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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 15, 2005.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord our Protector and Guide, as a pilgrim people traveling through space and time but anchored in eternity, we are always awaiting a new life; as we celebrate a life suspended by all the relationships we already know.

As Americans, it is hope, Lord, that keeps us fixed on the future. Hope carries us through good times and bad, yet hope secures our existence and our purpose in the here and now. Help us to draw closer to the Source of Hope, not to be found in the strong wind of turmoil that today's world brings, not in the earthquake of power plays, not in the fire that human desire consumes, but rather in the sound of sheer silence that the holy Scriptures reveal.

Lord, once we have found our authentic source of hope, we can make the necessary corrections in our itinerary. We can make expectations fit words revealed and let the beauty of divine energy prevail over self-centeredness and fear. Once we can place all our hope in You, Lord, where it belongs, we can rest and enjoy, because then the incredible can be believable and the impossible seem within reach.

In You, O Lord, we place our trust now and forever. Amen.

NOTICE

If the 109th Congress, 1st Session, adjourns sine die on or before December 20, 2005, a final issue of the Congressional Record for the 109th Congress, 1st Session, will be published on Friday, December 30, 2005, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 29. The final issue will be dated Friday, December 30, 2005, and will be delivered on Tuesday, January 3, 2006. Both offices will be closed Monday, December 26, 2005.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minute speeches from each side.

ECONOMIC JOY TO AMERICA

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

Mr. WILSON of South Carolina. Mr. Speaker, Republican fiscal policies continue to spread tidings of economic joy to families throughout our country.

Yesterday, the U.S. Labor Department reported that consumer prices plummeted last month by 0.6 percent, the largest decrease since 1949. Energy prices alone have dropped by 8 percent. These strong economic indicators are only a sample of gifts created by low taxes and decreased government regulations.

Additionally, 4.5 million new jobs have been created. More Americans are working than ever before in our Nation's history. The unemployment rate is lower than the average of the past three decades. The economy grew at 4.3 percent over the last 10 quarters. Tax receipts increased by $247 billion in just 1 year after the Bush tax cuts, the largest increase ever. Home sales reached a record high in October. Productivity soared in the last quarter by 4.7 percent, reducing fears of inflation.

We will continue to enact economic policies to help all Americans.

In conclusion, God bless our troops. We will never forget September 11 and the courageous Iraqi voters.

RESOLUTIONS REGARDING WAR IN IRAQ

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

Mr. KUCINICH. Today, the U.S. House will debate a so-called Victory in Iraq resolution, and vote on whether or not the continued U.S. military presence in Iraq is desirable by the U.S. Government.

Today, Congressman RON PAUL and I have a resolution that expresses the sense of Congress that the new permanent Council of Representatives of Iraq should debate and vote on whether the continued U.S. military presence in Iraq is desired by the Government of Iraq.

According to the Iraq constitution, the Iraq federal government has exclusive power over foreign policy and negotiation, national defense policy, and the Council of Representatives specifically has the responsibility of creating new law and certifying treaties and international agreements.

The continued U.S. military presence in Iraq is a matter for the elected Government of Iraq, a sovereign nation, to decide. If we define victory as Iraq's self-determination, then we ought to encourage Iraq to make its own decision about further U.S. occupation. But if victory is just a cover for endless U.S. occupation of Iraq, then that is just not going to be acceptable to the American people or to people of the world.

IMMIGRATION REFORM

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

Ms. FOXX. Mr. Speaker, during the decade I served as a member of the North Carolina Senate and during my first term in the United States Congress, I have found that few things are as important or represent as many problems as illegal immigration.

The terrorist attacks on our homeland highlighted the potential disastrous effects of the porous borders and the need to bolster border security. Illegal immigration also has many other far-reaching and dangerous effects. That is why I am pleased to cosponsor H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. This important piece of legislation will strengthen our borders, crack down on those who hire illegal aliens, increase the punishment for those who smuggle people into our country illegally and allow for the swift deportation of illegal aliens.

I sympathize with those who wish to live in America. We are indeed a nation of immigrants, but also a nation of laws. Immigration laws exist to provide the steps for safe and legal entry into our country. Controlling illegal immigration begins with the enforcement of current laws and the elimination of incentives to immigrate illegally.

Please join me in supporting H.R. 4437.

