money that is not needed for Social Security and save it so that it would not be spent on other things.

Here is the proposition: Between now and 2017, we are going to spend another $775 billion of Social Security money on other things unless we pass this Stop the Raid on Social Security bill. We can see it year to year. This year it is almost $70 billion that came in for Social Security that was spent on other things. Next year it will be well over $80 billion, and it will continue until it disappears in 2017. At that point, there will not be enough Social Security taxes to pay benefits, and we will have to start moving money from the general fund to make sure every American gets their Social Security check.

The Stop the Raid bill would take all of this money, $775 billion, and put it in Treasury bills so that it could not be spent on other things. Instead of the government owning it, the people who send the money for Social Security would own it.

My Democrat colleagues oppose ownership. They do not want the American people to own their own Social Security system. They want the Government to own it, and they want the Government to continue to spend it on other things. We want to stop that, and I am sure that is what the Democrats would say. But the American people want to own it, and to have the Social Security system as what we see as a national retirement system.

My Democrat colleagues have said interesting things about stopping the raid. Our distinguished minority leader has said he supports the raid. He called stopping the raid a “bad idea” that will “threaten benefits and increase the debt and weaken Social Security.” Get that. We are going to save Social Security for Social Security and not to do other things. Social Security is not the bank for other things.

Let’s look at another comment from Democrat leaders. This comes from our colleague in the House, Majority Leader NANCY PELOSI:

There is nothing wrong with Social Security lending money with the prospect of repaying it.

One more quote, and then I know Senator SANTORUM has probably some questions for me. This is from our colleague, CHARLIE RANGEL, the House Ways and Means ranking member. When talking about the raid, he says:

There is nothing wrong with that.

But let me read his whole statement. He said:

Would you have any problem if you put your money into a bank and they just took money and invested it and you went to the bank and they gave you your money when you needed it? There is nothing wrong with that.

The problem is, that is the core of the misinformation we are hearing from Democrats, that our money from Social Security is actually saved in a bank; that it is actually there. But that is not true. It is not fair to tell the American people that it is true. There is no bank. There is no money. We need to start today to stop this raid on Social Security money.

Mr. SANTORUM. I ask the Senator from South Carolina what he thinks about this, is that some people believe that they actually have an account at Social Security where this money they contribute is sort of there—that is moving in the Social Security system. It is not true. What is it about—for them to think they have their benefits out. Is that the fact, first and foremost? Then I will ask my follow-up.

Mr. DEMINT. I have had people back home, when we are talking about saving Social Security and putting it in personal accounts, tell me that is what they thought was already happening. They thought we were saving their money because we talk about a trust fund. But the more people find out the truth, that there is not any money in the trust fund, first people smile and think I am not telling them the truth. We need to tell Americans the truth.

Mr. Santorum. The Senator got into something that is a rather complex concept, but it is really important for understanding the difference between what he wants to accomplish and what goes on in the current system. That is, is your bill does it create an explicit debt? How is that different? What is the difference to the average person, that they have a specific account with that money as opposed to just sort of the general money that is owed to the Social Security trust fund? What is the difference?

Mr. DEMINT. Right now the largest tax most Americans pay is the 12.5 percent for Social Security. That is thousands of dollars for the average American family every year. It comes into the Social Security system. It is credited to a trust fund. Then it is spent either on Social Security benefits or spent on other things.

We have made Americans believe we are saving that money for them, but it is all passing through. The only thing that is in the Social Security trust fund is IOUs. Our President, who has been a leader on this issue, actually went and opened the file cabinet where these IOUs are.

The problem, Senator, as you know, is we cannot pay future benefits from IOUs. But we can from real money if we start saving it. There is nothing risky about saving this money in Treasury notes so it cannot be spent on other things. But you asked an important question. Right now, the Government owns the Social Security benefit and politicians control it. If we start saving Social Security in personal accounts—we are not talking about taking it out of the Social Security system. It is still has as much a part of the Social Security system as what we have today, only it is real money and people own it, which means they have
a legal right to it, which they do not today. In the future, politicians cannot build their whole election campaign around frightening seniors that we are going to take their Social Security.

Mr. SANTORUM. What is the impact? Let us take it a step further. Let us assume we are successful tonight in getting the Stop the Raid bill passed and every American would have their own personal retirement account with the money from the Stop the Raid bill, and 15 years go by and that money has built up its practical effect on the average citizen of what your bill does versus the current system?

Mr. DEMINT. This bill alone would not change anyone’s benefits. In fact, it includes, as yours does, a guarantee. People will continue to get the benefit they have been promised. Only part of their benefit would be paid by the traditional system and part from real money. Our hope is, as you mentioned before, this is a first step. We need to move to the next step of saving the $775 billion and go back and get the Government to pay back what they have already borrowed from Social Security, invest in that in accounts and let them earn interest, and it grows. It is a first step toward solving the future problems of Social Security.

It is going to take several steps to fix it, but this is the most important first step. If we cannot stop spending Social Security on other things we cannot go to the American people and hoisting tell them we have a solution, not if we cannot even stop spending it on something else.

Mr. SANTORUM. I would just ask the Senator from South Carolina, this bill has something to do with something else I hear a lot about, which is honest accounting. One of the things I hear a lot of my colleagues on the other side of the aisle talk about is that the deficit is really much bigger than the deficits reported because the Social Security system is going to be huge deficit.

Will your bill cure that problem?

Mr. DEMINT. Only if we slow our spending as a government.

Mr. SANTORUM. Would it cure the problem of hiding the deficit?

Mr. DEMINT. It is definitely an honest accounting bill. Right now this money goes on the table and the Government secretly sweeps it away and spends it.

Mr. SANTORUM. And lowers the deficit as a result, correct?

Mr. DEMINT. Right. We are going to take it off the table and save it. So the whole point is, if you want to keep spending that money as a Congress, we are going to have to recognize it as debt and admit to the American people that we are spending more than we told them we were spending.

Mr. SANTORUM. So this is not just a Stop the Raid bill. This is a truth in accounting bill? This basically says: Here is how much money we are taking in. Here is the obligations that the Federal Government has with this money we are taking in. In fact, we are taking that obligation and realizing it, in other words putting it into an account that actually could pay that obligation. Is that correct?

Mr. DEMINT. Exactly right. We will also be honest about telling the American people that we are making sure that money, but we are going to start saving their money and we are going to figure out a way to go back and get what has been borrowed from Social Security and put it back so that Social Security will be there for your children and grandchildren. Right now this is not a problem of hiding the deficit.

Mr. SANTORUM. I thank the Senator from South Carolina for, not just the work he has done on the Stop the Raid bill, but I want to thank him for the other ideas he has put forward. He is one of three Senators on this side of the aisle who have put forward comprehensive bills, along with Senator SUNUNU and Senator HAGEL. They have put forth ideas to try to move the ball forward, down the field substantially. I think the Senator from South Carolina, but I think what he has realized is that the opportunity for us to do that this session of Congress is probably dramatically diminished. So we are both looking at trying to move the ball forward, trying to take a vital first step, or first two steps, in assuring the American public that those who are the most vulnerable, their benefits are safe; and for those concerned about the resources being there to be able to pay social security. We need to make sure that money is set specifically aside and given to them to make sure that money is there and promised by the Federal Government to pay in the future.

By the way, the senator from South Carolina is not the only one who has introduced comprehensive legislation. Over in the House, Congressman KOLBE, Congressman JOHNSON, Congressman SHAW, and Congressman MCCREETH on our side of the aisle have put forward comprehensive proposals on dealing with the long-term issues.

So we have made the case. We have worked hard to try to move this issue before the American public but have met a stonewall here on the other side. I suspect, unfortunately, tonight we will probably continue to see that stonewall appear when we ask for unanimous consent to move forward on this legislation. I will certainly make my case and I feel very passionate about this. This is a issue that is important to my State. We have the second largest percentage of seniors in our population. We have a little over 16 percent of our population who are people over the age of 65. That is second only to the State of Florida.

It is important for my State to have the peace of mind for my seniors. I always say we may have fewer as a percentage of our population, we may have fewer seniors than the State of Florida, but we have not less Social Security more than those in the State of Florida because all my rich seniors moved to Florida. The folks who are still in Pennsylvania are getting through those tough winters, in some cases they need and rely on their Social Security benefits.

So as a Senator from Pennsylvania I will tell you that this is a high priority for me. I make sure this generation of seniors gets the benefits they deserve but future generations of seniors get those benefits as well. I think this one-two of the Social Security Guarantee Act and the Stop the Raid bill will go a long way in helping create the atmosphere to get that long-term responsible reform of the Social Security system for future generations in place so they will have a strong and solvent system going forward.

I yield for the close to the Senator from South Carolina.

Mr. DEMINT. I say to the Senator, I know you want to make a motion. But it is important that you and our colleagues know what we are asking for. We are not asking to pass a bill tonight. We are asking to move the bill into the debate process so that the American people can find out more about where we are and how this Guarantee Act and this Stop the Raid Act can secure their future.

I yield back to the Senator to make the motion.

Mr. SANTORUM. I thank the Senator from South Carolina for taking the time to have this important debate. I appreciate the indulgence of the Demo- crat leader for his time.

What this unanimous consent will do, as the Senator from South Carolina has just stated—it will not be to pass the bill tonight. This is not an idea and we are just going to have unanimous consent and pass the bill. What we want to do is engage in a real debate about these two very important issues. So we are going to ask consent, at the time to be determined by the leader, to have a full debate. I am suggesting in the unanimous consent request that we have 10 hours of debate on both of these bills before we move forward and pass them, and obviously here in the next few weeks the chances of finding time to do that is going to be pretty limited. We will be happy to schedule it in January or February of next year so there is plenty of time for the American public to participate in this debate and to have a real discussion about whether we want to protect the benefits that are promised to those who are born before 1950 and whether we want to create the opportunity for honest accounting and for stopping the raid on the Social Security system, to make sure that money stays in the Social Security system and is there to pay benefits for the people who pay money into the system.

That is what this bill does. It stops the raid, it stops that money being used and taken by the Federal Government to pay for other programs and keeps that money—it is vitally im- portant to understand—keeps the money in the system but creates an explicit debt of the Federal Government that
must be paid. It is a public debt. It is not one of these privately held little debt transfers from one pocket to another but an explicit debt that is owed to an individual. That is about as explicit as you can get. It is a debt that has your name on the assets—Treasury bills. It is vital and important to have that ownership because it guarantees a legal right to a benefit for those taxes that are being paid in excess of what we need to pay for the Social Security system.

I ask the Democrat leader is here. I will propound the unanimous consent.

UNANIMOUS CONSENT REQUEST

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader after consultation with the Democratic leader, the Finance Committee be discharged from further consideration of S. 1750, the Social Security Guarantee Act of 2000; provided further that the Senate then proceed to its immediate consideration and vote on the Senate amendments for debate, equally divided in the usual form, no amendments or motions be in order, and that following the use or yielding back of time, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

I further ask unanimous consent that following that vote, the Finance Committee be discharged from further consideration of S. 1302, the Stop the Raid on Social Security Act of 2005, and the Senate then proceed to its consideration; provided further that there be 10 hours of debate equally divided in the usual form, no amendments or motions be in order, and that following the use or yielding back of time, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER (Mr. CHAMBLISS). Is there objection?

Mr. President, I seek unanimous consent to object, Mr. President, first of all, I will say regarding S. 1750, I will use different words than the distinguished ranking member of the Finance Committee, the Senator from Pennsylvania. My words are as follows: This legislation is a sham, s-h-a-m, Social Security benefits are guaranteed today in the United States Code, the law of the land. To meet that legal commitment, we are saving enough in Social Security to pay full benefits for a long time to come. The only threat to that guarantee is posed by Republicans who want to undermine Social Security, slash benefits, and privatize the program.

Object to S. 1750.

I reserve my right to object to S. 1302 as follows:

Mr. President, I heard my friend, the distinguished Senator from South Carolina, talk about raiding the Social Security trust funds. This message should be delivered at 16th and Pennsylvania Avenue. During the Clinton years, remember, we weren’t doing that. We weren’t using the Social Security surplus to mask the deficit. So he should direct those remarks to this administration.

Do not be fooled. This is simply another bill to privatize Social Security. The American people have already rejected this tired notion, and for very good reasons. If like President Bush’s privatization plan, the DeMint bill would require deep cuts in benefits and a massive increase in debt. Under the bill, those who divert funds into privatized accounts would have their benefits cut automatically through a privatization tax—even if the value of their account has collapsed. The bill would also require $1.7 billion in additional borrowing over the next 20 years. The bill would do nothing to strengthen Social Security—quite the contrary—and it certainly wouldn’t extend the program’s solvency. In fact, diverting money from the trust fund accelerates insolvency and makes matters worse.

Despite the claims of its proponents, this bill itself amounts to a massive raid on Social Security and would cut the funds available to pay guaranteed benefits. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. Mr. President, if I may address just briefly the comments made by the Democrat leader before I propound one final unanimous consent request, the Senator from Nevada suggested that there is a legal right to Social Security benefits in the law. The fact is that a Supreme Court decision, Nestor v. Fleming, 1960—said that "Americans have no legal right to their Social Security benefits."

While the Senator from Nevada can say those rights are guaranteed, there may be, certainly, a claim on those benefits, and the claim is a political one for anyone in Washington, DC, who would try to change those benefits. But there doesn’t seem to be any law to the payment of those benefits. There is no guarantee in the law to the payments of those benefits. The Supreme Court has said so. This would change that.

This particular group of retirees who is being frightened that somehow or another any change in Social Security will mean their benefits are going to be reduced—even for those who are in retirement at this point—we want to take that tactic as well as the fear that goes with it off the table for our seniors and near-term seniors.

With respect to the Stop the Raid bill, the characterization that that bill somehow is taking money out of the Social Security system, I think I made it very clear in the discussion, the fact that the bill is crystal clear with respect to the money that is going into these personal accounts is invested in Treasury bills. They are obligations of the Federal Government and will be used to pay benefits in full extent that there is any solvency. This money is legally bound to the individual who put the money there, and they have their name on this account. They own the Treasury bills that are in that account. That is about as rock-solid a commitment to pay benefits—more rock-solid commitment than promises by future generations of politicians who do not pay them.

When you have an obligation of the Federal Government with your name on it, that is a pretty good obligation and it would require a default of the Federal Government not to have it paid, as opposed to Social Security benefits in a Social Security trust fund, which is a promise to pay by future generations of politicians. I suggest that this idea that somehow or another this would cut benefits—in fact, you could make the argument that the benefit created by these accounts is the only real guaranteed benefit that an individual has going forward in the system. Nevertheless, the Democrat leader objected, and I certainly respect that.

I will make one last attempt to see if we can get an agreement on just one bill.

I remind Members here that earlier this year, in March, we passed the resolution that every Member of the Senate—Democrats and Republicans, all 100 voted for—which said that Social Security reform must protect full-term and near-term retirees—I will underscore that, italicize it—from any changes to Social Security benefits. This bill accomplishes what we voted for.

I assume we voted for it because we thought we needed to communicate a message—that it was important that we wanted to communicate a message—to the American public that we meant this, that we actually believed we should not do this. And the way to accomplish that, contrary to what the Senator from Nevada said, is to put a guarantee in law.

Mr. President, I renew my request just for S. 1750, the Social Security Guarantee Act. I can ask unanimous consent, but it is identical to the request which I read earlier.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, first of all, understand that when the Constitution was written, it didn’t talk about Social Security in the Constitution. But we in Congress have given Social Security to the American people. We did it back in the 1930s under the direction of Franklin Roosevelt. That is the Court decision to which my good friend referred. The Court didn’t question Americans’ rights to Social Security benefits. In effect, the Court said Congress can change the law if it chooses. But there is no question that under current law, Americans do have a legal right to the benefits they have earned. There is no question about that.

I simply say that these are some of the arguments—I guess the President is out of town, and they dug up some of his old stuff and brought it up to Capitol Hill today—the old stuff on
Social Security that the American people have determined is not good for them. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have listened with some interest and curiosity over in my office to this fascinating discussion about Social Security, especially the chart about the trust fund.

I would like to take my colleagues on a short visit back to the year 2001 when, in fact, we had surpluses. The surpluses came from a fiscal policy that looked truth straight in the eye and put the brakes on the Big government. Big budget surpluses were beginning to develop, and my colleagues on the other side of the aisle said: You know something, even before these surpluses exist, for 10 years let us pretend they do, and let us start getting rid of the money and give big tax cuts, most of which will go to wealthy Americans, by the way. And now we end up years later with very large deficits. We now borrow $550 billion this year. My colleague seems surprised by that.

Somewhere, somewhere out there in the country sits an obituary. It would tell you plenty. Someone once asked a question: If a person died and you knew nothing about them, had never met them, and you only had their check register as a piece of information about their life, what could you write as an obituary about that person? What would a check registry tell you about a person you have never met if you had to write the obituary? You would have plenty. What did they think was important? What did they spend money on? What were their investments? How did they live their life?

By the way, when he died, there was a poignant story written about the long lines of people waiting to see the body of Franklin Delano Roosevelt then lying in State. It was written that a news reporter walked up to a man, a working man who had waited hours in the line to see the body. He was a reporter, as this man was waiting to file past the coffin of Franklin Delano Roosevelt, said to this fellow: Did you know the President? Do you know Franklin Delano Roosevelt? This man said: No, I didn’t, but he knew me. He knew me.

What he meant is this President knew the American people, knew and understood working men and women, cared about retired folks.

Yes. He knew me.

It was under this President that we decided to stop what was happening with senior citizens in this country. They reached retirement age—and at that point one-half of the senior citizens live in poverty. They reached that age where their incomes declined, they could no longer work, and one-half of them were living in poverty in this country, this great country.

Franklin Delano Roosevelt and others said, We can do better than that, we can do something about that, and created Social Security. Controversial? You bet your life it was controversial. There were some in this Chamber who said it is socialism, it is going to wreck this country, it is going to throw this country into bankruptcy. Guess what. Now less than 10 percent of our senior citizens live in poverty; 90 percent of them don’t. Do you know why?

Social Security. The word ‘security’ means something. It is there. It is what they can count on when they retire. We have folks all around this Senate, particularly the other side, who think we should privatize it, take it apart. Some say they are new, bigger, and more profitable, and they now pay one-tenth of this country’s income taxes. Guess who makes up the difference. Yes, real people.

Let me give another statistic. There are 400 Americans who are the wealthiest Americans—who file income tax returns, in any event—and their average yearly income is $110 million. About 8 years ago their tax rate was 30 percent to the Federal Government. Now it is 22 percent, and they now pay one-tenth of this country’s income taxes. Guess who makes up the difference. Yes, real people.

The point is, those very people who now say they care about the trust fund of Social Security are the ones who voted to be able to take money out of the Social Security system, take money out of the Social Security trust fund so they can provide a tax cut for somebody who gets $110 million a year in income.

It is unbelievable. Just own up to it, in my judgment. If that is what you did, own up to it. Do not bring a big chart to the Senate saying save the trust fund, you did not do it.

Let me take you back to 1993. This country inherited then the biggest debt, which is now small by comparison from the first President George Bush. I recall that President Bush came to office and he proposed a very controversial fiscal policy. It was cut some spending, it was raise some taxes. It raised taxes, by the way, on the wealthiest Americans. But it was tough. It was a hard vote for a lot of people.

Let me give a couple statistics. Twenty years ago American corporations paid one-sixth of our income taxes. Twenty years later, they are biggest taxpayers. They now pay one-tenth of this country’s income taxes. Guess who makes up the difference. Yes, real people.

The same can be said of a country.

Look at what we do, what we think is important, what we invest in, what we spend money on. It will tell something important about the character of this country. What do we support? Do we support the fundamental promise of Social Security? Do we support that and believe in it? Do we believe it has strengthened this country?

I see Members serving who do not believe that. They come to the Senate with big charts, saying the Social Security trust fund. Really? Perhaps the time to have thought about that was when they were called on to vote in the Senate and they decided to provide very substantial tax cuts for the highest income Americans with money we did not yet have. And now we have very large Federal budget deficits.

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that were increasing that had now reached the highest level in history—
when the roll was called, there wasn’t one Member of what is now the major-
ity party, not one Member in the Sen-
ate of that side of the aisle who was
willing to vote for it. It passed by one
vote. Bill Clinton’s fiscal policy poli-
tion got one vote—One vote in the Sen-
ate and one vote in the House.

Guess what. With all of that con-
troversy—and man, there was plenty—
8 years later, we were on track. Instead
of having record Federal budget defi-
cits, we had no budget deficits. We had
surpluses. Those budget surpluses gave
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solid financial foundation for Social
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The estimate was we would have sur-
pluses as far as the eye could see. In
fact, Alan Greenspan, who is about to
retire as Chairman of the Federal Re-
serve Board, was worried we would have
surplus for 75 years. I remember
what he said because I thought—I
know he is not a drinker so I was try-
ing to figure out where this came from.
He said: I worry we are going to pay
down our debt too fast.

Oh, really? Where does that worry
come from? Do you have a crystal ball,
a strange-looking sort of crystal ball? He
was an enabler. As an enabler, he
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He said: The word

I am going to sell this pro-

I did not sell. It did not sell. Because
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It is fascinating to watch this discus-
sion, especially given the history of
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So what happened? They passed their
big tax cuts tilted toward the wealthy
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had a recession. Then we had a ter-
rorist attack; a war in Afghanistan; a
war in Iraq; natural disasters. Things
went off track. Now we have very large
Federal budget deficits.

Then we are told, one of the ways to
deal with that is to privatize Social Secu-
rity. The President said, I am taking
Air Force One, I am getting that old
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gram. Privatize Social Security. And it
did not sell. It did not sell. Because
people simply said, what do you mean
by privatize. The word “secu-
rity” means something to people. So-
cial Security works. It has worked for
decades, and it will work for decades to
come.

One of my colleagues says the genesis
of this notion of privatizing Social Se-
curity is the phrase “we’re all in this alone.” But in fact we are not. As a
country, part of the genius of Social
Security is to understand we are all in
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to try to hang on to the Social Secu-
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wants to privatize it, with Members of
the Senate who come to the floor with
big charts talking about raids on So-
cial Security.

I didn’t bring a chart tonight because
I wasn’t aware we were going to talk
about raids on Social Security. But I
would love to give a history lesson on
who was giving permission, gave aid and comfort
Paint that money purple and I will
point you to the purple pockets in this
Senate. I will tell you who has been raiding Social Security funds right
along. It is a fact that hooking up a
pipe to the Social Security trust fund,
hook the pipe on one end and hook
it to pockets at the top of the income
ladder for corporations, because that is
where the money is going—big, old tax
cuts.

The philosophy is trickle down. Pour
it in on top and somehow it all trickles
down and even the people at the bot-
tom are helped. One day a fellow said
to me, I have heard about this trickledown for 8 or 10 years and I ain’t
even damp yet.

I happen to think there is a better approach called “percolate up.” Give
the American families something to
work with, good jobs and an economy
that expands opportunity, and things
do pretty well in this country.

This country has many challenges. It
will not be made a better country by
taking apart the Social Security sys-
tem. Let me say those who come to the
Senate and say the Social Security sys-
tem is broken, it is bankrupt, it is
busted—in fact, President George W.
Bush said in 1978 when he ran for Con-
gress, Social Security is the ladder for
corporations, because that is
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down and even the people at the bot-
tom are helped. One day a fellow said
to me, I have heard about this trickledown for 8 or 10 years and I ain’t
even damp yet.

I happen to think there is a better approach called “percolate up.” Give
the American families something to
work with, good jobs and an economy
that expands opportunity, and things
do pretty well in this country.

This country has many challenges. It
will not be made a better country by
taking apart the Social Security sys-
tem. Let me say those who come to the
Senate and say the Social Security sys-
tem is broken, it is bankrupt, it is
busted—in fact, President George W.
Bush said in 1978 when he ran for Con-
gress, Social Security is the ladder for
corporations, because that is

Mr. President, I see my colleague is waiting to speak. I was not even intending to come over until my attention was piqued by a big, old sign that said, “Stop Raiding Social Security Trust Funds,” and I thought: Well, that is a curious message from those who supported a fiscal policy that helped drain the trust funds in the first place. I thought I would mention that and talk a little about how important this Social Security fight has been and why, to so many Americans—not the Congress, why the American people—have said no to the President and others who want to privatize this important program.

Mr. President, I yield the floor.

The PRESIDENTING OFFICER (Mr. TUNEF, The Senator from Michigan).

Ms. STABENOW. Mr. President, I join my colleagues in coming here to speak for a moment about Social Security. Just as my esteemed colleague from North Dakota said he had not originally intended to speak tonight, I did not intend to speak as well. But for all of us who are so proud of the great American success story called Social Security, and for all of us who understand that the strength of that story is the story of the disabled and of the disabled in poverty. We know this number needs to be lower. But this is a great American success story.

At a time when there is so much upheaval in so many people’s lives—I know in my home State of Michigan, my great, beautiful State—there are so many families today that feel the rug is being pulled out from under them because the jobs they have had and worked hard at all their lives are either going overseas or they are being told they are going to have to work for Social Security. Their health care costs are going up or maybe they are losing their insurance. Their pensions are threatened or maybe gone because of the bankrupcies of companies that have then dumped the pensions into a pension guaranty fund.

With all of this insecurity and challenge families face in fighting to keep the American dream and the American way of life, the one constant we have had is knowing that there is Social Security, that we have paid into a system, and that it will be there for us. There is absolutely no reason that Social Security will not be there for us, as long as we do not privatize it or undermine it, as has been proposed by the administration.

We are in a situation today where Social Security and the security of Social Security is needed more than ever. I will never forget talking with a group of people executive at Enron—I know, unfortunately, this story can be told and will be told across Michigan as well—folks who worked all their lives, invested in the company, as they were told to do, did all the right things, they are now in retirement, and now it is gone.

One gentleman, with tears in his eyes, said to me: Thank God for Social Security; that is all I have left. Too many Americans find themselves in that situation, and I believe we should be doing something about that as well. Earlier this evening, I spoke on the floor about what we need to do to turn that around: enforcing trade policies, changing the way we fund health care, investing in education and innovation, protecting the pensions of those who have worked hard all their lives. But the reality is, Social Security is a very important part of that picture.

Now, it is a value as well as a program that we have paid into that is about us. And we have choices about whether we want to keep it secure and keep it as a priority. Back during the budget debate this year, our ranking member, Senator CONRAD, and I offered an amendment to secure Social Security first before going on with other tax cuts that have been proposed for those most blessed in our country, those, in fact, who do not have to worry about whether Social Security will be there for them.

We indicated, as you can see by looking at this chart, that in order to keep Social Security secure for the next 75 years, it will cost $4 trillion. That is compared to the President’s tax cuts: If they are made permanent—the overwhelming majority of them going to the top “incomers,” those most blessed economically in our country—it will cost $11.6 trillion. If we decide as the majority, our Republican colleagues, that we are going to extend these tax cuts permanently.

If we instead were to say, wait a minute, we are going to fully fund Social Security first before any of this happens—even if we said to those most blessed in our country, instead of $11.6 trillion in tax breaks, let us take $4 trillion off of that—they would have $7.6 trillion. It seems to me, at a minimum, that would be a choice worth making in order to make sure every single American knows that Social Security is secure.

All of the decisions we make in this Chamber are based on our values and our philosophy. Social Security represents our basic belief that we are in it together as a country, that it does matter what happens to other people. We are not in it alone.

I believe the efforts being proposed on the other side of the aisle represent a very different philosophy that says: You are on your own, buddy, unless you are our buddy.

The reality is that Social Security represents a value that says we are in it together and that together America can do better. That is what Social Security is about. It has proved the philosophy that together America does better.

So I am hopeful our colleagues will choose, in the waning days of this session, to move on to join us in the great debate of keeping American jobs in America, supporting our American businesses, our American manufacturers that need our help now, and making sure we have a pension bill that works for all of our businesses and all of our workers.

It is a tax cut proposal that would hold Amtrak to make the hard decisions that America does better.

Amtrak has always been a money-losing proposition. I am afraid that it may always be so. But no one should hold Amtrak’s, president accountable entirely for this fact. Congress and the administration are also accountable. Despite repeated efforts to reauthorize and reform this money-losing proposition, we have failed. Instead, I have an objective will to make the hard decisions that need to be made to finally turn Amtrak around—and that includes altering

DAVID GUNN

Mr. MCCAIN, Mr. President, last week the Amtrak Board of Directors recently removed Amtrak’s president, David Gunn. I think that action is regrettable, and I commend Mr. Gunn for his leadership during his 3½ years at Amtrak’s helm.

Amtrak has always been a money-losing proposition. I am afraid that it may always be so. But no one should hold Amtrak’s, president accountable entirely for this fact. Congress and the administration are also accountable. Despite repeated efforts to reauthorize and reform this money-losing proposition, we have failed. Instead, I have an objective will to make the hard decisions that need to be made to finally turn Amtrak around—and that includes altering
Amtrak’s route system so that it operates where it actually attracts ridership. I have known many of Amtrak’s presidents over the years and in my judgment David Gunn was one of the most capable. Not only did he hold an impressive and lengthy career in the rail industry prior to coming out of retirement to take the Amtrak job, I found him to be a man of integrity.

When he testified before hearings I chaired in the Senate Commerce Committee, he didn’t mince words. When I first asked him about the so-called “glidepath to self-sufficiency” which his predecessor continually touted, David Gunn didn’t hesitate to inform the committee that it was a sham.

Mr. Gunn and I didn’t always see eye-to-eye. Indeed, I disagreed strongly with his unyielding views about the continuation of Amtrak’s long distance trains. But I respected the fact that he always spoke his views even when it meant he wouldn’t be telling people what they wanted to hear. He faced head on the many problems with Acela and he was committed to getting Amtrak’s escalating costs under control. Again, he is a man of integrity and I commend him for his service.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January, 25, 2000 in New York City, NY, Melissa Hart had just left a local hotel when eight men threw her to the ground and attacked her. One of the assailants held Ms. Hart by her throat and beat her head against the sidewalk, while the other assailants beat her with their flats. The attackers stripped her of her coat, and stole her cell phone and approximately $350 from her purse. According to police, the motivation for the attack was that Ms. Hart was a transgender person.

I believe that our Government’s first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FISCAL YEAR 2006 ENERGY AND WATER APPROPRIATIONS

Mr. FEINGOLD. Mr. President, although I recognize the important programs funded by the fiscal year 2006 Energy and Water appropriations conference report, on balance, I could not support the bill. The conference report provides $50 million in funding for the Department of Energy to develop a plan for reprocessing spent nuclear fuel and to select sites suitable for housing reprocessing facilities. This provision was not in the Senate version of the bill and thus was not debated in the Senate. Because reprocessing raises serious environmental, fiscal, and proliferation concerns, this provision should have, at the very least, been the subject of an open and extensive congressional debate before we simply proceeded down the path directed by the report language.

I am also concerned that the Energy and Water appropriations report extends the authorization of funding for the Animas-La Plata project. This extension of funding authorization—which does not belong in an appropriations bill—is contrary to assurances I received from the Administration the Colorado Indian Water Rights Settlement Act was amended.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. JOHNSON. Mr. President, I rise today to announce the beginning of National American Indian Heritage Month. This November we will honor the achievements made by American Indians and Alaskan Natives throughout the history of our country.

For many years, Native Americans struggled for an official recognition of their people. The first observance of a day celebrating the contributions of American Indians occurred on the second Saturday of May 1916 in New York State. In 1990, Congress, with my support, passed a joint resolution declaring November 1990 as National American Indian Heritage Month, dedicated to appreciating the impact of Native Americans on the foundation and development of our Nation.

Rooted in the history and culture of South Dakota, as well as the United States, lies the steadfast influence of the Native American people. The Great Sioux Nation of South Dakota consists of nine separate tribes, the Cheyenne River Sioux, the Crow Creek Sioux, the Flandreau Santee Sioux, the Lower Brule Sioux, the Oglala Sioux, the Rosebud Sioux, the Sicangu-Bakken Oyate, the Standing Rock Sioux, and the Yankton Sioux. I would like to pay tribute to the more than 62,000 Native Americans in South Dakota and the Native Americans throughout our country whose presence and traditions have enriched our communities.

With the commencement of National American Indian Heritage Month, we have been given an excellent opportunity to educate ourselves about the cultural and historical influence of America’s Indigenous and Alaskan Natives. In November, I encourage everyone to join South Dakota in our reverence of Native Americans with the hope that our Government can continue to make the concerns of American Indians a priority and to ensure that their freedoms and way of life are preserved.

ADDITIONAL STATEMENTS

HONORING PAULA YEAGER

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of a great woman, Paula Yeager, who died last Wednesday after a long battle with cancer. For 6 years, Paula served the State of Indiana as the executive director of the Wildlife Federation, IWF. She was a true conservationist, a dedicated public servant and a wonderful mother. Her colleagues, friends, and family will miss her dearly, and I know that sentiment is shared by countless others across Indiana and the country.

A career travel agent, Paula first applied for a job with the IWF in order to work on meaningful issues—a decision influenced by her experience with breast cancer. During her 6-year tenure with the group, Paula overcame her relative inexperience and became a successful activist in conservation issues through hard work, an unwavering commitment to diplomacy and tireless advocacy. As executive director, Paula mended the State federation’s relationship with the National Wildlife Federation, NWF, improved the group’s profile with lawmakers, and confronted many important issues, including mercury contamination and wetlands preservation.

Her ability to unite people with differing interests earned her a reputation for diplomacy, and that effort paid off when the Indiana Department of Natural Resources, IDNR, banned fenced deer hunting in August. The former IDNR director called Paula the person “most responsible in Indiana for leading the effort to ban canned hunting.”

Honored twice with IWF’s Conservationist of the Year award, Paula was named the Indiana Federation, IWF. She was a true conservationist, dedicated public servant and a wonderful mother. Her colleagues, friends, and family will miss her dearly, and I know that sentiment is shared by countless others across Indiana and the country.

For many years, Native Americans have always strived for an official recognition of their people. The first observance of a day celebrating the contributions of American Indians occurred on the second Saturday of May 1916 in New York State. In 1990, Congress, with my support, passed a joint resolution declaring November 1990 as National American Indian Heritage Month, dedicated to appreciating the impact of Native Americans on the foundation and development of our Nation.

TRIBUTE TO DR. SCOTT MASON RObuL

Mr. LINCOLN. Mr. President, today I rise to pay tribute to a great educator and a great Arkansan, Dr. Scott Mason Roulier. Dr. Roulier is being honored as the 2005 Arkansas Professor of the
HONORING A GREAT IDAHOAN

Mr. CRAPO. Mr. President, I would like to offer a few words today recognizing the full and joyful life of a remarkable Idahoan, Robert Bershers. Although Bob and his wife Louise traveled extensively, Idaho was home. He lived and worked in Coeur d’Alene where he was active on the Kootenai County Fair Board from 1963 to 2001, and he owned and operated a successful construction business for many years. Bob lived vigorously, enjoying the life of a businessman and rancher and, according to his daughter Khris, was the kind of man “whose idea of going to church was getting there on Wednesday just before it opened and staying through the last spin of the ferris wheel on Sunday.”

North Idaho was the home of his heart—from the chilly, grey and wet winters to the warm and bright summer days in the mountains and by the lake; and Louise never stayed away too long. But for Bob, it was Idahoans who made our State truly great. According to his family, Bob loved Idaho and the people and animals, all finding refuge in their home when they needed it most. Bob never failed to tell his children and family that he loved them. Indeed, his unfailing dedication to family and community are true measures of a good and honorable man. Bob will be sorely missed by all who knew him, but those same people will carry on the blessings his life brought to them.

REPORT OF THE INTENTION TO ENTER INTO AN AGREEMENT WITH THE EUROPEAN UNION, JAPAN, THE REPUBLIC OF KOREA, AND TAIWAN ON TARIFF TREATMENT FOR MULTI-CHIP INTEGRATED CIRCUITS—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with section 2103(a)(1) of the Trade Act of 2002, I am pleased to notify the Congress of my intention to enter into an agreement with the European Union, Japan, the Republic of Korea, and Taiwan on tariff treatment for multi-chip integrated circuits. Multi-chip integrated circuits are semiconductor devices used in computers, cell phones, and other high-technology products. United States-based companies are the principal suppliers to the world of multi-chip integrated circuits. In 2004, global sales of finished multi-chip integrated circuits were estimated to be $4.2 billion, and U.S. semiconductor companies account for roughly half of those sales.

The United States, the European Union, the Republic of Korea, and Taiwan will apply zero duties on these products as of an agreed date. The target date for entry into force of the Agreement is January 1, 2006. Japan already applies zero duties on these products and expects to ratify the Agreement formally in 2006. Further, although all major producers of multi-chip integrated circuits will be parties to the Agreement, we will seek to build on this Agreement by joining together to work in the World Trade Organization to increase the number of countries granting duty-free treatment to these products.

GEORGE W. BUSH

THE WHITE HOUSE, November 14, 2005.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill: H.R. 2419. An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 4:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment: S. 161. An act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

The message also announced that the Speaker appoints the following members of an additional conference in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199) to extend and modify authorities needed to
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combat terrorism, and for other purposes:

As an additional conference from the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Mr. DANIEL E. LUNGREN of California.

Ordered further, that the Speaker appoints the following conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate: H. R. 3196 to extend and modify authorities needed to combat terrorism, and for other purposes, in lieu of their appointments on November 9, 2005:

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Mr. NADLER and Mr. SCOTT of Virginia.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2008. A bill to improve cargo security, 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 4627. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Review In-spection Requirements for Graded Commod-

ities" (RIN0580-AA89) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC 4628. A communication from the Admin-
istrator, Agricultural Marketing Serv-

ice, Department of Agriculture, transmit-
ing, pursuant to law, the report of a rule en-
titled "Marketing Order Regulating the Han-
dling of Pears Grown in Oregon and Wash-

ington: Control Committee Rules and Regu-
lations; Correction" (Docket No. FPVS-972-2) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC 4629. A communication from the Ad-
ministrator, Agricultural Marketing Serv-

ice, Department of Agriculture, transmit-
ing, pursuant to law, the report of a rule en-
titled "Domestic Dates Produced or Packed in Riverside County, California; Increased Assess-

ments; Certification Plans for Air Quality Plan-

ning Purposes; California; Correction of Bound-
aries; Final Rule" (RIN0186-A178) received on November 14, 2005; to the Committee on Environment and Public Works.

EC 4630. A communication from the Admin-
istrator, Agricultural Marketing Serv-

ice, Department of Agriculture, transmit-
ing, pursuant to law, the report of a rule en-
titled "Domestic Dates Produced or Packed in Riverside County, California; Increased Assess-

ments; Certification Plans for Air Quality Plan-

ning Purposes; California; Correction of Bound-
aries; Final Rule" (RIN0186-A178) received on November 14, 2005; to the Committee on Environment and Public Works.