THURMAN BARNES

(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 to congratulate Mr. Thurman Barnes of LaGrange, Georgia, on receiving his GED at age 96. In fact, Mr. Barnes is believed to be the oldest person ever to receive a GED, attesting to the fact that an education is important and fulfilling no matter what your age.

Eighty years ago, Mr. Barnes failed a Latin class. As so often happens in life, before he could make up his course work, his attention was turned to his job, marriage, and family obligations. But throughout his life, the thought of that elusive high school diploma stayed with him.

Eight decades later, Mr. Barnes began taking classes at West Georgia Technical College. This past Monday, he passed the GED examination with flying colors. When asked what subject was easiest for him, Mr. Barnes replied, ''Social studies, because I have lived through most everything in the last 100 years.''

Mr. Speaker, it takes a lot of character and tenacity to hold on to the dream of graduating high school for 80 years. I want to thank Mr. Barnes, his family, West Georgia Technical College, and the Georgia Adult Literacy Program for reminding us of the importance of rising to the challenges of life, regardless of age.

MATTHEW SCOTT

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

Mr. LARSEN of Washington. Mr. Speaker, I rise today to honor the heroism of a man named Matthew Scott, who nearly 9 years ago performed an act of uncommon courage that saved the life of a young woman in my congressional district.

In August of 1997, a 15-year-old woman and her friend were driving on a narrow, windy road near a dangerous area called Deception Pass. Unable to see the road, Leslie, the driver, drove off a 185-foot cliff into the freezing ocean below. Her passenger managed to jump to safety from the truck before it went over the edge. At the same time, Matthew Scott, a young Naval Chief Petty Officer, was driving by the location when he spotted a busted guardrail and a group of people pointing to the waters below.

Matthew scaled down the treacherous, dark cliff with only a small flashlight to guide him. At the bottom of his 185-foot descent, he swam 30 yards out in strong tides and frigid water to rescue Leslie who had suffered a broken back, leg, and arm. Because of his selfless, courageous heroics, Leslie is now a 24-year-old mother and a manager of a local coffee shop.

Matthew has continued to dedicate his life to one of military service and is now a lieutenant studying for his MBA at the Naval Post Graduate School in California. As a member of the House Armed Services Committee, I am honored to have had Lieutenant Scott

serve at Naval Air Station Whidbey Island in Washington State's Second Congressional District, so I come to the floor of the House of Representatives today to honor him and call on all my colleagues to look to Matthew's example to inspire us and spur us on to our own acts of selfless service and care.

Because of Matthew's humble heroics, Leslie is alive today. Matthew himself is not just a good father and not just a good sailor, he is a great person and a true hero.

FREEDOM WINS

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

Mr. PRICE of Georgia. Mr. Speaker, did you see the newspaper? Iraqis vote by the millions, turn out undeterred by threats. Violence was replaced by Iraqi citizens, 70 percent of them freely and openly voting for their representatives, affirming the wonder of liberty.

The entire world is witness to their desire, demonstrated by their courage and action to live in a country where life and liberty are treasured.

This week we have seen success in Iraq, another vivid victory over terrorism. Anxiety has been replaced by celebration, purple-stained fingers were seen throughout Iraq, testimony to the glory and the spirit of freedom. Everyone may now see that our efforts in Iraq are successful. Millions of Iraqis are participating in leading their country to a bright future, full of promise and potential.

Mr. Speaker, we should all applaud these efforts. Today is a day of victory for Iraq, for America, and for the free world. It is testimony that the will of the Iraqi people will not waiver and that freedom will prevail.

IMMIGRATION

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

Mr. GRIJALVA. Mr. Speaker, I rise today in opposition to H.R. 4437, the Border and Immigration Enforcement Act of 2005.

H.R. 4437 is an enforcement-only approach that fails to provide real family security, real national security, and real economic security for our country. It is neither comprehensive nor realistic.

If this Nation really wants to create an effective border security policy, we need to have a debate that includes a discussion about actual solutions to our problems, which means taking all of the political grandstanding and baiting out of the equation.

H.R. 4437 is unrealistic, it is based on fear, and it is financially irresponsible and even unconstitutional at times. It joins rank with the Chinese Exclusion Act and the Depression-era repatriation of U.S. Citizens to Mexico, two of our country's most embarrassing moments.

As a first-generation son, a native-born son of an immigrant that came to this country, I hope we do not close the door to that legacy.

IRAN AND ISRAEL

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

Mr. PITTS. Mr. Speaker, the outburst of hateful and irresponsible rhetoric coming from Iran in recent days and weeks is simply outrageous.