EC 4631. A communication from the Ad-
ministrator, Agricultural Marketing Serv-

ice, Department of Agriculture, transmit-
ing, pursuant to law, the report of a rule en-
titled "Domestic Dates Produced or Packed in Riverside County, California; Increased Assess-

ments; Certification Plans for Air Quality Plan-

ning Purposes; California; Correction of Bound-
aries; Final Rule" (RIN0186-A178) received on November 14, 2005; to the Committee on Environment and Public Works.

EC 4632. A communication from the Prin-
cipal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Envi-
ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-metolachlor; Pesticide Tolerance Tech-
nical Correction" (FRL No. 7741-7) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC 4633. A communication from the Prin-
cipal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Envi-
ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfosethyl; Pesticide Tolerances for 2006" (FRL No. 7748-1) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC 4634. A communication from the Prin-
cipal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Envi-
ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flucarbazone-sodium; Time-Limited Pesticide Tolerance" (FRL No. 7749-8) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC 4635. A communication from the Prin-
cipal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Envi-
ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Bromo-2-Nitro-1,3-Propenol (Bromonitro)

Exempted from application of a Tol-

erance" (FRL No. 7743-5) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC 4636. A communication from the Sec-
retary of Health and Human Services, trans-
mitting, pursuant to law, a report entitled "Assets for Independence Program—Status of Implementation" (FRL No. 7816-2) received on November 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC 4637. A communication from the Direc-
tor, Regulations Policy and Management Staff, Food and Drug Administration, De-
partment of Health and Human Services, transmit-
ing, pursuant to law, the report of a rule entitled "Medical Devices; Immun-

ology and Microbiology Devices; Classifica-

tion of Cystic Fibrosis Transmembrane Con-
ductance Regulator Gene Mutation Dectec-
tion System" (Docket No. 2005F-0397) re-
ceived on November 14, 2005; to the Com-

EC 4638. A communication from the Assist-

tant General Counsel, Federal Election Com-
mission, transmitting, pursuant to law, the report of a rule entitled "Designation of Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox; Final Rule" (FRL7905-9) re-
ceived on November 14, 2005; to the Com-
mittee on Environment and Public Works.

EC 4639. A communication from the Assis-
tant Attorney General, Office of Legislative Affairs, Department of Justice, transmit-
ing, the report of proposed legislation enti-
tled "Protection of Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox; Final Rule" (FRL7905-9) re-
ceived on November 14, 2005; to the Com-
mittee on Environment and Public Works.

EC 4640. A communication from the Com-
mittee on Armed Services.

EC 4641. A communication from the Chief, Publications and Regulations Branch, Inter-

nal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Time for Filing Returns" (RIN1545-BB93) received on November 14, 2005; to the Committee on Finance.

EC 4642. A communication from the Chief, Publications and Regulations Branch, Inter-

nal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Pension Plan, etc., Cost-of-Living Adjustments for 2006" (FRL No. 7729-7) received on November 14, 2005; to the Committee on Finance.

EC 4643. A communication from the Chief, Publications and Regulations Branch, Inter-

nal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Rate Update Fund; 2005" (FRL No. 7730-9) received on November 14, 2005; to the Committee on Finance.

EC 4644. A communication from the Sec-

tary of Defense, transmitting a report on the approved retirement of General Robert H. Foglesong, United States Air Force, and the annual report to the Inspector General, the reports of the grade of brigadier general; to the Committee on Armed Services.

EC 4645. A communication from the Under Secretary of Defense for Personnel and Read-

iness, transmitting, pursuant to law, a list of 11 officers (beginning with Angelella and ending with Wels) authorized to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

EC 4646. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox; Final Rule" (FRL7905-9) re-
ceived on November 14, 2005; to the Com-
mittee on Environment and Public Works.

EC 4647. A communication from the Prin-
cipal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Envi-
ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implemen-
tation Plans and Designation of Areas for Air Quality Planning Purposes; California; South Coast and Com-

celia" (FRL7675-7) received on Novem-

ber 14, 2005; to the Committee on Environment and Public Works.

EC 4648. A communication from the Prin-
cipal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Envi-
ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designation of Areas for Air Quality Planning Purposes; California; South Coast and Com-

celia" (FRL7675-7) received on Novem-

ber 14, 2005; to the Committee on Environment and Public Works.

EC 4649. A communication from the Prin-
cipal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Envi-
ronmental Protection Agency, transmitting,
pursuant to law, the report of a rule entitled “Interim Final Determination to Stay and/or Defer Sanctions, Pinal County Air Quality Control District” (FRL7994-6) received on November 14, 2005, to the Committee on Environment and Public Works.

EC–4631. A communication from the Principal Deputy Associate Administrator, Office of Pollution Prevention and Toxics, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program: Final Rule” (FRL7996-2) received on November 14, 2005, to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute: S. 705. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Finance.

By Mr. NINEMEIER from the Committee on Environment and Public Works, with an amendment:

S. 1669. A bill to reauthorize the Coastal Barrier Resources Act, and for other purposes (Rept. No. 109–179).

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 Mrs. MURRAY (for herself, Ms. COLINS, Mr. LIEBERMAN, and Mr. COLEMAN):

S. 2008. A bill to improve cargo security, and for other purposes; read the first time.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 2009. A bill to provide assistance to agricultural producers whose operations were severely impacted by hurricanes of 2005; to the Committee on Finance.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, and Mr. KOHL):

S. 2010. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

By Mr. JEFFFORDS (for himself and Mr. LEAHY):

S. 2011. A bill to require the Administrator of the Protection Agency to establish performance standards for fine particulates for certain pulp and paper mills, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. CANTWELL, Mr. VITTER, and Mr. BOXER):

S. 2012. A bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself and Mr. INOUYE):


By Mr. DURBIN, and Mr. SCHUMER:

S. 2014. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans’ Affairs.

By Mr. ISAKSON:

S. 2015. A bill to provide a site for construction of a national health museum, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 312. A resolution expressing the sense of the Senate regarding the need for the United States to engage in a controlled, deliberate policy of change through the negotiation of fair and effective international commitments; to the Committee on Foreign Relations.

By Ms. GILLIBRAND:

S. Res. 313. A resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 314. A resolution designating Thursday, November 17, 2005, as “Feed America Thursday”; considered and agreed to.

By Ms. CANTWELL (for herself, Mr. WYDEN, and Mrs. MURRAY):

S. Res. 315. A resolution to commemorate the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean considered and agreed to.

By Mr. COLEMAN (for himself, Mr. WARNER, Mr. PRYOR, Mr. SMITH, and Mr. DEMINT):

S. Res. 316. A resolution expressing the sense of the Senate that the United Nations and other international organizations should not be allowed to exercise control over the Internet; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

S. 309

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. Bingaman), the Senator from Missouri (Mr. Bond), the Senator from New York (Mrs. Clinton), the Senator from Minnesota (Mr. Coburn), the Senator from South Carolina (Mr. Graham), the Senator from Nebraska (Mr. Hagel), the Senator from Louisiana (Ms. Landrieu), the Senator from Illinois (Mr. Obama), the Senator from Hawaii (Mr. Inouye), the Senator from Connecticut (Mr. Lieberman), the Senator from Indiana (Mr. Lugar), the Senator from Maine (Ms. Collins), the Senator from New Jersey (Mr. Lautenberg) and the Senator from Kansas (Mrs. Lincoln) and the Senator from Missouri (Mr. Talent) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 863

At the request of Mr. CONRAD, the names of the Senator from Utah (Mr. BENNETT), the Senator from Connecticut (Mr. Lieberman) and the Senator from Arkansas (Mrs. Lincoln) were added as cosponsors of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 1109

At the request of Mr. SCHUMER, his name was withdrawn as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1172

At the request of Mr. SPECTER, the names of the Senator from Connecticut (Mr. Dodd) and the Senator from Pennsylvania (Mr. Specter) were added as cosponsors of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1172

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 1882, a bill to amend titles XVIII and XIX of the Security Act to make improvements to the implementation of the Medicare prescription drug benefit.

S. 1882

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. Schumer) was added as a co-sponsor of S. 1941, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1941

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. 1889, a bill to establish the Comprehensive Entitlement Reform Commission.
At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1959, 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 Statuary Hall.

S. 1959

At the request of Mr. VITTER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1998. A bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 1998

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 62, a concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol.

S. CON. RES. 62

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Con. Res. 62, supra.

S. CON. RES. 62

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) 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.

S. RES. 219

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

S. RES. 273

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 1451 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1451

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 2518 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2518

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 2519 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2519

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 2524 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2524

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. COLEMAN):

S. 2008. A bill to improve cargo security, and for other purposes; read the first time.

Mrs. MURRAY. Mr. President, today I’m pleased to introduce the bipartisan GreenLane Maritime Cargo Security Act with the chair of the Homeland Security and Government Affairs Committee, Senator SUSAN COLLINS.

We’ve worked together to create an innovative bill that will protect the American people and protect our economy from terrorist threats.

Our bill will help close one of the most dangerous vulnerabilities facing our nation—a terrorist organization using cargo containers to bring weapons and terrorists into the United States.

For decades, industry leaders in my home state of Washington and around the world have worked hard to create an open, efficient trading system. That system relies on cargo containers to move the vast majority of the world’s commerce from factory to market.

The cargo container has reduced the cost of trade—helping American businesses and consumers.

But that system was designed for a different time—before terrorist attacks. Terrorists took jetliners and turned them into bombs. With the GreenLane Act we introduce today, we have the opportunity to create effective, efficient systems and put them in place now.

I invite anyone who cares about our security and our economy to join Senator COLLINS and me in this effort. If anybody would like more information, visit my Web page at Murray.Senate.Gov/GreenLane.

I thank Senator COLLINS for her tremendous leadership and partnership in developing this legislation. She brings tremendous experience and expertise to one of America’s biggest threats. It has been a pleasure to work with her in developing this critically important bill. We look forward to working with her, and anyone else here, to help turn the ideas of this bill into laws that will protect the American people.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator MURRAY, in introducing today the GreenLane Maritime Cargo Security
November 15, 2005

CONGRESSIONAL RECORD — SENATE

S12841

Act. It has been a great pleasure to work with my colleague on this important issue. Senator MURRAY has been an early leader in the call for greater port security. I am pleased we were able to join our efforts in a bipartisan bill to provide long overdue improvement in port security.

Our comprehensive legislation would help build a coordinated approach to maritime and port security across all levels of government and with our overseas trading partners. It would improve our National security as it expedites trade with those governments and businesses that join us in this goal. It would encourage innovation, and it would provide financial assistance to our ports as they strive to strengthen their terrorism prevention and response efforts.

This legislation would provide the structure and resources needed to better protect the American people from attack through these vital yet extremely vulnerable points of entry and centers of economic activity.

Coming from a State with three international cargo ports, including the largest port by tonnage in New England, I am keenly aware of the importance of ports to our national economy and to the communities in which they are located. In addition to our ports’ obvious economic significance, the link between maritime security and our national security has been underscored time and again by terrorism experts, including the 9/11 Commission. It is easy to see why, if you look at the statistics.

In 2003, more than 6,000 ships made nearly 57,000 calls on American ports. They carried the bulk of approximately 800 million tons of goods that came into our country, including more than 9 million containers. We know that al-Qaeda has the stated goal of causing maximum harm to the American people and our economy. Therefore, when you look at what all these cargo ports would provide as terrorist attack sites and the activities that are going on every day, it is easy to see why.

We have already a glimpse of the staggering damage a terrorist attack on a cargo port could produce. In the fall of 2002, the west coast dock strike cost our economy an estimated $1 billion a day for each of the 10 days that the work stoppage lasted. It not only brought those western coast ports to a halt, it harmed businesses throughout the country. That astonishing amount of harm, $10 billion worth, was the result of an event that was both peaceful and anticipated. Think of what the impact of a terrorist attack would be.

More recently, Hurricane Katrina brought the port of New Orleans and several other Gulf coast ports to a standstill. Fortunately, much of this cargo was able to be diverted to other ports undamaged by the storm. In the aftermath of a terrorist attack, however, it is likely that an attack on one port would result in the closure, at least temporarily, of all ports. All of us remember in the wake of 9/11 that commercial aircraft were grounded across this country for a number of days. It is logical to assume that all of the ports would be closed in this country if there were a terrorist attack on one port.

In addition to a direct attack on one of our ports, any one of the more than 9 million containers that enter the United States each year has the potential to be the Trojan horse of terrorism. When we look at these huge cargo ships unloading thousands of containers every day, we think: Oh, that contains consumer goods, maybe television sets or toys or clothing or sneakers. Fortunately, in the vast majority of cases it is exactly what is in those containers. But a container could include terrorists themselves, biological or chemical agents, or even a small nuclear weapon.

For years, criminals have used cargo containers to smuggle narcotics, fireworks, and people into the United States. These containers may come from anyone of 1,000 ports overseas, ports that have varying degrees and levels of security. They could also be intercepted or tampered with along the way.

Earlier this year, I toured the ports of Los Angeles and Long Beach. The sheer size of these facilities and the activities that are going on every day are startling. So, too, are the risks and the vulnerabilities that they offer for terrorists to exploit. By coincidence, my visit came days before 32 Chinese nationals were smuggled into the port of Los Angeles in two cargo containers. Fortunately, that Trojan horse held people who were simply seeking a better way of life, albeit illegally, and they were not terrorists seeking to destroy our way of life.

They were caught. But what is particularly disturbing to me, and speaks to the weaknesses and vulnerabilities of the current system, is that they weren’t caught through any security measure. It wasn’t the security initiative or the C-TPAT Program or any other new initiative that resulted in these 32 Chinese nationals being caught. Instead it was an alert cargo operator who happened to see them crawling out of the containers.

We cannot continue to rely on luck or even alert cargo operators to provide for the security of our seaports, our Nation, and our people.

In August, I issued the National Security Strategy for Maritime Security. It warns of the probability of a hostile state using a weapon of mass destruction sometime in the next decade, and it identifies the maritime sector as one that needs to be prepared to bring a weapon of mass destruction into the United States. In addition, the use of “just in time” inventories, which are now used by most industries, means that a disruption of our ports would have catastrophic repercussions for our entire economy.

A fundamental goal of port security is to head off trouble before it reaches our shores. Current supply-chain security programs within the Federal Government, however, were separately conceived and managed by different agencies, rather than woven together into a layered, consistent approach.

The result of that, the Government Accountability Office reported, is that only 17.5 percent of high-risk cargo identified by our own Customs agents was inspected overseas. I am talking about cargo that has been identified as high risk, and yet we are inspecting less than 20 percent of that cargo.

We found that the current programs lack standards, lack staffing, and lack the validation of security measures that are necessary for their success.

We cannot remove the risk of a terrorist attack, but the better security measures outlined by the Murray-Collins bill can build a stronger shield against terrorism without hampering trade.

This legislation provides the tools to construct a more effective security system. It was developed in close consultation with key stakeholders including port authorities, major retailers and importers, carriers, supply chain managers, security and transportation experts, and Federal and State agencies.

First, it addresses the problem of uncoordinated supply-chain security efforts by directing the Secretary of Homeland Security to develop a strategic plan to strengthen international security for all modes of transportation by which containers arrive in, depart from or move through seaports of the United States. This plan will clarify the roles, responsibilities, and authorities of government agencies at all levels and of private sector stakeholders. It will establish clear, measurable goals for furthering the security of commercial operations from point of origin to point of destination. It will establish mandatory security measures and standards and provide incentives for additional voluntary measures.

The new Office of Cargo Security Policy, established in our legislation, would ensure implementation of the strategic plan. This important office will report to the Department’s Assistant Secretary for Policy in order to better coordinate maritime security efforts within the Department of Homeland Security and among our international and private-sector partners.

This legislation also gives the Secretary 6 months to establish minimum standards and procedures for securing containers in transit to the U.S., based on the Department’s experience with current cargo security programs. All containers bound for U.S. ports of entry must meet the standards no later than 2 years after they are established.

Currently, DHS has been too slow to implement certain vital security measures. For example, the Department has been working on a regulation setting a minimum standard for mechanical seals on containers for


more than 2 years. Such delays are unacceptable. This legislation would set clear timelines to ensure steady progress.

The Department has also pledged to deploy radiation detection equipment at all ports in the U.S. within 1 year after enactment. Even more frustrating is that the Department has changed the target for system deployment multiple times. The Department’s new Domestic Nuclear Detection Office is beginning to take hold of this critical issue, yet the need for a comprehensive plan for the deployment of radiation detection equipment is evident. Our legislation requires this plan be developed and that 100 percent incoming containers to the U.S. be examined for radiation no later than 1 year after enactment.

I want to thank Senator COLEMAN for his efforts in this area. These provisions address concerns that have been identified through our joint investigative work on programs protecting our nation against weapons of mass destruction.

For the first time, this legislation would authorize the Container Security Initiative. Ongoing, predictable funding—$75 million a year for the five years beginning in 2007—is essential for this crucial program to succeed. In addition to providing funding, the bill lays out requirements for CSI ports and a process for designating new ports under CSI. The Secretary must undertake a full assessment of the potential risk of smuggling or cargo tampering related to terrorism, before designating a port under CSI. This authorization also will enable our CSI partners to strengthen anti-terrorism measures and to improve training of personnel.

We would authorize C-TPAT at $75 million per year for that same 5-year period, and we clearly outline the certification and validation requirements and the benefits associated with meeting those requirements. Our legislation directs the Secretary to correct the deficiencies of the program, and, within one year, to issue guidelines that will be used to certify a participant’s security measures and supply chain practices.

In addition, we would create a new, third tier of C-TPAT, called the GreenLane, which offers additional benefits to C-TPAT participants that meet the highest level of security standards. Cargo in transit to the U.S. through the GreenLane would be more secure through the use of container security devices and stronger supply chain security practices in all areas, such as physical, procedural and personnel security. The legislation also requires the Secretary to develop benefits that may include further reduced inspections, priority processing for inspections, and, most significantly, preference in entering U.S. ports in the aftermath of a terrorist attack. Senator MURRAY, who developed this concept, will describe GreenLane in greater detail.

The bill also places a greater emphasis on communications among government and industry players in responding to an incident and settles the critical question of “who’s in charge.” Technology plays an important role in many respects. The Department of Homeland Security has scattered efforts to deploy existing technologies, to enhance those tools, and to develop new ones. It is critical that these efforts be undertaken in a more coordinated fashion. In addition, the Government must work closely with and encourage the ingenuity of the private sector in developing the technologies that will improve both security and trade.

Let me close by saying that this legislation in no way guarantees that America’s ports, large and small, are our partners in keeping our Nation safe and our economy moving. Our Port Security Grant Program will help our ports make the investments needed to meet the threat and global security. The maritime industry is crucial to our Nation’s economy, and our ports are undoubtedly on the front lines of the war against terrorism. This legislation would set clear goals for improving the security of this vital sector, and it would provide the resources to meet and achieve those goals.

I again thank my colleague, Senator MURRAY, for her hard work and initiative on this legislation. We are pleased to be joined as original cosponsors by Senators NORM COLEMAN and JOE LIEBERMAN. That is indicative of the kind of bipartisan support this legislation enjoys, and it is my hope that many more of our colleagues will join us in bringing this legislation to enactment.

The container security and tracking system was designed for a world before September 11. Now, here we are, 4 years later, and we still have not made our maritime cargo system as secure as it needs to be. Six months after the September 11 attacks, I held a hearing to examine the vulnerability of cargo security. Many of the concerns that were raised at that hearing are still dogging us today.

One of the challenges we face is how we can examine the cargo without slowing it to a crawl. If we have absolute security, we will curtail trade. If we have completely open trade, we will not have enough security. For the past few years, I have been meeting with leaders in Government and industry to figure out how we can strike the right balance. One thing I know for sure is, it is better for us to work together now to design a security system on our own terms than to wait for an attacker to design a security system in a crisis atmosphere.

I have spent several years exploring this challenge and meeting with stakeholders to get their ideas. Senator COLLINS, as chair of the Senate Homeland Security and Governmental Affairs Committee, has held hearings on this issue and has introduced legislation.

As a result of our work, Senator COLLINS and I have developed the GreenLane Maritime Cargo Security Act. It provides, for the first time, a comprehensive blueprint for how we can improve security while keeping trade efficient. At its heart, this challenge is about keeping the good things about trade—recruit workers to develop the potential for terrorists to use our engines of commerce.

There is an incident that occurred a few years ago that shows just how serious a threat we are facing. Four years ago, in Italy, dockworkers noticed something strange about one of the cargo containers. They opened it up and found an Egyptian man inside. But this was not your average stowaway. This man was a suspected al-Qaeda terrorist, and he had all of the tools of the trade with him. His cargo container had been outfitted for a long voyage with a bed, a heater, and water. He had a satellite phone, a laptop computer. He also had security passes and mechanic certificates for four U.S. airports.

Now, that happened in 2001. It can still happen today. But don’t take my word for it. The Commissioner of Customs and Border Protection said: "The container is the potential Trojan Horse of the 21st century."

The 9/11 Commission said terrorists may turn from targeting aviation to targeting seaports because “opportunities to do harm are as great, or greater, in maritime or surface transportation.”

As we all know, our Government has uncovered al-Qaeda training manuals, and some of these books suggest that terrorists try to recruit workers at borders, airports, and seaports.

There are two main scenarios we need to think about.

First, a group like al-Qaeda could use cargo containers to smuggle weapons and personnel into the United States. They could split up a weapon and ship it to the U.S. in separate containers. And those pieces could be reassembled anywhere in the United States. So the first danger is that terrorists could use these containers to get dangerous weapons into the United States.

Secondly, terrorists could use a cargo container as a weapon itself. A terrorist could place a cargo container on a ship that has a nuclear, chemical, or biological weapon inside a container and then detonate it once it reaches a U.S. port or another destination inside the United States.

This week, the 9/11 Commission said we have not done enough to prevent terrorists from acquiring weapons of mass destruction. If a nuclear device was detonated at a major seaport, it could kill up to a million people.
Now, many of our ports are located near major cities. Others are located near key transportation hubs. For example, if a chemical weapon were detonated in Seattle, the chemical plume could contaminate the rail system, Interstate 5, and SeaTac Airport, not to mention the entire downtown business and residential areas.

Terrorists could also detonate a dirty bomb or launch a bioterror attack. Any of those scenarios would impose a devastating cost in human lives, but that is not all.

Many keep small inventories on hand. Once those inventories run out, factories, freight forwarders, shippers, and workers, again, would be laid off.

One study, in fact, concluded that if U.S. ports were shut down for 12 days, it could cost our economy $58 billion. In 2002, we saw what closing down a few ports on the west coast would do. When west coast dockworkers were locked down, we would feel the impact at every level of our economy.

Factories would not be able to get the raw materials they need. Many keep small inventories on hand. Once those inventories run out, factories would be shut down and workers laid off. We would also see the impact in stores. Merchants would not be able to get the same products from overseas. Store shelves would go bare, and workers, again, would be laid off.

I am deeply concerned about this issue because I know that maritime cargo, especially container cargo, is a critical part of our economy. My interest in trade goes back to my childhood. My dad ran a small dime store. He relied on imports to stock the shelves in his store. International trade put food on our table, and I have never forgotten that. So, I make sure we close the loopholes that threaten our ability to trade, while we protect our lives and our economy.

I have worked on this challenge for several years. I have held hearings. I wrote and funded Operation Safe Commerce. And I have been meeting with various stakeholders.

I know this proposal has to work for everyone in the supply chain: importers, freight forwarders, shippers, terminal operators, and workers such as longshoremen, truckdrivers, and security employees—all the people who are on the frontlines as our eyes and our ears. They need to be part of the solution because they would be among the first to be hurt if an incident occurred.

Senator Collins and I have worked together to get input from stakeholders, and with that we have crafted a bill that I believe strikes the right balance. Our proposal is built around five commonsense ideas.

First, we need to provide some funding to make our ports more secure. I have fought for port security grants to make sure we are controlling access to our ports, and our local ports are on the cutting edge of security. We have implemented the 24-hour rule so we know what is supposed to happen before it reaches the United States. We are adding more inspection equipment to American ports, but, remember, once a nuclear device is sitting on a U.S. dock, it is too late. Customs created a program that scored ports to speed cargo into the United States. It is a good idea, but to date it has not been implemented well.

In May, the Government Accountability Office issued a very troubling report. It found that if companies applied for C-TPAT status, they gave them less scrutiny simply for submitting paperwork. We never checked to see if they actually did what they said they were going to do. We just inspected them less. One official used that approach “trust, but don’t verify.”

Even when U.S. Customs inspectors do find something suspicious at a foreign port, they cannot force a container to be inspected today. They can ask the local government, but those requests are frequently rejected.

So because we cannot enforce those agreements through our State Department, our Customs officials do not have the power they need, and potentially dangerous cargo can arrive at U.S. ports without being inspected overseas.

Finally, we need to minimize the impact of any incident. Right now, if there were a terrorist attack through one of our ports, there would be an awful lot of confusion. So we need to put one office in charge of cargo security policy. We need to create protocols so cargo containers can move before an attack occurs. And we need to establish joint operations centers to help make local decisions that will get our trade moving again.

We cannot afford to leave cargo on the docks for weeks. We need a plan that tells us in advance what cargo will be unloaded first, and how we will get that system back on its feet.

Finally, we need to monitor and secure cargo from the factory overseas until it reaches our own shores. There are vulnerabilities at every step of the supply chain. A secure system is going to start at the factory overseas and continue until that cargo reaches its final destination.

I want to detail how our bill will make the American people safer. First of all, it raises the security standards for everyone across the board and requires the Department of Homeland Security to take all of these practices and lessons learned and create new standards that will establish a new baseline of security for everyone.

Secondly, it creates the GreenLane. If shippers agree to follow the higher security standards of the GreenLane, they get a series of benefits.

To be designated as GreenLane cargo, importers have to ensure that all entities within their supply chain are validated. The Department of Homeland Security to adopt better security. Companies are going to do what is in their financial interest, and we can use market incentives to make the entire industry more secure.

Fourth, we need to minimize the impact of maritime trade. Our ports are our most vulnerable assets, and our local ports are on the cutting edge of port security. Right now, if there were a terrorist attack through one of our ports, there would be an awful lot of confusion. So we need to put one office in charge of cargo security policy. We need to create protocols so cargo containers can move before an attack occurs. And we need to establish joint operations centers to help make local decisions that will get our trade moving again.

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eliminated. Instead of paying customs duties on every shipment, they could be billed monthly or quarterly. Their cargo will be subject to fewer searches and will be released faster upon entering the United States. They will lose less cargo to theft, and they will have the security that comes from having one uniform standard to plan around.

Finally, the GreenLane Act sets up a plan so that trade can be resumed quickly and safely if an attack occurs. Today, there are no protocols. There is no guarantee that we will get the system going again. Our bill will create one, and it will let the most secure cargo—

Our bill creates joint operations centers to ensure a coordinated, measured response and the resumption and flow of commerce in the event of an incident or heightened national security threat level.

Our bill takes other steps. It expands port security grants. It makes sure we continue to monitor our security system to make sure it is working. It makes sure that a company’s cargo data is not available to competitors. It sets a uniform standard for security so shippers and others have some certainty, rather than a hodgepodge of different standards. There have been a lot of commissions and studies on port security, and we have worked to address their recommendations in our bill.

The 9/11 Commission said we need “layered” security, that we need to centralize authority so we can have more accountability, and that Federal agencies need to share information better. Our bill implements all of those recommendations.

The Government Accountability Office looked at current Customs programs and identified some troubling shortcomings.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida): S. 2009. A bill to provide assistance to agricultural producers whose operations were severely damaged by the hurricanes of 2005; to the Committee on Finance.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Agriculture Hurricance Recovery Act of 2005 be printed in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2009

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Agriculture Hurricane Recovery Act of 2005.”

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Title I—Crop Assistance

Sec. 101. Crop disaster assistance.

Title II—Livestock Assistance

Sec. 201. Livestock assistance program.

Section 103. Citrus and vegetable assistance.

Sec. 104. Sugar producers.

Title III—Forestry

Sec. 301. Tree assistance program.

Title IV—Conservation

Sec. 401. Emergency conservation program.

Title V—Low-income Migrant and Seasonal Farm Worker Assistance

Sec. 501. Emergency grants for low-income migrant and seasonal farm workers.

Title VI—Fisheries Assistance

Sec. 601. Fisheries assistance.

Title VII—Timber Tax Relief

Sec. 701. Timber tax relief for businesses affected by certain natural disasters.

Title VIII—Miscellaneous

Sec. 801. Infrastructure losses.

Sec. 802. Commodity Credit Corporation.

Sec. 803. Emergency designation.

Sec. 804. Regulations.

SEC. 2. DEFINITIONS.

Except as otherwise provided in this Act, in this Act:

(1) ADDITIONAL COVERAGE.—The term “additional coverage” has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) CATASTROPHIC RISK PROTECTION.—The term “catastrophic risk protection” means the level of insurance coverage provided under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(3) DISASTER COUNTY.—The term “disaster county” means a county included in the geographic area covered by a natural disaster declaration due to hurricanes in calendar year 2005—

(A) made by the Secretary under section 320(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) due to hurricanes in calendar year 2005; or

(B) made by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(4) INSURABLE COMMODITY.—The term “insurable commodity” means an agricultural commodity for which producers are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) NONINSURABLE COMMODITY.—The term “noninsurable commodity” means an eligible crop for which producers are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

TITLE I—CROP ASSISTANCE

SEC. 101. CROP DISASTER ASSISTANCE

(a) EMERGENCY ASSISTANCE—In general.—

(1) IN GENERAL.—The Secretary shall make such shipments are as necessary of funds of the Commodity Credit Corporation to make emergency assistance under this section to producers on a farm or aquaculture operation (other than producers of sugarcane) that meet the eligibility criteria of paragraph (2) in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (P.L. 106–398; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and quality losses as were used in administering that section.

(2) ELIGIBILITY.—For producers described in paragraph (1) to be eligible for emergency assistance under this section—

(A) the farm or aquaculture operation must be located in a disaster county; and

(B) the producers must have incurred qualifying crop or quality losses with respect to the 2004, 2005, or 2006 crop (as defined by a producer), but limited to only 1 such crop, due to damaging weather or related condition, as determined by the Secretary.

(b) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to the producers on a farm for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Emergency Assistance provided under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producers on the farm receive for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.
(e) Crop Insurance Deductibles.—For the purpose of determining crop insurance payments under this section, the Secretary shall consider Hurricane Wilma has occurred the previous crop year.

SEC. 102. NURSERY CROPS AND TROPICAL FRUIT PRODUCERS.

(a) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to—

(1) commercial ornamental nursery and fernery producers in a disaster county for eligible inventory losses due to hurricanes in calendar year 2005; and

(2) tropical fruit producers in a disaster county for losses of 35 percent or more relative to their expected production due to hurricanes in calendar year 2005.

(b) Administration.—

(1) DETERMINATION OF COMMERCIAL OPERATIONS.—For a nursery or fernery producer to be considered a commercial operation for purposes of subsection (a)(1) or (d)(1), the producer shall be determined as a nursery or fernery producer in the State in which the producer conducts business.

(2) DETERMINATION OF ELIGIBLE INVENTORY.—In subsection (a)(1), eligible nursery and fernery inventory includes foliage, floriculture, and woody ornamental crops, including—

(A) stock used for propagation; and

(B) fruit or nut seedlings grown for sale as seed stock for commercial orchard operations growing fruit or nuts.

(c) CALCULATION OF LOSSES AND PAYMENTS.—

(1) NURSERY AND FERNERY PRODUCERS.—

(A) IN GENERAL.—For purposes of paragraph (a)(1)—

(i) inventory losses for a nursery or fernery producer shall be determined on an individual-nursery or -fernery basis; and

(ii) the Secretary shall not offset inventory losses at 1 nursery or fernery location by salvaged inventory at another nursery or fernery operated by the same producer.

(B) The amount of payment to a nursery or fernery producer under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) the number of acres affected; and

(B) the payment rate; and

(C) the producer’s share of the loss.

(2) TROPICAL FRUIT PRODUCERS.—The amount of a payment to a tropical fruit producer under subsection (a)(2) shall be equal to the product obtained by multiplying—

(A) the number of acres affected; and

(B) the payment rate; and

(C) the producer’s share of the crop.

(3) DETERMINATION.—The Secretary shall not impose any payment limitation on an assistance payment made to a nursery, fernery, or tropical fruit producer under paragraph (a).

(d) DEBRIS-REMOVAL ASSISTANCE.—

(1) AVAILABILITY OF ASSISTANCE.—The Secretary shall make such sums available as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to commercial ornamental nursery and fernery producers in a disaster county to help cover costs incurred for debris removal and associated cleanup due to hurricanes in calendar year 2005.

(b) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Assistance under this subsection may not exceed the actual costs incurred by the producer for debris removal and cleanup or $250 per acre, whichever is less.

(b) ADDITIONAL PAYMENT LIMITATIONS.—Except as provided in subparagraph (A), the Secretary shall reduce the maximum amount of payments a producer may receive under this subsection.

(e) NONDISCRIMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out this section, the Secretary shall not discriminate against producers that did not purchase crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to an insurable commodity or did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) with respect to a noninsurable commodity.

(2) PENALTY.—In the case of a producer described in paragraph (1)—

(A) payment for the 2005 harvest shall be reduced by 5 percent; and

(B) the producer shall comply with subsection (f).

(f) CONTRACT TO PROCURE CROP INSURANCE OR NAP.—In the case of a producer described in subsection (e)(1) who receives any assistance under this section, the producer shall be required to enter into a contract with the Secretary under which the producer agrees—

(1) in the case of all insurable commodities grown by the producer during the next available coverage period—

(A) to obtain at least catastrophic risk protection for those commodities under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all noninsurable commodities grown by the producer during the next available coverage period—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(g) RELATION TO OTHER ASSISTANCE.

(1) LINK TO ACTUAL LOSSES.—Assistance provided under this subsection to a producer to losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 100 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) Assistance received under any other emergency crop loss assistance.

(C) The value of the crop that was not lost during the calendar year.

(h) ADJUSTED GROSS INCOME LIMITATION.—The average adjusted gross income limitation specified in section 1901D of the Food Security Act of 1985 (7 U.S.C. 1396a-3a) shall apply to assistance provided under this section.

SEC. 103. CITRUS AND VEGETABLE ASSISTANCE.

Notwithstanding any other provision of this Act or any other law, the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to citrus and vegetable producers to carry out an assistance program similar to the program entitled the “Florida Citrus Disaster Program”, described at 69 Fed. Reg. 63134, October 29, 2004, Document No. 04-24290 (relating to Florida citrus, fruit, vegetable, and nursery crop disaster programs), that qualifying crop losses shall be limited to those losses caused by a hurricane or tropical storm occurring during the 2005 hurricane season in a disaster county.

SEC. 104. SUGAR PRODUCERS.

The Secretary shall use $395,000,000 of the funds of the Commodity Credit Corporation to make payments for livestock losses to producers for 2005 or 2006 losses (as elected by a producer), in a county that has received an emergency disaster designation by the President after January 1, 2004.

(b) RESTRICTION.—In determining eligibility for assistance under this section, the Secretary shall not use the end date of the normal grazing period to determine the threshold of a 90-day loss of carrying capacity.

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under this section, the Secretary shall not use the end date of the normal grazing period to determine the threshold of a 90-day loss of carrying capacity.

(d) INCLUSION OF POULTRY.—In providing assistance under this section, the Secretary shall include poultry in the definition of “livestock”.

TITLE III—FORESTRY

SEC. 301. TREE ASSISTANCE PROGRAM.

(a) SPECIFIC INCLUSION OF NURSERY TREES, Cuttings, Nursery Products, and Forest Products.—Section 10201 of the Family Security and Rural Investment Act of 2002 (7 U.S.C.
8201 is amended by striking paragraph (1) and inserting the following:

“(1) ELIGIBLE ORCHARDIST.—The term ‘eligible orchardist’ means—

(A) a person that produces annual crops of timber, Christmas trees, or pecan trees for commercial purposes;

(B) a nursery grower that produces field-grown trees, container-grown trees, or both, whether or not the grower produces an annual crop, intended for replanting after commercial sale; or

(C) a forest landowner who produces periodic crops of timber, Christmas trees, or pecan trees for commercial purposes.”.

(b) APPLICATION OF AMENDMENT.—The Secretary shall apply the amendment made by subsection (a) beginning in disaster counties, and inserting the following:

“(1) TREE ASSISTANCE PROGRAM.—The cost-sharing requirements of section 16203(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8203(1)) shall not apply to the operation of the tree assistance program in disaster counties in response to the hurricanes of calendar year 2005.

(2) COOPERATIVE FORESTRY ASSISTANCE ACT.—The cost-sharing requirements of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) shall not apply in disaster counties during the 2-year period beginning on the date of enactment of this Act.

(3) IN CARRYING OUT THE TREE ASSISTANCE PROGRAM—Subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), the Secretary shall provide such funds as are necessary to compensate forest owners that—

(A) produce periodic crops of timber or Christmas trees for commercial purposes; and

(B) have suffered tree losses in disaster counties.

TITLe VI—FISHERIES

SEC. 601. FISHERIES ASSISTANCE.

(a) FUNDS FOR OYSTER RESTORATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Commerce $50,000,000 to provide fisheries disaster assistance.

(2) USE OF FUNDS.—Of the funds transferred under paragraph (1), $50,000,000 shall be used to provide assistance to persons located in a disaster area which is attributable to Hurricane Dennis, Hurricane Katrina, Hurricane Rita, or Hurricane Wilma.

(b) FUNDS FOR FISHERIES DISASTER ASSISTANCE.—

(1) IN GENERAL.—In addition to amounts appropriated or otherwise made available, not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall transfer to the Secretary of Commerce $60,000,000 to provide fisheries disaster assistance.

(2) LIMITATION ON USE OF FUNDS.—Of the funds transferred under paragraph (1)—

(A) not more than 5 percent of such funds may be used for administrative expenses; and

(B) none of such funds may be used for lobbying activities or representational expenses.

(c) RECEIPT AND ACCEPTANCE.—The Secretary of Commerce shall be entitled to receive, shall accept, and shall use as described in this section the funds transferred under paragraph (1) without further appropriation.

(d) FUNDS FOR FISHERIES DISASTER ASSISTANCE.—

SEC. 602. COMMODITY CREDIT CORPORATION.

(a) INFRASTRUCTURE LOSSES.—The Secretary shall compensate producers on a farm in a disaster county for costs incurred to repair or replace barns, greenhouses, shade houses, poultry houses, beehives, and other structural equipment, and fencing that—

(1) was used to produce or store any agricultural commodity; and

(2) was damaged or destroyed by the hurricanes of calendar year 2005.