In October, Iranian President Mahmoud Ahmadinejad sparked international outrage when he publicly declared that Israel should be ''wiped off the map.'' Just last week, he suggested that the Holocaust never happened. This week, he called for Israel to be moved to Europe.

Nations, including the U.S., France, Germany, and the European Commission, have all expressed their disgust with these comments. The Israeli Foreign Ministry spokesman, Mark Regev, said it best when he said, ''The combination of fanatical ideology, a warped sense of reality, and nuclear weapons is a combination that no one in the international community can accept.''

He is absolutely right. These comments were not made by some cleric of some small mosque. He is a head of state, and to think of him having nuclear weapons is frightening. It threatens not only Israel, but the international community as a whole, and should be denounced in the strongest terms possible by all nations.

PROVIDING FOR CONSIDERATION OF H. RES. 612, VICTORY IN IRAQ RESOLUTION

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 619 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 619

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

SEC. 2. On the first legislative day of the second session of the One Hundred Ninth Congress, the House shall not conduct organizational or legislative business.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

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

Mr. Speaker, yesterday was an extraordinary day not only in the history of Iraq but the history of the world. We saw the third free and fair election take place in the country of Iraq, and for the first time in the history of that nation we saw the people of Iraq choose their own leaders.

On January 30 of this year, there were many people who thought it could not happen, there were many terrorist attacks, and it actually was slow in coming. As you will recall, the pictures that we saw of voting stations where early on no one voted, but ultimately 8.5 million Iraqis voted to put into place a coalition government that was charged with the task of fashioning a constitution, a constitution that would work to bring together the very disparate factions that exist within Iraq, the three that we know of, the Shia, the Sunni, and the Kurdish populations, and of course the other divisions that exist in the country.

Mid-summer, we saw the work on that constitution proceed. We saw the August date approach. There were problems, difficulties. And then we saw the October 15 election rapidly approach, and people from all over the world, including leaders of the U.S. forces there, were uncertain as to whether or not the Iraqi people would in fact ratify their constitution.

Mr. Speaker, we saw a 64 percent voter turnout, roughly 10 million Iraqis voting, and 78 percent of the people of Iraq from throughout the country among all of those three disparate factions within the country came together and overwhelmingly, with a 78 percent vote, ratified that constitution. The existence of that constitution called for parliamentary elections to take place, and for, as I said, the first time in the nation's history we yesterday saw the Iraqi people choose their own leaders, a 275-member parliamentary assembly.

Mr. Speaker, we do not know yet the exact outcome of that election, but there are a number of very important things we do know about yesterday's election. We thought that there would be wide-ranging terrorist attacks, when in fact there were very few if any difficulties with the election at all when it came to attacks. We saw something that came as a great surprise to so many people, and that was a 70 percent voter turnout.

Mr. Speaker, 11 million Iraqis voted in this election. If one looks at where it is that we are headed, it is an amazing testament to what the United States of America and our Coalition Forces have done.

We, as a body, strongly support our troops; and we, as a body, strongly support the mission of our troops.

Mr. Speaker, what I would like to do, at this point, is share with my colleagues the resolution that, if we approve this rule, will be considered. It is a resolution introduced by the very distinguished chairman of the Committee on International Relations. And I should say parenthetically that our thoughts and prayers are with Chairman HYDE right now as he is going through a very difficult situation in his family. But in his absence, I know that from the International Relations Committee our colleague from Miami (Ms. ROS-LEHTINEN) came before the Rules Committee last night and testified on behalf of this resolution; and she was joined by the distinguished ranking member of the Committee on International Relations (Mr. LANTOS).

The resolution reads as follows, Mr. Speaker: Expressing the commitment of the House of Representatives to achieving victory in Iraq.

Whereas, the Iraqi election of December 15, 2005, the first to take place under the newly ratified Iraqi constitution, represented a crucial success in the establishment of a democratic constitutional order in Iraq.

And whereas, Iraqis who by the millions defied terrorist threats to vote, were protected by Iraqi security forces with the help of United States and Coalition Forces.