(b) TIMING OF ASSISTANCE.—The Secretary may provide assistance authorized under this section in the form of—

(1) reimbursement for eligible repair or replacement costs previously incurred by producers; or

(2) cash or in-kind assistance in advance of the producer undertaking the needed repair or replacement work.

(c) PAYMENT LIMITATIONS.—Assistance provided under this section to a producer for a repair or replacement project, together with amounts received for the same project from insurance proceeds or other sources, may not exceed 55 percent of the cost of repair or replace the damaged or destroyed structures, equipment, or fencing, as estimated by the Secretary.

(d) LOAN ELIGIBILITY.—After approval of the county committee established under section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590b) for the county or other area in which the farming operation is located, the producers on a farm in a disaster county shall be eligible to receive an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) regardless of whether the producers satisfy the criteria of the first proviso of section 532(a) of that Act (7 U.S.C. 1961a).

SEC. 603. COMMERCIAL CREDIT CORPORATION.

There is hereby established the Agricultural Credit Corporation, which shall have the same status and powers as established in the Consolidated Farm and Rural Development Act of 1961 (7 U.S.C. 1961 et seq.) with respect to the Consolidated Farm and Rural Development Act of 1961.
November 15, 2005

CONGRESSIONAL RECORD — SENATE

(1) the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act; and
(2) funds made available under this Act shall be made without regard to any provision of law prohibiting the obligation of funds.

SEC. 803. EMERGENCY DESIGNATION.

The amounts provided under this Act or under amendments made by this Act to response to the hurricanes of calendar year 2005 shall remain available until expended.

SEC. 804. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROMULGATION.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;
(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and
(3) section 353 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, and Mr. KOHL):

S. 2010. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, with my good friend and colleague, Senator BLANCHE LINCOLN, I rise to introduce the Elder Justice Act of 2005. We are joined in this effort by Senator GORDON SMITH, the chairman of the Aging Committee, and Senator HERB KOHL, the ranking minority member of that committee.

As my colleagues may recall, Senator JOHN BREAUX and I introduced similar legislation in both the 107th and 108th Congresses, with the strong support of Senators LINCOLN, SMITH and KOHL. The bill was reported by the Finance Committee last year, but unfortunately it was not approved before we adjourned.

Although the number of older Americans is growing at a rapid pace, thousands of cases of elder abuse go unaddressed every day. The problem of elder abuse, neglect and exploitation has long been invisible and is probably one of the most serious issues facing seniors and their families.

Research in the field is scarce, but, by some estimates, up to five million cases of elder abuse, neglect and exploitation occur each year. Although more attention and more resources, far too many of these cases of abuse, neglect and exploitation will go unaddressed and far too many older Americans will suffer.

Few pressing social issues have been as systematically ignored as elder abuse. In fact, 25 years of congressional hearings on the devastating effects of elder abuse have found this problem to be a ‘disgrace’ and a ‘national scandal.’ Yet, to date, no federal legislation has been enacted to address elder abuse in a comprehensive manner.

During that same time period, Congress passed comprehensive bills to address child abuse and crimes against women, yet there is not one full-time Federal employee working on elder abuse in the entire Federal Government.

The cost of elder abuse is high. This is true in terms of needless human suffering, inflated health care costs, limited Federal resources and the loss of one of our greatest national assets—the wisdom and experience of older citizens and their families.

S. 2010 is designed to create a national focus on elder abuse to increase detection, prevention, prosecution and victim assistance. It ensures that states, communities, consumers and families have access to the information and resources they need to confront this difficult issue.

By addressing law enforcement, social service and public health concerns, our bill uses the proven approach Congress has previously employed to combat child abuse and violence against women.

I would like to take this opportunity to describe our legislation in more detail.

The Elder Justice Act establishes dual Offices of Elder Justice at the Departments of Justice, DOJ, and Health and Human Services, HHS, to coordinate Federal, State and local efforts to combat elder abuse in residential and institutional settings. In addition, an Elder Justice Coordinating Council will be established to make recommendations to the HHS Secretary and the Attorney General on coordinating activities of Federal agencies related to elder abuse. This Council is specifically mandated to advise us on legislation, model laws and other appropriate action on addressing elder abuse.

The bill creates an Advisory Board on Elder Abuse, Neglect and Exploitation and establishes a long-term multi-disciplinary strategic plan for expanding the field of elder justice. The board would make recommendations to HHS, DOJ, and the Elder Justice Coordinating Council and submit to HHS, DOJ, and Congress information and recommendations on elder justice programs, activities and legislation.

The Elder Justice Act also directs the HHS Secretary to establish an Elder Resource Center to develop ways to make available information relevant to consumers, families and providers in order to protect individuals from elder abuse and neglect. It is our hope that this Center will improve the quality, quantity and accessibility of information available on elder abuse. In addition, the bill establishes a National Elder Justice Library within the Center to serve as a centralized repository for materials on elder abuse and promising practices related to elder justice.

S. 2010 also improves, streamlines and promotes uniform collection and dissemination of national data related to elder abuse, neglect and exploitation. Today, data on elder abuse are very limited. The Director of the Centers for Disease Control and Prevention, CDC, is directed to develop a method for collecting national data regarding elder abuse and then create uniform national data reporting forms to help determine what a reportable event on elder abuse is.

The legislation includes several grants to combat elder abuse including grants to improve access to activities on elder abuse prevention and prosecution of elder abuse cases. These grants would establish five Centers of Excellence nationwide to specialize in research, clinical practice and training related to elder abuse.

In addition, the HHS Secretary will award safe haven grants to six diverse communities to examine elder shelters to test various models for establishing safe havens. Elder victims’ needs, which are rarely addressed, will be better met by supporting the creation of safe havens for seniors who are not safe where they live. Development of safe haven programs which focus on the special needs of at-risk elders and older victims are needed and necessary.

The legislation directs the HHS Secretary to award training grants to groups with responsibility for elder justice, eligible entities to provide care for those with dementia and certain elder abuse victims, to make recommendations on caring for underserved populations of seniors living in rural areas, minority populations, and Indian tribes. Training to combat elder abuse, neglect and exploitation will be supported both within individual disciplines and in multi-disciplines such as public health, social service and law enforcement settings.

In addition, our bill directs the Secretary to award fellowships to individuals who are preparing in both forensic pathology and geriatrics. An individual receiving such a fellowship shall provide training in forensic geriatrics to inter-disciplinary teams of health care professionals. Grants also would be awarded to create programs to train care recipients who are frequently not addressed, will be cared for both forensic pathology and geriatrics.

Finally, the Elder Justice Act directs the HHS Secretary to award grants to conduct a national multimedia campaign to raise awareness on elder abuse.

Our legislation also requires a number of studies on elder abuse including one on the responsibilities of federal,
state and local governments in response to reports of elder abuse. This study would be to improve response time to elder abuse and reduce elder victimization.

In addition, the CDC Director is directly convicted a study as the best method to address elder abuse from a public health perspective, including reducing elder abuse, neglect and exploitation committed by family members. Current statistics indicate that only 20 percent of elder abuse occurs in long-term care facilities and institutions—80 percent of elder abuse is committed in the home.

The bill also establishes new programs to assist victims and provides grants for education and training of law enforcement and prosecutors. It requires reporting of crimes in long-term care settings, creates a national criminal background check program for those employed by long-term care providers—something strongly advocated by seniors and establishes a national nurse aide registry program based on recommendations by HHS.

Senior citizens cannot wait any longer for this legislation to pass. More and more of us will enjoy longer lives with better health. But this gift comes with the responsibility to prevent the needless suffering too often borne by our frailest seniors.

In closing, I must note that our legislation has been endorsed by the Elder Justice Coalition, a national membership organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This coalition, which has been a strong advocate and supporter of the Elder Justice Act, has 297 members.

This Congress, one of my top priorities is to get this bill signed into law, once and for all, so that elder justice will become a reality for those Americans who need it most. Our seniors deserve the best.

Mrs. LINCOLN, Mr. President, I am pleased to join my distinguished colleague, Senator HATCH, to introduce the Elder Justice Act of 2005. I am pleased that Senate Special Committee on Aging Chairman SMITH and Ranking Member KONI are joining us as original cosponsors of this important legislation.

I have been a cosponsor of the Elder Justice Act since Senator BREAUX and Senator HATCH introduced the original bill in 2002. I joined them again as a cosponsor in 2003 and helped pass a version of the legislation out of the Senate Finance Committee in late 2004. Unfortunately and regrettably, the Elder Justice Act failed to become law last year, despite the incredible leadership by Senator BREAUX and Senator HATCH. It has yet to become law despite the fact that our Nation continues to grow older and despite the fact that the tragedy of elder abuse, neglect, and exploitation continues.

Abuse of our senior citizens can be physical, sexual, psychological, or financial. The perpetrator may be a stranger, an acquaintance, a paid caregiver, a corporation, and sadly, even a spouse or another family member. Elder abuse happens everywhere, at all levels of income and in all geographic areas. No matter how rich you are, and no matter where you live, no one is immune.

Congress must make our seniors a priority and pass the Elder Justice Act as soon as possible.

This bill represents the culmination of 25 years of congressional hearings on the distressing effects of elder abuse. It represents a consensus agreement developed by the Elder Justice Coalition, a national organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This bill reminds us of the fact that Congress has already passed comprehensive bills to address child abuse and violence against women but has continued to ignore the fact that we have no Federal law enacted to date on elder abuse.

The Elder Justice Act will ensure the right to be free of abuse, neglect, and exploitation. And the Elder Justice Act will enhance our knowledge about abuse of our seniors in all its terrible forms. It will elevate elder abuse to the national stage, which suffer needlessly. Each year, anywhere between 500,000 and 5 million seniors in our country are abused, neglected, or exploited. And, sadly, most abuse goes unreported.

This historical problem will only get worse as 77 million baby boomers age. The Elder Justice Act confronts elder abuse in the same ways we combat child abuse and violence against women: through law enforcement, public health programs, and social services at all levels of government. It also establishes research projects to assist in the development of future legislation.

The Elder Justice Act will take steps to make older Americans safer in their homes, facilities, and neighborhoods. It enhances detection of elder abuse and helps seniors recover from abuse after it starts. It increases collaboration between federal agencies and between Federal State, local, and private entities, law enforcement, long-term care facilities, consumer advocates, and families to prevent and treat elder abuse.

Each of us will grow older, and if we’re lucky, we will live for a very long time with one or more members of our family in a 50 percent chance of living until she is 100 years old. What will we gain if we fail to ensure that baby girl ages with dignity, free of abuse, neglect, and exploitation? As Hubert Humphrey said, “The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.”

It is time for Congress to pass the first comprehensive federal law to address elder abuse, the Elder Justice Act of 2005, to ensure that those in the twilight of life are protected from abuse that threatens their safety, independence, and productivity.

Mr. SMITH, Mr. President, I rise in support of the Elder Justice Act. As a Senator as a Senator Aging Committee it is an expressed duty of mine to focus on one of our more vulnerable populations, older Americans.

All too often we concentrate our efforts to stop crime on crimes that are reported or easy to identify. However, crimes against the elderly are often never reported or identified. Many older Americans find themselves reliant on a caregiver or close one who is taking advantage of them physically or monetarily and have no means to take action against this individual. This scary and sad scenario happens more often than we would like to admit.

According to the best available estimates, between 1 and 2 million Americans age 65 or older have been injured, exploited, or otherwise mistreated by someone on whom they depended for care. Protecting older Americans suffer from the various forms of abuse and the legislation we are introducing today will take very important steps to stop the long ignored problem of elder abuse. The Elder Justice Act prevents and treats elder abuse by:

- Improving prevention and intervention through funding projects to make older Americans safer in their homes, facilities, and neighborhoods. The bill specifically enhances long-term care staffing.
- Creating forensic centers and targeting funding to develop expertise in the detection of signs of elder abuse.
- Targeting funding to efforts to better find ways to mitigate the consequences of elder mistreatment.
- Enhancing collaboration by supporting coordination between federal and local entities, advocates, long-term care facilities and most importantly families.

My home state of Oregon has been a leader in many of these efforts. One program, the Elder Safe program IN Washington County, helps victims aged 65 and older after a crime is reported to police and continues to help them through the criminal justice system. Based at the Sheriff’s Office, Elder Safe is a specialized liaison between the District Attorney’s Office and the Department of Aging and Veterans’ Services and all city police department to coordinate services to help seniors read legal documents or travel to the courthouse. Assistance from the Elder Safe program is tailored to the unique circumstance of each victim and may include personal support, court advocacy, or help filling out forms. It is important that we support programs, like the Elder Safe program, nationally. The Elder Justice Act is critical to our efforts. I urge my colleagues on both sides of the aisle to support this important bill.
Mr. KOHL. Mr. President, I rise today in strong support of the Elder Justice Act. I applaud the leadership and commitment that Senator HATCH and Senator LINCOLN have shown to protecting our Nation’s senior citizens by reintroducing this legislation. As Ranking Member of the Committee on Aging, I am pleased to join Senator SMITH, our Chairman, as an original cosponsor of this important bill.

I also want to commend the bipartisan Elder Justice Coalition for its role in developing and moving this bill forward. In particular, I would like to acknowledge the contributions of Wisconsin members of the Coalition, including the Coalition of Wisconsin Aging Groups, the Wisconsin Association of Area Agencies on Aging, and the Wisconsin Board on Aging and Long Term Care, among many others. Passage of the Elder Justice Act is long overdue, and we look forward to working with the Coalition to ensure that it becomes law as soon as possible.

In the past forty years, our Nation has made great strides to address the ugly truth of child abuse and domestic violence in our society. We have made a difference by comprehensive legislation designed to combat these terrible issues a top priority. Today, I ask the Congress to once again focus on the issue of abuse only this time, to focus on the grim reality of elder abuse and exploitation.

For the past 25 years, Congress has held hearings on the devastating effects of elder abuse; yet no comprehensive action has been taken. Abuse of the elderly is certainly nothing new, but as our Nation has aged and the Baby Boom generation stands on the cusp of retirement, the prevalence of elder abuse will only get worse. The time to act is now. The shame and scandal of abuse, neglect and exploitation of elderly Americans is not safe where they live.

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The use of an electrostatic precipitator or a Kevlar baghouse; and

(ii) require pulp and paper mills that are in existence as of the date on which the standards are proposed, to the satisfaction of the Administrator that the source—

(i) will install—

(A) will install—

(i) an electrostatic precipitator; or

(ii) a Kevlar baghouse; or

(iii) any other technology that achieves a reduction in emissions that is equivalent to the reduction achieved using an electrostatic precipitator or a Kevlar baghouse; and

(B) will operate at or below the required emissions performance standards as demonstrated by data from a continuous emissions monitoring device.

(2) INTERIM PERMITS.—Notwithstanding paragraph (1), the Administrator may approve an interim permit (including a trial permit) to burn tire-derived fuel at a new eligible mill in existence on the date of enactment of this Act, that is a major stationary source (as defined in section 111(a) of the Clean Air Act (42 U.S.C. 7411(a))) that demonstrates to the satisfaction of the Administrator that the source—

(A) will install—

(i) an electrostatic precipitator; or

(ii) a Kevlar baghouse; or

(iii) any other technology that achieves a reduction in emissions that is equivalent to the reduction achieved using an electrostatic precipitator or a Kevlar baghouse; and

(B) will operate at or below the required emissions performance standards as demonstrated by data from a continuous emissions monitoring device.

(c) STANDARDS FOR CERTAIN PULP AND PAPER MILLS.—

(1) PARLIAMENT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall establish performance standards for fine particulates for—

(i) new eligible mills; and

(ii) eligible mills in existence on the date on which the standards are proposed.

(B) REQUIREMENTS.—In establishing standards under subparagraph (A), the Administrator shall—

(i) ensure that the standards would result in reductions in emission levels that are at least equal to reductions achieved through the use of an electrostatic precipitator or Kevlar baghouse; and

(ii) require pulp and paper mills that are in operation as of the date on which the standards are proposed, but that are not in compliance with those standards, to come into compliance with the standards by not later than 18 months after the effective date of the standards.

(2) STUDY AND REPORT ON GENERAL HEALTH EFFECTS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study, and submit to Congress a report, on the impact on human health of increased emissions, especially fine particulates, from the use of tire-derived fuel.

(3) REPORT ON HEALTH EFFECTS ON CERTAIN CHILDREN.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Health and Human Services, shall submit to Congress a report which describes the rates of birth defects and childhood diseases (particularly respiratory and immune system diseases) of children that live within 20 miles of any pulp and paper mill that burns tire-derived fuel.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. CANTWELL, Mr. VITTER, and Mrs. BOXER):

S. 2012. A bill to authorize appropriation to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, today I come to the Senate, along with my good friend and coauthor, Senator DAN INOUYE of Hawaii, to introduce a bill to reaffirm and strengthen the Magnuson-Stevens Fisheries Conservation and Management Act.

This legislation reauthorizes the law that manages and regulates fisheries in the United States exclusive economic zone. It is coauthored by Senators SNOWE, CANTWELL, and VITTER.

The law was originally enacted in 1976. A that time it was titled the Fishery Conservation and Management Act. Senator Warren Magnuson and I developed the law after Warren sent me to monitor the law of the sea negotiations, which took place all over the world. A concept considered during these negotiations was the expansion of a coastal nation’s sovereignty over its seaward waters out to 200 miles.

We arrived at a multi-partisan approach to the legislation and developed a bill that established our country’s exclusive right to harvest fishery resources from 3 to 200 miles and put in place one of the most successful Federal-State partnerships. This system recognized the complexity of our differing fish stocks and the unique regional approaches needed to manage these resources.

This is now the seventh authorization of the act we created over 30 years ago. It is the first reauthorization I have been a part of as chairman of the Commerce, Science, and Transportation Committee, which has jurisdiction over this legislation.

The Magnuson-Stevens Fishery Conservation and Management Act of 2005 implements many of the recommendations made by the U.S. Commission on Ocean Policy—the first such commission authorized by Congress to review our nation’s major environmental laws in over 35 years. This was coauthored by my great friend from South Carolina, Senator Ernest Hollings. The Commission’s recommendations were important to the development of this act we present to the Senate today.

The intent of this legislation is to authorize these recommendations and to build on some of the sound fishery management principles we passed in the Sustainable Fisheries Act in 1996, which was the last time we reauthorized the act.

Our bill will preserve and strengthen the regional fishery management councils. The eight regional councils located around the United States and Caribbean Islands are a model of Federal oversight benefiting from local innovation and management approaches. This reauthorization establishes a council training program designed to prepare members for the numerous legal, scientific, economic, and conflict management skills needed to apply to the fishery management process. In addition, this reauthorization addresses concerns over the transparency of the regional council process—it provides additional financial disclosure requirements for council members and clarifies the act’s conflict of interest and recusal requirements.

In order to prevent overfishing and protect the sustainability of our fishery resources in all eight regional council jurisdictions, this bill mandates the use of annual catch limits which shall not be exceeded. Under the 1996 Sustainable Fisheries Act, overfishing of overfished species was a significant problem. The legislation we are introducing today requires every fishery management plan to contain an annual catch limit which is set at or below optimum yield, based on the best scientific information available.

This bill also requires that any harvests exceeding the annual catch limit be deducted from the annual catch limit for the following year.

An important recommendation from the U.S. Commission on Ocean Policy was to establish national standards for quota programs. Our legislation establishes national guidelines for the harvesting of fish for limited access privilege programs, which are also called LAPPs. These guidelines would require that any LAPP must accomplish important objectives, including: assisting in rebuilding an overfished fishery; reducing capacity in a fishery that is overcapitalized; promoting the safety of human life at sea; promoting conservation and management; and providing a system for monitoring, management, and enforcement of the program.

The regional councils, the administration, and I, as well as a large portion of the coast, are dedicated to achieving these and other important objectives.
recommendations on acceptable biological catch or optimum yield, annual catch limits, or other mortality limits. The SSCs are also expected to advise the councils on a variety of other issues, including stock status and health, bycatch, habitat status, and socio-economic impacts.

We have enhanced the overall effectiveness of this act by improving data collection and management. Our legislation also directs the Secretary to promote international cooperation and strengthen the ability of regional fishery management organizations to combat IUU and other harmful fishing practices. In addition, this legislation allows the use of measures authorized under the High Seas Driftnet Act in cases where regional or international fishery management organizations are unable to stop IUU fishing.

I have been pleased with the bipartisan approach we have taken on this bill. My co-chairman, Senator INOUYE, and I have worked together on this reauthorization, and I look forward to working with my colleagues on the Commerce Committee to move this legislation forward.

By Mr. STEVENS (for himself and Mr. INOUYE):


Mr. STEVENS. Mr. President, I introduce today’s bill to implement the provisions of the “Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaskan-Chukotka Polar Bear Population.” This bill is co-sponsored by Senator INOUYE.

The United States-Russia Polar Bear Conservation and Management Implementation Act of 2005 will amend the Marine Mammal Protection Act adding provisions to create a binational U.S. and Russian Polar Bear Commission. This commission will be authorized to determine annual take limits and the adoption of other measures to restrict the taking of polar bears for subsistence purposes. The Commission will also identify polar bear habitats and “develop recommendations for habitat conservation measures.” Additionally, it prohibits the possession, import, export, transport, sale, receipt, acquisition, or purchase of any polar bear, or any part or product thereof, that is taken in violation of the Agreement.

This bill will simultaneously support the conservation of U.S. and Russian Polar Bear populations and the historical subsistence hunting practices of indigenous peoples in the arctic region.

This implementing legislation for the Polar Bear Treaty is necessary to establish the needed regulatory and management entities in both the U.S. and Russia. The shared population of Polar Bears that migrate between our two nations deserve the added protections and conservation this bill will provide.

The U.S.-Russian Polar Bear Treaty was completed and signed by both countries on October 16, 2000. The Senate Foreign Relations Committee held a hearing on the treaty in June of 2003, and reported it out favorably on July 23, 2003. The full Senate agreed to the resolution of advice and consent on the treaty on July 31, 2003. This legislation is needed for the U.S. to ratify and implement the treaty. The administration is supportive of the treaty and the proposed legislation, as are Alaska Natives, the State of Alaska, and conservation groups.

Russia has indicated that once the U.S. ratifies the treaty, it will promptly do the same.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 312—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE THROUGH THE NEGOTIATION OF FAIR AND EFFECTIVE INTERNATIONAL COMMITMENTS

WHEREAS there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate; Whereas there are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations; Whereas the potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and thereby have implications for the national security interests of the United States; Whereas the United States, as the largest economy in the world, is also the largest greenhouse gas emitter; Whereas the greenhouse gas emissions of the United States are currently projected to continue to rise; Whereas the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries; Whereas reducing greenhouse gas emissions at levels needed to avert serious and catastrophic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases; Whereas the development and sale of climate-friendly technologies in the United States and internationally presents economic opportunities for workers and businesses in the United States; Whereas climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources, and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;
Whereas other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies;

Whereas efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries will establish significant new markets for climate-friendly technologies and contribute to international efforts to address climate change;

Whereas the United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the “Convention”);

Whereas the Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

Whereas the Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations;

Whereas an effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary and;

Whereas the United States has the capability to lead the effort against global climate change; Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

1. participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in agreements that—

A. advance and protect the economic and national security interests of the United States;

B. establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principles of common but differentiated responsibilities;

C. establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

D. achieve a significant long-term reduction in global greenhouse gas emissions; and

2. establishing a bipartisan Senate observer group of members of which shall be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

A. monitor any international negotiations on climate change;

B. ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

Whereas methamphetamine is a highly addictive, man-made drug that can be injected, sniffed, smoked, or ingested orally, the effects of which include feelings of euphoria that last for up to 24 hours and psychotic behavior such as auditory hallucinations, mood disturbances, delusions, and paranoia, potentially causing the user to experience homicidal or suicidal thoughts as well as violent behavior and brain damage;

Whereas the number of admissions to treatment in which methamphetamine was the primary drug of abuse increased exponentially from 20,776 in 1993 to 116,604 in 2003; and

Whereas methamphetamine is easily produced in clandestine laboratories, known as "meth labs", using a variety of volatile and toxic ingredients available in stores, and presents a danger to the individual preparing the methamphetamine, the community surrounding the laboratory, and the law enforcement personnel who discover the laboratory;

Whereas the Drug Enforcement Administration reports that domestic meth lab seizures have increased from 7,438 in 1999 to 17,170 in 2004; and

Whereas studies have found that methamphetamine use is strongly linked to identity theft, domestic violence, overall crime rates, child abuse, and child neglect; and

Whereas the National Association of Counties has conducted surveys with law enforcement and child welfare officials in more than 500 communities and 90 percent of all law enforcement agencies surveyed reported increases in methamphetamine-related arrests in recent years, and 40 percent of all the child welfare officials in the survey reported increased out-of-home placements of children due to methamphetamine use; and

Whereas methamphetamine use and production is growing around the world;

Whereas approximately 65 percent of the methamphetamine supply in the United States is trafficked in the form of a finished product from clandestine laboratories;

Whereas the United Nations Office on Drugs and Crime reports that more than 30,000,000 people around the world use amphetamine-type stimulants, a number that eclipses the combined global use of cocaine and heroin;

Whereas methamphetamine and narcotics task forces, police, judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement officials, researchers, students and educators, community leaders, and other dedicated to fighting methamphetamine have a profound influence within their communities; and

Whereas the establishment of a National Methamphetamine Prevention Week would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; Now, therefore, be it

Resolved. That it is the sense of the Senate that—

1. a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; and

2. the people of the United States and interested groups should be encouraged to observe National Methamphetamine Prevention Week with appropriate ceremonies and activities.

Whereas the United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the “Convention”);

Whereas the Convention establishes that

Ms. CANTWELL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 313

Whereas methamphetamine is a highly addictive, man-made drug that can be injected, sniffed, smoked, or ingested orally, the effects of which include feelings of euphoria that last for up to 24 hours and psychotic behavior such as auditory hallucinations, mood disturbances, delusions, and paranoia, potentially causing the user to experience homicidal or suicidal thoughts as well as violent behavior and brain damage;

Whereas the number of admissions to treatment in which methamphetamine was the primary drug of abuse increased exponentially from 20,776 in 1993 to 116,604 in 2003;

Whereas methamphetamine is easily produced in clandestine laboratories, known as “meth labs”, using a variety of volatile and toxic ingredients available in stores, and presents a danger to the individual preparing the methamphetamine, the community surrounding the laboratory, and the law enforcement personnel who discover the laboratory;

Whereas the Drug Enforcement Administration reports that domestic meth lab seizures have increased from 7,438 in 1999 to 17,170 in 2004;

Whereas studies have found that methamphetamine use is strongly linked to identity theft, domestic violence, overall crime rates, child abuse, and child neglect;

Whereas the National Association of Counties has conducted surveys with law enforcement and child welfare officials in more than 500 communities and 90 percent of all law enforcement agencies surveyed reported increases in methamphetamine-related arrests in recent years, and 40 percent of all the child welfare officials in the survey reported increased out-of-home placements of children due to methamphetamine use;

Whereas methamphetamine use and production is growing around the world;

Whereas approximately 65 percent of the methamphetamine supply in the United States is trafficked in the form of a finished product from clandestine laboratories;

Whereas the United Nations Office on Drugs and Crime reports that more than 30,000,000 people around the world use amphetamine-type stimulants, a number that eclipses the combined global use of cocaine and heroin;

Whereas methamphetamine and narcotics task forces, police, judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement officials, researchers, students and educators, community leaders, and others dedicated to fighting methamphetamine have a profound influence within their communities;

Whereas the establishment of a National Methamphetamine Prevention Week would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; Now, therefore, be it

Resolved. That it is the sense of the Senate that—

1. a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; and

2. the people of the United States and interested groups should be encouraged to observe National Methamphetamine Prevention Week with appropriate ceremonies and activities.

WHEREAS after a long year and a half and 4,153 arduous miles, the expedition endured a dangerous storm of wind, rain, and waves for 6 days at Clark’s Dismal Nitch;

WHEREAS, on November 13, 1805, the Corps of Discovery moved further up the St. Louis Camp and beheld their first comprehensive view of the Pacific Ocean, and thereby began
Whereas Station Camp also marks the occurrence of a historical democratic vote to determine where to stay for winter that included all members of the expedition, including Sacagawea, an Indian woman, and York, an African American slave; and

Whereas, on November 19, 1805, Clark and 11 of his men set out on an ocean excursion, hiking 25 miles to Cape Disappointment to get a glimpse of the Pacific Ocean and reach the furthest western point of the expedition; and

Whereas the expedition built their winter camp on the south side of the Columbia River at Fort Clatsop, Oregon, named in honor of the friendly local Clatsop Indians, and the 33 member party spent 106 days among lush old-growth forests, wetlands, and wildlife preparing for their long journey back to St. Louis, Missouri;

Whereas Lewis and Clark’s Corps of Discovery produced detailed journals with maps, charts, samples, and descriptions of the previously undocumented western geography, climate, plants, animals, and native cultures from which the Nation continues to benefit today;

Whereas the Lewis and Clark Expedition marks a significant benchmark in American history, a step toward securing the claim and the eventual creation of all the States in the Pacific Northwest;

Whereas the exploration of the western frontier by our Founding Nation was the great odyssey of America, symbolic of the core values of teamwork, courage, perseverance, science, and opportunity held by the United States;

Whereas, on October 30, 2004, President George W. Bush signed into law legislation creating the Lewis and Clark National Historical Park which preserves these 3 Washington State sites integral to the dramatic arrival of the expedition at the Pacific Ocean, and incorporates Fort Clatsop of Oregon and important State parks for the benefit and education of generations to come; and

Whereas, during November 2005, Washington and Oregon are hosting, “Destination: The Pacific”, a unique commemoration of the 200 year anniversary of the arrival of the Corps of Discovery in the Pacific Northwest: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean; and

(2) recognizes that by exploring the unknown frontier, Lewis and Clark expanded the boundaries of our great Nation and pushed the limits of what we are capable of as citizens.

SENATE RESOLUTION 316—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS SHOULD NOT BE ALLOWED TO EXERCISE CONTROL OVER THE INTERNET

Mr. COLEMAN (for himself, Mr. WARRN, Mr. PRYOR, Mr. SMITH, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on the Foreign Relations:

S. Res. 316

Whereas market-based policies and private sector leadership have given the Internet the flexibility to evolve;

Whereas given the importance of the Internet to the global economy, it is essential that the underlying domain name system and technical infrastructure of the Internet remain under the management and control of the non-governmental sector;

Whereas the Internet was created in the United States and has flourished under United States supervision and oversight, and the United States has a path to international control of transferring Internet control from the defense sector to the civilian sector, including the Internet Corporation for Assigned Names and Numbers (ICANN) with the goal of full privatization;

Whereas the developing world deserves the access to knowledge, services, commerce, and communication that beneficial transfers to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-govern-ment that the Internet provides;

Whereas the explosive and hugely benef-icial growth of the Internet did not result from increased government involvement but from the opening of the Internet to commerce and private sector innovation;

Whereas on June 30, 2005, President George W. Bush announced that the United States would move over the next 6 months to master “root zone” file of the Internet, which lists all authorized top-level Internet domains;

Whereas the recently articulated principles of the United States on the domain name and addressing system of the Internet (DNS) are that:

(1) The Federal Government will—

(A) preserve the security and stability of the DNS;

(B) take no action with the potential to adversely affect the effective and efficient operation of the DNS; and

(C) maintain the historic role of the United States regarding modifications to the root zone file;

(2) governments have a legitimate interest in the management of country code top level domains (ccTLD);

(3) the United States is committed to working with the international community to address the concerns of that community in accordance with the stability and security of the DNS;

(4) ICANN is the appropriate technical manager of the Internet, and the United States will continue to provide oversight so that ICANN maintains focus and meets its core technical mission; and

(5) dialogue relating to Internet governance should continue in multiple relevant fora, and the United States encourages an ongoing dialogue with all stakeholders and will continue to support market-based approaches and private sector leadership;

Whereas the final report issued by the Working Group on Internet Governance (WGIG), established by the United Nations Secretary General in accordance with a mandate given during the first World Summit on the Information Society, and comprised of 40 members from governments, private sector, and civil society, issued 4 possible models, 1 of which envisions a Global Internet Council that would assume international Internet governance;

Whereas that report contains recommenda-tions for delegating the private sector and nongovernmental organizations to an advisory capacity;

Whereas the European Union has also proposed transferring the Internet including the global allocation of Internet Protocol number blocks, procedures for changing the root zone file, and rules applicable to a global model of international cooperation” which could confer significant leverage to the Governments of Iran, Cuba, and China, and could impose an undesirable layer of politicized bureaucracy on the operations of the Internet that could result in an inadequate response to the rapid pace of technological change;

Whereas some nations that advocate radical change in the structure of Internet gov-ernance censor the information available to citizens through the Internet and use the Internet as a tool of surveillance to curtail legitimate political discussion and dissent, and other nations operate teleme-dia monopolies or highly-regulated and highly-taxied entities;

Whereas some nations in support of trans-ferring Internet governance to an entity affil-iated with the United Nations, or another international entity, might seek to have such an entity endorse national policies that block access to information, stifle political dissent, and maintain outdated communica-tion structures;

Whereas the structure and control of Internet governance has profound implications for homeland security, competition and trade, democratization, free expression, access to information, privacy, and the protection of intellectual property; and whereas some nations to take unilateral actions that would fracture the root zone file would result in a less functional Internet with dimin-ished benefits for all peoples;

Whereas the Declaration of Principles of the First World Summit on the Information Society, held in Geneva in 2003, delegates from 82 nations declared the “common de-sire and commitment to build a people-cen-tered, inclusive and development oriented Information Society, where everyone can access, utilize and share information and knowledge”; and

Whereas delegates at the First World Sum-mit also reaffirmed, “as an essential founda-tion for the Information Society, the outline in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression and that ‘this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of fron-tier’; and

Whereas the United Nations Secretary General has stated the objective of the 2005 World Summit on the Information Society is to ensure “benefits of the new information and communication technologies, including the Internet, can bring to economic and social development” and that “to defend the Internet is to defend freedom, democracy, and social development”; and

Whereas discussions at the November 2005 World Summit on the Information Society may include discussion of transferring control of the Internet to a new intergovernmental entity, and could be the beginning of a prolonged international debate regarding the future of Internet governance: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to continue to op-pose any effort to transfer control of the Internet to the United Nations or any other international entity;

(2) applauds the President for—

(A) clearly and forcefully asserting that the President has no present intention of relinquishing the historic leadership role the United States has played in Internet governance; and

(B) articulating a vision of the future of the Internet that places privatization over politicization with respect to the Internet; and

(3) calls on the President to—

(A) recognize the need for, and pursue a continuing and constructive dialogue with
the international community on, the future of Internet governance; and
(B) advance the values of an open Internet in the broader trade and diplomatic con-

AMENDMENTS SUBMITTED AND PROPOSED
SA 2535. Mr. WARNER (for Mr. SMITH) pro-
posed an amendment to the bill S. 1042, supra.
SA 2536. Mr. WARNER (for Mr. ENNSON) pro-
posed an amendment to the bill S. 1042, supra.
SA 2537. Mr. WARNER (for Mr. ENNSON) pro-
posed an amendment to the bill S. 1042, supra.
SA 2538. Mr. WARNER (for Mr. NELSON (for herself and Mr. NELSON of Florida)) pro-
posed an amendment to the bill S. 1042, supra.
SA 2539. Mr. WARNER (for Mr. SMITH) pro-
posed an amendment to the bill S. 1042, supra.
SA 2540. Mr. WARNER (for Mr. NELSON) pro-
posed an amendment to the bill S. 1042, supra.
SA 2541. Mr. WARNER (for Mr. NELSON (for himself and Mr. CHAMBLISS)) proposed an amend-
ment to the bill S. 1042, supra.
SA 2542. Mr. WARNER (for Mr. DIEWINE) pro-
posed an amendment to the bill S. 1042, supra.
SA 2543. Mr. WARNER (for Mr. ALLEN (for himself, Mr. DIEWINE, and Mr. WARNER)) pro-
posed an amendment to the bill S. 1042, supra.
SA 2544. Mr. WARNER proposed an amend-
ment to the bill S. 1042, supra.
SA 2545. Mr. WARNER (for himself, Mr. LEVIN, and Mr. HINGMAN) proposed an amend-
ment to the bill S. 1042, supra.
SA 2546. Mr. WARNER (for Mr. DREW) pro-
posed an amendment to the bill S. 1042, supra.
SA 2547. Mr. WARNER (for Mr. BYRD) pro-
posed an amendment to the bill S. 1042, supra.
SA 2548. Mr. WARNER (for Mr. REID) pro-
posed an amendment to the bill S. 1042, supra.
SA 2549. Mr. WARNER proposed an amend-
ment to the bill S. 1042, supra.
SA 2550. Mr. WARNER (for Mr. LOTT (for himself and Mr. CORNYN)) proposed an amend-
ment to the bill S. 1042, supra.
SA 2551. Mr. WARNER (for Mr. LEVIN) pro-
posed an amendment to the bill S. 1042, supra.
SA 2552. Mr. WARNER (for Mr. KENNEDY (for himself and Mr. CHAMBLISS)) proposed an amend-
ment to the bill S. 1042, supra.
SA 2553. Mr. WARNER (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amend-
ment to the bill S. 1042, supra.
SA 2554. Mr. WARNER (for Ms. SNOWE) pro-
posed an amendment to the bill S. 1042, supra.
SA 2555. Mr. WARNER (for Mr. HAGEL) pro-
posed an amendment to the bill S. 1042, supra.
SA 2556. Mr. WARNER (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1042, supra.
SA 2557. Mr. WARNER (for Mr. GRAHAM) pro-
posed an amendment to the bill S. 1042, supra.
SA 2558. Mr. WARNER (for Mr. SALAZAR) pro-
posed an amendment to the bill S. 1042, supra.
SA 2559. Mr. WARNER proposed an amend-
ment to the bill S. 1042, supra.
SA 2560. Mr. WARNER (for Mr. FRINZOLD) proposed an amendment to the bill S. 1042, supra.
SA 2561. Mr. WARNER (for Mr. BYRD) pro-
posed an amendment to the bill S. 1042, supra.
SA 2562. Mr. WARNER (for Mr. CRAIO (for himself, Mr. FRENZOLD, Mr. MIKULSKI, Mr. WARNER, and Mr. SALAZAR)) proposed an amend-
ment to the bill S. 1042, supra.
SA 2563. Mr. WARNER (for Mr. FRINZOLD) proposed an amendment to the bill S. 1042, supra.
SA 2564. Mr. WARNER (for Mr. MARTINEZ (for himself and Mr. WARNER)) proposed an amend-
ment to the bill S. 1042, supra.
SA 2565. Mr. WARNER (for Mr. MCCAIN) pro-
posed an amendment to the bill S. 1042, supra.
SA 2566. Mr. WARNER (for Mr. MCCON
NELL) proposed an amendment to the bill S. 1042, supra.
SA 2567. Mr. WARNER (for Mr. MCCONN
ELL) proposed an amendment to the bill S. 1042, supra.
SA 2568. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.
SA 2569. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, supra.
SA 2570. Mr. WARNER proposed an amend-
ment to the bill S. 1042, supra.
SA 2571. Mr. WARNER (for Ms. COLLINS (for herself and Ms. SNOWE)) proposed an amend-
ment to the bill S. 1042, supra.
SA 2572. Mr. WARNER (for Mr. DREW) pro-
posed an amendment to the bill S. 1042, supra.
SA 2573. Mr. WARNER (for Mr. DREW) pro-
posed an amendment to the bill S. 1042, supra.
SA 2574. Mr. WARNER (for Ms. SNOWE) pro-
posed an amendment to the bill S. 1042, supra.
SA 2575. Mr. WARNER (for himself and Mr. MCCAIN) proposed an amend-
ment to the bill S. 1042, supra.
SA 2576. Mr. WARNER (for Mr. BYRD) pro-
posed an amendment to the bill S. 1042, supra.
SA 2577. Mr. WARNER proposed an amend-
ment to the bill S. 1042, supra.
SA 2578. Mr. WARNER proposed an amend-
ment to the bill S. 1042, supra.
SA 2579. Mr. WARNER (for Mr. BAYH) pro-
posed an amendment to the bill S. 1042, supra.
SA 2580. Mr. SANTORUM (for Mr. FRIST) pro-
posed an amendment to the bill H.R. 1499, To amend the Internal Revenue Code of 1986 to allow members of the ArmedForces serv-
ing in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribu-
tion is based is excluded from gross income.

TEXT OF AMENDMENTS
SA 2525. Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy.
SA 2526. Mr. WARNER (for Mrs. HUTCHISON (for herself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. 807. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF SPECIALTY METALS USED TO PRODUCE FORCE PROTECTION EQUIPMENT.
(a) In General.—Section 233a(a) of title 10, United States Code, shall not apply to the procurement, during the 2-year period begin-
ing on the date of the enactment of this Act, of specialty metals if such specialty metals are used to produce force protection equipment needed to prevent combat fatal-
ties in Iraq or Afghanistan.

SEC. 808. TREATMENT OF CERTAIN AMENDMENTS WITHIN PERIOD.—For the purposes of subsection (a), a procurement shall be treated as being made during the 2-year period described in that subsection to the extent that funds are obligated by the Department of Defense for that procurement during that period.

SEC. 6. SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.
(a) Findings.—The Congress finds that—
(1) human spaceflight preeminence allows the United States to project leadership around the world and forms an important component of United States national security;
(2) continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national stra-
tegic posture;
(3) human spaceflight enables continued stewardship of the region between the earth and the Moon—an area that is critical and of growing national and international security relevance;
(4) human spaceflight provides unprecedented opportunities for the United States to leverage peaceful and productive inter-
national relationships with the world community in support of United States security and geo-
political objectives;
(5) a growing number of nations are pursu-
ing human spaceflight and space-related capabilities, including China and India;
(6) past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and export policies.
(7) the industrial base and capabilities represented by the Space Transportation System provide a critical dissimilar launch capability.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain preeminence in human spaceflight.

SA 2527. Mr. WARNER (for Mr. ENGLISH) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 237, after line 17, insert the following:

SEC. 1073. ANNUAL REPORT ON COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.

(a) REQUIREMENT FOR ANNUAL REPORT.—The Secretary of Defense and the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an annual report that sets forth all direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding fiscal year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions undertaken by the Department of Defense. Each such report shall include an aggregate of all such costs of Defense costs by operation or mission, the percentage of the United States Department of Defense costs by operation or mission, the percentage of the United States contribution by operation or mission, and all efforts made to seek compensation from the United Nations for costs incurred by the United Nations Security Council, including any such resolution calling for international sanctions, peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions undertaken by the Department of Defense.

(b) COSTS FOR ASSISTING FOREIGN TROOPS.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all direct and indirect costs (including incremental costs) incurred in training, equipping, and otherwise assisting foreign forces, including supporting foreign troops for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions undertaken by the Department of Defense.

(c) CREDIT AND COMPENSATION.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

(d) FORM OF REPORT.—Each annual report required by this section shall be submitted in unclassified form, but may include a classified annex.

SA 2528. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 237, after line 17, insert the following:

SEC. 846. FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(VII) the number of small business concerns that received multiple-award contracts;"
SA 2532. Mr. WARNER (for Mr. LUTENBERG) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe the personnel levels for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 237, after line 17, insert the following:

SEC. 856. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) Drought Disaster Authority.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 636(k)) is amended—

(A) by inserting "(1)" after "(k)"; and

(B) by adding at the end the following:

"(2) For purposes of section 7(b)(2), the term ‘disaster’ includes—

(A) drought; and

(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.

(2) Drought disaster relief authority.—

Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting "(1)" after "(k)"; and

(B) by adding at the end the following:

"(2) In paragraph (2), by striking the term ‘disaster’ and inserting ‘(including drought),’ with respect to both farm-related and nonfarm-related small business concerns, before ‘the Administration’.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking ‘and’ in paragraph (2), inserting ‘(including drought),’ with respect to both farm-related and nonfarm-related small business concerns, before ‘subject to the other applicable requirements of this paragraph’.

(d) LIMITATION ON LOANS.—(1) Funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought disaster loans to nonfarm-related small business concerns in accordance with this section and the amendments made by this section.

SEC. 857. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY FLOODS.

(a) Flood Disaster Authority.—

Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended by striking ‘and’ in paragraph (2), inserting ‘(including floods),’ with respect to both farm-related and nonfarm-related small business concerns, before ‘subject to the other applicable requirements of this paragraph’.
SEC. 1. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.

(a) Publication of information on Federal Contractor Penalties and Violations.—(1) The Secretary of Defense shall maintain a publicly-available website that provides information on instances in which major contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct. The website shall be updated not less than once a year.

(2) For the purposes of this subsection, a major contractor is a contractor that receives at least $100,000,000 in Federal contracts in the most recent fiscal year for which data are available.

(b) Report on Federal Sole Source Contracts Related to Iraq Reconstruction.—

(1) Report required.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Senate and the House of Representatives a report on all sole source contracts in excess of $2,000,000 entered into by executive agencies in connection with Iraq reconstruction, from January 1, 2003, through the date of the enactment of this Act.

(2) Content.—The report submitted under paragraph (1) shall include the following information with respect to each such contract:

(A) The date the contract was awarded.

(B) The contract number.

(C) The amount awarded.

(D) The contractor.

(E) A brief description of the work to be performed under the contract.

(3) Executive agency defined.—In this subsection, the term ‘executive agency’ has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2534. Mr. WARNER (for Mr. KENNEDY (for himself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1042, to appropriate a re-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 Services, and for other purposes; as follows:

On page 233, between lines 2 and 3, insert the following:

SEC. 807. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) Limitation.—Section 2641(b) of title 10, United States Code, is amended by adding, at the end of the following paragraph:

“(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by Federal Government civilians may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

“(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

“(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2000;

“(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, after all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the aggregate organization’s personnel-related costs for performance of that activity or function by Federal employees.

“(B) A function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition required by subsection (d) unless the entire requirements for public-private competition in Office of Management and Budget Circular A-76.

“(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purpose of avoiding the competition required in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(D) The Secretary of Defense may waive the requirement for a public-private competition under paragraph (A) in specific instances if—

“(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

“(ii) the written waiver is accompanied by a detailed determination that national security interests preclude compliance with the requirement for a public-private competition; and

“(iii) a copy of the waiver is published in the Federal Register at least 10 working days after the date on which the waiver is grant-ed, although use of the waiver need not be delayed until its publication.

“(E) The Secretary of Defense may waive the requirement for a public-private competition under paragraph (A) for the purpose of the competition required for performance of the activity or function by Federal employees of new requirements and work that is performed under Department of Defense contracts.”

(b) Definitions.—

(1) National Security Personnel System means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) United States influence and vital long-term interests in Asia are being challenged...
(C) the assistance of China and North Korea to global ballistic missile proliferation in extensive and ongoing;
(D) China’s transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries and entities which threaten the United States and its allies; and
(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union, which would accelerate weapons modernization and dramatically enhance Chinese military capabilities;
(F) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China’s qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and
(G) China’s growing energy needs and disturbing China’s economic and commercial export of ballistic missile systems by the Department of Defense.

(1) A description of the utilization of robotics and unmanned ground vehicle systems, in current major acquisition programs of the Department of Defense.
(2) A description of the manner in which the development of robotics and unmanned ground vehicle systems supports current major acquisition programs of the Department of Defense.
(3) A detailed description, including budget estimates, of all Department programs and activities on robotics and unmanned ground vehicle systems for fiscal years 2004 through 2012, including programs and activities relating to research, development, test and evaluation, procurement, and operation and maintenance.
(4) A description of the long-term research and development programs of the department on technology for the development and integration of new robotics and unmanned ground vehicle systems capabilities in support of the Department of Defense.
(5) A description of any planned demonstration or experimentation activities of the Department that will support the development and deployment of robotics and unmanned ground vehicle systems by the Department.
(6) A statement of the Department organizations currently participating in the development of new robotics or unmanned ground vehicle systems capabilities, including the departmental and interdepartmental missions of each such organization in such efforts.
(7) A description of the activities of the Department to collaborate with industry, academia, and other Department and non-government organizations in the development of new capabilities in robotics and unmanned ground vehicles.
(8) An assessment of the short-term and long-term ability of the United States to support the production of robotics and unmanned ground vehicle systems to meet Department requirements.
(9) An assessment of the progress being made to achieve the goal established by section 220(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398, 114 Stat. 1854–38) that, by 2015, one-third of operational ground combat vehicles be unmanned.
(10) An assessment of international research, technology, and military capabilities in robotics and unmanned ground vehicle systems.

SA 2536. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for certain Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. 4. REPORT ON DEVELOPMENT AND USE OF ROBOTICS AND UNMANNED GROUND VEHICLE SYSTEMS.

(a) Inclusion of Information Technology Improvements in Share-In-Savings.—In paragraph (1) of subsection (a) of section 2332 of title 10, United States Code, the following shall be inserted:
(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;
(2) by inserting the following new paragraph:
(3) by redesignating paragraph (4) as paragraph (5) and inserting the following:
(4) by inserting the following:
(5) by inserting the following:

(1) A description of the utilization of robotics and unmanned ground vehicle systems in current military operations.
(2) A description of the manner in which the development of robotics and unmanned ground vehicle systems supports current major acquisition programs of the Department of Defense.
(3) A detailed description, including budget estimates, of all Department programs and activities on robotics and unmanned ground vehicle systems for fiscal years 2004 through 2012, including programs and activities relating to research, development, test and evaluation, procurement, and operation and maintenance.
(4) A description of the long-term research and development programs of the department on technology for the development and integration of new robotics and unmanned ground vehicle systems capabilities in support of the Department of Defense.
(5) A description of any planned demonstration or experimentation activities of the Department that will support the development and deployment of robotics and unmanned ground vehicle systems by the Department.
(6) A statement of the Department organizations currently participating in the development of new robotics or unmanned ground vehicle systems capabilities, including the departmental and interdepartmental missions of each such organization in such efforts.
(7) A description of the activities of the Department to collaborate with industry, academia, and other Department and non-government organizations in the development of new capabilities in robotics and unmanned ground vehicles.
(8) An assessment of the short-term and long-term ability of the United States to support the production of robotics and unmanned ground vehicle systems to meet Department requirements.
(9) An assessment of the progress being made to achieve the goal established by section 220(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398, 114 Stat. 1854–38) that, by 2015, one-third of operational ground combat vehicles be unmanned.
(10) An assessment of international research, technology, and military capabilities in robotics and unmanned ground vehicle systems.

SEC. 5. MODIFICATION AND EXTENSION OF PILOT PROGRAM ON SHARE-IN-SAVINGS CONTRACTS.

(a) Inclusion of Information Technology Improvements in Share-In-Savings.—In paragraph (1) of subsection (a) of section 2332 of title 10, United States Code, as amended by adding at the end the following new sentence: “Each such contract shall provide that the contractor shall incur the cost of implementing improvements.

(b) Contract Performance Evaluation.—In paragraph (4) of subsection (a) of section 2332 of title 10, United States Code, as amended by adding at the end the following new sentence: “The head of an agency that enters into contracts pursuant to the authority of this section shall establish a panel of employees of such agency, independent of any program contracting office responsible for awarding and administering such contracts, for the purpose of verifying performance baselines and methodologies for calculating savings resulting from the implementation of information technology improvements under such contracts. Employees assigned to such panel shall have experience and expertise appropriate for the duties of such panel.

SEC. 6. INCREASED USE OF ROBOTICS AND UNMANNED GROUND VEHICLE SYSTEMS.
“(5) Each contract awarded pursuant to the authority of this section shall include a provision containing a quantifiable baseline of current and projected costs, a methodology for calculating actual costs during the period of performance, and a savings share ratio governing the amount of payments the contractor is to receive under such contract that are awarded by a panel established pursuant to paragraph (4) to be financially sound and based on the best available information.

“(6) Each contract awarded pursuant to the authority of this section shall—

‘‘(A) provide that aggregate payments to the contractor may not exceed the amount the agency would have paid, in accordance with the baseline of current and projected costs incorporated in such contract, during the period covered by such contract; and

‘‘(B) require an independent annual audit of actual costs in accordance with the methodology established under paragraph (5)(B), which shall serve as a basis for annual payments based on savings share ratio established in such contract.’’.

(c) EXTENSION OF PILOT PROGRAM.—Such section is further amended—

“(1) in subsection (b)(3)(B), by striking ‘fiscal years 2006 and 2007’ and inserting ‘fiscal years 2003 through 2007’; and

“(2) in subsection (d), by striking ‘September 30, 2005’ and inserting ‘September 30, 2007’.

(d) REPORTS TO CONGRESS.—

(1) SECRETARY OF DEFENSE REPORTS.—Not later than March 31, 2006, and each year thereafter until the year after the termination of the pilot program under section 2332 of title 10, United States Code (as amended by subsection (a)), the Secretary of Defense shall submit to Congress a report containing a list of each contract entered into by each Federal agency under such section during the preceding year that contains terms and conditions for the contractor to implement information technology improvements in exchange for a share of the savings derived from the implementation of such improvements, and each report shall set forth, for each contract listed—

(A) the information technology performance acquired by reason of the improvements concerned;

(B) the total amount of payments made to the contractor during the year covered by the report; and

(C) the total amount of savings or other measurable benefits realized by the Federal agency during such year as a result of such improvements.

(2) COMPTROLLER GENERAL REPORTS.—Not later than two months after the Secretary submits a report required by paragraph (1), the Comptroller General of the United States shall submit to Congress a report on the costs and benefits to the United States of the implementation of the technology improvements under the contracts covered by such report, together with such recommendations as the Comptroller General considers appropriate.

SA 2538. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 2538. MODIFICATION OF ELIGIBILITY FOR POSITION OF PRESIDENT OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

“(a) The President of the Naval Postgraduate School shall be one of the following:

“(1) An officer of the Navy not below the grade of rear admiral (lower half) who is designated to such position;

“(2) A civilian individual having qualifications appropriate to the position of President of the Naval Postgraduate School who is appointed to such position.

“(3) The President of the Naval Postgraduate School shall be detailed or assigned to such position under paragraph (2), by the Secretary of the Navy, upon the recommendation of the Chief of Naval Operations.

“(4) An individual assigned as President of the Naval Postgraduate School under paragraph (1)(B) shall serve in such position for a term of not more than five years.’’.

SA 2539. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 2539. REPORTS TO CONGRESS ON THE DEFENSE BUSINESS TRANSFORMATION AGENCY.

Section 1922 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—The Defense Business Transformation Agency shall be supervised by the vice chairman of the Defense Business System Management Committee.

“(f) Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that agency as a cooperative entity by the Deputy Under Secretary of Defense for Business Transformation and the Deputy Under Secretary of Defense for Financial Management.’’.

SA 2540. Mr. WARNER (for Mr. ALLEN (for himself, Mr. DEWINE, and Mr. WARNER)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 187, between lines 6 and 7, insert the following:

“(c) ADDITIONAL DEATH GRATUITY.—In the case of an active duty member of the armed forces that died between October 7, and May 11, 2005, and was not eligible for an additional death gratuity under section 1478(e)(2)(A) of title 10, United States Code (as added by section 1478(a) of Public Law 109-13), the eligible survivors of such deceased shall receive, in addition to the death gratuity available to such survivors under section 1478(e)(4) of such title, the following:

“(1) The death gratuity provided under section 1478(e)(4) of such title shall be increased by $150,000.

“(2) The death gratuity provided under section 1478(e)(4) of such title shall be increased by an amount equal to the amount under section 1478(e)(2)(A) of title 10, United States Code (as added by section 1478(a) of Public Law 109-13), that is payable to the eligible surviving spouse of a member of the armed forces who died between October 7, 2004, and May 11, 2005, and who is not eligible for the death gratuity provided under section 1478(e)(4) of such title.

SA 2541. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 2541. DESIGNATION OF IAE SKELTON EARLY COMMISSIONING PROGRAM SCHOLARSHIPS.

Section 2107a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) Financial assistance provided under this section to a cadet appointed at a military junior college is hereby increased by $45,000,000 for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SEC. 2542. MODIFICATION OF ELIGIBILITY FOR POSITION OF PRESIDENT OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

“(a) The President of the Naval Postgraduate School shall be one of the following:

“(1) An officer of the Navy not below the grade of rear admiral (lower half) who is designated to such position; and

“(2) A civilian individual having qualifications appropriate to the position of President of the Naval Postgraduate School who is appointed to such position.

“(3) The President of the Naval Postgraduate School shall be detailed or assigned to such position under paragraph (2), by the Secretary of the Navy, upon the recommendation of the Chief of Naval Operations.

“(4) An individual assigned as President of the Naval Postgraduate School under paragraph (1)(B) shall serve in such position for a term of not more than five years.’’.

SA 2543. Mr. WARNER (for Mr. ALLEN (for himself, Mr. DEWINE, and Mr. WARNER)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, insert the following:

“SEC. 2543. SENSE OF SENATE ON AERONAUTICS RESEARCH AND DEVELOPMENT.

“(a) FINDINGS.—Congress makes the following findings:

“(1) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled long-standing military air superiority for the United States in recent decades.
SA 2544. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

(1) in paragraph (1), by striking “or”; and
(2) in paragraph (2), by striking the period at the end and inserting “or”; and
(3) by adding at the end the following new paragraph:

“(3) the total expenditure for operation and maintenance is estimated to be $2,000,000 or more.”.

(c) EXTENSION OF AUTHORITY.—Subsection (f) of such section is amended—

(1) by striking “through 2006” and inserting “through 2009”; and
(2) by striking “September 30, 2006” and inserting “September 30, 2009”.

SA 2545. Mr. WARNER (for himself, Mr. LEVIN, and Mr. BINGHAM) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title X, add the following:

SEC. 6. MODIFICATION OF LIMITATION AUTHORITY FOR THE COMMANDER OF THE UNITED STATES PACIFIC COMMAND.

(a) SCOPE OF AUTHORITY.—Subsection (b) of section 1676 of title 10, United States Code, is amended by inserting “and” in the matter following “striped and” and inserting “acquire” after “distribute”.

(b) INAPPLICABILITY TO CERTAIN SYSTEMS FUNDED WITH OPERATION AND MAINTENANCE FUNDS.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking “or”; and
(2) by striking “through 2006” and inserting “through 2009”; and
(3) by striking “September 30, 2006” and inserting “September 30, 2009”.

SA 2546. Mr. WARNER (for Mr. DAVITIAN himself, Mrs. MURRAY, and Ms. COLLINS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title V, add the following:

SEC. 5. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.

(a) FIRST EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuing to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-61).

(b) SECOND EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuing to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62).

(c) SUPPLEMENTAL APPROPRIATIONS FOR AVIATION AND LOGISTIC PROGRAMS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuing to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, arising from the proposal of the Administration relating to aviation and logistic programs, to the Secretary of Defense.

(d) AMOUNTS REAUTHORIZED FOR HURRICANE-RELATED DISASTER RELIEF.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuing to such authorized amount are increased by a reallocation of funds from the Disaster Relief Fund (DRF) of the Federal Emergency Management Agency arising from the proposal of the Director of the Office of Management and Budget on the reallocation of amounts for hurricane-related disaster relief that was submitted to the President on October 28, 2005, and transmitted to the Speaker of the House of Representatives on that date.

(e) AMOUNTS FOR HUMANITARIAN ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—There is authorized to be appropriated to the Department of Defense for fiscal year 2006, $40,000,000 for the use of the Department of Defense for overseas, humanitarian, disaster relief, and other purposes of providing humanitarian assistance to the victims of the earthquake that devastated northern Pakistan on October 8, 2005.

(f) REPORTS ON USE OF CERTAIN OTHER FUNDS.—(1) REPORT ON USE OF EMERGENCY SUPPLEMENTAL FUNDS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure, as of that date, of any funds appropriated to the Department of Defense for fiscal year 2005 pursuant to the Acts referred to in subsections (a) and (b) as authorized by such subsections. Such report shall set forth—

(A) the amounts so obligated and expended; and
(B) the purposes for which such amounts were so obligated and expended;

(2) REPORT ON EXPENDITURE OF REIMBURSABLE FUNDS.—The Secretary shall include in the report required by paragraph (1) a statement of any expenditure by the Department of Defense of funds that were reimbursable by the Federal Emergency Management Agency, or any other department or agency of the Federal Government, for which amounts were appropriated in an Act referred to in subsection (a) or to such department or agency;

(3) REPORT ON USE OF CERTAIN OTHER FUNDS.—Not later than May 15, 2006, and quarterly thereafter through November 15, 2006, the Secretary shall submit to the congressional defense committees a report on the obligation and expenditure, during the previous fiscal year quarter, of any funds appropriated to the Department of Defense as authorized by an Act referred to in subsection (d). Each report shall, for the fiscal year quarter covered by such report, set forth—

(A) the amounts so obligated and expended; and
(B) the purposes for which such amounts were so obligated and expended;

(g) REPORT ON ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing Department of Defense efforts to provide relief to victims of the earthquake that devastated northern Pakistan on October 8, 2005, and assessing the need for further reconstruction and relief assistance.

SA 2547. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities in the Horn of Africa region, to prevent the use of Somali territory by terrorists, to facilitate the training of the National Guard and Reserve, and to authorize the National Guard to provide assistance in connection with national disasters and other emergency activities in the Horn of Africa region; as follows:

SEC. 6. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR NATIONAL GUARD AND RESERVES.

It is the sense of the Senate—

(1) to recognize the important and integral role played by members of the National Guard and Reserve and military technicians (dual status) in the efforts of the Armed Forces; and

(2) to urge the Secretary of Defense to promptly resolve issues relating to appropriate authority for payment of reenlistment bonuses stemming from reenlistment contracts entered into between January 14, 2005, and April 17, 2005, involving members of the Army National Guard and military technicians (dual status).

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of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2927. REQUIRED CONSULTATION WITH STATE AND LOCAL GOVERNMENTS ON TRANSPORTATION, HOUSING, AND OTHER INFRASTRUCTURE ISSUES RELATED TO THE DISPOSITION OF PERSONNEL OR FACILITIES AT MILITARY INSTALLATIONS AS PART OF 2006 BASECLOSE AND REALIGNMENT.

Section 2095(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2677 note) is amended by adding at the end the following new paragraph:

"(3) In carrying out such closure or realignment under this paragraph that would add personnel or facilities to an existing military installation, the Secretary shall consult with State and local governments on matters affecting the local community related to transportation, utility infrastructure, housing, schools, and family support activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 3050. SENSE OF CONGRESS. It is the sense of Congress that:

(a) the Government of Libya should be commended for the steps the Government has taken to renounce terrorism and to eliminate Libya’s weapons of mass destruction and related programs; and

(b) an important priority for improving relations between the United States and Libya should be a good faith effort on the part of the Government of Libya to resolve the claims of members of the Armed Forces of the United States and other United States citizens who were injured in the bombing of the La Belle Discotheque in Berlin, Germany that occurred in April 1986, and of family members of members of the Armed Forces of the United States who were killed in that bombing.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of negotiations between the Government of Libya and United States claimants in connection with the bombing of the La Belle Discotheque in Berlin, Germany that occurred in April 1986, regarding resolution of their claims. The report shall also include information on efforts by the Government of the United States to urge the Government of Libya to make a good faith effort to resolve such claims.

(2) UPDATE.—Not later than one year after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an update of the report required by paragraph (1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SA 2552. Mr. WARNER (for Mr. KENNEDY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator.
SEC. 2887. IDENTIFICATION OF ENVIRONMENTAL CONDITIONS AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) Identification of Environmental Conditions—

(1) IN GENERAL.—Not later than May 31, 2007, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, and other appropriate Federal agencies, and State, tribal, and local government officials, shall complete an identification of the environmental condition of the realigning grounds of each military installation approved for closure or realignment under the 2005 round of defense base closure and realignment in accordance with section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)).

(2) RESULTS.—

(A) IN GENERAL.—As soon as practicable after the date on which an identification under paragraph (1) is completed, the Secretary of Defense shall—

(i) provide a notice of the results of the identification to—

(I) the Administrator of the Environmental Protection Agency;

(II) the head of any other appropriate Federal agency, as determined by the Secretary; and

(III) any affected State or tribal government official, as determined by the Secretary;

and

(ii) publish in the Federal Register the results of the identification.

(B) REQUEST FOR CONCURRENCE.—The Secretary shall include in a notice provided under subclause (I) or (III) of subparagraph (A)(i) a request for concurrence with the identification in such form as the Secretary determines to be appropriate.

(3) CONCURRENCE.—

(A) IN GENERAL.—An identification under paragraph (1) shall not be considered to be complete until—

(i) for a property that is a site, or part of a site, on the National Priorities List developed by the President in accordance with section 106(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9665(a)(8)(B)), the date on which the Administrator of the Environmental Protection Agency and each appropriate State and tribal government official concur with the identification; and

(ii) for any property that is not a site described in clause (i), the date on which each appropriate State and tribal government official concurs with the identification.

(B) FAILURE TO ACT.—The Administrator, or a State or tribal government official, shall be considered to concur with an identification under paragraph (1) if the Administrator or government official fails to make a determination with respect to a request for concurrence with such identification under paragraph (2)(B) by not later than 90 days after the date on which such request for concurrence is received.

(b) EXPEDITING ENVIRONMENTAL RESPONSE.—The Secretary of Defense shall coordinate with appropriate Federal, State, tribal, and local governmental officials, as determined by the Secretary, to expedite environmental response at military installations closed or realigned under the 2005 round of defense base closure and realignment.

(c) REPORT.—The Secretary shall submit to Congress, each annual report under section 2706 of title 10, United States Code, a report describing any progress made in carrying out the provisions of this section.

(d) EFFECT OF SECTION.—Nothing in this section affects any obligation of the Secretary with respect to any other Federal or State requirement relating to—

(1) the environment; or

(2) the transfer of property.

SA 2554. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitile D of title XXVIII, add the following:

SEC. 2887. SENSE OF CONGRESS ON LIMITATION ON TRANSFER OF UNITS FROM CLOSED AND REALIGNMENT MILITARY INSTALLATIONS PENDING READINESS OF RECEIVING LOCATIONS.

(a) FINDINGS.—

(1) The Commission on Review of Overseas Military Facility Structure of the United States, also known as the Overseas Basing Commission, transmitted a report to the President and Congress on August 15, 2005, that discussed considerations for the return of overseas military facilities to the United States of up to 70,000 service personnel and 100,000 family members and civilian employees and garrisons.

(2) The 2005 Base Closure and Realignment Commission released a report on September 8, 2005, to the President that assessed the closure and realignment decisions of the Department of Defense, which would affect 26,830 military personnel positions.

(3) Both of these reports expressed concerns that massive movements of units, service personnel, and families may disrupt unit operational effectiveness and the quality of life for family members if not carried out with adequate planning and resources.

(4) The 2005 Base Closure and Realignment Commission, in its decision to close Fort Monmouth, included a provision requiring the Secretary of Defense to provide a report that “movement of organizations, functions, or activities from Fort Monmouth to Aberdeen Proving Ground will be accomplished without disrupting support to the Global War on Terrorism or other critical contingency operations, and that safeguards exist to ensure that necessary redundant capability are maintained to prevent potential degradation of such support, and to ensure maximum retention of critical workforce.”

(5) The Overseas Basing Commission found that “base closings at home along with the return of yet additional masses of service members and dependents from overseas will have major implications for communities and the quality of life that can be expected. Movements abroad from established bases into new locations, or into locations already in use that will be put under pressure by increases in populations, will impact on living conditions.”

(6) The Overseas Basing Commission notes that the four most critical elements of quality of life as they relate to restructuring of the global defense posture are housing, military child education, healthcare, and service member and family services.

(7) The Overseas Basing Commission recommended that “planners must take a ‘last day-first day’ approach to the movement of units into remote locations to another”, meaning that they must maintain the support infrastructure for personnel until the last day they are in place and must have purposeful timelines in place on the first day troops arrive in the new location.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation closed or realigned due to the relocation of forces under the Integrated Global Presence and Basing Strategy or the 2005 round of defense base closure and realignment until adequate infrastructure necessary to support the unit’s mission and quality of life requirements for military families are ready for use at the receiving location.
(3) The National Institute for Occupational Safety and Health has completed its evaluation of residual beryllium contamination at the American Beryllium Company.

(4) The American Beryllium Company and other affected companies should be made aware of the site-specific results of the study as soon as such results are available.

(5) In determining the need for further operations and in completing the internal review of such reports, including the dates of any significant residual beryllium contamination, at such time as the reports are provided to Congress under paragraph (1).

SA 2557. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, to authorize appropriations for public health care activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: as follows:

At the end of subtitle B of title VII, add the following:

SEC. 471. CONTROLLER GENERAL REPORT ON EXPANDED PARTNERSHIP BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON THE PROVISION OF HEALTH CARE SERVICES.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the feasibility of an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services.

(b) Report Elements.—The report required by subsection (a) shall include the following:

(1) An overview of the current health care systems of the Department of Defense and the Department of Veterans Affairs, including:

(A) the total number of eligible beneficiaries in each system as of September 30, 2005;

(B) the total number of current consumers of health care services in each system as of that date;

(C) the total cost of each system in the most recent fiscal year for which complete cost data for such systems exists;

(D) the annual workload or production of health care by beneficiary category in each system in the most recent fiscal year for which complete data on workload or production of health care for both systems exists;

(E) the total cost of health care by beneficiary category in each system in the most recent fiscal year for which complete cost data for both systems exists;

(F) the total staffing of medical and administrative personnel in each system as of September 30, 2005;

(G) the number and location of facilities, including both hospitals and clinics, operated by each system as of that date; and

(H) the availability of and program of graduate medical education programs in each system as of that date.

(2) A comparative analysis of the characteristics of each health care system, including a determination and comparative analysis of—

(A) the mission of such systems;

(B) the demographic characteristics of the populations served by such systems;

(C) the categories of eligibility for health care services in such systems;

(D) the nature of benefits available by beneficiary category in such systems;

(E) access to and quality of health care services in such systems;

(F) the out-of-pocket expenses for health care by beneficiary category in such systems;

(G) the structure and methods of financing the care for all categories of beneficiaries in such systems;

(H) the management and acquisition of medical equipment and supplies in such systems, including pharmaceuticals and prosthetic and other medical assistive devices;

(I) the mix of health care services available in such systems;

(J) the current inpatient and outpatient capacity of such systems; and

(K) the human resource systems for medical personnel in such systems, including the rates of compensation for civilian employees.

(3) A summary of current sharing efforts between the health care systems of the Department of Defense and the Department of Veterans Affairs.

(4) An assessment of the advantages and disadvantages for military retirees and their dependents participating in the health care system of the Department of Veterans Affairs and the Department of Defense, with a separate assessment to be made for:

(A) military retirees and dependents under the age of 65; and

(B) military retirees and dependents over the age of 65.

(5) Projections for the future growth of health care costs for retirees and veterans in the health care systems of the Department of Defense and the Department of Veterans Affairs, and the implications on mechanisms to ensure more effective and higher quality services in the future for military retirees and veterans now served by both systems.

(6) Options for means of achieving a more effective partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, including options for the expansion of, and enhancement of access of military retirees and their dependents to, the health care system of the Department of Veterans Affairs.

(c) Solicitation of View.—In preparing the report required by subsection (a), the Comptroller General shall seek the views of representatives of military family organizations, military retiree organizations, and organizations representing veterans and their families.

(d) Appropriate Committees of Congress Defined.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(1) the Committees on Armed Services and Veterans Affairs of the Senate; and

(2) the Committees on Armed Services and Veterans Affairs of the House of Representatives.

SA 2558. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 472. GRANTS FOR LOCAL WORKFORCE INVESTMENT BOARDS FOR SERVICES TO CERTAIN SPOUSES OF MEMBERS OF THE ARMED FORCES.

(a) Grants Authorized.—The Secretary of Defense may, from any funds authorized to be appropriated to the Department of Defense, and in consultation with the Department of Labor, make grants to local workforce investments boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2922), or consortia of such boards, in order to permit such boards or consortia of boards to provide services to spouses of members of the Armed Forces described in subsection (b):

(b) Covered Spouses.—Spouses of members of the Armed Forces described in this subsection are spouses of members of the Armed Forces on active duty, which spouses—

(1) have experienced a loss of employment as a direct result of relocation of such members to accommodate a permanent change in duty station; or

(2) are in a family whose income is significantly reduced due to—

(A) the deployment of such members;

(B) the call or order of such members to active duty in support of a contingency operation pursuant to a provision of law referred to in section 101(a)(19)(B) of title 10, United States Code;

(C) a permanent change in duty station of such members; or

(D) the incurring by such members of a service-connected disability (as that term is defined in section 101(16) of title 38, United States Code).

(c) Regulations.—Any grants made under this section shall be made pursuant to regulations prescribed by the Secretary in consultation with the Department of Labor.

SA 2559. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 473. REST AND RECOVERY LEAVE PROGRAMS.

(a) Availability of Funds for Reimbursement of Expenses for Leave.

(1) In General.—Any grants made under this section shall be made pursuant to regulations prescribed by the Secretary in consultation with the Department of Labor.

(2) Requirements for Applications for Such Grants.—Any grants made under this section shall be made pursuant to regulations prescribed by the Secretary in consultation with the Department of Labor.

(3) The nature of services to be provided using such grants.

SA 2558.
SA 2560. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subsection B of title V, add the following:

(a) FINDINGS.—Congress makes the following findings:

(1) the Department of Defense began retaining selected members of the Armed Forces beyond their contractual date of separation from the Armed Forces, a policy commonly known as "stop loss", shortly after the events of September 11, 2001, and for the first time since Operation Desert Shield/Desert Storm;

(2) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the Senate; and

(3) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the House of Representatives.

(b) DEVELOPMENT PLAN AND REPORT.—Not later than 90 days after the date of enactment of this Act, using amounts available to the Department of Defense and the National Energy Technology Laboratory of the Department of Energy,

(1) preparing a development plan for a coal-to-liquid fuel program;

(2) in coordination with the Secretary of Energy, in coordination with the Secretary of Defense, shall prepare and submit to the designated committees a report on the potential use of the fuels by the Department of Defense.

(c) REQUIREMENTS.—The development plan described in subsection (b)(1) shall be prepared taking into consideration:

(1) technology needs and developmental barriers;

(2) economic and national security effects;

(3) environmental standards and a carbon capture and storage opportunities;

(4) financial incentives;

(5) timelines and milestones;

(6) diverse regions having coal reserves that would be suitable for liquefaction plants;

(7) coal-liquid fuel testing to meet civilian and military engine standards and markets; and

(8) any roles other Federal agencies, State governments, and international governments could play in developing a coal-to-liquid fuel industry.

SA 2562. Mr. WARNER (for Mr. CRAIG (for himself, Mr. ROBERTS, Mr. BROWNBACK, Ms. MIKULSKI, Mr. WARNER, and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 2. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS TO PERSONS WHO COMMITTED A CAPITAL OFFENSE.

(a) PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.—Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b), by adding paragraph (1) to read as follows:

"(1) A person whose conviction of a State capital crime is final;"; and

(2) by amending paragraph (2) to read as follows:

"(2) A person whose conviction of a Federal capital crime is final;"; and

(b) DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.—Section 149 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole." and inserting "described in subsection (c)(1) of title 38";

(2) in subsection (b), by striking "convicted of a capital offense under Federal law" and inserting "described in subsection (c)(1) of title 38"; and

(3) by amending subsection (c) to read as follows:

"(c) DEFINITION.—In this section, the term "burial" includes inurnment.

(d) BURIAL OR HONORS.—Section 149(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (a) and (b), respectively;

(2) by striking "means a decedent who" and inserting the following:

"(i) the so-called "stop loss" authority and the manner in which exercise of such authority could affect the duration of an individual's service on active duty in the Armed Forces;

(ii) the authority for the call or order to active duty of members of the Individual Ready Reserve and the manner in which such a call or order to active duty could affect an individual following the completion of the individual's expected period of service on active duty or in the Individual Ready Reserve; and

(iii) any other authorities applicable to the call or order to active duty of the Reserves, or of the retention of members of the Armed Forces other than those described in paragraph (1), that could affect the period of service of an individual on active duty or in the Armed Forces; and

(B) such other information as the Secretary considers appropriate.

SA 2561. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subsection B of title V, add the following:

SEC. 1073. COAL-TO LIQUID FUEL DEVELOPMENT.

(a) DEFINITION OF DESIGNATED COMMITTEES.—In this section, the term "designated committees" means—

(1) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the House of Representatives.

(b) DEVELOPMENT PLAN AND REPORT.—Not later than 90 days after the date of enactment of this Act, using amounts available to the Department of Defense and the National Energy Technology Laboratory of the Department of Energy,

(1) preparing a development plan for a coal-to-liquid fuel program;

(2) in coordination with the Secretary of Energy, in coordination with the Secretary of Defense, shall prepare and submit to the designated committees a report on the potential use of the fuels by the Department of Defense.