Now, therefore, be it resolved that:

1. The United States House of Representatives is committed to achieving victory in Iraq;

2. The Iraqi election of December 15, 2005, was a crucial victory for the Iraqi people and Iraq's new democracy and a defeat for the terrorists who seek to destroy that democracy;

3. The House of Representatives encourages all Americans to express solidarity with the Iraqi people as they take another step toward their goal of a free, open, and democratic society;

4. The successful Iraqi election of December 15, 2005, required the presence of U.S. Armed Forces, U.S.-trained Iraqi forces, and Coalition Forces;

5. The continued presence of United States Armed Forces in Iraq will be required only until Iraqi forces can stand up so our forces can stand down, and no longer than is required for that purpose;

6. Setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq, or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region, is fundamentally inconsistent with achieving victory in Iraq;

7. The House of Representatives recognizes and honors the tremendous sacrifices made by the members of the United States Armed Forces and their families, along with the members of Iraqi and Coalition Forces; and,

8. The House of Representatives has unshakable confidence that with the support of the American people and the Congress, the United States Armed Forces, along with the Iraqi and Coalition Forces, shall achieve victory in Iraq.

That is what House Resolution 612 says, Mr. Speaker; and it is very clear to me that an overwhelming majority of the House of Representatives will be supportive of this effort.

Now, I think that it is important for us to also look back at a number of the charges that have been leveled over the past couple of years. There was no strategy, no plan for victory in Iraq. We have constantly heard that from many over the past several months. I got, as I know all my colleagues did, this 35-page document that was put forward by the President as he began his campaign in the past several weeks to enlighten the American people on what our strategy for victory in Iraq is.

Now, there are many who believe that this is some great revelation, but the lead page of this 35-page document, Mr. Speaker, refers to a speech that was delivered 3 weeks, actually about 3½ weeks, before we began our military engagement in Iraq.

In February of 2003, President Bush said as follows: ''The United States has no intention of determining the precise form of Iraq's new government. That choice belongs to the Iraqi people. Yet, we will ensure that one brutal dictator is not replaced by another. All Iraqis must have a voice in the new government, and all citizens must have their rights protected. Rebuilding Iraq will require a sustained commitment from many nations, including our own. We will remain in Iraq as long as necessary and not a day more.''

Now, that was stated by President Bush on February 26 of 2003, and I commend this document to my colleagues, in which it refers to the fact that we have seen extraordinary achievements take place since we began our effort in Iraq. The impact that it is having on the region is underreported. The positive salutary effect of what the United States of America, the Iraqi Security Forces, and our Coalition Forces have done has had, I believe, an extraordinarily positive impact on nations like Egypt that for the first time in its history held, as I was told by the defense minister of Egypt, because of what we have done in Iraq they held multicandidate elections; in Lebanon where we have seen people, because of what we have done in Iraq, standing up for the cause of freedom say that they will give their lives to ensure that the Syrians do not control their country. So throughout the region we are seeing very important developments.

Mr. Speaker, it is also important to note that we continue to live in a very dangerous world, and that region of the world is particularly dangerous. All one needs to do is look at the statement made most recently this week from Iran's leader about the continued quest towards undermining the cause of freedom and liberation and democracy.

Mr. Speaker, this resolution makes it very clear. We congratulate the people of Iraq. We underscore the fact that the Iraqi Security Forces, the United States of America and our Coalition played a critical role in finally bringing about the self-determination which the people of Iraq are now enjoying; and it makes it clear that the region is still a very dangerous spot on our globe and that any kind of artificial timetable that were put into effect calling for our withdrawal would undermine the tremendous successes that we have been able to see over the past nearly 3 years and, I believe, could jeopardize the future of these people who are just now getting a taste of the kind of freedom that we take for granted.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from California (Mr. DREIER), the chairman of our committee, for yielding me the customary 30 minutes, and I yield myself 7½ minutes.

Mr. Speaker, last night and this morning, like all my colleagues, I watched the news reports about the parliamentary elections in Iraq. This is a proud day for the Iraqi people, and it is fitting that this Congress, this House of Representatives, recognize the courage of the Iraqi people, their desire to take control of their own destiny, and how much they have suffered to achieve this taste of democracy.

As has been stated by so many analysts in the news media, one of the most important outcomes of this election was the significant participation for the first time of Iraqi Sunnis in this election, many of whom, according to news reports, were encouraged to vote, escorted to the polls or guarded at the polls by armed Iraqi insurgents.

Everyone in the House of Representatives is proud of the Iraqi people. Everyone in this House respects the efforts made by our uniformed men and women to help the Iraqi people get to this historic moment.