(c) REQUIREMENTS.—The development plan described in subsection (b)(1) shall be prepared taking into consideration:

(1) technology needs and developmental barriers;

(2) economic and national security effects;

(3) environmental standards and a carbon capture and storage opportunities;

(4) financial incentives;

(5) timelines and milestones;

(6) diverse regions having coal reserves that would be suitable for liquefaction plants;

(7) coal-liquid fuel testing to meet civilian and military engine standards and markets; and

(8) any roles other Federal agencies, State governments, and international governments could play in developing a coal-to-liquid fuel industry.

(b) UTILIZATION OF REIMBURSEMENTS.—Amounts received by the Armed Forces Recreation Centers under subsection (a) as reimbursement for expenses may be utilized by such facilities for maintenance and repair, utility expenses, correction of health and safety deficiencies, and routine ground support.
(e) **SAVINGS PROVISION**.—The amendments made by subsections (a), (b), and (c) shall not apply to any person whose sentence for a Federal capital crime or a State capital crime (as such terms are defined in section 924 of title 18, United States Code) was commuted by the President or the Governor of a State.

**SA 2563.** Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 324. Budgeting for key military equipment:** annual reports.

(a) **ANNUAL REPORT REQUIRED**.—The Secretary of Defense shall submit to Congress each year, at or about the time that the budget of the President is submitted to Congress under section 1001(a) of title 31, a report on the budgeting of the Department of Defense for key military equipment, and for other purposes; as follows:

(1) A description of the current strategies of the Department of Defense for sustaining key military equipment, for modernization that will be required of such equipment,

(2) A description of the amounts required for the Department for the fiscal year beginning in such year in order to fully fund the strategies described in paragraph (1),

(3) A description of the amounts requested for the Department for such fiscal year in order to fully fund such strategies,

(4) A description of the risks, if any, of failing to fund such strategies in the amount fully to fund such strategies (as specified in paragraph (2)),

(b) **REPORT ELEMENTS**.—The report required by subsection (a) for a year shall set forth the following:

(1) A description of the current strategies of the Department of Defense for sustaining key military equipment, and for any modernization that will be required of such equipment,

(2) A description of the amounts required for the Department for the fiscal year beginning in such year in order to fully fund the strategies described in paragraph (1),

(3) A description of the amounts requested for the Department for such fiscal year in order to fully fund such strategies,

(4) A description of the risks, if any, of failing to fund such strategies in the amount fully to fund such strategies (as specified in paragraph (2)),

(c) **KEY MILITARY EQUIPMENT DEFINED**.—In this section, the term ‘‘key military equipment’’ means—

(A) major weapons systems that are essential to accomplishing the national defense strategy;

(B) other military equipment, such as major command, communications, computer intelligence, surveillance, and reconnaissance (CISR) equipment, and systems designed to prevent fratricide, that is critical to the readiness of military units; and

(C) includes equipment reviewed in the report of the Comptroller General of the United States numbered GAO-06-141.

(b) **CLERICAL AMENDMENT**.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

'’234. Budgeting for key military equipment: annual reports.’’

**SA 2564.** Mr. WARNER (for Mr. MARTINEZ (for himself and Mr. WARNER)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

**SEC. IMPROVEMENT OF AUTHORITIES ON GENERAL GIFT FUNDS OF THE DEPARTMENT OF DEFENSE.**

(a) **RESTATEMENT AND EXPANSION OF CURRENT AUTHORITY.**—Subsection (a) of section 2601 of title 10, United States Code, is amended to read as follows:

(1) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit, or in connection with, the establishment, operation, or maintenance of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of such Secretary.

(2) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit, or in connection with, the establishment, operation, or maintenance of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of such Secretary.

(b) **Savings Provision.**—Section (b) of subsection (a) is amended by adding at the end the following new paragraph:

(1) The Comptroller General of the United States shall make periodic audits of real or personal property accepted under subsection (a) at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.

**SA 2565.** Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title V, add the following:

**SEC. SENSE OF SENATE ON APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO RESERVES ON INACTIVE-DUTY TRAINING ORDERS.** It is the sense of the Senate that—

(1) there should be no ambiguity about the applicability of the Uniform Code of Military Justice (UCMJ) to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training (IDT) orders for any period of time under such orders; and

(2) the Secretary of Defense should—

(A) take action, not later than February 1, 2006, to clarify jurisdictional issues relating to the applicability of section 922 of title 10, United States Code (article 2 of the Uniform Code of Military Justice); and

(B) if necessary, submit to Congress a proposal for legislative action to ensure the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training orders.

**SA 2568.** Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

**SEC. CONMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.**

(a) **FINDING.**—Congress finds that it is both right and appropriate that, upon their return from Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, all soldiers, sailors, marines, and airmen in the Armed Forces who served in those operations be honored and recognized for their achievement at appropriate ceremonies, activities, and awards commemorating their sacrifice and service to the United States and the cause of freedom in the Global War on Terrorism.

(b) **CELEBRATION HONORING MILITARY EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.**
OPERATION IRAQI FREEDOM.—The President may, at the sole discretion of the President—
(1) designate a day of celebration to honor the soldiers, sailors, marines, and airmen of the Armed Forces who have served in Operation Enduring Freedom or Operation Iraqi Freedom and have returned to the United States; and
(2) issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

(c) PARTICIPATION OF ARMED FORCES IN CELEBRATION.—
(1) PARTICIPATION AUTHORIZED.—Members and units of the Armed Forces may participate in the ceremonies and activities associated with the day of celebration designated under subsection (b) that are held in Washington, District of Columbia.

(2) AVAILABILITY OF FUNDS.—Subject to paragraph (4), amounts authorized to be appropriated for the Department of Defense may be used to cover costs associated with the participation of members and units of the Armed Forces in the activities described in paragraph (1).

(3) ACCEPTANCE OF PRIVATE CONTRIBUTIONS.—(A) Notwithstanding any other provision of law, the Secretary of Defense may accept cash contributions from private individuals and entities for the purposes of covering the costs of the participation of members and units of the Armed Forces in the activities described in paragraph (1). Amounts so accepted shall be deposited in an account established for purposes of this paragraph.

(B) Amounts accepted under subparagraph (A) may be used for the purposes described in that subparagraph until expended.

(4) LIMITATION.—The total amount of funds described in paragraph (2) that are available for the purpose described in that paragraph may not exceed the amount equal to—
(A) $20,000,000, minus
(B) the amount of any cash contributions accepted by the Secretary under paragraph (3).

(d) AWARD OF RECOGNITION ITEMS.—
(1) AUTHORITY TO AWARD.—Under regulations prescribed by the Secretary of Defense, appropriate recognition items may be awarded to a qualified individual who served honorably as a member of the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom during the Global War on Terrorism. The purpose of the award of such items is to recognize the contribution of such individuals to the success of the United States in those operations.

(2) RECOGNITION ITEMS DEFINED.—In this subsection, the term ‘‘recognition items’’ means recognition items authorized for presentation under section 2301 of title 10, United States Code (as amended by section 299(a) of this Act).

SA 2567. Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 310, in the table following line 16, insert after the item relating to Fort Campbell, Kentucky, the following:

<table>
<thead>
<tr>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fort Knox</td>
<td>$1,600,000</td>
</tr>
</tbody>
</table>

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ‘‘$1,199,722,000’’.

On page 317, between lines 3 and 4, insert the following:

SEC. 2105. CONSTRUCTION OF BATTALION DINING FACILITIES, Fort Knox, KENTUCKY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

The amount authorized to be appropriated by section 2104(a) for military construction, land acquisition, and military family housing functions of the Department of the Army and the amount of such funds authorized by paragraph (1) of such subsection for military construction projects inside the United States are each hereby decreased by $3,500,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2104(a)(1) for the Department of the Army and available for military construction at Fort Knox, Kentucky, $1,600,000 is available for the construction of battalion dining facilities at Fort Knox.

SA 2568. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform is already saving the lives of soldiers today in Iraq by moving soldiers out of the exposed gunner’s seat and into the protective shell of an up- armored Humvee.

(2) The Common Remotely Operated Weapons Station platform dramatically improves battlefield awareness by providing a laser rangefinder, night vision, telescopic vision, a fire control computer that allows on-the-move target acquisition, and one-shot-one-target accuracy at the maximum range of a weapon.

(3) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform indispensable.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2006 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include in the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2006 of a number of Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SA 2570. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year.
for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 215. INCLUSION OF PACKET BASED TELEPHONE EQUIPMENT IN DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.


(b) Inclusion of Internet Telephony in Deployment of Additional Telephone Equipment.—Subsection (e) of such section is amended—

(1) by inserting “Internet service” after “additional telephones”;

(2) by inserting “or packet based telephony” after “to facilitate telephone”; and

(3) by inserting “Internet access” after “installation of telephones.”

(c) Conforming Amendments.—Such section is further amended—

(1) in the subsection caption of subsection (a), by striking “Prepaid Phone Cards” and inserting “Benefit”; and

(2) in the subsection caption of subsection (e), by inserting “Internet Access” after “Telephone Equipment”.

SA 2571. Mr. WARNER (for Ms. COLINS) (for herself and Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 716. STUDY AND REPORT ON CIVILIAN AND MILITARY PARTNERSHIP PROJECT.

(a) Study.—The Secretary of Defense shall conduct a study on the feasibility of constructing a military partnership project to permit employees of the Department of Defense and of a non-profit health care entity to jointly staff and provide health care services to military personnel and civilians at a Department of Defense military treatment facility.

(b) Report.—Not later than December 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

SA 2574. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in title VIII, insert:

Sec. 2602. National Guard construction projects.

(a) Army national guard at Camp Dawson, West Virginia.—

(1) Authorization of Appropriations.—The amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the National Guard of the United States is hereby increased by $4,500,000.

(2) Use of Funds.—Of the amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the National Guard of the United States, as increased by paragraph (1), $4,500,000 is available for the construction of a readiness center at Camp Dawson, West Virginia.

(b) Air national guard at Eastern West Virginia Regional Airport.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and available for the construction of a bridgegate house/force protection entry project at Camp Yeager, West Virginia, is hereby decreased by $5,000,000.
the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 2. REPORT ON EFFECTS OF WINDMILL FARMS ON MILITARY READINESS.

(a) FINDING.—Congress finds that the Ministry of Defence of the United Kingdom has determined, as a result of a recently conducted study of the effect of windmill farms on military readiness, not to permit construction of windmill farms within 30 kilometers of military radar installations.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effects of windmill farms on military readiness, including an assessment of the effects on the operations of military radar installations of the proximity of windmill farms to such installations and of technologies that could mitigate any adverse effects on military operations identified.

SA 2578. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3. REPORT ON ADVANCED TECHNOLOGIES FOR NUCLEAR POWER REACTORS IN THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on advanced technologies for nuclear power reactors in the United States.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for furtherancements of the safety performance of nuclear power reactors.

(2) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for furtherancements of proliferation-resistant nuclear power reactors.

(c) FORM OF REPORT.—The information in the report required by subsection (a) shall be presented in manner and format that facilitates the dissemination of such information to, and the understanding of such information by, the general public.

SA 2579. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 4. QUARTERLY REPORTS ON WAR STRATEGIES IN IRAQ.

(a) QUARTERLY REPORTS.—At the same time the Secretary of Defense submits to Congress each report on stability and security in Iraq that is submitted to Congress after the date of the enactment of this Act under the Joint Explanatory Statement of the Committees to accompany the conference report on the bill H.R. 1268 of the 109th Congress, the Secretary of Defense and appropriate personnel of the Central Intelligence Agency shall brief the appropriate committees of Congress on the strategy for the war in Iraq, including the measures of evaluation utilized in determining the progress made in the execution of that strategy.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees" means:

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SA 2580. Mr. SANTORUM (for Mr. Frist) proposed an amendment to the bill H.R. 1499, To amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income; as follows:

Not on page 3, line 3, change "December 31, 2004" to "December 31, 2003".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, November 16, 2005, at 10 a.m. in room 216 of the Hart Senate Office Building to conduct an oversight hearing on the In Re Tribal Lobbying Matters, Et Al. Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON RANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. 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 Tuesday, November 15, 2005, at 9:30 a.m. to hold a hearing on Treaties.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, November 15, 2005 at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List
Panel I: Members of Congress.
Panel II: Virginia Mary Kendall to be United States District Judge for the Northern District of Illinois; Kristi DuBose to be United States District Judge for the Southern District of Alabama; W. Keith Watkins to be United States District Judge for the Middle District of Alabama.

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

SUBCOMMITTEE ON AERIAL

Mr. WARNER. Mr. President, I ask unanimous consent that the subcommittee on Aerial be authorized to meet during the session of the Senate on November 15, 2005 at 2:30 p.m. in open session to receive testimony on defense acquisition issues related to tactical aviation and army programs.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on...
Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, November 15, 2005, at 3 p.m. for a hearing regarding “Iran: Teheran’s Nuclear Recklessness and the U.S. Response—The Experts’ Perspective.”

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 15 at 2:30 p.m. The purpose of the hearing is to receive testimony on the following Bills: S. 431, a Bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 505, a bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjudge the boundary of the Yuma Crossing National Heritage Area, S. 1288, a Bill to authorize the Secretary of the Interior to enter into cooperative agreements with States to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, S. 1544, a Bill to establish the Northern Plains National Heritage Area in the State of North Dakota, and for other purposes, S. Con. Res. 60, a concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America’s National Negro Leagues Baseball Heritage Site, S. 749 and H.R. 1064, Bills to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiment who were under the command of New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes, and H.R. 2107, to amend Public Law 104-329 to modify authorities for the use of the Notable Law Enforcement Officers Memorial Fund, and for other purposes.

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee be granted the privilege of the floor for debate on the following Bills: H.R. 2107, to amend Public Law 104-329 to modify authorities for the use of the Notable Law Enforcement Officers Memorial Fund, S. 431, a Bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 505, a bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjudge the boundary of the Yuma Crossing National Heritage Area, S. 1288, a Bill to authorize the Secretary of the Interior to enter into cooperative agreements with States to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, S. 1544, a Bill to establish the Northern Plains National Heritage Area in the State of North Dakota, and for other purposes, S. Con. Res. 60, a concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America’s National Negro Leagues Baseball Heritage Site, S. 749 and H.R. 1064, Bills to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiment who were under the command of New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes, and H.R. 2107, to amend Public Law 104-329 to modify authorities for the use of the Notable Law Enforcement Officers Memorial Fund, and for other purposes.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that Harry Christy and Bob Lester of the State Foreign Operations and Related Programs Subcommittee be granted the privilege of the floor during consideration of the fiscal year 2006 Science, State, Justice, Commerce, and related agencies conference report.

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

Mr. SANTORUM. Mr. President, I ask unanimous consent that Maj Alix Thoms, a military aide, be allowed to follow in the office of Senator Elizabeth Dole, be granted the privilege of the floor for November 16.

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

UNANIMOUS CONSENT AGREEMENT—S. 1783

Mr. SANTORUM. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the immediate consideration of calendar No. 231, S. 1783. I further ask that the managers’ substitute at the desk be agreed to as original text for purpose of further amendment and that the only other amendments in order be an amendment offered by Senator Isakson or his designee on airline pension plans and an amendment to be offered by Senator Akaka on pilots, the text of which is at the desk. I further ask unanimous consent that general debate on the bill be limited to 2 hours equally divided, and the debate on the Isakson and Akaka amendments be limited to 30 minutes equally divided, respectively, and that following the disposition of those specified amendments, the bill, as amended, be read a third time, and the Senate proceed to vote on passage, with no intervening action or debate.

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

FEED AMERICA THURSDAY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 314, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

Ms. CANTWELL. Mr. President, I rise today in support of a Senate resolution to designate Thursday, November 17, 2005, as “Feed America Thursday”, and (2) calls upon 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.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 314

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends; and

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded; and

Whereas almost 3,000,000 of those children experience hunger; and

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) calls upon 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.

BICENTENNIAL ANNIVERSARY OF ARRIVAL OF LEWIS AND CLARK AT THE PACIFIC OCEAN

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 315 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 315) to commemorate the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean.

The resolution proceeds to consider the resolution.

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 315, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The resolution proceeds to consider the resolution.

Ms. CANTWELL. Mr. President, I rise today in support of a Senate resolution commemorating the bicentennial of Lewis and Clark’s remarkable arrival on the Pacific Coast. I am pleased that Senators MURRAY and WYDEN are original cosponsors of the resolution.

Meriwether Lewis and William Clark’s epic journey explored and charted the western frontier of our fledgling Nation.

This journey was America’s great odyssey. It marked our Nation’s coming of age and represents its core values: courage, innovation, perseverance, and opportunity.

And two centuries ago, they reached their destination. On Nov. 7 1805, William Clark wrote in this in his journal: Great joy in camp, we are in View of the Ocean, this great Pacific Ocean which we have so long anxious to See and the roaring or noise made by the waves breaking on the rocky Shores may be heard distinctly.

It’s no wonder he was so excited. Their expedition began a year and half earlier and 4,000 meandering miles east.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 314, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 314) designating Thursday, November 17, 2005, as “Feed America Thursday.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 314) was agreed to.
When Clark wrote that they had seen the Pacific on that day, 200 years ago, he was slightly off target. They were actually 25 miles away, in the Columbia’s widening estuary.

Dangerous storms, wind, rain, and waves battered them without relent. They were trapped for 6 days and forced to hunker down at the spot we now call Clark’s Dismal Nitch.

When the weather finally cleared, they moved west to Station Camp. They set down for ten days and got their first real glimpse of the Pacific. Expedition-member Sgt. Patrick Gass wrote: “We could see the waves, like small mountains, rolling out in the ocean.” Station Camp also marks the spot where Lewis and Clark held a historic democratic vote among all of the group’s members—including Sacagawea and the African American slave, York—to determine where the expedition should stay for the winter.

On November 19, William Clark took 11 expedition members from Station Camp on an excursion beyond camp, and for the first time saw a full view of the Pacific Ocean. That land, now called Cape Disappointment, marks the westernmost point of their journey. Its name belies the great hope and joy that moment inspired in our travel-worn heroes.

‘Today, in Washington State, you can visit these historic locations and find that the expedition reached their Dismal Nitch, Station Camp, Cape Disappointment: In addition to Oregon’s Fort Clatsop and other nearby state parks, they comprise America’s newest national park.

I introduced legislation with Representative BRIAN BAIRD to create the Lewis and Clark National Historical Park: to preserve those beautiful and precious lands, to build local tourism, and to educate future generations.

Last November, President Bush signed into law. This November, we celebrate an incredible bicentennial. Lewis and Clark produced the first maps and charts of a previously undocumented region.

They created an invaluable record of the native cultures, the flora, and the fauna they encountered on their journey.

Prior to the expedition, the United States’ claim to the Pacific Northwest, was tenuous at best, based on American-Indian chief Robert Gray’s discovery of the Columbia River in 1792. And so: Lewis and Clark’s expedition, more than a decade later, was crucial to securing the claim. It was crucial to the eventual creation of all the States in the Pacific Northwest.

More fundamentally though: their task was to explore the unknown. In doing so, they expanded the boundaries of our Nation and pushed the limits of what we were capable, as a people.

It was not easy for them; it rarely is. But many have come after Lewis and Clark. Inspired by their spirit, we have transformed our great Nation many times over in those 200 years.

We would be wise to turn to Lewis and Clark again, as we confront so many critical challenges before us today.

Only by truly reaching beyond our grasp, can we make our Nation great, as Thomas Jefferson said: “from sea to shining sea.”

I yield the floor.

Mr. SANTORUM. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table (S. Res. 315), a unanimous consent that the resolution be thereto be printed in the RECORD, without intervening action or debate.

The resolution (S. Res. 315) was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 315

Whereas, on January 18, 1803, President Thomas Jefferson began an extraordinary journey by signing into law, a request to Congress requesting approval and funding to establish the “Corps of Volunteers for Northwest Discovery” to explore the most direct and practical water route across the continent of the United States all the way to the Pacific Ocean;

Whereas, on May 14, 1804, the journey up the Missouri River and across the vast and newly acquired Louisiana Territory began at Camp Dubois, Illinois, led by Captain Meriwether Lewis and Second Lieutenant William Clark;

Whereas after a long year and a half and 4,333 arduous miles, the expedition endured a dangerous storm of wind, rain, and waves for 6 days at Clark’s Dismal Nitch;

Whereas, on November 13, 1805, the Corps of Discovery moved further west to Station Camp and beheld their first comprehensive view of the Pacific Ocean, and thereby began the realization of the vision of President Jefferson of a country “from sea to shining sea”;

Whereas Station Camp also marks the occurrence of a historical democratic vote to determine where to stay for winter that included all members of the expedition, including Sacagawea, an Indian woman, and York, an African American slave;

Whereas, on November 19, 1805, Clark and 11 of his men set out on an ocean excursion, hiking 25 miles to Cape Disappointment to get a complete view of the Pacific Ocean and reach the furthest western point of the expedition;

Whereas the expedition built their winter camp on the south side of the Columbia River at Fort Clatsop, Oregon, named in honor of the Clatsop Indian, and the 33 member party spent 106 days among lush old-growth forest, wetlands, and wildlife preparing for their long journey back to St. Louis, Missouri;

Whereas Lewis and Clark’s Corps of Discovery produced detailed journals with maps, charts, samples, and descriptions of the previously undocumented western geography, climate, plants, animals, and native cultures from which the Nation continues to benefit today;

Whereas the Lewis and Clark Expedition marks a significant benchmark in American history and a crucial step in securing the claim and the eventual creation of all the States in the Pacific Northwest;

Whereas the exploration of the western frontier of our fledgling Nation was the great odyssey of America, symbolic of the core values of teamwork, courage, perseverance, science, and opportunity held by the United States;

Whereas, on October 30, 2004, President George W. Bush signed into law legislation creating the Lewis and Clark National Historical Park which preserves these 3 Washington sites close to the dramatic arrival of the expedition at the Pacific Ocean, and incorporates Fort Clatsop of Oregon and important State parks for the benefit and education of generations to come; and

Whereas, during November 2005, Washington and Oregon are hosting, “Destination: The Pacific”, a unique celebration of the 200 year anniversary of the arrival of the Corps of Discovery in the Pacific Northwest: Now, therefore, be it

Resolved, the Senate—

(1) commemorates the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean; and

(2) recognizes that by exploring the unknown frontier, Lewis and Clark expanded the boundaries of our great Nation and pushed the limits of what we are capable of as citizens.

RECOGNIZING THE 40TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 269.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 269) recognizing the 40th anniversary of the White House Fellows Program.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SANTORUM. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 269) was agreed to.

The preamble was agreed to.

BICENTENNIAL ANNIVERSARY OF ZEBULON MONTGOMERY PIKE’S EXPLORATIONS

Mr. SANTORUM. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 252 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 252) recognizing the Bicentennial Anniversary of Zebulon Montgomery Pike’s explorations in the interior west of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. I ask unanimous consent that the resolution be agreed
Now, therefore, be it
That the Senate

(1) recognizes the year 2006 as the 200th anniversary of Zebulon Montgomery Pike’s discoveries throughout the American West; and

(2) encourages the people of the United States to observe and celebrate his contributions to our Nation’s history with appropriate ceremonies and activities throughout the year.

HEROES EARNED RETIREMENT OPPORTUNITIES ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 1499 and the Senate proceed to its immediate consideration.

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

The resolution (S. Res. 252) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 252

Whereas Zebulon Montgomery Pike was born January 5, 1779, in Lamberton, New Jersey, to a military family, which quickly was on the move across the Nation with Pike growing up on frontier military posts;

Whereas Zebulon Montgomery Pike served the United States with distinction, initially as a commissioned First Lieutenant in the First Infantry Regiment of the United States Army, later as a Captain, further as a Colonel of the 15th Regiment during the War of 1812, and ultimately as a Brigadier General in 1813;

Whereas in July of 1806, Zebulon Montgomery Pike was given the assignment of leading an expedition west from present-day St. Louis, Missouri, up the Arkansas River to its source in the highest of the Rocky Mountains, then into Colorado’s San Luis Valley;

Whereas Zebulon Montgomery Pike and his expedition traveled through the present day states of Missouri, Nebraska, Kansas, and Colorado observing the geography, natural history, and population of the country through which he passed;

Whereas Zebulon Montgomery Pike and his expedition reached the site of present day Pueblo, Colorado on November 23, 1806, and, fascinated with a blue peak in the Rocky Mountains to the west, Pike set out to explore the mountain;

Whereas Zebulon Montgomery Pike was prevented from completing the ascent due to waist-deep snow, inadequate clothing, and sub-zero temperatures, and so chose to turn back for the safety of his expedition;

Whereas Zebulon Montgomery Pike never set foot on “Pike’s Peak” but did contribute significantly to the interior west’s early exploration through the headwaters of the Arkansas River;

Whereas Zebulon Montgomery Pike and his expedition found the area of present day Great Sand Dunes National Park in Colorado and the headwaters of the Rio Grande, which he mistakenly thought was the Red River; and

Whereas on April 27, 1813, Zebulon Montgomery Pike died in valiant service to his country, leading an attack on York, later to become Toronto, during the War of 1812.

Now, therefore, be it

Resolved, That the Senate—

MEASURE READ THE FIRST TIME—S. 2008

Mr. SANTORUM. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 2008) to improve cargo security and for other purposes.

Mr. SANTORUM. I now ask for a 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 the second time on the next legislative day.
EXTENSIONS OF REMARKS

HONORING THE 100TH ANNIVERSARY OF THE FAUquier TIMES-DEMOCRAT

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. WOLF. Mr. Speaker, I am proud today to honor the 100th year anniversary of publication of the Fauquier Times-Democrat. Over the years, the Democrat has proudly served the people of Fauquier and the Warrenton community in Virginia’s 10th Congressional District. The Democrat has undoubtedly carved out a respected place in the family of Virginia newspapers.

I would like to thank the Fauquier Times-Democrat and members of its staff for their tremendous dedication to the people of northern Virginia and wish them continued success for the future.

IN HONOR OF ED KEE

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ed Kee, recipient of the 2005 Rattedge Family Award, for his noteworthy service to the University of Delaware and the community. The Rattedge Family Award is given only to those unique individuals who exemplify excellence in public service, and Ed Kee is deserving of this coveted award.

Mr. Kee has served in a variety of positions within the University of Delaware’s Cooperative Extension Service since 1978. He has held the position of Kent County Agricultural Agent, State Vegetable Crops Specialist and Extension Agricultural Program Leader. In his extensive work throughout Delaware’s valuable agriculture industry, Mr. Kee has played an instrumental role in recruiting two major vegetable processing plants to the State—in the highly competitive vegetable industry this is a noteworthy victory for area producers and Mr. Kee.

Mr. Kee contributions go well beyond agriculture, thanks in part to his many and varied community board and commission appointments and his philanthropic efforts. Especially noteworthy, in 1997 Mr. Kee and his wife Debbie established an endowed scholarship for graduates of a Delaware high school who choose to continue at University of Delaware and major in agriculture. Many University of Delaware agriculture student athletes owe Mr. and Mrs. Kee a sincere debt of gratitude, and I am pleased to join them in their appreciation.

It is always impressive to see individuals who are willing to contribute to the education of our State’s youth.

I congratulate and thank Mr. Kee on his years of service and numerous contributions to the State of Delaware. Mr. Kee is an exemplary citizen and a proud Delawarean. Thank you Ed, for all you have done for the University of Delaware and your community.

HONORING JOYCE MINARD

HON. MAURICE D. HINCHEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to recognize Joyce Minard for her distinguished career in public service and the outstanding contributions she has made to the community of New Paltz, NY, and the surrounding Hudson Valley region. Joyce has translated her commitment to community service into an accomplished career that has been defined by achievement and success. Her broad expertise in education, agriculture and business has supported many new initiatives and resulted in significant improvements in the regional business community.

A high school internship at SUNY New Paltz introduced Joyce to the not-for-profit world and influenced her decision to attend Albany Business College. After stints at SUNY New Paltz, the Ulster County Farm Bureau and Ulster County BOCES, where she broadened her vision and honed her skills as an educator, advocate and leader, Joyce found her true home at the New Paltz Regional Chamber of Commerce.

Beginning on a part-time basis, while raising her two children, Joyce quickly rose to the position of executive director in 1978. Under her leadership, the Chamber has grown from 47 members in 1979 to more than 800, out-growing one office space after another. Drawing on her considerable personal attributes, Joyce built a chamber that is vitally bursting with accomplishments. The New Paltz Regional Chamber of today employs a team of five, holds numerous events, offers extensive education programs, including customized workshops for small business owners, runs a busy visitors room, and publishes a newsletter and full-color regional guide. Together with other regional chambers, Joyce developed a Business Mentoring Program for Dutchess and Ulster Counties, matching emerging businesses with experienced businesspersons.

As an accomplished mediator and consensus-builder, Joyce has led the Chamber in bringing together the many interests of the New Paltz community. She was among the initiators of the first Town/Gown meetings in the 1980s, providing a forum for community and University leaders to pursue common objectives and address differences. She raised the public’s awareness of the agricultural community by promoting visitation of farms and education. And she provided the leadership needed to make the Chamber’s most famous event, the Taste of New Paltz, a successful reality. The Taste is now in its 15th year and draws more than 8,000 participants.

Mr. Speaker, Joyce Minard is being honored by the community she serves and loves. Her dedication and leadership—peppered with her irreverent sense of humor—have drawn many admirers and helped to establish New Paltz as one of the premier destinations in New York. Each endeavor that Joyce has pursued has been approached with professionalism and passion and she has built a reputation as an effective and dedicated advocate. I’m pleased to join my constituents in honoring Joyce for her tireless efforts on behalf of New Paltz and its surrounding communities.

COMMENDING BOB ANADELL, HANNAH CHERRY, NANCY KELLY AND THE MEMBERS OF THE HISPANIC WOMEN’S FORUM OF NORTHWEST INDIANA

HON. PETER J. VISCOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. VISCOSKY. Mr. Speaker, it is my distinct honor to commend these dedicated individuals who have made significant contributions to Northwest Indiana: Bob Anadell, Hannah Cherry, Nancy Kelly, and the members of the Hispanic Women’s Forum of Northwest Indiana. These individuals will be honored by the Calumet Project at an awards luncheon for their dedication to justice and to the people of Northwest Indiana. The event will take place at the Social Hall of Our Lady of Perpetual Help Parish in Hammond, Indiana on Friday, November 18, 2005.

The Calumet Community Hero Award is being presented to Mr. Bob Anadell. Bob has had many positive accomplishments throughout his career with I.B.E.W. Local 697; he has also actively contributed to his community through participation in various programs aimed at improving opportunities for the people of Northwest Indiana. He has been a powerful member of the Northwest Indiana Building Trades, Secretary Treasurer of the IBEW State Conference, Vice-President of the Indiana State AFL-CIO, Trustee of the Lake Area United Way, Board of Directors of Trade Winds, Member of the Lake County Integrated Services Delivery Board, Chairman of the Board of Directors, Investment Committee, and Executive Committee of the Legacy Foundation, as well as Co-Chairman of the Heroes Committee of the American Red Cross.

Also receiving a Calumet Community Hero Award is Ms. Hannah Cherry. Ms. Cherry graduated from Maywood High School in Hammond, Indiana where she was one of three African American valedictorians. Her passion has always been to improve the conditions in the city where she lives and to fight for justice for all people. Hannah is a lifetime member of the NAAACP, a member of the Project Area Committee, and a charter member of the Neighborhood Action Council. She has also given her time and efforts selflessly
as a volunteer at St. Margaret’s Hospital for almost twenty years. Hannah is a compassionate activist and she is being honored for her ongoing quest to see to it that justice prevails.

The third Calumet Community Hero Award is being presented to the Hispanic Women’s Forum of Northwest Indiana. The forum was started in the early 1980s when a group of young Hispanic women came together with an idea to form an organization that would focus on mentoring fellow Hispanic women. The forum’s common goal was to make Hispanics in professional careers more visible in the community by stressing the importance of education. The Hispanic Women’s Forum conducts a yearly luncheon where they honor young Hispanic women graduating from local high schools. Monetary awards are given to some of the young women based on a selection process. The Hispanic Women’s Forum’s longstanding commitment to improving the quality of life is truly inspirational and should be commended.

The final award, the Lifetime Achievement Award, is being presented to Nancy Kelly for her outstanding service to the Northwest Indiana Community. Nancy decided at a young age to be a local missionary in the service to her community. Mrs. Kelly was a volunteer and community organizer under Chicago Mayor Richard J. Daley’s administration. She moved to Gary, Indiana 30 years ago with her late husband. Mrs. Kelly dedicated herself to improving the quality of life for the residents in her community. She is the founder of the Horace Mann Ambridge Neighborhood Improvement Organization and she has served on the LCEOC board as well as numerous other boards. Mrs. Kelly’s lifetime of service continues as she still serves with the Grand Calumet River Task Force. Along with her many other contributions to society, she was also honored with the Indiana Older Hoosier Award of the year. I am proud to commend Mrs. Kelly for her lifetime of service and dedication.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending these individuals for their outstanding contributions to Indiana’s First Congressional District. Their hard work and dedication has improved the quality of life for the community and is worthy of the highest commendation.
### TITLE I - DEPARTMENT OF JUSTICE

#### General Administration

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#### United States Parole Commission

| Salaries and expenses | 10,486 | 11,300 | 11,200 | 11,000 | 11,000 | +504 |

#### Legal Activities

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#### United States Attorneys

| Salaries and expenses | 1,526,849 | 1,626,146 | 1,626,146 | 1,572,654 | 1,600,000 | +73,151 |
| United States Trustee System Fund | 173,602 | 222,577 | 214,402 | 214,402 | 214,402 | +40,800 |
| Offsetting fee collections | -168,802 | -217,577 | -209,402 | -209,402 | -209,402 | +40,800 |
| Interest on U.S. securities | 5,657 | -5,900 | -5,000 | -5,000 | -5,000 | --- |
| **Direct appropriation** | --- | --- | --- | --- | --- | --- |
| **Foreign Claims Settlement Commission** | 1,203 | 1,270 | 1,220 | 1,270 | 1,320 | +117 |

#### United States Marshals Service

| Salaries and expenses (non-CSE) | 741,941 | 790,255 | 800,255 | 764,199 | 793,031 | +51,080 |
| Construction | 11,935 | --- | --- | --- | --- | -11,935 |
| **Total, United States Marshals Service** | 753,876 | 790,255 | 800,255 | 764,199 | 793,031 | +42,381 |
| Fees and expenses of witnesses | 177,585 | 168,000 | 168,000 | 168,000 | 168,000 | +7,585 |
| Community Relations Service | 9,535 | 9,759 | 9,659 | 9,659 | 9,659 | +124 |
| Assets forfeiture fund | 21,469 | 21,468 | 21,468 | 21,468 | 21,468 | -1 |
| Payment to radiological exposure compensation trust fund | 27,429 | --- | --- | --- | --- | -27,429 |

#### Interagency Law Enforcement

| Interagency crime and drug enforcement | 553,539 | 661,940 | 506,940 | 440,197 | 489,440 | -64,099 |

#### Federal Bureau of Investigation

| Counterintelligence and national security | 73,991 | --- | --- | --- | --- | -73,991 |
| **Direct appropriation** | 5,205,981 | 5,691,132 | 5,741,332 | 5,295,513 | 5,728,737 | +519,240 |
SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS BILL—FY 2006 (H.R. 2862)

(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 2005</th>
<th>FY 2006</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>vs. Enacted</th>
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<tbody>
<tr>
<td>Enacted</td>
<td>Request</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Construction**

10,106 10,105 20,105 25,213 37,608 +27,502

Total, Federal Bureau of Investigation

5,219,603 5,701,237 5,761,237 5,320,726 5,766,345 +546,742

**Drug Enforcement Administration**

Salaries and expenses

1,785,398 1,852,722 1,917,846 1,848,815 1,888,130 +102,732

Emergency appropriations (P.L. 109-13)

7,648 --- --- --- 7,648

Diversion control fund

-154,216 -168,586 -201,673 -201,673 -201,673 -47,457

Total, Drug Enforcement Administration

1,638,830 1,694,156 1,716,173 1,647,142 1,666,457 +47,627

Bureau of Alcohol, Tobacco and Firearms

Salaries and expenses

878,465 803,613 923,613 923,700 923,613 +45,148

Emergency appropriations (P.L. 109-13)

4,000 --- --- --- 4,000

Legislative proposal

--- 120,000 --- --- ---

Total, Bureau of Alcohol, Tobacco and Firearms

882,465 923,613 923,613 923,700 923,613 +41,148

**Federal Prison System**

Salaries and expenses

4,565,884 4,895,649 4,895,649 4,889,649 4,892,649 +328,765

Emergency appropriations (P.L. 108-324)

5,500 --- --- --- 5,500

Buildings and facilities

186,475 170,112 70,112 222,112 90,112 -96,363

Reclassification

--- -314,000 --- --- ---

Tribal prison construction

18,600 --- --- --- 18,600

Federal Prison Industries, Incorporated (limitation on administrative expenses)

3,366 3,365 3,365 3,365 3,365 -1

Total, Federal Prison System

4,779,825 4,755,126 4,969,126 5,115,126 4,986,126 +208,301

**Violence against women office**

382,103 362,997 389,497 371,997 386,502 +4,399

**Office of Justice Programs**

Justice assistance

224,856 1,234,977 227,406 221,000 233,233 +8,377

Reclassification

--- -95,500 --- --- ---

Public safety officers benefits, death benefits

--- --- --- --- ---

Total, Justice assistance

224,856 1,230,477 227,406 221,000 233,233 +8,377

**State and local law enforcement assistance**

Justice assistance grants

625,531 --- 366,414 900,000 416,478 -208,053

Boys and Girls clubs (earmark)

(83,865) (65,000) (65,000) (65,000) (+1,135)

National Institute of Justice (earmark)

(9,866) (10,000) (10,000) (10,000) (+134)

USA FREEDOM corps (earmark)

(2,467) --- --- --- (2,467)

Indian assistance

17,760 --- --- 15,000 22,000 +7,240

Tribal prison construction

(4,933) --- --- (9,000) (+6,067)

Indian tribal courts program

(7,893) --- --- (8,000) (+167)

Indian grants

(4,933) --- --- (5,000) (+67)

State and federal alien assistance program

300,926 405,000 170,000 405,000 +104,074

Southwest border prosecutors

29,599 --- 30,000 30,000 30,000 +601

Byrne grants (discretionary)

167,756 --- 110,000 177,000 191,704 +23,948

Drug courts

39,466 --- 40,000 25,000 10,000 -29,466

Other crime control programs

5,903 --- 871 1,830 850 -5,033

Assistance for victims of trafficking

9,866 --- 10,000 2,000 10,000 +134

Prescription drug monitoring

9,866 --- 10,000 --- 7,500 -2,366

Prison rape prevention

36,506 --- 40,000 1,500 18,175 -18,331

State prison drug treatment

24,666 --- 25,000 15,000 10,000 -14,666

Intelligence sharing

10,359 --- 10,359 6,000 10,000 -359

Cannabis eradication

--- --- 11,000 --- 5,000 +5,000

Capital litigation

--- --- 10,000 1,000 1,000 +1,000

Crime victims rights

--- --- --- 4,000 ---

Terrorism/Intelligence training

--- --- --- 5,000 ---

Mentally ill offender act

--- --- --- 5,000 +5,000

Total, State and local law enforcement

1,278,204 --- 1,089,244 1,353,350 1,142,707 +135,497

**Weed and seed program funding**

61,172 --- 50,000 50,280 50,000 -1,172

**Community oriented policing services**

Hiring

9,866 --- --- 2,000 --- -9,866

Training and technical assistance

14,860 7,000 --- 14,000 4,000 -10,800

Bullet proof vests

24,666 --- 30,000 27,000 30,000 +3,334

Tribal law enforcement

19,733 51,600 38,000 20,000 15,000 -4,733

Meth hot spots

51,854 20,000 94,000 80,000 63,590 +11,736

Police corps

14,860 --- --- 10,000 --- -4,860

COPS technology

136,763 120,000 137,000 139,000 +3,141

Interoperable communications

98,664 --- --- (10,000) (+10,000)

Interoperable communications

98,664 --- --- 37,500 --- -61,164

November 15, 2005
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<th>Conference</th>
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<td>177,057</td>
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<td>Death benefits</td>
<td>63,054</td>
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<td>64,000</td>
<td>64,000</td>
<td>64,000</td>
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<td>Disability and education benefits</td>
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<td>6,948</td>
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<td>72,948</td>
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<td>United States Attorneys (Sec. 107)</td>
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<td>-62,000</td>
<td>---</td>
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<td>20,562,785</td>
<td>21,750,882</td>
<td>21,497,365</td>
<td>21,714,456</td>
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<td>Rescissions</td>
<td>(20,586,160)</td>
<td>(21,149,785)</td>
<td>(21,759,882)</td>
<td>(21,497,365)</td>
<td>(21,714,456)</td>
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<td>Emergency appropriations</td>
<td>(305,674)</td>
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<td>Total, Department of Justice Appropriations</td>
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<td>1,205,758</td>
<td>2,319,927</td>
<td>2,584,565</td>
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### TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES

#### TRADE AND INFRASTRUCTURE DEVELOPMENT

**RELATED AGENCIES**

- Office of the United States Trade Representative
  - Salaries and expenses | 40,997 | 38,779 | 44,779 | 40,997 | 44,779 | +3,762 |
- National Intellectual Property Law Enforcement Coordinating Council
  - Salaries and expenses | 1,973 | --- | --- | --- | --- | -1,973 |
- International Trade Commission
  - Salaries and expenses | 60,876 | 65,278 | 62,752 | 62,752 | 62,752 | +1,876 |
- Total, Related agencies | 103,846 | 104,057 | 107,531 | 103,749 | 107,531 | +3,685 |

#### DEPARTMENT OF COMMERCE

**International Trade Administration**

- Operations and administration | 396,257 | 408,925 | 406,925 | 404,625 | 406,925 | +10,668 |
- Offsetting fees collection | -8,000 | 13,000 | -13,000 | -8,000 | -8,000 | --- |
- Direct appropriation | 388,257 | 395,925 | 393,925 | 396,625 | 398,925 | +10,668 |
- Bureau of Industry and Security
  - Operations and administration | 60,376 | 77,000 | 62,233 | 77,000 | 61,233 | +657 |
  - CWC enforcement | 7,164 | --- | 14,767 | --- | --- | --- |
- Total, Bureau of Industry and Security | 67,480 | 77,000 | 77,000 | 77,000 | 76,000 | +8,520 |

**Economic Development Administration**

- Economic development assistance programs | 253,985 | --- | 200,895 | 283,985 | 253,985 | --- |
- Salaries and expenses | 30,075 | 26,584 | 26,584 | 30,939 | 30,075 | --- |
- Emergency appropriations | --- | --- | --- | 10,000 | --- | --- |
- Total, Economic Development Administration | 284,060 | 26,584 | 227,569 | 524,924 | 284,060 | --- |
<table>
<thead>
<tr>
<th>Economic Development Challenge</th>
<th>FY 2005 Enacted</th>
<th>FY 2006 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. Enacted</th>
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</thead>
<tbody>
<tr>
<td>Strengthening America’s Communities grant program</td>
<td>-</td>
<td>3,710,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Legislative proposal</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Minority Business Development Agency</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Minority business development</td>
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<td>29,500</td>
<td>30,727</td>
<td>30,024</td>
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<td>873,743</td>
<td>4,344,243</td>
<td>836,049</td>
<td>1,133,025</td>
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</table>

**ECONOMIC AND INFORMATION INFRASTRUCTURE**

**Economic and Statistical Analysis**

Salaries and expenses | 78,931 | 85,277 | 80,304 | 81,283 | 80,304 | +1,373 |

Bureau of the Census

Salaries and expenses | 196,110 | 220,029 | 198,029 | 183,029 | 198,029 | +1,919 |

Periodic censuses and programs | 548,688 | 657,356 | 614,208 | 544,356 | 614,208 | +65,520 |

Total, Bureau of the Census | 744,798 | 877,385 | 812,237 | 727,385 | 812,237 | +67,439 |

National Telecommunications and Information Administration

Salaries and expenses | 17,200 | 21,450 | 17,716 | 20,255 | 18,068 | +88 |

Public telecommunications facilities, planning and construction | 21,478 | 2,000 | 2,000 | 22,000 | 22,000 | +522 |

Information infrastructure grants | - | - | - | - | - |

Total, National Telecommunications and Information Administration | 38,678 | 23,450 | 19,716 | 62,255 | 40,068 | +1,390 |

United States Patent and Trademark Office

Current year fee funding | 1,336,000 | 1,703,300 | 1,703,300 | 1,703,300 | 1,683,086 | +347,086 |

Spending from new fees (proposed legislation) | 208,754 | - | - | - | - | -208,754 |

Total, Patent and Trademark Office | 1,544,754 | 1,703,300 | 1,703,300 | 1,703,300 | 1,683,086 | +138,332 |

Offsetting fee collections | -1,336,000 | -1,703,300 | -1,703,300 | -1,703,300 | -1,683,086 | -347,086 |

Total, Economic and Information Infrastructure | 1,071,161 | 986,112 | 912,257 | 870,923 | 932,609 | -138,552 |

**SCIENCE AND TECHNOLOGY**

Technology Administration

Salaries and expenses | 6,460 | 4,200 | 6,460 | - | 6,000 | -460 |

National Institute of Standards and Technology

Scientific and technical research and services | 378,764 | 426,267 | 397,744 | 399,869 | 399,869 | +21,105 |

(Transfer Out) | - | -5,000 | -1,000 | -3,000 | -1,000 | -1,000 |

Manufacturing extension partnerships | - | - | - | - | - |

Industrial technology services | 247,943 | 46,800 | 106,000 | 246,000 | 186,000 | -61,000 |

Construction of research facilities | 72,518 | 58,898 | 45,000 | 198,631 | 175,898 | +103,380 |

Working capital fund (by transfer) | 7,070 | - | - | - | - |

Total, National Institute of Standards and Technology | 589,225 | 531,965 | 548,744 | 844,500 | 761,767 | +62,542 |

National Oceanic and Atmospheric Administration

Operations, research, and facilities | 2,766,012 | 2,528,168 | 2,394,000 | 3,199,083 | 2,763,222 | -3,380 |

(By transfer from Promote and Develop Fund) | 95,000 | 77,000 | 77,000 | 62,000 | 67,000 | +2,000 |

By transfer from Coastal zone management | 2,960 | 3,000 | 3,000 | 3,000 | 3,000 | +40 |

Emergency appropriations (P.L. 108-324) | 16,000 | - | - | - | - | - |

Emergency appropriations (P.L. 109-13) | - | - | - | - | - |

Total, Operations, research, and facilities | 2,793,542 | 2,531,168 | 2,397,000 | 3,202,083 | 2,766,222 | -27,320 |

Procurement, acquisition and construction | 1,039,365 | 965,051 | 936,000 | 1,195,017 | 1,124,278 | +84,913 |

Emergency appropriations (P.L. 108-324) | 3,300 | - | - | - | - | - |

Emergency appropriations (P.L. 109-13) | 10,170 | - | - | - | - |

Total, Procurement, acquisition and construction | 1,053,335 | 965,051 | 936,000 | 1,195,017 | 1,124,278 | +70,943 |
### SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2006 (H.R. 2862)  
(Amounts in thousands)

<table>
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<th></th>
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<th>FY 2006 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. Enacted</th>
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<td>-9,000</td>
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<td>Total, National Oceanic and Atmospheric Administration</td>
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### OTHER  
#### Department Management

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<th>Senate</th>
<th>Conference</th>
<th>Conference vs. Enacted</th>
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<td>(7,186,811)</td>
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<td>9,829,400</td>
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<td>-126,000</td>
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<td>6,712,900</td>
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<td>6,663,000</td>
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<td>16,471,050</td>
<td>16,396,400</td>
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<td></td>
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<td>67,520</td>
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<td>193,350</td>
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<td>807,000</td>
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<td>5,530,959</td>
<td>5,653,370</td>
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### TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY  
#### DEPARTMENT OF STATE  
#### Administration of Foreign Affairs

<table>
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<tr>
<th>Item</th>
<th>FY 2005 Enacted</th>
<th>FY 2006 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. Enacted</th>
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<td>Diplomatic and consular programs</td>
<td>3,522,316</td>
<td>3,783,118</td>
<td>3,747,118</td>
<td>3,755,118</td>
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<td>(-4,000)</td>
<td>(-4,000)</td>
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<td>Worldwide security upgrades</td>
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<td>689,523</td>
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<td>FY 2006</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>vs. Enacted</td>
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<td>Protection of foreign missions and officials.</td>
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<td>9,390</td>
<td>9,390</td>
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<td>603,510</td>
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<td>Direct loans subsidy</td>
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<td>712</td>
<td>712</td>
<td>712</td>
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<td>Administrative expenses</td>
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<td>607</td>
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<td>607</td>
<td>607</td>
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<td>(By transfer)</td>
<td>...</td>
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<td>(1,000)</td>
<td>(1,000)</td>
<td>(1,000)</td>
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<td>19,751</td>
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<td>Contributions to international organizations, current year assessment</td>
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<td>1,144,265</td>
<td>1,166,212</td>
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<td>International Commissions</td>
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<td>International Boundary and Water Commission, United States and Mexico</td>
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<td>Salaries and expenses</td>
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<td>American sections, international commissions</td>
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<td>9,878</td>
<td>9,500</td>
<td>10,400</td>
<td>10,039</td>
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<td>International fisheries commissions</td>
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<td>22,000</td>
<td>25,623</td>
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<td>63,800</td>
<td>70,023</td>
<td>67,339</td>
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<td>Other</td>
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<td>Payment to the Asia Foundation</td>
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<td>10,000</td>
<td>15,000</td>
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<td>Center for Middle Eastern-Western dialogue</td>
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<td>1,060</td>
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<td>6,606</td>
<td>6,606</td>
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<td>500</td>
<td>500</td>
<td>500</td>
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<td>Additional funding (Sec. 122 Div. J)</td>
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<td>...</td>
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<td>-992</td>
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<td>Israeli Arab scholarship program</td>
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<td>376</td>
<td>375</td>
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<td>13,024</td>
<td>6,000</td>
<td>20,000</td>
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<td>National Endowment for Democracy</td>
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<td>50,000</td>
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<td>...</td>
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<td>Broadcasting Board of Governors</td>
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<td></td>
<td></td>
<td></td>
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<td>...</td>
<td>...</td>
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<td>Broadcasting to Cuba</td>
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<td>Broadcasting capital improvements</td>
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<td>(9,935,252)</td>
<td>(9,581,629)</td>
<td>(9,790,278)</td>
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<td>(5,000)</td>
<td>(85,000)</td>
<td>(5,000)</td>
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### SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2006 (H.R. 2662)

(Amounts in thousands)

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<tr>
<th>FY 2005 Enacted</th>
<th>FY 2006 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. Enacted</th>
</tr>
</thead>
</table>

#### TITLE V - RELATED AGENCIES

**Antitrust Modernization Commission**

| Salaries and expenses | 1,172 | 1,620 | 1,172 | --- | 1.172 | --- |

**Commission for the Preservation of America's Heritage Abroad**

| Salaries and expenses | 492 | 490 | 499 | 499 | 499 | +7 |

**Commission on Civil Rights**

| Salaries and expenses | 8,975 | 9,096 | 9,096 | 9,000 | 9,048 | +73 |

**Commission on International Religious Freedom**

| Salaries and expenses | 2,960 | 3,000 | 3,200 | 1,000 | 3,300 | +340 |

**Commission on Security and Cooperation in Europe**

| Salaries and expenses | 1,806 | 2,030 | 2,030 | 2,030 | 2,030 | +224 |

**Congressional-Executive Commission on the People's Republic of China**

| Salaries and expenses | 1,875 | 1,900 | 1,900 | 1,900 | 1,900 | +25 |

**Equal Employment Opportunity Commission**

| Salaries and expenses | 326,803 | 331,228 | 331,228 | 331,228 | 331,228 | +4,425 |

**Federal Communications Commission**

| Salaries and expenses | 281,085 | 304,057 | 289,771 | 297,370 | 289,771 | +8,686 |


| Direct appropriation | 967 | 4,823 | 1,000 | 1,000 | 1,000 | +13 |

**Federal Trade Commission**

| Salaries and expenses | 204,327 | 211,000 | 211,000 | 211,000 | 211,000 | +6,673 |

| Offsetting fee collections - current year | -101,000 | -116,000 | -116,000 | -116,000 | -116,000 | -15,000 |

| Offsetting fee collections, telephone database | -21,901 | -23,000 | -23,000 | -23,000 | -23,000 | -1,099 |

| Direct appropriation | 81,426 | 72,000 | 72,000 | 72,000 | 72,000 | -9,426 |

**HELP Commission**

| Salaries and expenses | 987 | 1,000 | 1,000 | --- | --- | -987 |

**Legal Services Corporation**

| Payment to the Legal Services Corporation | 330,803 | 318,250 | 330,803 | 335,527 | 330,803 | --- |

**Marine Mammal Commission**

| Salaries and expenses | 1,865 | 1,925 | 1,865 | 2,000 | 2,920 | +1,055 |

**National Veterans Business Development Corporation**

| Salaries and expenses | 1,973 | --- | --- | 2,000 | 1,500 | -473 |

**Securities and Exchange Commission**

| Salaries and expenses | 913,000 | 888,117 | 888,117 | 888,117 | 888,117 | -24,883 |

| Prior year unobligated balances | -57,000 | -25,000 | -25,000 | -25,000 | -25,000 | +32,000 |

<p>| Direct appropriation | 856,000 | 863,117 | 863,117 | 863,117 | 863,117 | +7,117 |</p>
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<tr>
<th></th>
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<th>FY 2006 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. Enacted</th>
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<td>14,500</td>
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<td>3,000</td>
<td>2,861</td>
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<td>Direct loans subsidy</td>
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<td>1,000</td>
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<td>Appropriations</td>
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<td>2,089,997</td>
<td>2,303,056</td>
<td>2,860,673</td>
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<td>Emergency appropriations</td>
<td>(2,317,427)</td>
<td>(2,089,997)</td>
<td>(2,303,056)</td>
<td>(2,295,673)</td>
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<td>(555,000)</td>
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<td>2,089,997</td>
<td>2,303,056</td>
<td>2,860,673</td>
<td>2,105,914</td>
<td>-1,140,513</td>
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<tr>
<td><strong>Title VII - Rescissions</strong></td>
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<td>Legal Activities</td>
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<td>Salaries and expenses (rescission)</td>
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<td>FY 2006</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
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<td>Total, title VII, Recissions</td>
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<td>-50,168</td>
<td>-224,000</td>
<td>-296,798</td>
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<td>(61,517,285)</td>
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<td>(62,124,316)</td>
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<td>(805,000)</td>
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<td>(-296,798)</td>
<td>(-327,220)</td>
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<td>(By transfer)</td>
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<td>(91,000)</td>
<td>(83,000)</td>
<td>(150,000)</td>
<td>(73,000)</td>
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TRIBUTE TO MS. CAROLYN McLAUGHLIN

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Carol Vukelich, a recipient of the 2005 Ratledge Family Award. I congratulate her for her noteworthy service to the University of Delaware and the community. The Ratledge Family Award is given only to those unique individuals who exemplify excellence in public service, and Carol Vukelich is deserving of this coveted award.

Ms. Vukelich has devoted the past 32 years as a proud member of the University of Delaware faculty. In addition to her faculty appointment as the Hammonds Professor of Teacher Education, she has served as the founding director of the Delaware Center for Teacher Education. In addition, she is the cofounder of the Delaware Writing Project and the Delaware Reading Project, both professional development programs designed to build teachers’ skills as mentors to other teachers.

More recently, Ms. Vukelich has turned her attention to such worthy projects as the enhancement of middle and high school special education teacher content knowledge and the overall strengthening of Head Start teachers. Specifically, she is working to improve early language and reading skills.

Educators serve a critical role in our society, especially those who are as dedicated to improving their field of knowledge as Ms. Vukelich. The University of Delaware and the Ratledge Family deserve much credit for recognizing this dynamic woman.

I congratulate and thank Ms. Vukelich on her years of service and numerous contributions to the State of Delaware. Thank you Carol, for your exceptional career as an educator and for your tireless efforts at improving teaching.

TRIBUTE TO DR. HERBERT K. ABRAMS

HON. RAÚL M. GRIJALVA
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. GRIJALVA. Mr. Speaker, I rise today to pay tribute to Dr. Herbert K. Abrams, a lifelong Champion of health care for all.

Dr. Abrams has been a particular example to me. He arrived in Tucson in 1968, about the time I was marching in the streets with other Chicanos asking for better health care and recreation facilities. Within a few years, he had shown those of us in the protest movement that a big heart, intelligence, patience and persistence could convince a government to respond to the needs of the people.

I will forever be grateful to him for that quiet leadership.

Dr. Abrams was hired by Dr. Monte DuVal, founding dean of the University of Arizona’s College of Medicine, to create what became the Department of Family and Community Medicine. He also acquired federal funding for the El Rio Santa Cruz Neighborhood Health Center.

In each case, he prepared a foundation for greater work.

In the early 1970s, he organized family practice clinics in what were then the small towns of Marana, Benson and Casa Grande. Today, his philosophy of taking medical care to those outside metropolitan areas is vested in the department’s Rural Health Program, which supports rural clinics and family practice by young doctors.

Back in Tucson, the clinic Dr. Abrams helped create has shortened its name to El Rio Health Clinic, but expanded its service to 11 locations. El Rio was designed to serve the poor; it continues with that emphasis today, but is open to all with a sliding fee schedule.

Through the years, he also has been a significant supporter during difficult times for El Pueblo Clinic and the Pima County-owned Kino Community Hospital, now known as University Physicians Healthcare (UPH) Hospital at Kino Campus.

His impact on medical care has been recognized with the naming of two buildings in his honor. One is the College of Medicine building that houses the department he founded. The other will be visible next fall when construction is completed on the $28 million Herbert K. Abrams Public Health Center on the Kino Campus.

Dr. Abrams came to Tucson already a recognized health-service pioneer. He had spent the preceding 16 years in Chicago, where he established the Martin Luther King Neighborhood Health Center and the 40,000-member Union Health Service, an early-day health maintenance organization that last year celebrated its 50th anniversary.

More than 60 of his scientific papers have been published. Many of them examined occupational medicine, and he has performed specific research on farm workers and pesticides and on the use of the short-handled hoe.

Dr. Abrams is known internationally, having worked, consulted or performed research in China, Japan, Australia, the United Kingdom, Israel and Papua New Guinea. He was a commissioned officer in the U.S. Public Health...
Service from 1942 to 1946 and served two years of that time training medical officers and working on a choleran control team and as area medical rehabilitation officer in China. He returned to China on six other occasions, including earlier this year when he again met with medical colleagues he had first known 60 years ago. He has studied occupational and environmental health along the U.S.-Mexico border, and has consulted for the World Health Organization.

Dr. Abrams received degrees of Doctor of Medicine and Master of Science from the University of Illinois in 1940 and a Master of Public Health from Johns Hopkins University in 1947. He received his bachelor's degree from Northwestern University in 1936.

Through the years, Dr. Abrams, 92, has pursued his goals with a soft voice and a smile. He knows that this nation still does not provide health care for all, and last year wrote an op-ed article reminding Tucson newspaper readers that 45 million Americans remain without health insurance.

A poster on a wall in his office asks: “Whatever happened to health care for the poor?” Dr. Abrams answered the question for Arizona Daily Star reporter Jane Eriksen earlier this year, saying: “Not much. . . . we still have a long ways to go . . . .”

TRIBUTE TO DR. MARTHA BURK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mrs. MALONEY. Mr. Speaker, I rise in tribute to a remarkable individual whose record of service to the women’s movement across this country and around the world is second to none. For the past thirty years, Dr. Martha Burk has devoted her life to advancing equality for women. I ask all of my colleagues to join me in saluting Dr. Burk’s record of advocacy, activism and achievement.

Martha Burk was born in 1941 to Ivan Lee Burk and Dorothy May Dean, who owned a retail clothing store in the small east Texas town of Pasadena. She married while still an undergraduate and earned a BS from the University of Houston in 1962. She spent the next few years at home raising her two sons, Mark and Ed Talley. Refusing to accept the limited career options then open to women, she earned a PhD in psychology from the University of Texas in 1974.

After her first marriage ended, Dr. Burk moved to Kansas and became active in the Wichita chapter of the National Organization for Women (NOW). She gradually built her resume as a political psychologist and women’s equity expert through work as a university research director, management professor, and adviser, consultant, or board member for an array of political campaigns and organizations, including NOW’s national board. Dr. Burk and her husband, Dr. Ralph Estes, moved to Washington, D.C. in 1990 and founded the Center for Advancement of Public Policy (CAPP). Dr. Burk is president of CAPP and recently completed a five-year tenure as Chair of the National Council of Women’s Organizations (NCWO), a network of over 200 national women’s groups collectively representing ten million women.

Under Dr. Burk’s leadership, NCWO’s membership more than doubled as she brought new energy, inspiration, and resources to the largest network of women’s organizations in the nation. Over the past five years, Dr. Burk has focused on involving the next generation of American women in feminist politics. Under her leadership, young women at NCWO launched the Younger Women’s Task Force, an exciting nationwide grassroots effort to engage women in their twenties and thirties in women’s issues and the public policy debate. Dr. Burk has also developed an invigorated NCWO’s summer internship program, New Faces More Voices, a unique program that trains college students to engage in effective advocacy and organizing around feminist social justice issues.

In addition to her extensive work promoting women’s equality in the U.S., Dr. Burk has also worked internationally to advance women’s rights. She has organized training workshops with women’s NGOs internationally in Macedonia and Kuwait, under the sponsorship of USAID, and has conducted training in the U.S. for delegations from Russia, Botswana, Korea, Romania, Bulgaria, and the Middle East. She has recently been a member of official U.S. Delegations to international conferences in Iceland, Lithuania, Estonia, and China. Named one of Ms. Magazine’s women of the year in 2003, Dr. Burk’s syndicated columns have been published in major newspapers and magazines around the globe, and she has appeared on news shows around the nation.

A former board member of the National Committee on Pay Equity, Dr. Burk has fought throughout her career to end sex discrimination in the workplace. Citing the taxpayer-financed advantages business leaders enjoy at the exclusive Augusta National Golf Club, she led the effort to open membership to women. The power elite’s response to this controversy exposed how deeply sex discrimination is ingrained in the culture of corporate America. Her recent book, Cult of Power: Sex Discrimination in Corporate America and What Can Be Done About It, explores how systematic barriers of social injustice were put in place and how they can be brought down. Currently, Dr. Burk is focusing her energies full time on furthering women’s progress in the workplace as the director of NCWO’s Corporate Accountability Project.

Mr. Speaker, it is an honor to pay tribute to Dr. Martha Burk and to recognize her three decades of heroic commitment to women’s progress. I am confident that her work will continue to influence and inspire this generation and future generations to fight for equality. I ask all of my colleagues to join me in thanking Dr. Martha Burk for her unparalleled contribution to her country.

IN SUPPORT OF INCREASED FUNDING FOR THE NATIONAL SCIENCE FOUNDATION IN THE DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2006

HON. SILVestre REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. REYES. Mr. Speaker, I rise today in strong support of the commitment this Congress has made to the budget of the National Science Foundation, NSF. Over the 10-year period, we have increased NSF funding 45.2 percent in real terms, and in a tough budget climate we are increasing NSF appropriations by 2.4 percent over last year. The NSF is perhaps the government’s most efficient and effective agency. It provides the backbone of our nation’s basic research efforts and strengthens our institutions of higher education by funding that research at universities campuses across the country. The NSF also supports science education in grades K-12 to ensure future generations of Americans are equipped to carry on our tradition of innovation and prosperity. Every dollar appropriated to the National Science Foundation is an investment in this country’s future.

Mr. Speaker, we need more investment in science, technology, engineering, and mathematics, STEM. This appropriation is a good first step. However, if this country is to keep pace and maintain its leadership in the global economy, we must greatly expand and improve STEM education for children and college students and continue to increase our support of American innovation. I ask my colleagues to join me in supporting this appropriation for the NSF and renewing this country’s commitment to innovation and economic competitiveness.

RECOGNITION OF THE SESQUICENTENNIAL OF NOKOMIS, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the people of Nokomis, IL, on the occasion of their town’s sesquicentennial. The earliest settlers began arriving in Nokomis Township in 1840. The first permanent dwelling was built by Hugh Hightower around 1843. The first sermon was preached by Rev. J.I. Crane, a Methodist Episcopal minister. The Baptist congregation was organized in 1856 and Luthers became active in the community in 1852.

The first school was taught in the home of Henry Lower in 1848, while the first school was later built in 1853. Since then, the Nokomis community has continued to grow and to prosper—offering its residents a loving place in which to raise their families, establish life-long friendships, conduct their business, to work, to learn, to worship, and to give thanks for God’s blessings.

Today, Nokomis is known as a vital link within downstate central Illinois. For more information on all that the people of Nokomis
have to offer, I encourage you to visit http://www.nokomisonline.com. I wish the people of Nokomis my heartfelt best as they celebrate their sesquicentennial.

TRIBUTE TO PRESIDENT TEX HALL, NATIONAL CONGRESS OF AMERICAN INDIANS

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to a person who I consider not only a leader in Indian Country, but a friend, Tex Hall, for all of his hard work as President of the National Congress of American Indians (NCAI). Tex Hall is a man who has led by example, dedicating himself to advancing the standard of living for our Nation’s first citizens through bold vision, dedication, and integrity. A tireless advocate, Tex has used his position as NCAI president to promote strong tribal sovereignty through self-governance. He has addressed both the challenges and opportunities that lie before today’s American Indian and Alaska Native nations.

As Tex stated at a tribal meeting this year in his State of Indian Nations address, tribes are “A vital part of this country’s conscience, its past and its future . . . Strong, healthy tribal self-governance is not just good for the economy of tribal nations, but for the economy of the United States as a whole.” Today, Indian Country is moving forward and in the right direction.”

For Tex Hall, 2005 marks the end of four outstanding years as head of the National Congress of American Indians, the Nation’s oldest and largest Native American organization, representing over 200 Indian tribes in the continental United States and Alaska. Tex’s successful 2001 election marked the first time in history that an individual from his tribe, or from the state of North Dakota, had been chosen to lead NCAI. Tex has played a key role in the great strides that Indian country has made, keeping promises, and making a difference in the lives of Indian people—for generations to come.

Tex G. Hall—whose Indian name “Ibudah Hishi” means “Red Tipped Arrow”—grew up on his family’s cattle ranch in Mandaree, located in the heart of the Mandan, Hidatsa and Arikara Nation in North Dakota. One of eight children, Tex and his three brothers and four sisters were instilled with a deep respect and appreciation for education. In the mid-1970’s, Tex received a high school diploma at a time when fewer than 40 percent of the Nation’s Native Americans were graduating from high school. Persistent in his educational quest, Tex attained his bachelor’s degree—in an era when only 8 percent of his fellow Native Americans graduated from college—and proceeded to obtain a Masters degree in educational administration.

Tex wished to instill the importance of education in the Indian youth of his reservation. For 11 years, Tex served as the Superintendent and Principal of Mandaree School. Both as head football coach and basketball coach earning Tex 1995’s award of North Dakota Indian Educator of the Year. To this day, Tex lives and learns by example—he is currently pursuing a Ph.D. degree in education.

As a committed leader, Tex followed in the footsteps of both his father and grandfather, winning a seat on the Tribal Council of the Three Affiliated Tribes (comprised of the Mandan, Hidatsa and Arikara tribes, having joined together in the mid-1800’s) at Fort Berthold in New Town, North Dakota. Eventually becoming the Chairman of his tribe—exactly 40 years after his grandfather was elected Chairman—Tex has served two terms, winning re-election each time. Among other positions, Tex has served as Secretary and Treasurer of the United Tribes Technical College, Chairman of the Great Plains Tribal Chairmen’s Association, Chairman of the Native American Bank Corporation, Co-Chairman of the National Tribal Leaders Task Force on Trust Reform, and President of the NCAI President’s Health Technology Task Force.

As president of NCAI, Tex successfully worked to ensure that the government-to-government relationship and consultation was strictly adhered to on all important matters. Among other things, Tex, as Co-chair of the Indian Trust Funds, he brought together representatives of all tribes together with the Department of Interior to work through problems with trust fund management. He is truly a uniter and not a divider as he has managed to work with Indian country to consolidate and unite on like matters.

Tex has also worked with me in my capacity as the Ranking Democrat on the Resources Committee on legislation to protect Indian sacred sites from being destroyed by human abuse. We worked together on obtaining the Native American Sacred Lands Act and Tex stood shoulder to shoulder with me as we announced the introduction of this important legislation. Though we have not been able to enact this bill as of yet, I know Tex will continue to fight with me to protect the rights and the sites that our first Americans hold sacred.

Tex Hall has been a major force in several advancements made by tribal governments on a national level. In 1999, Tex chaired a meeting on Indian treaty issues with President Clinton and members of the Great Plains Tribes. In 2000, as a result of that meeting and others, President Clinton signed an Executive Order on Consultation with Indian Tribal Governments, stating, “There is nothing more important in federal-tribal relations than fostering true government-to-government relations to empower American Indians and Alaskan Natives to improve their own lives, the lives of their children, and the generations to come. We must continue to engage in a partnership, so that the First Americans can reach their full potential. . . . This Executive Order builds on important actions and strengthens our government-to-government relationship with Indian tribes.”

Multiple hurdles still obstruct elevation of the standard of living for Indian people. As Tex told Judy Sarashon of the Washington Post in 2004, “Unfortunately, the first Americans have been the forgotten Americans.” Nevertheless, Tex Hall is a man who continues to dedicate his life to advancing the opportunities for Indian Country; an assiduous champion in the fight to protect Indian sacred sites, I have had the honor to work with Tex and hope to succeed in passing legislation that ensures the protection of Native American sacred lands.

Whether it is his work strengthening the Violence Against Women Act, tackling the fight to protect sacred sites, or his willingness to travel wherever needed to help work out a problem, Tex Hall will be remembered as a great president of the National Congress of American Indians; and I am proud to call him my friend. Tex, thank you for your service.

INFLUENZA VACCINE REQUIRES SHOTS

HON. C.A. DUTCH RUPPERSBERGER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I support the Administration’s plans for combating an Influenza Pandemic, including measures to increase the capacity of the vaccine industry so that we have enough influenza vaccine to protect all Americans within 6 months of an outbreak.

However, you can’t drink the Influenza vaccine, it has to be delivered with a syringe or other delivery technology, but the Administration’s plan does not include any strategies for acquiring sufficient numbers of appropriate injection devices to deliver the vaccine.

The influenza vaccine will probably require 2 shots, which means that we will need 600 million syringes to vaccinate every American. Without advance planning and stockpiling of injection devices, hospitals and public health agencies will not have sufficient numbers of injection devices to deliver the pandemic influenza vaccine. In fact, without planning and utilizing devices that are designed to ensure the vaccine is used to its full potential, we may waste the very vaccine we are working so hard to acquire.

The Administration has worked diligently with vaccine manufacturers to ensure there is additional capacity to produce pandemic influenza vaccines. The same planning and cooperation must happen with the domestic device industry. I urge the Administration to sit down with the medical device industry to discuss potential medical device needs and capacity constraints and develop a plan to ensure we are acquiring the appropriate amount and type of syringes necessary to keep all Americans safe. It would be a tragedy to waste life saving vaccine because of a lack of foresight.

RECOGNIZING STEPHEN A. PERRY

HON. RALPH REGULA
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. REGULA. Mr. Speaker, I wish to congratulate my constituent, Stephen A. Perry, for his service to his country as the 17th ambassador of the U.S. General Services Administration (GSA). The Buckeye State is proud of Steve as one of the highest ranking Ohioans serving in the Bush administration.

As ambassador, Steve brought an extensive background from both the private sector and federal government. He has effectively led the GSA during a challenging time, including the Federal Government’s infrastructure has been aging, but funds have been limited to deal with all these problems. However, Steve guided GSA

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through prioritizing projects and making sure that agency employees had the support required to tackle Federal infrastructure issues.

He started his career at the Timken Company of Canton, a leading international manufacturer of highly engineered bearings and alloy steels. At Timken, Steve progressed from an internship position as stockroom clerk to vice president. In 1991, then Governor George Voinovich appointed Steve to his Cabinet as director of the Department of Administrative Services, which provides services to State agencies that are similar to what GSA provides Federal agencies. After his successful tenure in State government, Steve returned to Timken where he was elected as an officer and promoted to senior vice president.

Additionally, Steve has been very active in community and charitable organizations. He has been recognized by numerous groups for his commitment to his home community.

On a personal note, I would like to thank Steve for his work in getting a new Federal building for Canton, Ohio. Through Steve’s leadership, this new Federal center will be a one-stop-shop where citizens can come to various Federal agencies to get issues addressed. The building will be a model for the GSA system, and we owe its success to Steve’s guidance. I look forward to being with Steve at the future ceremony that opens Canton’s new Federal building.

We are proud of Steve’s service at GSA, but also pleased that he, and his wife, Sondra, are returning home to Canton, Ohio and be active members in our community.

TRIBUTE TO MALIK AHMED, FOUNDER AND CEO, BETTER FAMILY LIFE, INC.

HON. WM. LACY CLAY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Malik Ahmed, the founder and chief executive officer of Better Family Life, Inc., a holistic cultural and community development corporation he founded in February 1983. He has pioneered the concept of synthesizing and blending the imperatives of African-American culture with the complexities of community and economic development.

Better Family Life is dedicated to the prosperity and growth of the African-American family, as well as the preservation of culture, consciousness and community. Organized out of a need to find internal solutions to the crises within the African-American family, the organization’s mission is to plan and establish social, cultural, artistic, youth, economic, housing and educational programs that help to promote positive and innovative changes within the metropolitan St. Louis and East St. Louis communities.

Under his leadership Better Family Life, Inc. has grown to include a full-time professional staff of more than 70, with 30 percent of the staff having advanced degrees. Recently, the organization purchased the former Ralph Waldo Emerson Elementary School at 5415 Page Boulevard, in St. Louis, MO. When the $4 million renovation is completed, the three-story facility will be home to the Better Family Life Cultural Center & Museum, housing corporate offices and four—job training—community programs: Project RESPECT—job training—Neighbor-to-Neighbor Housing Counseling & Asset Building, Youth Passport to the Future and Cultural Arts.

Other Better Family Life programs include the annual Kwanzaa Expo and the Unity Ball extravaganza. The 20th annual Unity Ball has grown to include approximately 1,500 attendees and honors numerous community leaders, elders, youth, movers and shakers at all levels. Recently, in response to this country’s worst disaster on record, Better Family Life, along with the Millions More Movement, spearheaded a relief drive for the victims of Hurricane Katrina, sending an 18-wheel tractor-trailer filled with donations from the St. Louis community to Hattiesburg, MS.

Prior to founding Better Family Life, Mr. Ahmed was a registered representative with the prestigious financial planning firm, The Moneta Group. An avid collector of fine art and literature, he is president of B4 Positive Products and Marketing, a business he founded in 1989 to network, market and distribute books and African artifacts.

Mr. Ahmed has traveled extensively throughout the United States and abroad. He speaks fluent French. As a Peace Corps volunteer, he worked for 3 years as an urban planner in the West African country of Mali, where he successfully developed a cost-effective sanitation program for the capital city of Bamako. Mr. Ahmed holds a bachelor’s degree in economics and a master’s degree in public administration/policy analysis. He is the recipient of many community service awards and serves on various boards. He is married to Deborah and they have one son, Shabazz.

Mr. Speaker, I am honored to recognize Mr. Malik Ahmed before the United States House of Representatives for his tireless dedication to the development of culture, community and self-improvement among minorities in St. Louis.

RECOGNIZING MURRAY/CALLOWAY AND OHIO COUNTY

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. WHITFIELD. Mr. Speaker, I rise to recognize and Ohio County, Kentucky, were selected as two of the 100 Best Communities for Young People by the America’s Promise—The Alliance for Youth organization. Murray/Calloway County and Ohio County, Kentucky, were chosen based on their fulfillment of the America’s Promise Five Promises: Safe Places, Effective Education, Opportunities to Serve, Healthy Start, and Caring Adults. These communities have demonstrated their commitment to the success of our area’s youth by focusing on these promises and working together to ensure our youth have the skills and resources they need to succeed in life. I am fortunate to have the opportunity to represent them in Congress and grateful for their hard work and dedication.

Murray/Calloway County was recognized for the healthy start and safe places it provides area students. In the fall of 2005, Calloway County implemented a countywide after school program for grades K–5. Up to 175 students participated in the program last year alone. In addition, partnerships between Big Brothers and Big Sisters and local schools have been highly successful in establishing mentoring relationships among citizens and elementary and middle school students. Clearly, this community is also proud of the low dropout rate of Murray High School, which is only one percent. In terms of health, Murray/Calloway County has a teenage birthrate significantly below the statewide average and has decreased drug usage over the years. Clearly, this community has much to be proud of and the youth have an ideal community in which to learn and grow.