This House could have sent a strong unified message to the Iraqi people, our troops in Iraq, and to the international community in support of our troops and in support of the brave Iraqi people. But, Mr. Speaker, once again, as it has so often done in the past, this Republican leadership has chosen to include controversial language in this resolution, knowing that it will provoke sharp and divisive debate over Iraq.

□ 0930

Rather than choosing to send a united message to the world, the Republican leadership has cynically and deliberately decided to highlight our divisions rather than our unity.

Late last night, the ranking member of the House International Relations Committee, one of the most respected leaders in this House on human rights, Congressman TOM LANTOS, came before the Rules Committee with a resolution that focused on congratulating the people of Iraq for three successful elections conducted in Iraq this year. The resolution further praises our troops

for their contributions to peace and stability in Iraq. And, Mr. Speaker, he was rejected out of hand.

Shame on the majority to treat one of the most respected Members of this body in such a fashion. Shame. Mr. Speaker, there are many points of view in this House about how the U.S. should proceed in Iraq. Even among the majority, there are differing points of view. I for one believe these successful Iraqi elections provide an opportunity for the United States to change course in Iraq and begin bringing U.S. forces home. As we pass the 1,000th day of the war in Iraq, I believe we must begin the transition to putting the Iraqis in charge.

After 3 years of war, the United States claims, for better or for worse, the elimination of Saddam Hussein from power, and that the United States has furthered the Iraqi political process, culminating in the passage of a Constitution and now the first democratic election and Iraq's first constitutional government.

At this point, plans for a full transfer of sovereignty to Iraqis demands a change in course, one that puts Iraqis in charge. Iraq can't move forward with 160,000 U.S. troops, the largest U.S. Embassy in the world, and with Iraqi public opinion behind a timetable for withdrawal.

Mr. Speaker, many years ago Vermont Senator George Aiken said of the disastrous Vietnam war that the United States should declare victory and go home. Well, the elections in Iraq and the other milestones constitute a sufficient reason for the United States to declare that it has done all it can in Iraq, and it is time to reverse the Bush administration's policies.

President Bush's unwillingness to announce a plan to remove U.S. troops within a clear time frame and his refusal to renounce the use of permanent U.S. military bases there undermines his rhetoric about Iraqi democracy and will undermine the legitimacy of the new Iraqi Government. Our occupation of Iraq complicates the transition to democracy. Former Secretary of State Madeleine Albright had it right, Mr. Speaker, when she said last month that the United States can support democracy, but we cannot impose democracy. And it is a deadly combination when democracy is equated with occupation.

While the President continues to give speeches on the war, the American people have become disenchanted with the administration's Iraq policies and its failure to disclose a plan for withdrawal. Let us be clear, Mr. Speaker. The President has a credibility gap when it comes to Iraq. According to a December 8 New York Times/CBS poll, 59 percent of Americans disapprove of the way President Bush is handling the war in Iraq, and 70 percent do not believe that he has developed a clear plan to get American troops out of Iraq.

We have lost more than 2,100 soldiers dead and over 15,000 wounded, overstretched our military, placed our homeland and those of our allies at greater risk, and still this President persists in a useless quest for, quote, victory.

But excuse me, Mr. Speaker, just what is ''victory''? Who defines it? Who decides when ''victory'' has been achieved in Iraq? Is it the Iraqi people themselves? Is it President Bush, who has already declared ''mission accomplished''? Is it next year? Or the year after that? Or 5 years or 10 years down the road? Is it when we have lost 3,000 troops in Iraq? Or 5,000? Or 10-? How many more American troops do we have to sacrifice? How many more Iraqi lives must be sacrificed before we decide that ''victory'' has been achieved?

While most Iraqis are confident in yesterday's parliamentary elections, two-thirds are opposed to the presence of U.S. troops, according to a poll released on December 12 by ABC News and Time Magazine. According to news reports, many of the Sunnis turned out in such large numbers yesterday because they see it as a means to end the U.S. occupation of their country. Arab voices through the Cairo process are helping change the dynamic in a positive way and are filling a role that the U.S. no longer needs to play.

The President must work with the United Nations and Iraq's Arab neighbors to develop an interim arrangement as American troops depart. The best way to preserve the gains made so far is to commit to long-term financing for reconstruction, working with the new Iraqi Government to set a timetable for withdrawal, and to arrange for an over-the-horizon troop presence.