Ohio County found itself in the spotlight because of the caring adults in the community, the safe places and healthy start it offers youth, and its effective education policies. Most experts will agree that parental involvement is important in the success of a child’s education. In Ohio County, this lesson is certainly understood by the parents who volunteered over 13,800 hours in local schools. The County also invested in a state-of-the-art fitness center and now has 21 percent of the county as members. The birthrate among 15–17 year-olds decreased from 43 percent in 1997 to 14.7 percent in 2001, and the dropout rate among high school students also decreased from 8.5 percent to just over 1 percent. Perhaps most impressively, local students and adults involved in the Together We Care/Ohio County Schools community partnership decided to tackle tobacco use among kids in the county where the largest crop is tobacco, this was a real challenge. These student/adult groups visited stores selling tobacco products and requested that they remove ads for tobacco products in their stores and move products to less visible locations. One month later, 95 percent of the stores had made the requested changes.

Again, I am proud of the progress these communities are making and pleased that they have been selected as two of the 100 Best Communities for Youth.

TRIBUTE TO HOLY ASCENSION CHURCH AND FILARET PATRIARCH OF KYIV AND ALL RUS-UKRAINE

HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the 80th anniversary of the existence of Holy Ascension Church, located on Broad Street in Clifton, New Jersey. To mark this important occasion, the church will be honored by a visit from His Holiness Filaret Patriarch of Kyiv and all Rus-Ukraine.

As a lifelong resident and former Mayor of the neighboring city of Paterson, I cannot think of another organization that has meant more to the surrounding community than Holy Ascension Church. For the past 80 years, the men and women of Holy Ascension Church have given generously of their time, talents, and energy, and have made an indelible mark on countless people’s lives. I feel that it is only fitting that Holy Ascension Church be honored in this, the permanent record of the greatest freely elected body on earth.
The history of the Ukrainian Orthodox Church of Clifton, formerly of Passaic, is the history of many devoted men and women through the years, who have devoted both time and effort to maintaining the religious traditions of the Holy Orthodox Church and the Ukrainian cultural heritage.

With the large migration of Ukrainians to the United States in the early 1900’s, many chose to settle in the Passaic County area. In 1925 a small group of Ukrainian-Americans set out to organize an Orthodox Parish to serve their spiritual needs. Through the efforts of the organizing committee the new church was purchased and consecrated on Sunday July 25, 1925 by his Excellency Metropolitan John Theodoro-vich. The new church served as a hub for the Ukrainian community. Over the years the Parish members relished in their heritage and shared it throughout the area. There were various outings of the Ukrainian Folk Ballet and the Lysenko Chorus which helped introduce the Ukrainian culture to other people.

In 1962–63 the parish adopted its current constitution and by-laws that would serve as the basis for all church activity well into its future. Under the pastorate of the Very Reverend Theodore Forestry, the building committee was reorganized. Land was purchased for the present church and its rectory in 1967. With the impending sale of the church property, the Parish authorized the building committee to hire Mr. Jaroslav Sichynsky as the architect for their new house of worship. The new parish rectory was the first building to be completed in the fall of 1968. In September of 1968 the last Divine Liturgy was celebrated at the Hope Avenue site and contracts were concluded with the State of New Jersey to make way for Rt. 21.

The new church structure is a masterpiece in blending old Byzantine style of architecture with the contemporary structural methods. The central dome rises above the stone and brick edifice symbolizing the glory of the kingdom of God that rises above the material world.

On Sunday, June 7, 1970, the Consecration and Blessing of the new edifice finally took place. With the presentation of floral bouquets to His Holiness Metropolitan John, His Excellency Archbishop Matsyslaw and His Grace Bishop Mark, the distinguished hierarchy, visiting clergy, and honored guests proceeded from the rectory to the church where they were traditionally greeted with bread and salt by the Parish President Peter Dutkevitch.

The blessing of the new church was followed by the Pontifical Liturgy after which the placing of the cornerstone was witnessed by His Beatitude Metropolitan John, His Excellency Metropolitan Joseph and Blessing of the new edifice finally took place.

The new church structure is a masterpiece in blending old Byzantine style of architecture with the contemporary structural methods. The central dome rises above the stone and brick edifice symbolizing the glory of the kingdom of God that rises above the material world.

Mr. Speaker, as you can see, the men and women of the Holy Ascension Church epitomize the noble spirit of community service and volunteerism that we all strive to achieve. The sense of altruism and spirit of humanitarianism demonstrated daily by the congregation of the Holy Ascension Church is living proof of the difference that a handful of people can make in the lives of many.

Mr. Speaker, the job of a United States congressman involves so much that is rewarding, yet nothing compares to recognizing the members of exceptional institutions such as the Holy Ascension Church. I ask that you join our colleagues, the people of the city of Clifton, the Ukrainian community, and me in recognizing the men and women of the Holy Ascension Church for 80 years of ministry to the community of Clifton, New Jersey.

HONORING HARRIET BURGESS, PRESIDENT AND FOUNDATION OF AMERICAN LAND CONSERVANCY

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005
Mr. STARK. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Harriet Burgess, President and founder of American Land Conservancy. For the past 20 years, Harriet, who presently resides in Inverness, California, has applied her consummate skill in building consensus among legislators, government agencies, landowners and environmental groups for the conservation of public lands.

Her list of acquisition accomplishments while Vice President of the Trust for Public Land reveals a national landscape of treasures. She saw a need for a non-profit land acquisition agency that would tackle the most challenging and difficult projects. She founded the American Land Conservancy to rescue irreplaceable environmental acreage from imminent development.

Through her skill and perseverance she has kept intact precious tracts of land from California’s Topanga Canyon to the Sierra Nevada and has been a matchmaker in arranging swaps and purchases of private lands for public uses from the Malibu coast to the Columbia River Gorge.

One transaction in Nevada involved 44 different property swaps. She has also master-minded the acquisition of lands along the upper Sacramento River and the North Fork American. She played a role in the addition of a one thousand plus acre parcel to the San Francisco Bay Area’s renowned Gate National Recreation Area.

Harriet Burgess grew up in Xenia, Ohio where her fondest memory is wandering through the forest looking for wildflowers. But she didn’t get into protecting public space until after her children were grown, when she volunteered to rewrite the zoning ordinance for Fairfax County, Virginia. During her time in Virginia, she was an exemplary member of my legislative staff in Washington, DC.

After a divorce in 1978, she moved to California and held an executive regional office for the Trust for Public Land before founding the American Land Conservancy in 1990. The Conservancy, under Harriet’s direction, has become a potent force in safeguarding California’s most precious open spaces. Through perseverance and tenacity Harriet has time and again brought seemingly out-of-reach projects within grasp, helping local communities realize their dreams of protected land for open space.

Harriet Burgess has been a tireless and highly effective advocate of wilderness and recreational open space protection. Her list of accomplishments will be felt by generations.

As friends gather on November 16, 2005 to pay tribute to Harriet’s extraordinary contributions, I join them in thanking her for the fruits of her efforts. We are grateful for her tenacity and perseverance to protect our precious lands.

HONORING WAYNE THOMAS JAQUTH
HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005
Mr. MARKEY. Mr. Speaker, I rise to recognize Wayne Jaquith upon the occasion of his impending retirement.

Over the last two decades, Wayne Jaquith has worked tirelessly to advance the cause of peace, security and disarmament.

Since June of 1999, he has coordinated the Peace and Security Funders Group, an organization which works with various philanthropic organizations interested in peace and disarmament issues. From May 1999 through May 1999, Wayne founded and ran the Peace Philanthropy Project, which sought to cultivate new philanthropy on peace and security issues. In 2002, Wayne also co-founded the Iraq Peace Fund, and served on its distributing committee. He also has been a consultant to the W. Alton Jones Foundation, Ploughshares Fund and Turner Foundation.


Wayne has been an invaluable asset to the peace and disarmament community for many years. He will be missed. I wish him all the best in his retirement.

HONORING MSGT DEAN C. TEMPLE
UPON HIS RETIREMENT
HON. LOIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005
Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to MSGt Dean C. Temple upon his retirement. MSGt Dean C. Temple is a native of Hinckley, Ohio. He enlisted in the United States Air Force in January 1983, shortly after graduating from Poudre High School, in Fort Collins, Colorado. He completed Military Basic Training at Lackland Air Force Base, Texas on March 1, 1983 and was sent, by direct duty assignment, to Altus AFB, Oklahoma.

During his first assignment at Altus, then Ann Basic Temple was put to work as a new General Purpose Vehicle Maintenance Apprentice. After 2 years, he was rotated into the
TRIBUTE TO MS. ELAINE HARRINGTON

HON. BILL PASCRELL, JR. OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the life and work of an outstanding individual who I feel fortunate to call my friend, Ms. Elaine C. Harrington. She was recognized on Saturday, November 5, 2005, for her years of unwavering dedication and service as a Professor to the Passaic County Community College.

After 33 years of dedicated service to the Passaic County Community College (PCCC), Professor Elaine Harrington retired from the College on July 1, 2005. Her tenure at PCCC is a remarkable story of one person’s belief in the power of education and its transforming effect on people and communities for more than a decade. For two years, she was a Model of the Year Award recipient for her commitment to improving the quality of life in Paterson and Passaic County through education in this, the permanent record of the greatest freely elected body on earth.

Mr. Speaker, I am proud to join my colleagues in recognizing the efforts of those who have dedicated their lives to the pursuit of education and knowledge. Ms. Harrington’s dedication to her work has been recognized with numerous awards and honors. She has served the College and the community with distinction and grace, and her legacy will continue to inspire future generations.

I commend and thank Ms. Harrington for her contributions to the field of education and for her dedication to her students. She is a true inspiration, and her achievements serve as a reminder to all of us of the power of education to transform lives and communities.

CONGRATULATING LYNDON LAPLANTE

HON. MICHAEL C. BURGESS OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Lyndon LaPlante of Keller, TX, on his dedication and outstanding athletic achievement at the Keller v. Richland high school football game on October 7, 2005.

Mr. LaPlante is an 18-year-old Keller High School senior, who has played on the Keller football team for 4 years. He has attended morning practice, summer camp, team meetings and football games since he was a freshman. On October 7, 2005, Mr. LaPlante played in his first football game against Richland High School. At this inaugural game, Mr. LaPlante, who has Down syndrome, brought a home crowd of more than 4,000 to its feet as he ran 99 yards for a Keller touchdown. Mr. LaPlante was also named football player of the week and gave a speech at Keller High School’s football pep rally.

Prior to his recent game success, Mr. LaPlante participated on the Keller football team by acting as assistant head coach and running plays with the team in pre-game warm-ups. He also took photographs at every game, which were set to music and shown at the end of every year. On Friday mornings, Mr. LaPlante joins his football teammates to your attention to the life and work of an outstanding individual who I feel fortunate to call my friend, Ms. Elaine C. Harrington. She was recognized on Saturday, November 5, 2005, for her years of unwavering dedication and service as a Professor to the Passaic County Community College.

After 33 years of dedicated service to the Passaic County Community College (PCCC), Professor Elaine Harrington retired from the College on July 1, 2005. Her tenure at PCCC is a remarkable story of one person’s belief in the power of education and its transforming effect on people and communities for more than a decade. For two years, she was a Model of the Year Award recipient for her commitment to improving the quality of life in Paterson and Passaic County through education in this, the permanent record of the greatest freely elected body on earth.

Mr. Speaker, I am proud to join my colleagues in recognizing the efforts of those who have dedicated their lives to the pursuit of education and knowledge. Ms. Harrington’s dedication to her work has been recognized with numerous awards and honors. She has served the College and the community with distinction and grace, and her legacy will continue to inspire future generations.

I commend and thank Ms. Harrington for her contributions to the field of education and for her dedication to her students. She is a true inspiration, and her achievements serve as a reminder to all of us of the power of education to transform lives and communities.

CONGRATULATING LYNDON LAPLANTE

HON. MICHAEL C. BURGESS OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Lyndon LaPlante of Keller, TX, on his dedication and outstanding athletic achievement at the Keller v. Richland high school football game on October 7, 2005.

Mr. LaPlante is an 18-year-old Keller High School senior, who has played on the Keller football team for 4 years. He has attended morning practice, summer camp, team meetings and football games since he was a freshman. On October 7, 2005, Mr. LaPlante played in his first football game against Richland High School. At this inaugural game, Mr. LaPlante, who has Down syndrome, brought a home crowd of more than 4,000 to its feet as he ran 99 yards for a Keller touchdown. Mr. LaPlante was also named football player of the week and gave a speech at Keller High School’s football pep rally.

Prior to his recent game success, Mr. LaPlante participated on the Keller football team by acting as assistant head coach and running plays with the team in pre-game warm-ups. He also took photographs at every game, which were set to music and shown at the end of every year. On Friday mornings, Mr. LaPlante joins his football teammates to mentor and read stories to elementary school students. He talks to children and signs autobiographies at Florence Elementary School, which he attended.

I extend my sincere congratulations to Mr. Lyndon LaPlante for his commendable achievements on and off the Keller High School football field. His dedication to his team, to his school, and to his community serves as an inspiration to all.
HONORING THE BEST TEACHERS OF ACADIANA

HON. CHARLES W. BOUSTANY, JR.
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize a special group of individuals from the Seventh Congressional District of Louisiana. I pray to represent this distinguished group from my district. They are teachers, who have dedicated their lives to educating our leaders of tomorrow. Recently, Regent Broadcasting Corporation held a banquet to honor its best teachers in the Acadiana area. I join them in this endeavor and enter into the official CONGRESSIONAL RECORD the names of each one of these educators. I ask that my colleagues join me in thanking them for their service to our children.


RECORD the names of each one of these educators. I ask that my colleagues join me in thanking them for their service to our children.


CONDOLENCES TO PEOPLE OF JORDAN

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. KIRK. Mr. Speaker, I want to offer my deepest condolences to the people of Jordan in the wake of the deadly suicide bombings which occurred on November 9. Jordan has been a leader of peace and stability in the Middle East, and a strong ally and friend to the United States. King Abdullah stood firmly with the United States following the terrorist acts of September 11, and today the United States stands with him and his country.

Jordan, formerly led by the late King Hussein and now King Abdullah, has worked tirelessly towards the goal of finding a peaceful resolution to the Arab-Israel conflict and promoting stability throughout the region. Jordan continues to play a crucial role in the region’s peace process and now King Abdullah, has worked tirelessly towards the goal of finding a peaceful resolution to the Arab-Israel conflict and promoting stability throughout the region. Jordan continues to play a crucial role in the region’s peace process.

Underwood served his country in many capacities and dedicated the better part of the past 35 years as an influential leader of water policy in the West. On November 2, 2005, Dennis passed away following a long battle with cancer. Our region collectively mourns his passing, while remembering his lifelong contributions.

Commissioner of the Bureau of Reclamation from 1989 until 1993, Dennis most recently served as the chief executive officer and general manager of the Metropolitan Water District of Southern California, which serves 18 million people. Dennis also served as the Executive Director of the Colorado River Board of California. He worked with the seven Basin States, the International Boundary and Water Commission, and various Federal agencies to develop and manage Colorado River water resources.

The greatest challenge facing the West today and for the foreseeable future is meeting water supply needs in an atmosphere of growing population, conflicting state and international claims, and demands of environmental protection. Although Dennis most recently represented water consumers in Southern California, his leadership, ingenuity, fairness, and perseverance yielded important dividends for water users throughout California, Nevada, Arizona, and other states that draw water from the over-allocated Colorado River.

Mark Twain famously stated that "whiskey is for drinking and water is for fighting." While the West has undoubtedly seen its share of water wars, I can't think of a person who had a better ability to get people to stop fighting and sit down at the bargaining table than Dennis. His wisdom, warm good nature, positive approach and—above all—sterling honesty kept all players in the Western water drama focused on finding solutions instead of persisting in conflict.

Personally, I had the pleasure and honor of working with Dennis on a number of important water issues, including the sometimes tumultuous negotiations of the Quantification Settlement Agreement, which brought California’s water use in compliance with its legal appropriation for Colorado River supplies. In each instance, Dennis displayed a tremendous ability to find balanced solutions that satisfied all parties.

Mr. Speaker, the United States has lost a great servant, the West has lost a brilliant leader, and I have lost a dear friend. On behalf of our region, I want to convey our appreciation for all of Dennis’s efforts and express our heartfelt condolences to the Underwood family, including his wife, Carmen; daughter and son-in-law, Michelle and Ryan Dejournett; brothers, Russell, Lawrence, Rory, Kevin, and Jeffrey; and two grandchildren.

TRIBUTE TO BOB SANCHO

HON. JOSE F. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Robert Sancho, an outstanding individual and a dear friend who has dedicated many years of service to empowering the people of my community. Tonight the Citizens Advisory Board will recognize him for his many achievements in the City of New York.

Bob was born and raised in the South Bronx. He is a product of the New York City
Born in Loomis, California, Ms. Duckles was the youngest of five children. After her older siblings left for school, Madeline went to live with her school music teacher in a household filled with opportunities to read books, learn music, and explore the outdoors. In this household she was encouraged to attend a university despite the opposition of her father, who felt that sending a girl to college was a waste of money. Ms. Duckles nonetheless went on to attend college, graduating in 1937. At that time Ms. Duckles also became involved at the local YWCA, which at that time was the only place where she was able to discuss social issues. She received much of her early political education through the time she spent there, which coincided with the Spanish Civil War and a high incidence of labor strikes on the domestic front.

Upon her graduation, Ms. Duckles left California for New York City, where she married Vincent Duckles, who was doing graduate work at Columbia. Over the next several years they moved around to several different states while Vincent completed his studies and they both worked a number of jobs, working at different times as teachers, in retail service and other industries.

Eventually they returned to Berkeley, California, where Ms. Duckles became active in WILPF. Still based at the Japanese internment and the use of atomic weapons against Japan in World War II, she was part of a group of women who in 1961 went on strike across the country to protest atmospheric nuclear tests. Another issue of growing concern among these women was the increasing involvement of the United States in Vietnam, an issue regarding which Ms. Duckles devoted immeasurable amounts of time and energy into the movement for peace. Eventually they returned to Berkeley, California, where Ms. Duckles became active in WILPF. Still based at the Japanese internment and the use of atomic weapons against Japan in World War II, she was part of a group of women who in 1961 went on strike across the country to protest atmospheric nuclear tests. Another issue of growing concern among these women was the increasing involvement of the United States in Vietnam, an issue regarding which Ms. Duckles devoted immeasurable amounts of time and energy into the movement for peace and justice in the years that followed. She attended meetings with the World Council of Peace in Europe and Asia, and even went on a speaking tour through Germany, Austria, Switzerland and finally the Vietnam War, Ms. Duckles has remained an outspoken advocate for peace and justice for all people throughout the world, continuing to travel and host international delegations of visitors to the United States as well.

This week Ms. Duckles’ friends and family come together to celebrate her many years of activism, and the immeasurable impact she has had on our community. On behalf of the California’s 9th U.S. Congressional District, I salute and thank Madeline Duckles for her many years of work toward creating a peaceful world for all.

Honoring Madeline Duckles

Barbara Lee

Speaker of the House

Tuesday, November 15, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and work of Madeline Duckles of Berkeley, California. A longtime peace activist and community leader, Ms. Duckles will soon celebrate her 90th birthday, an occasion which will coincide with the 90th Anniversary of a group in which she has been active for several decades, the Women’s International League for Peace and Freedom (WILPF).

Winter Outdoors Month

Mark Udall

Honorable Representative from Colorado

Tuesday, November 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, as obesity and the associated health risks continue to increase it is important to encourage Americans to participate in physical activity all year long.

To help spread this message, today I am introducing with my colleague from New York, Rep. JOHN SWEENEY, a resolution urging the President to declare January 2006 Winter Sports Month.

This resolution notes the increase in adult and childhood obesity along with the negative consequences of extremely overweight and obese people, including a decrease in the average productivity and costs stemming from obesity related illness. It also includes the role winter sport activities can play in addressing obesity and the positive effects of participating in physical activity. It resolves that the House of Representatives urge the President to declare January 2006 Winter Sports Month.

Alpine skiing, snowboarding, snowshoeing and cross country skiing, not only offer excellent aerobic and anaerobic exercise but they also are activities that allow an entire family to play together in a natural environment. Cold temperatures and snow should not deter outdoor activities.

“Winter Outdoors Month” would remind citizens of the importance to maintain a consistent exercise program and healthy lifestyle all year twelve months of the year. Winter sports offer unique opportunities to allow all Americans a chance to be together outside, enjoy the season.

Recognition of Orene Schweinle Jordan

Ron Paul

Representative from Texas

Tuesday, November 15, 2005

Mr. PAUL. Mr. Speaker, I rise today to pay tribute to Mrs. Orene Schweinle Jordan on the occasion of her 100th birthday. Mrs. Jordan is a great example of the determination and dedication the citizens of America possessed in striving to improve their lives and the lives of their family members during the stressful years of the early 1900’s. She has seen firsthand this great country develop from the horse-and-buggy era to the age of Internet.

In a rural area of rural Texas on December 4, 1905 into a family of seven children, Mrs. Jordan had limited formal education and learned early that hard work and self-improvement were her only avenues to a better life. She developed the philosophy that, “You can do anything if you set your mind to it and never quit.” That philosophy has sustained her to age 100 and she has set an example for her children and those around her.

Mrs. Jordan has been an outstanding mother to her children and is the recognized force that molded their lives. Her son, Don D. Jordan, became Chairman & Chief Executive Officer of Houston Lighting & Power Company, Houston Industries, and Reliant Energy in which capacity he served for 23 years. He also served as the International President of the World Energy Council in London, England. Mrs. Jordan’s daughter, Shirley A. Jordan Flanagan, perhaps made the biggest contribution as she energized young lives while serving as an elementary school teacher in the public schools of Texas for 35 years.

Married to W.G. Jordan for 60 years, Mrs. Orene Jordan was always her working partner. When the family moved from a small town in south Texas, they opened a small grocery store in La Marque, Texas even though they
had no real business experience. Mrs. Jordan
put her “hard work” philosophy into action by
working 12 hours a day, 7 days a week
to make her family’s business thrive. In 1956, Mr.
and Mrs. Jordan sold their store and started a
cattle ranch in Van Vleck, Texas in Matagorda
County.

Mrs. Jordan still lives on the ranch, which
she has helped operate for the past 49 years.
During that time, she has developed as an art-
ist, written several short stories, built her own
furniture, become a recognized horticulturist,
and been active in her church, and touched the
lives of numerous people.

Above all else, Orene Jordan is a patriot.
She loves America and has never wavered
in her support of our military. She has
been active in her church, and touched the
lives of many prominent civil rights organizations as
a member of numerous organizations.

Orene Jordan is a leader in the community.
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In memory and tribute to
JOSEPH MONSERRAT
HON. JOSE E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. SERRANO. Mr. Speaker, it is difficult to
bid farewell to friends and mentors, especially
those who have worked so hard and given so
much to their communities and to our Nation.

Mr. Speaker, I rise today in memory of and
tribute to Joe Monserrat, who passed away
this week.

Joe spent his life in public service, both to
his community and to his people. He was born
in Bayamon, Puerto Rico, and like so many of
his generation, moved at a very young age to
the United States. He attended public schools
and some of New York’s most prestigious uni-
versities.

Joe served honorably in the Army Air Force,
and upon returning, began his long career of
public service. He quickly rose to positions of
leadership in all his undertakings, making a
significant mark as Director of the New York
office and Deputy National Director of the Mi-
gration Division of the Puerto Rican Depart-
ment of Labor.

This agency helped assist and smooth the
transition for Puerto Ricans resettling in the
United States by working to increase employ-
ment and business opportunities, increasing
the number of major corporations that had em-
ployment programs for Puerto Ricans, and
other vital services. After eight years in this
capacity, because of his hard work and talent,
Joe was promoted to National Director of the
Division, where he served for another nine
years.

Under his leadership, this agency was to
become one of the most important national or-
ganizations devoted to the cause of helping
Puerto Ricans gain a foothold in the United
States. He later turned his attention to edu-
cation, serving on the New York City Board of
Education in the early 1970s and later teach-
ing.

In his sparse time, Joe served on the boards
of many prominent civil rights organizations as
well as serving with many labor-related organi-
izations. He also spent a great deal of time re-
searching and writing some of the most influ-
ental scholarly works on issues affecting His-
panics, Puerto Ricans, the Caribbean and
Latin America.

Mr. Speaker, Joe was a tireless leader, brimming with vision, energy and ideals. He
was a mentor, a teacher, a friend, and, most
importantly, the source of inspiration to count-
less others. The institutions that he touched
were forever marked as they reached new
heights of service and dedication to worthy
causes.

Joe’s legacy of service to others and his
valuable contributions in all sectors of society
will be sorely missed but his legacy lives on.
I would like to extend my heartfelt sympathy
to Joe’s family, colleagues, friends, and all
those whom he touched by his life and exam-
ple.

Mr. Speaker, Joe Monserrat was an uncom-
mon leader on the many different issues that
he addressed during his life. He truly showed
the way for many Puerto Ricans and His-
panics who followed in his footsteps in New
York City and in the nation. Joe could truly be
called one of the leading lights of the Hispanic
community in the United States, and his com-
mittment to public service should be honored.
Fortunately through his leadership, he created
a generation of people who will ensure that his
vision for the betterment of the Puerto Rican and
Hispanic community will not be lost.

Mr. Speaker, I am glad to report that even
with his passing, his light was not extin-
guished; instead it will shine stronger than
ever among all those he inspired. I ask my
colleagues to join me and all who had the
privilege of knowing Joe Monserrat in paying
tribute to him for serving his community and
our nation with uncommon wisdom, generosity
and dignity.

CONFERENCE REPORT ON H.R. 2419,
ENERGY AND WATER DEVELOP-
MENT APPROPRIATIONS ACT, 2006

SPEECH OF
HON. TOM COLE
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 9, 2005

Mr. COLE of Oklahoma. Mr. Speaker, as
you know, the Senate version of the Fiscal
Year 2006 Energy and Water Appropriations
Act included a provision authorizing the Bu-
reau of Reclamation to work in cooperation
with the Oklahoma Water Resources Board
(OWRB), the Central Oklahoma Master Con-
servancy District (COMCD), and local entities
to initiate a Water Supply Augmentation Feasi-
ability Study at Lake Thunderbird near Norman,
Oklahoma, and appropriating $300,000 to the
Bureau to initiate this study. Unfortunately,
due to current fiscal constraints and the dif-
cult decisions that had to be made in light of
these constraints, the conference was forced
to remove this provision in the final conference
report.

Mr. Speaker, since its construction in 1965,
Lake Thunderbird has served as a reliable
source of municipal and industrial water for
three communities in my district, including
Norman. Preliminary findings by the OWRB
and the City of Norman indicate that the City’s
water demands will exceed its current com-
bined supply from groundwater and Lake
Thunderbird within 5 years. In fact, since
1988, Norman has exceeded its proportional
allocation 12 separate years. Today, all pro-
jections show that the annual allocation af-
fored Norman will always be exceeded with-
out additional supplies being made available.
It is anticipated that the two other communities
served by Lake Thunderbird may also need addi-
tional water in the future.

Appraisal level studies initiated by the Bu-
reau of Reclamation in Fiscal Year 2003 sup-
port the need for additional water supplies to
meet the region’s future needs. This provision
was included in the Senate bill to enable the
Bureau of Reclamation, in partnership with the
OWRB, the COMCD and its member cities,
to initiate a more in-depth feasibility-level study
of alternatives to augment the water supplies of
the COMCD and its member cities. I look
forward to working with the Chairman and the
Bureau of Reclamation to identify any unobi-
gated balances within the Bureau’s budget
that may be released to initiate this study.

HONORING THE LIFE AND ACCOM-
PLISHMENTS OF VICE ADMIRAL
ARTHUR K. CEBROWSKI, UNITED
STATES NAVY, RETIRED

HON. MAC THORNBERRY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. THORNBERRY. Mr. Speaker, I rise to
pay tribute to a visionary leader, a dedicated
naval officer, and a true gentleman. Vice Ad-
miral Arthur K. Cebrowski passed away on
November 12, 2005 after a lengthy illness and
a lifetime of service to this Nation.

Most recently, Vice Admiral Cebrowski
served as the Director of the Office of Force
Transformation in the U.S. Department of De-
fense. He was charged with helping transform
the Nation’s military capabilities from the post-
Cold War Industrial Age to a more agile Infor-
mation Age military force. But his legacy is
much greater than just the leader of an office
within the Pentagon.

Admiral Cebrowski was, for many years, a
deadline force for change—an intellectual whose
ideas mattered and found their way into the
battlespace, the hands of the troops, and the
nooks and crannies of the Pentagon. It was
Vice Admiral Cebrowski who first introduced
the idea of Network Centric Warfare, now a
critical term of art in military strategy. It was
Vice Admiral Cebrowski whose ideas on de-
fense procurement are changing the types and
quantities of ships the Navy buys and how the
Department of Defense will buy satellites and
services in the future. It was Vice Admiral
Cebrowski who identified the need to move
technology more quickly into the hands of the
warfighter. He was able to push innovative
equipment and tools to the troops for oper-
ational experimentation during the War on Ter-
rorism.

While intellectual honesty and vision were
his trademark, he was also able to express
those ideas in simple and understandable
terms to others. As the Director of Force
Transformation and as President of the Naval
War College in Newport, Rhode Island, he
was able to share his vision to educate and
shape a new generation of leaders. It was a
shape a new generation of leaders. It was a
vision based on combat experience in Vietnam
and Desert Storm and as a commanding offi-
cer of fighter squadrons and ships.
It is not often that a nation is blessed with a great military leader whose powerful ideas make lasting and important contributions to the future. Sometimes it is only through the passage of time and history that their greatness is recognized fully. After some decades, Rear Admiral William A. Moffett eventually became known as the father of naval aviation. Admiral Hyman G. Rickover was recognized as the father of the nuclear Navy. I believe that Vice Admiral Arthur K. Cebrowski will become known as the father of a network centric military. The institutionalization of this concept has occurred during the last four and a half decades. Under Dick Tschider care that has occurred during the last twenty years as I served as Insurance Commissioner and as a member of Congress, Dick Tschider has devoted his entire career to this outstanding facility, joining it right out of college. Dick Tschider, CEO of the St Alexius Medical Center in Bismarck, North Dakota, for the healthcare.

Mr. POE. Mr. Speaker, each and every Member of Congress has crime victim advocates in his or her District. It’s likely you hear from them now and again, particularly when critical funding for crime victim services is at stake—like the Administration’s proposal to drain the Crime Victim Fund to balance the budget—or you may hear from them when they plead that victims’ rights are enforced in accordance with the law. It’s also likely that you have an inkling of what these folks do for victims in your living. But what you don’t know just how much victim advocates are the “unsung heroes” of America today.

Back when I was a prosecutor in the great state of Texas, we didn’t have “victim advocates.” There was nobody to provide the victim with support and comfort. The criminal and juvenile justice systems were like a maze to them and, let me tell you, the laboratory mice did a lot better in finding the cheese! Crime victims were lost. Crime victims were forgotten. Crime victims were merely “evidence” used to successfully prosecute criminal cases. Crime victims were “re-victimized” on a daily basis by a system that should be designed to protect them.

At the end of my days as a prosecutor and the beginning of my days as a judge, I started to see these folks called “victim advocates” in court. Back then, their job was to notify victims of the status of their cases and offenders, and explain to them what is often an overwhelming criminal justice process. But if you listened to victims back then, they would tell you that their advocates were so much more. They were a “Rock of Gibraltar” in a rocking sea of confusion. They were there to hold their hands and provide comfort. They were, as one prosecutor from Texas last month noted, “the centerpiece of the courtroom” when it came to helping crime victims and witnesses.

I was privileged earlier this month to deliver a keynote speech at the National Conference of State VOCA Assistance and Crime Victim Compensation Administrators in New Mexico. These folks are that, every single minute of every single day, are on “the front line for victims” in the criminal justice system. I commend them on their work. I think it is well worth the time of the U.S. Congress to recognize them.

You should know about the remarkable victim advocates who spent the last year planning and preparing for the conference.

The career of Dick Tschider is an example of leadership and achievement in service to others. I wish him the best in his retirement.

The career of Dick Tschider is an example of leadership and achievement in service to others. I wish him the best in his retirement. Let me begin by saluting John Gillis, the Director of the U.S. Department of Justice Office for Victims of Crime. John knows too well the impact of crime on victims. When he was an LAPD detective almost 30 years ago, his beautiful daughter Louarna was murdered by gang members in a vicious “kid” murder that would move them up the gang hierarchy.

John and his wife Patsy reacted to Louarna’s death as so many crime victims and supporters do. They became the advocates to change how our criminal justice system treats victims, and change how we society views victims. John has spent the last three decades fighting for crime victims’ rights, and does so now at the helm of the Office for Victims of Crime, or OVC, as the “mother ship” of victim assistance in America. John has become a friend and someone whom I admire and deeply respect. He is our nation’s leading “victim advocate” and crime victims everywhere in America are fortunate to have him at the Office for Victims of Crime.

Next, I would like to recognize the Directors of the two national associations that help states manage funding for victim services and victim compensation. Dave Darene is the Director of the National Association of VOCA Assistance Administrators. Back in 1984, he helped craft the Victims of Crime Act, which uses fines and fees assessed against convicted Federal offenders to support crime victim services. He has been a true advocate for victims in Wisconsin and, in the past five years, for victims across our nation. He is known as “Stevie Wonder” because he, more than most, has embraced technology as a means to facilitate more effective justice processes and victim assistance, and because it seems he is on call 24/7 to help victims and those who serve them.

Dan Eddy is the Director of the National Association of Crime Victim Compensation Boards. Dan is a quiet, unassuming victim advocate, but the impact of his work is far-reaching. Under his direction, victims of crime in all of our Districts have received millions of dollars—again, not from taxpayers but from convicted offenders—to help them cope with the financial impact of crime. Dan Eddy is truly an “unsung hero” whose efforts are felt in states, communities, neighborhoods, homes across America each and every day.

The Presidents of both Associations—Joe Hood from Georgia and Larry Tackman from New Mexico—also deserve mention. These are two men with a true vision for the field of crime victim services. When they are not managing their state VOCA and compensation programs, they are working hard to promote strength and unity in victim services across our land. With their respective Boards of Directors, they put on a fine conference, and deserve our thanks.

I am guessing you’ll have attended events where everything ran very smoothly. I can assure you this doesn’t happen by “accident.” So let me tip my hat to Ms. Gillian Nevers, who has been an outstanding Wisconsin victim advocate, and who earlier this month facilitated one of the best victim assistance training conferences ever.

And now I’d like to introduce you to some wonderful victim advocates from New Mexico, and I’d like to thank the chair of my subcommittee, Mr.Stock, for allowing me to introduce them.

Mr. POE. Mr. Speaker, each and every Member of Congress has crime victim advocates in his or her District. It’s likely you hear from them now and again, particularly when critical funding for crime victim services is at stake—like the Administration’s proposal to drain the Crime Victim Fund to balance the budget—or you may hear from them when they plead that victims’ rights are enforced in accordance with the law. It’s also likely that you have an inkling of what these folks do for victims in your living. But what you don’t know just how much victim advocates are the “unsung heroes” of America today.

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John and his wife Patsy reacted to Louarna’s death as so many crime victims and supporters do. They became the advocates to change how our criminal justice system treats victims, and change how we society views victims. John has spent the last three decades fighting for crime victims’ rights, and does so now at the helm of the Office for Victims of Crime, or OVC, as the “mother ship” of victim assistance in America. John has become a friend and someone whom I admire and deeply respect. He is our nation’s leading “victim advocate” and crime victims everywhere in America are fortunate to have him at the Office for Victims of Crime.

Next, I would like to recognize the Directors of the two national associations that help states manage funding for victim services and victim compensation. Dave Darene is the Director of the National Association of VOCA Assistance Administrators. Back in 1984, he helped craft the Victims of Crime Act, which uses fines and fees assessed against convicted Federal offenders to support crime victim services. He has been a true advocate for victims in Wisconsin and, in the past five years, for victims across our nation. He is known as “Stevie Wonder” because he, more than most, has embraced technology as a means to facilitate more effective justice processes and victim assistance, and because it seems he is on call 24/7 to help victims and those who serve them.

Dan Eddy is the Director of the National Association of Crime Victim Compensation Boards. Dan is a quiet, unassuming victim advocate, but the impact of his work is far-reaching. Under his direction, victims of crime in all of our Districts have received millions of dollars—again, not from taxpayers but from convicted offenders—to help them cope with the financial impact of crime. Dan Eddy is truly an “unsung hero” whose efforts are felt in states, communities, neighborhoods, homes across America each and every day.

The Presidents of both Associations—Joe Hood from Georgia and Larry Tackman from New Mexico—also deserve mention. These are two men with a true vision for the field of crime victim services. When they are not managing their state VOCA and compensation programs, they are working hard to promote strength and unity in victim services across our land. With their respective Boards of Directors, they put on a fine conference, and deserve our thanks.

I am guessing you’ll have attended events where everything ran very smoothly. I can assure you this doesn’t happen by “accident.” So let me tip my hat to Ms. Gillian Nevers, who has been an outstanding Wisconsin victim advocate, and who earlier this month facilitated one of the best victim assistance training conferences ever.

And now I’d like to introduce you to some wonderful victim advocates from New Mexico, and I’d like to thank the chair of my subcommittee, Mr. Stock, for allowing me to introduce them.
every day, in ways large and small. These are people for whom compassion is part of their DNA. Let me introduce you to the staff of the New Mexico Crime Victims Reparation Commission: Kristy Ring, Deputy Director; Robin Brasie, VOCA Administrator; Sheila Allen, YAWA Administrator; Julie Duren, Reparation Officer Supervisor; Terri Ruegger, Financial & HR Officer; Dorothy Padilla; Randy Vallejos; Debra Yepa; Jacqueline Chavez; Denise Jaramillo; Mary Anne Garcia; Michele Threlkel; Moises Valdez; Paula Smith; Debra Simpson; Suzanne Gallegos; Wendy Archibeque, and Robert Norfor.

You are simply hearing their names. But I had the chance to meet them, and want you to know that our Nation is a better place because of their ongoing commitment to helping victims of crime.

And that’s just the way it is.

THE CONFERENCE REPORT ON THE FISCAL YEAR 2006 AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT (H.R. 2744)

HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in opposition to the Conference Report on the fiscal year 2006 Agriculture Appropriations Act. While this bill takes some positive steps, overall it is a missed opportunity.

This bill provides increased funding for critical food assistance programs, including Women, Infants and Children, WIC, and school lunch. The conference report also upholds current adjunctive eligibility requirements for WIC and Medicaid. This will save local WIC agencies in six states, including Minnesota, from having to conduct 275,000 duplicative eligibility determinations and keep resources devoted to nutrition assistance.

Voluntary conservation programs that I support, such as the Conservation Reserve Program, CRP, and the Wetlands Reserve Program, WRP, receive $840 million in funding. For generations, farmers and others working close to the land have made positive contributions to the conservation effort. Programs like CRP and WRP assist landowners in reducing erosion, improving soil and water quality, and enhancing fish and wildlife habitat.

Funding for the Animal and Plant Health Inspection Service, APHIS, is increased to address food safety and emerging diseases, namely avian influenza. Prompt action is needed to safeguard against further spread of this deadly strain and to be prepared for a potential outbreak at home or abroad.

Despite these positive aspects, Congress missed an opportunity to make a real difference in the lives of families by failing to provide relief for the millions of Americans facing soaring prescription drug prices. I supported language passed by the House of Representatives to allow reimportation of prescription drugs. Unfortunately, this language—which would have barred the Food and Drug Administration, FDA, from preventing prescription drug reimportation—was stripped in conference committee for a third year in a row. It is unacceptable for anyone to suffer because prescription drugs have become too expensive, and it is disappointing that once again Congress has prioritized pharmaceutical companies over families.

This bill also imposes further delays upon implementation of mandatory Country-of-Origin Labeling, COOL, requirements. COOL provides our families with important information on meat, fish, fruits and vegetables. It also gives U.S. producers credit for the considerable investment they make in the quality and safety of their products. The 2002 Farm Bill required mandatory labeling by 2004, but the fiscal year 2004 Agriculture Appropriations Act delayed implementation of COOL to 2006. This conference report further delays implementation of COOL until 2008.

CONFERENCE REPORT ON H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 9, 2005

Ms. LEE. Mr. Speaker, I rise in support of this conference report.

I would first like to thank the Chairman of the Subcommittee, Mr. HOBSOM, and the Ranking Member, Mr. VISCOLOSKY, for their work in putting together the Energy and Water Appropriations Bill, and in negotiating with the Senate on this conference report.

I also want to thank both of them for including $48 million in the conference report to continue funding the Port of Oakland’s 50-foot dredging project in my district in California, and for including $5,585,000 for Operations and Maintenance.

As the fourth largest container port in the country, the Port of Oakland serves as one of our premier international trade gateways to Asia and the Pacific.

The 50-foot dredging project will underpin an $800 million expansion project funded by the Port that will improve infrastructure, expand capacity and increase efficiencies throughout the distribution chain.

Once this project is finished, the Port projects that an additional 8,800 jobs will be added, business revenue will increase by $1.9 billion, and local tax revenues will go up by $55.5 million. Best of all, 100 percent of the dredged materials will be reused for wetland restoration, habitat enhancement, and upland use within the San Francisco Bay Area.

I appreciate the Subcommittee’s support for this project and I look forward to continuing to work with the chairman and ranking member to complete it.

COMMENDING THE SUPPORT PROVIDED BY EMPLOYERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVES

HON. RAHM EMANUEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 15, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in support of H.R. 302, recognizing and commending the support provided by the employers of members of the National Guard and other reserve divisions who have been mobilized during the Global War on Terror.

More than 433,000 members of the reserve components of the United States Army have been mobilized for active duty since September 11, 2001. During this difficult time for families and their communities, the commitment of their employers is essential. The obligations of the National Guard and other reserve components will continue for years to come, and job security and support for those who are mobilized in defense of our nation is crucial for the country in continuing the War on Terror.

In my home town of Chicago, many employers have demonstrated their commitment to the safety of the nation and to those who fight to secure it. When National Guard employees of Chicago law firm Bell, Boyd & Lloyd learned that they would be deployed, the firm responded by asking how it could help. Whether the need was for supplying care packages to the troops or redoubling their support as deployments were extended, this firm has provided tremendous assistance to its employees and their families.

Doug Ewing, the former president of Ewing-Doherty Mechanical, Inc., left a strong legacy of support for our troops. When his employees were deployed, Mr. Ewing supplied them with necessary provisions and equipment. He also frequently contacted his employees’ families in order to boost their morale and ensure that they were provided with any necessary assistance. Mr. Ewing has sadly passed away, but his commitment and compassion will long be remembered by his employees and their families.

The Chicago Fire Departments and Chicago Police Department also merit recognition for the support they gave to their employees who have been mobilized during the War on Terror and their families. These employers have shown themselves to be dedicated to the security of the nation, and have provided support beyond that which is required. They deserve our most sincere recognition and gratitude.

I would like to offer my praise for their contributions, and encourage the Department of Defense to continue its efforts to maintain a high level of support between deployed Guardsmen and their employers.

Mr. Speaker, I am pleased to join my colleagues in recognizing and commending the strong support provided by employers for those who work to secure the goals and safety of the United States.
Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support of H.R. 3989, a bill to designate the U.S. Post Office in Dennison, Minnesota as the “Albert H. Quie Post Office.”

It is appropriate that we honor this special Minnesotan, who served our great state and Nation in the U.S. Navy during World War II and as State Senator, Congressman, and Minnesota Governor. It is especially fitting that the Post Office in Dennison, MN will carry his name. Al Quie grew up on a farm outside of Dennison and attended school in nearby Nerstrand and Northfield. His family and the community he lived in instilled in him a sense of service that is still with him today.

Governor Quie led a distinguished career in many respects, one that was especially important to me as a student living in his Congressional district. As a long-time member of the House Education Committee, he created a special legacy in the area of education and advocated tirelessly for quality education programs for America’s children. His leadership in public education is still respected in Minnesota, where he is often asked to share his vision for education at meetings and conferences.

This devout Lutheran left another legacy in Congress when he helped start the Congressional Prayer Breakfast for his colleagues. Forty-seven years later, Members still enjoy this weekly tradition. Mr. Quie was elected to Congress in 1958 and ten succeeding Congresses, but I remember most fondly his election in 1972. The 26th Amendment had just been ratified, giving me and other 18 year-olds the right to vote. I cast my vote for Albert Quie, a vote I am still proud of today.

Thank you for your fine service, Governor Quie, and for inspiring a spirit of service in others.
HIGHLIGHTS
Senate passed National Defense Authorization bills.

Senate

Chamber Action
Routine Proceedings, pages S12773–S12871

Measures Introduced: Eight bills and five resolutions were introduced, as follows: S. 2008–2015, and S. Res. 312–316.

Measures Reported: S. 705, to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, with an amendment in the nature of a substitute. (S. Rept. No. 109–178)

S. 1869, to reauthorize the Coastal Barrier Resources Act, with an amendment. (S. Rept. No. 109–179)

Page S12839

Measure Passed:

National Defense Authorization: By a unanimous vote of 98 yeas (Vote No. 326), Senate passed 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, after taking action on the following amendments:

Pages S12777–S12810

Adopted:

Warner (for Dole) Modified Amendment No. 1522, to provide training for defense acquisition workforce on the requirements of section 2533a of title 10, United States Code (commonly referred to as the Berry Amendment) and the regulations implementing that section.

Page S12779

Warner (for Smith) Amendment No. 2525, to provide for the temporary inapplicability of the Berry Amendment to procurements of specialty metals that are used to produce force protection equipment needed to prevent combat fatalities in Iraq and Afghanistan.

Page S12779

Warner (for Hutchison/Nelson (FL)) Amendment No. 2526, to express the sense of the Senate with regard to manned space flight.

Page S12779


Pages S12779–80

Warner (for Snowe) Amendment No. 2528, to provide for the Administrator of the Small Business Administration’s determination.

Page S12780

Warner (for Snowe) Amendment No. 2529, to encourage small business contracting in overseas procurements.

Page S12780

Warner (for Snowe) Amendment No. 2530, to ensure fair access to multiple-award contracts.

Page S12780

Warner (for Snowe/Kerry) Amendment No. 2531, to address research and development efforts for purposes of small business research.

Pages S12780–81

Warner (for Kerry) Amendment No. 2532, to clarify that the Small Business Administration has authority to provide disaster relief for small business concerns damaged by drought.

Page S12781

Warner (for Kerry) Modified Amendment No. 1500, to require a strategy and report by the Secretary of Defense regarding the impact on small businesses of the requirement to use radio frequency identifier technology.

Page S12779

Warner (for Bayh) Amendment No. 1518, to require lenders to include information regarding the mortgage and foreclosure rights of servicemembers under the Servicemembers Civil Relief Act.

Page S12779

Warner (for Lautenberg) Amendment No. 2533, to require the Secretary of Defense to maintain a website listing information on Federal contractor misconduct, and to require a report on Federal sole source contracts related to Iraq reconstruction.

Page S12781

Warner (for Collins) Amendment No. 1345, to provide for expedited action in bid protests conducted under OMB Circular A–76.

Pages S12778, S12792–96
Warner (for Kennedy/Chambliss) Amendment No. 2534, to provide for improved assessment of public-private competition for work performed by civilian employees of the Department of Defense.

Warner (for Thomas) Modified Amendment No. 1468, relating to contracting in the procurement of certain supplies and services.

Warner (for Allard) Amendment No. 1354, to authorize the participation of members of the Armed Forces in the Paralympic Games.

Warner (for Inhofe) Amendment No. 2535, to express the sense of Congress that the President should take immediate steps to establish a plan to address the military and economic development of China.

Warner (for Leahy) Amendment No. 1902, to require a report on records maintained by the Department of Defense on civilian casualties in Afghanistan and Iraq.

Warner (for Santorum) Amendment No. 1898, to authorize the disposal and sale to qualified entities of up to 8,000,000 pounds of tungsten ores and concentrates from the National Defense Stockpile.

Warner/Levin Amendment No. 2536, to require a report on the development and utilization by the Department of Defense of robotics and unmanned ground vehicle systems.

Warner Amendment No. 2537, to modify and extend the pilot program on share-in-savings contracts.

Warner Amendment No. 2538, to provide for the supervision and management of the Defense Business Transformation Agency.

Warner (for Snowe) Amendment No. 1538, to provide a termination date for the Small Business Competitiveness Demonstration Program.

Warner (for Chambliss) Amendment No. 2539, to make available, with an offset, an additional $45,000,000 for aircraft procurement for the Air Force for procurement of one C–37B aircraft.

Warner (for Isakson) Amendment No. 2540, to designate certain financial assistance for cadets at military junior colleges as Ike Shelton Early Commissioning Program Scholarships.

Warner Amendment No. 2541, to modify eligibility for the position of President of the Naval Postgraduate School.

Warner (for DeWine) Amendment No. 2542, to provide an additional death gratuity to the eligible survivors of servicemembers who died between October 7, 2001, and May 11, 2005, from noncombat-related causes while on active duty.

Warner (for Allen) Amendment No. 2543, to express the sense of the Senate with regard to aeronautics research and development.

Warner Amendment No. 2544, to modify the limited acquisition authority for the commander of the United States Joint Forces Command.

Warner Amendment No. 2545, to authorize certain emergency supplemental authorizations for the Department of Defense.

Warner (for Dayton) Amendment No. 2546, to express the sense of the Senate on certain matters relating to the National Guard and Reserves.

Warner (for Byrd) Amendment No. 2547, to authorize the disposal of ferromanganese from the National Defense Stockpile.

Warner (for Reid) Amendment No. 2548, to improve the Armament Retooling and Manufacturing Support Initiative.

Warner Amendment No. 2549, to require the Secretary of Defense to consult with appropriate State and local entities on transportation, utility infrastructure, housing, schools, and family support activities related to the planned addition of personnel or facilities to existing military installations in connection with the closure or realignment of military installations as part of the 2005 round of defense base closure and realignment.

Warner (for Lott/Cornyn) Amendment No. 2550, to express the sense of the Senate on reversionary interests at Navy homeports.

Warner (for Levin) Amendment No. 2551, to require a report on claims related to the bombing of the LaBelle Discotheque in Berlin, Germany.

Warner (for Kennedy/Feinstein) Amendment No. 2552, to provide that none of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator.

Warner (for Snowe/Collins) Amendment No. 2553, to require the identification of environmental conditions at military installations closed or realigned as part of the 2005 round of defense base closure and realignment.

Warner (for Snowe) Amendment No. 2554, to express the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation that is closed or realigned until adequate facilities and infrastructure necessary to support such unit and quality of life requirements are ready at the receiving location.
Warner (for Hagel) Amendment No. 2555, to extend the period for which certain individuals in families that include members of the Reserve and National Guard do not have to reapply for supplemental security income benefits after a period of ineligibility for such benefits.

Warner (for Nelson (FL)) Amendment No. 2556, to urge the prompt submission of interim reports on residual beryllium contamination at Department of Energy vendor facilities.

Warner (for Graham) Amendment No. 2557, to require a report on an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services.

Warner (for Salazar) Amendment No. 2558, to authorize grants for local workforce investment boards for the provision of services to spouses of certain members of the Armed Forces.

Warner Amendment No. 2559, to make available $7,000,000 from Operation and Maintenance, Defense-Wide, for the reimbursement of expenses related to the Rest and Recuperation Leave Programs.

Warner (for Feingold) Amendment No. 2560, to require a report on the information given to individuals enlisting in the Armed Forces of the so-called “stop loss” authority of the Armed Forces.

Warner (for Byrd) Amendment No. 2561, to require preparation of a development plan for a national coal-to-liquid fuels program.

Warner (for Craig) Amendment No. 2562, to amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors.

Warner (for Feingold) Amendment No. 2563, to require an annual report on the budgeting of the Department of Defense related to key military equipment.

Warner (for Martinez/Warner) Amendment No. 2564, to improve the general authority of the Department of Defense to accept and administer gifts.

Warner (for McCain) Amendment No. 2565, to express the sense of the Senate on the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces on inactive-duty training overseas.

Warner (for McConnell) Amendment No. 2566, to facilitate the commemoration of the success of the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.

Warner (for McConnell) Amendment No. 2567, to authorize the construction of battalion dining facilities at Fort Knox, Kentucky.

Warner/Levin Amendment No. 2568, to provide for a responsibility of the Joint Chiefs of Staff as military advisors to the Homeland Security Council.

Warner (for Salazar) Amendment No. 2569, to express the sense of the Senate on the lives saved by the Common Remotely Operated Weapons Station (CROWS) platform.

Warner Amendment No. 2570, to include packet based telephony service in the Department of Defense telecommunications benefit.

Warner (for Collins/Snowe) Amendment No. 2571, to express the sense of the Senate to emphasize that financial assistance may be provided for the performance of activities by the Army National Guard without use of competitive procedures under standard exceptions to the use of such procedures.

Warner (for Durbin) Amendment No. 2572, to clarify that military reservists, who are released from active duty and who are otherwise qualified, are eligible for veterans preference in Federal hiring.

Warner (for DeWine) Amendment No. 2573, to require the Secretary of Defense to conduct a study and submit a report on the feasibility of conducting a military and civilian partnership health care project.

Warner (for Snowe) Amendment No. 2574, to provide for a contracting incentive for small power plants on former military bases.

Warner/McCain Amendment No. 2575, to extend through 2010 the requirement for an annual report on the maturity of technology at the initiation of major defense acquisition programs.

Warner (for Byrd) Amendment No. 2576, to authorize $4,500,000 for the Army National Guard for the construction of a readiness center at Camp Dawson, West Virginia, to authorize $2,000,000 for the Air National Guard for C-5 aircraft shop upgrades at Eastern West Virginia Regional Airport, Shepherd Field, Martinsburg, West Virginia, and to provide an offset.

Warner Amendment No. 2577, to require a report on the effects of windmill farms on military readiness.

Warner Amendment No. 2578, to require a report on advanced technologies for nuclear power reactors in the United States.

Warner (for Bayh) Amendment No. 2579, to require quarterly reports on the war strategy in Iraq.
By 79 yeas to 19 nays (Vote No. 323), Warner/ Frist Amendment No. 2518, to clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq.  

Pages S12796–98

By 84 yeas to 14 nays (Vote No. 325), Graham Amendment No. 2524 (to Amendment No. 2515), in the nature of a substitute.  

Pages S12796, S12800–03

Graham Amendment No. 2515, relating to the review of the status of detainees of the United States Government, as amended.  

Page S12804

Rejected:

By 40 yeas to 58 nays (Vote No. 322), Levin Amendment No. 2519, to clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq.  

Pages S12796–98

By 44 yeas to 54 nays (Vote No. 324), Bingaman Amendment No. 2525 (to Amendment No. 2515), to provide for judicial review of detention of enemy combatants.  

Pages S12798–S12800

During consideration of this measure today, Senate also took the following action:

A unanimous-consent request was granted permitting Senator Inhofe to change his yea vote to a nay vote on Vote No. 307 changing the outcome of the vote to 92 yeas to 6 nays relative to Nelson (FL) Amdt. No. 2424, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan (adopted on Tuesday, November 8, 2005).

Department of Defense Authorization: Senate passed S. 1043, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 1042, National Defense Authorization, as passed.  

Page S12810

Military Construction Authorization: Senate passed S. 1044, to authorize appropriations for fiscal year 2006 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1042, National Defense Authorization, as passed.  

Page S12810

Department of Energy Defense Activities Authorization: Senate passed S. 1045, to authorize appropriations for fiscal year 2006 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 1042, National Defense Authorization, as passed.  

Pages S12810–11

National Defense Authorization: Committee on Armed Services was discharged from further consideration of H.R. 1815, 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 military personnel strengths for such fiscal year, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1042, Senate companion measure, as amended and passed by the Senate.  

Pages S12811–12

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Warner, McCain, Inhofe, Roberts, Sessions, Collins, Ensign, Talent, Chambliss, Graham, Dole, Cornyn, Thune, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson (FL), Nelson (NE), Dayton, Bayh, and Clinton.  

Page S12811

A unanimous-consent agreement was reached providing that if the Senate receives a message with respect to S. 1042, 1043, 1044 and 1045, as passed (listed above), the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees.

Feed America Thursday: Senate agreed to S. Res. 314, designating Thursday, November 17, 2005, as “Feed America Thursday”.

Page S12869

Lewis and Clark Bicentennial Anniversary: Senate agreed to S. Res. 315, to commemorate the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean.

Pages S12869–70

White House Fellows Program: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 269, recognizing the 40th anniversary of the White House Fellows Program, and the resolution was then agreed to.

Page S12870

Pike Exploration Bicentennial Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 252, recognizing the Bicentennial Anniversary of Zebulon Montgomery Pike’s explorations in the interior west of the United States, and the resolution was then agreed to.

Pages S12870–71

Heroes Earned Retirement Opportunities Act: Committee on Finance was discharged from further consideration of H.R. 1499, to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans.
even if the compensation on which such contribution
is based is excluded from gross income, and the bill
was then passed, after agreeing to the following
amendment proposed thereto:
Santorum (for Frist) Amendment No. 2580, to
make a technical correction.
Page S12871

Commerce/Justice/Science Appropriations—Con-
feree Report: Senate began consideration of the
conference report to accompany H.R. 2862, making
appropriations for the Departments of Commerce and
Justice, Science, and related agencies for the fis-
cal year ending September 30, 2006. Pages S12812–24

A unanimous-consent agreement was reached pro-
viding for further consideration of the conference re-
port on Wednesday, November 16, 2005, with a
vote to occur on adoption of the conference report.
Page S12812

Pension Security and Transparency Act Agree-
ment: A unanimous-consent time agreement was
reached providing that following morning business,
on Wednesday, November 16, 2005, Senate begin
consideration of S. 1783, a bill to amend the Em-
ployee Retirement Income Security Act of 1974 and
the Internal Revenue Code of 1986 to reform the
pension funding rules; that the amendment in the
nature of a substitute at the desk be agreed to as
original text for the purpose of further amendment;
that the only amendments in order be offered by
Senator Isakson, or his designee, on airline pension
plans, and an amendment by Senator Akaka relative
to pilots, to be limited to 30 minutes of debate di-
vided equally; that debate be limited to 2 hours di-
vided equally, respectively; and that following dis-
position of the amendments, the bill, as amended, be
read a third time and the Senate vote on final pas-
sage of the bill.
Page S12869

Messages From the President: Senate received the
following message from the President of the United
States:
Transmitting, consistent with section 2103(a)(1)
of the Trade Act of 2002, a report of the intention
to enter into an agreement with the European
Union, Japan, the Republic of Korea, and Taiwan on
tariff treatment for multi-chip integrated circuits;
which was referred to the Committee on Foreign Re-
lations. (PM–31)
Page S12837

Messages From the House:
Pages S12837–38

Measures Read First Time:
Pages S12871

Executive Communications:
Pages S12838–39

Additional Cosponsors:
Pages S12839–40

Statements on Introduced Bills/Resolutions:
Pages S12840–54

Additional Statements:
Pages S12836–37

Amendments Submitted:
Pages S12854–68

Notices of Hearings/Meetings:
Page S12868

Authorities for Committees to Meet:
Pages S12868–69

Privileges of the Floor:
Page S12869

Record Votes: Five record votes were taken today.
(Total—326) Pages S12798, S12800, S12803, S12810

Adjournment: Senate convened at 9:45 a.m., and
adjourned at 7:57 p.m., until 9:30 on Wednesday,
November 16, 2005. (For Senate’s program, see the
remarks of the Acting Majority Leader in today’s
Record on page S12871.)

Committee Meetings
(Committees not listed did not meet)

DEFENSE ACQUISITION

Committee on Armed Services: Subcommittee on Airland
concluded a hearing to examine defense acquisition
issues related to tactical aviation and Army pro-
grams, after receiving testimony from Katherine V.
Schinasi, Managing Director, Acquisition and
Sourcing Management, Government Accountability
Office; Frank J. Anderson, Jr., President and Chief
Executive Officer, Defense Acquisition University,
Department of Defense; John J. Hamre, Center for
Strategic and International Studies, Washington,
D.C.; and Gene H. Porter, Institute for Defense
Analyses, and Gary Christle, Center for Naval Anal-
yses, both of Alexandria, Virginia.

NOMINATION

Committee on Banking, Housing, and Urban Affairs:
Committee concluded a hearing to examine the
nominations of Ben S. Bernanke, of New Jersey, to
be a Member and to be Chairman of the Board of
Governors of the Federal Reserve System, after the
nominee testified and answered questions in his own
behalf.

ALTERNATIVE AUTOMOTIVE FUEL
TECHNOLOGIES

Committee on Commerce, Science, and Transportation:
Committee concluded a hearing to examine public
policy options for encouraging alternative automotive
fuel technologies, focusing on gasoline consumption,
vehicles powered by hydrogen fuel cells, and the
Corporate Average Fuel Economy (CAFE), after re-
ceiving testimony from Jeffrey N. Shane, Under Sec-
retary of Transportation for Policy; Steven E. Plot-
kin, Argonne National Laboratory, Department of
Energy; and Fred Webber, Alliance of Automobile
Manufacturers, David Friedman, Union of Concerned
Scientists, and Jason Grumet, National Commission on Energy Policy, all of Washington, D.C.

ENVIRONMENTAL MANAGEMENT PROGRAMS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine a status report on the Environmental Protection Management programs of the Department of Energy, focusing on status of progress at DOE cleanup sites, after receiving testimony from Senator Allard; James A. Rispoli, Assistant Secretary of Energy for Environmental Management; and Nancy Tuor, Kaiser-Hill Company, LLC, Broomfield, Colorado.

NATIONAL PARKS BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 431, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 505, to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, S. 1288, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, S. 1544, to establish the Northern Plains National Heritage Area in the State of North Dakota, S. Con. Res. 60, designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America’s National Negro Leagues Baseball Museum, S. 748 and H.R. 1084, bills to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and H.R. 2107, to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, after receiving testimony from Donald W. Murphy, Deputy Director, National Park Service, Department of the Interior; New Hampshire State Senator Bob Letourneau, Concord; John Jordan O’Neil, The Negro Leagues Baseball Museum, Kansas City, Missouri; and Emily Wadhams, National Trust for Historic Preservation, Washington, D.C.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original bill entitled “Tax Relief Act of 2005”.

TREATIES


NUCLEAR NONPROLIFERATION

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded an oversight hearing to examine the current nuclear situation in Iran and the response of the United States, focusing on the relationship between Iran’s pursuit of nuclear weapons and its status as a state-sponsor of terrorism, after receiving testimony from former Representative Gingrich; former Senator D’Amato; R. James Woolsey, former Director, Central Intelligence Agency; Gary Samore, John D. and Catherine T. MacArthur Foundation, Chicago, Illinois; and Ray Takeyh, Council on Foreign Relations, and Ilan Berman, American Foreign Policy Council, both of Washington, D.C.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Virginia Mary Kendall, to be United States District Judge for the Northern District of Illinois, who was introduced by Senators Durbin and Obama, Kristi Dubose, to be United States District Judge for the Southern District of Alabama, and W. Keith Watkins, to be United States District Judge for the Middle District of Alabama, who were introduced by Senators Shelby and Sessions, after the nominees testified and answered questions in their own behalf.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 4318–4336; and 6 resolutions, H. Con. Res. 297–299; and H. Res. 552, 554–555, were introduced. Pages H10225–26

Additional Cosponsors: Pages H10266–27

Reports Filed: Reports were filed today as follows:

H.R. 326, to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act, with amendments (H. Rept. 109–294);

H. Res. 553, providing for consideration of the bill (H.R. 1065) to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing (H. Rept. 109–295); and

H. Res. 515, a resolution of inquiry requesting the President of the United States to provide to the House of Representatives certain documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States, adversely (H. Rept. 109–296). Page H10225

Speaker: Read a letter from the Speaker wherein he appointed Representative Gohmert to act as Speaker pro tempore for today. Page H10163

Recess: The House recessed at 10:50 a.m. and reconvened at noon. Page H10166

Recess: The House recessed at 12:15 p.m. and reconvened at 2 p.m. Page H10167

Suspensions: The House agreed to suspend the rules and pass the following measures:


Franklin National Battlefield Study Act: H.R. 1972, amended, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin; Pages H10168–69

Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2005: H.R. 3507, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians; Pages H10169–71

To amend the Omnibus Parks and Public Lands Management Act of 1996 to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area and to allow the National Park Service to continue to collect fees from those vehicles; H.R. 3721, amended, to amend the Omnibus Parks and Public Lands Management Act of 1996 to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area and to allow the National Park Service to continue to collect fees from those vehicles; Page H10171

To authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California: H.R. 3981, to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California; Pages H10171–72

Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005: S. 161, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership—clearing the measure for the President; Pages H10172–76

To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System: H.R. 518, to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System; Pages H10176–77

To redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library": H.R. 323, to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library", by a yea-and-nay vote of 419 yeas with 1 voting “present”, Roll No. 587; Pages H10177–78, H10188–89
To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act: H.R. 326, amended, to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act;

Agreed to amend the title so as to read: “A bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and for other purposes.”

Federal Youth Coordination Act: H.R. 856, to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, by a yea-and-nay vote of 353 yeas to 62 nays, Roll No. 588; and

Recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment: H. Con. Res. 288, recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment.

Suspensions—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration will continue tomorrow, November 16th.

Child Medication Safety Act of 2005: H.R. 1790, amended, to protect children and their parents from being coerced into administering a controlled substance or a psychotropic drug in order to attend school.

Recess: The House recessed at 3:46 p.m. and reconvened at 6:30 p.m.

Presidential Message: Read a message from the President whereby he notified the Congress of his intention to enter into an agreement with the European Union, Japan, the Republic of Korea, and Taiwan on tariff treatment for multi-chip integrated products—referred to the Committee on Ways and Means and ordered printed (H. Doc. 109–70).

Senate Message: Message received from the Senate today appears on page H10166.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings today and appear on pages H10187–88, H10188–89 and H10189. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at midnight.

Committee Meetings

FOREST SERVICE LITIGATION

Committee on Agriculture: Held a hearing to review recent litigation on Forest Service firefighting and forest health efforts. Testimony was heard from Mark Rey, Under Secretary, Natural Resources and Environment, USDA; and public witnesses.

METHAMPHETAMINE EPIDEMIC ELIMINATION ACT


TRADE IN SERVICES

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing on Increasing Efficiency and Economic Growth Through Trade in Financial Services. Testimony was heard from Christine Bliss, Acting Assistant U.S. Trade Representative, Services and Investment; Clay Lowery, Assistant Secretary, International Affairs, Department of the Treasury; and public witnesses.

GULF WAR VETERANS ACT IMPLEMENTATION

Committee on Government Reform: Subcommittee on National Security. Emerging Threats and International Relations held a hearing entitled “Examining VA Implementation of the Persian Gulf War Veterans Act of 1998.” Testimony was heard from James P. O’Callaghan, M.D., Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, Department of Health and Human Services; Susan Mather, M.D., Chief Officer, Public Health and Environmental Hazards, Veterans Health Administration, Department of Veterans Affairs; and public witnesses.
HOMELAND SECURITY INTERESTS—ORGANIZATIONAL STRUCTURE

Committee on Homeland Security: Subcommittee on Management, Integration and Oversight held a hearing entitled “CBP and ICE: Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests? Part 2.” Testimony was heard from the following officials of the Department of Homeland Security: Robert L. Ashbaugh, Assistant Inspector General, Inspections and Special Reviews; and Stewart Baker, Assistant Secretary, Policy.

RESOLUTION—SENSE OF CONGRESS—RUSSIAN FEDERATION—PROTECT ALL RELIGIOUS COMMUNITIES; INTERNATIONAL RELIGIOUS FREEDOM REPORT

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations approved for full Committee action H. Con. Res. 190, Expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

The Subcommittee also held a hearing on In Defense of Human Dignity: The 2005 International Religious Freedom Report. Testimony was heard from John V. Hanford III, Ambassador-at-Large, Office of International Religious Freedom, Department of State; Michael Cromartie, Chair, U.S. Commission on International Religious Freedom; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on the Middle East and Central Asia approved for full Committee action the following measures: H. Con. Res. 284, amended, Expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; H. Res. 438, amended, Urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East; H. Con. Res. 275, Expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; and H. Res. 535, Honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death.

OVERSIGHT—VOTING RIGHTS ACT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the Voting Rights Act: Sections 6 and 8—Federal Examiner and Observer Programs. Testimony was heard from Nancy Randa, Associate Director, Talent Services, Human Resources Products and Services Division, OPM; Barry Weinberg, former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, Department of Justice; and a public witness.

OVERSIGHT—FEDERAL JURISDICTION CLARIFICATION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on Federal Jurisdiction Clarification Act. Testimony was heard from Janet C. Hall, Judge, U.S. District Court for the District of Connecticut; and public witnesses.

U.S. BOXING COMMISSION ACT

Committee on Rules: The Committee granted, by voice vote, a structured rule providing 1 hour of general debate on H. R. 1065, United States Boxing Commission Act, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary printed in the bill, the amendment in the nature of a substitute printed in part A of the Rules Committee report shall be considered as the original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute printed in part A of the Rules Committee report. The rule makes in order only those amendments printed in part B of the Rules Committee report, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in part B of the Rules Committee report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Stearns and Rush.

AMTRAK—CURRENT GOVERNANCE ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on Current Governance Issues at Amtrak. Testimony was heard
from Jeffrey A. Rosen, General Counsel, Department of Transportation; the following officials of AMTRAK: David M. Laney, Chairman of the Board; and David Hughes, Acting President and CEO; and David Gunn, former President and CEO, AMTRAK.

**BUDGET RECONCILIATION—TAXES**

**Committee on Ways and Means:** Ordered reported, as amended, H.R. 4297, To provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

**Joint Meetings**

**APPROPRIATIONS: LABOR/HHS/EDUCATION**

**Conference** met on Monday, November 14, 2005, to resolve the differences between the Senate and House passed versions of H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, but did not complete action thereon, and recessed subject to the call.

**NEW PUBLIC LAWS**

*(For last listing of Public Laws, see DAILY DIGEST, p. D 1200)*


**COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 16, 2005**

*(Committee meetings are open unless otherwise indicated)*

**Senate**

**Committee on Appropriations:** Subcommittee on Legislative Branch, to resume hearings to examine the progress of the Capitol Visitor Center construction, 11 a.m., SD–138.

**Committee on Banking, Housing, and Urban Affairs:** business meeting to consider S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002, an original bill entitled “Public Transportation Terrorism Prevention Act of 2005”, and the nominations of Ben S. Bernanke, of New Jersey, to be a Member and Chairman of the Board of Governors of the Federal Reserve System, 10:30 a.m., SD–538.

**Committee on Commerce, Science, and Transportation:** to hold hearings to examine the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, 10 a.m., SD–562.

Subcommittee on Consumer Affairs, Product Safety, and Insurance, to hold hearings to examine protecting the consumer from flooded and salvage vehicle fraud, 2:30 p.m., SD–562.

**Committee on Energy and Natural Resources:** business meeting to consider pending calendar business, 11:15 a.m., SD–366.

**Committee on Environment and Public Works:** to hold an oversight hearing to examine transportation fuels of the future, 9:30 a.m., SD–406.

**Committee on Foreign Relations:** to hold hearings to examine the new currency of foreign policy, focusing on the high costs of crude, 9:30 a.m., SD–419.

**Committee on Homeland Security and Governmental Affairs:** to hold hearings to examine how government can learn from the private sector’s response to Hurricane Katrina, 10 a.m., SD–342.

**Committee on the Judiciary:** to hold hearings to examine The Streamlined Procedures Act relating to habeas reform, 9:30 a.m., SD–226.

Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine issues relative to creating new Federal judgeships, 2:30 p.m., SD–226.

**Select Committee on Intelligence:** to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

**House**

**Committee on Agriculture:** hearing to review issues related to the prevention, detection, and eradication of avian influenza, 10 a.m., 1300 Longworth.

**Committee on Education and the Workforce,** hearing on U.S. Immigration Policy and Its Impact on the American Economy, 10:30 a.m., 2175 Rayburn.


**Subcommittee on Environment and Hazardous Materials,** hearing entitled “Superfund Laws and Animal Agriculture,” 2 p.m., 2322 Rayburn.

**Committee on Financial Services,** to consider the following measures: H.R. 3422, Small Public Housing Authority Act; H.R. 2695, Safe Housing Identity Exception for the Lives of Domestic Violence Victims Act; the Flood Insurance Reform and Modernization Act of 2005; the Terrorism Risk Insurance Revision Act of 2005; and H.R. 3505, Financial Services, Regulatory Relief Act, 10 a.m., 2128 Rayburn.

**Subcommittee on Housing and Community Opportunity,** hearing entitled “Addressing Seniors’ Housing Needs,” 2 p.m., 2128 Rayburn.

**Committee on Government Reform,** to consider the following: H.R. 3934, To designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the “Gerard A. Fiorenza Post Office;” H.R. 4101, To designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the “Lieutenant Michael P. Murphy Post Office Building;” H.R. 4107, To designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the “Maryland State Delegate Lena K. Lee Post Office Building;” H.R. 4108, To designate the facility of
the United States Postal Service located at 3000 Homewood Avenue, Baltimore, Maryland, as the “State Senator Verda Welcome and Dr. Henry Welcome Post Office Building;” H.R. 4109, To designate the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the “United States Representative Parren J. Mitchell Post Office;” H.R. 4152, To designate the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the “Raymond J. Salmon Post Office;” H. Con. Res. 218, Recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century; H.R. 4295, To designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the “Mont and Mark Stephensen Veterans Memorial Post Office Building;” H. Con. Res. 289, Supporting the goal and mission of American Recycles Day; and an Investigative Report, Investigation into Rafael Palmeiro’s March 17, 2005 Testimony at the Committee on Government Reform’s Hearing: “Restoring Faith in America’s Pastime: Evaluating Major League Baseball’s Efforts to Eradicate Steroid Use,” 10 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce and Agency Organization, hearing entitled “Mitigating the Impact of High Gas Prices on the American Workforce,” 2 p.m., 2154 Rayburn.

Committee on Homeland Security, to mark up H.R. 4312, To establish operational control over the international land and maritime borders of the United States, 10 a.m., 311 Cannon.

Committee on International Relations, hearing on the U.S.-India Global Partnership: How Significant for American Interests? followed by markup of the following measures: H. Con. Res. 190, Expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards; H. Con. Res. 275, Expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; H. Con. Res. 280, Mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and communities; H. Con. Res. 284, Expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; H. Con. Res. 294, Calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People’s Republic of China, as a tool for suppression maintained by the Chinese Government; H. Res. 438, Urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East; H. Res. 456, Expressing support for the memorandum of understanding signed by the Government of the Republic of Indonesia and the Free Aceh Movement on August 15, 2005, to end the conflict in Aceh, a province in Sumatra, Indonesia; H. Res. 458, Remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980; H. Res. 479, Recognizing the 50th Anniversary of the Hungarian Revolution that began on October 23, 1956 and reaffirming the friendship between the people and governments of the United States and Hungary; H. Res. 499, Condemning the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the murders of other members of the media in the Russian Federation; H. Res. 529, Recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization; and H. Res. 535, Honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death, 10 a.m., 2172 Rayburn.

Subcommittee on Europe and Emerging Threats, to mark up the following resolutions: H. Res. 479, Recognizing the 50th Anniversary of the Hungarian Revolution that began on October 23, 1956 and reaffirming the friendship between the people and governments of the United States and Hungary; H. Res. 499, Condemning the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the murders of other members of the media in the Russian Federation; and H. Res. 529, Recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization, 9:45 a.m., 2200 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 452, To authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers’ Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; H.R. 1071, Desalination Drought Protection Act of 2005; H.R. 1090, To designate a Forest Service trail at Wals Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; H.R. 1190, San Diego Water Storage and Efficiency Act of 2005; H.R. 1595, Guam World War II Loyalty Recognition Act; H.R. 1728, French Colonial Heritage National Historic Site Study Act of 2005; H.R. 2720, Salt Cedar and Russian Olive Control Demonstration Act; H.R. 3124, Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act; H.R. 3153, Upper Colorado and San Juan Basin Endangered Fish Recovery Implementation Programs Reauthorization Act of 2005; H.R. 3626, Arthur V. Watkins Dam Enlargement Act of 2005; H.R. 3897, Madera Water Supply and Groundwater Enhancement Project Act; H.R. 3929, Dana Point Desalination Project Authorization Act; H.R. 4192, To authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System; H.R. 4195, Southern Oregon Bureau of Reclamation Repayment Act of 2005; H.R. 4292, To amend Public Law
107–153 to further encourage the negotiated settlement of tribal claims; and S. 362, Marine Debris Research, Prevention and Reduction Act, 10 a.m., 1324 Longworth.

Committee on Science, hearing on Ongoing Problems and Future Plans for NOAA Weather Satellites, 10 a.m., 2318 Rayburn.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on individuals tax proposals, 2 p.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, 4 p.m., SH–216.
Next Meeting of the SENATE

9:30 a.m., Wednesday, November 16

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will consider S. 1783, Pension Security and Transparency Act (pursuant to the order of Tuesday, November 15, 2005.) Also, Senate will continue consideration of the conference report to accompany H.R. 2862, Science, State, Justice, Commerce Appropriations, with a vote to occur on adoption of the conference report. Also, Senate expects to consider the Tax Relief Act of 2005.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, November 16

House Chamber

Program for Wednesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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