The Bush administration and the Republican leadership of this House should be spending less time on spin and speeches and more time on preparing for bringing American troops home. The way out of Iraq begins by genuine respect for the will of the Iraqi people and their desire for U.S. military withdrawal from Iraq. The President can begin to demonstrate this respect by putting an end to the attempted manipulation of Iraqi public opinion with fake news written by Pentagon contractors, the unambiguous announcement that the U.S. will not maintain permanent military bases there, and the immediate initiation of a coherent plan for the withdrawal of our forces there. This will not only give the vast majority of the Iraqi people what they want, but the new Iraqi Government its strongest chance for success.

Unlike what is stated in this resolution, there is nothing ''artificial'' about this approach. Congress, too, has a responsibility to take action where the Bush administration falters. Today we should praise the Iraqi people, but tomorrow this Congress should move to must-pass legislation to force beginning to bring our forces home.

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

Mr. DREIER. Mr. Speaker, as I listen to these statements made about public opinion polls, I would like to point to my colleagues the ABC News poll about which my friend referred. Seventy-one percent of the Iraqis polled said that their lives were very good or quite good; 61 percent reported the security situation is very good or quite good in the area where they reside; 64 percent said they expect their lives to be much or somewhat better a year from now.

I know that my friend from Ohio is introducing a resolution, he spoke about it earlier today, talking about the independence and the Iraqis making a choice as far as our presence. The Iraqi President, Jalal Talabani, made it very clear in an editorial that he wrote in the Wall Street Journal. He said:

''A timetable will aid the terrorists and tell them that all they have to do is wait. Military plans must be flexible. We should have the suppleness to respond to the often-changing level of terrorist threat.''

That is not an American military leader making that statement. That is the President of Iraq.

With that, Mr. Speaker, I would like to yield 3 minutes to the very distinguished chairman of the Republican Study Committee, my friend from Columbus, Indiana (Mr. PENCE).

Mr. PENCE. I thank the chairman for yielding.

As a member of the International Relations Committee, I rise in strong support of this resolution and take a moment to express our prayers and good wishes to the author of this resolution, who labors at the side of his namesake at this very hour in a hospice in Illinois.

It is extraordinary day today, Mr. Speaker, as a Member of Congress that has had the privilege to travel to Operation Iraqi Freedom on three different occasions, the news that 11 million Iraqis, with Iraqis on point handling the security during these elections, 70 percent of Iraqis turned out. It was, in no uncertain terms, a victory for democracy in Iraq. And it is my privilege and honor to rise this morning on this floor in support of the rule and the underlying resolution that confirms this great day in the history of freedom, December 15, 2005, when millions of Iraqis defied terrorists to say ''yes'' to democracy.

I stand also in support of the affirmative statements in this resolution that this House of Representatives is committed to achieving victory in Iraq and sees this election as a crucial victory for the Iraqi people and a defeat for the terrorists in that country. It is also in this resolution an effort to state emphatically the rejection of the wisdom of an artificial time line and also to recognize the extraordinary sacrifices made by members of the United States Armed Forces and their families. It is about them that I rise especially today, Mr. Speaker.

This week at my office in Muncie, Indiana, a group of the citizens that I

have the privilege of serving came to protest our military presence in Iraq, to urge the withdrawal, as some have done and continue to do, of our forces from this nation. And while it is their right to do so, let me say emphatically, it is my duty to stand with our Commander in Chief, to stand with our soldiers in the field, and to stand with the good people of Iraq until we achieve a total victory for freedom in this nation.

I derive that sense of duty from seven names that I felt obligated to mention today. They are the names of the soldiers that I represented until they stepped into eternity, who fell in Operation Iraqi Freedom, from eastern Indiana.

Lance Corporal Matthew Smith.
Private Shawn Pahnke.
Specialist Chad Keith.
Staff Sergeant Frederick Miller, Jr.
Sergeant Robert Colvill, Jr.
Specialist Raymond White.
Lance Corporal Scott Zubowski.

These seven men didn't leave their post, and this Congressman won't, either. It is them and to their credit and to their grieving families that I rise in support of this resolution today. It is the sacrifices of over 2,000 American soldiers who laid down their lives for the freedom that we saw demonstrated in the streets of every corner of Iraq yesterday that I support this resolution.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California (Mr. LANTOS), the ranking member on the International Relations Committee, who was denied his request to offer his amendment here on the floor today.

Mr. LANTOS. I thank my friend for yielding.

Mr. Speaker, I rise in sorrow, not in anger, because this morning could be a morning of unity and celebration and congratulations. Yesterday in unprecedented numbers the people of Iraq rejected the threats and intimidation of the terrorists and chose a new permanent national Parliament, the first fully sovereign, elected democratic assembly in the history of Iraq. This should be cause for celebration for the Iraqi people, for our troops, the troops of our allies and the Iraqi security forces who bravely protected the Iraqi people who came out to vote. Unfortunately, the resolution before us does not do that, and that I deeply regret.

Mr. Speaker, we all know that there is a spectrum of views on my side of the aisle on how to deal with the difficult situation in Iraq in the weeks and months ahead. Yesterday I was asked with a number of other Democrats to go to the White House. I sat next to the President as we talked about the possibility of building a united approach to this difficult dilemma. But the leadership, in a rigid, unbending, almost ruthless fashion, refused to take one single word of change or modification in their resolution. It was a take-it-or-leave-it proposal, which is inappropriate in a democratic legislative body where some of us have been attempting to operate in a bipartisan fashion.

I introduced a resolution and asked the Rules Committee to make it in order. My resolution congratulates the Iraqi people on three democratic national elections, encourages all Americans to support the Iraqi people, and commends our troops and those of our allies and the Iraqi forces for protecting their people at election time.

That is the resolution which should be before us today. We would get a unanimous vote, and we would send a message to our troops and to the whole world that Congress is united. Instead, by rigidly demanding total adherence to the Republican formula, there will be an ugly, divisive debate in this body this morning. This is not in our national interest.

I wish to use the balance of my time to read the resolution that I believe ought to be before us, Mr. Speaker.

The text of my resolution is as follows:

H. RES. 613

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas all segments of Iraqi society actively participated in the approval of a new Iraqi Constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, for a new, national parliament that will serve in accordance with the recently-approved Iraqi Constitution for a four-year term and that represents the first fully sovereign, elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq; and

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust, pluralistic democracy that will bring stability to Iraqi society is emerging: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Iraq on the three national elections conducted in Iraq in 2005;

(2) encourages all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society; and

(3) expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

Mr. LANTOS. There isn't a Member in this body who could not subscribe to this. This is not the time for an ugly and divisive debate. And with its rigidity and total unwillingness to listen to half of this body, the majority has chosen to give us an ugly and divisive debate.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my very good friend from California by saying, first and foremost, there is nothing ugly and divisive about the debate that we are about to undertake, that we are in the midst of right now, number one.

Number two, I think it is important to note that while all of the recommendations that were made by the minority were rejected, I have just been given by the staff of the International Relations Committee an outline of those two recommendations that were made. They were to entirely delete the resolved No. 6 clause in the resolution, which was the language that I read which says that we cannot establish an artificial timetable for withdrawal, which is exactly what President Talabani said in his piece, number one. And, number two, it underscored the fact that there was a desire from the minority to change the goal of achieving victory to establishing stability in Iraq.

Mr. Speaker, I think it is very important for us to note that there should be, in fact, complete bipartisanship in our goal to not have an artificial timetable complying with the request of our men and women on the ground there along with President Talabani, as well as making sure that we achieve victory in Iraq. Nothing, nothing, has to be divisive about this debate. I am convinced, Mr. Speaker, that at the end of the day, an overwhelming majority of the House of Representatives will support this, because we want to do more than simply pat our men and women in uniform on the back and pat the Iraqi people on the back. We want to talk about the importance of sustaining what took place yesterday for the future of Iraq.

Mr. LANTOS. Will my friend yield?

Mr. DREIER. I will in just a moment. We have got a limited amount of time. I look forward to engaging my friend, but I promised the former Secretary of State of Michigan that I would yield 2½ minutes to her. At this point I would like to do that and then would look forward to any comments that my friend would offer.

Mr. LANTOS. I would like to comment on your observation.

Mr. DREIER. Absolutely. I look forward to it.

Mr. LANTOS. Thank you for your courtesy.

Mrs. MILLER of Michigan. I thank the gentleman for yielding, and I rise in strong support of this rule and the underlying resolution as well, because this House must show our troops, the Iraqi people, and our terrorist enemies that we are committed to achieving victory in Iraq.

Mr. Speaker, just a couple of days ago, I spoke with a constituent of mine named PFC Josh Sparling. Josh serves

in the 82nd Airborne Division with the 3rd of the 504th, also proudly known as the Blue Devils. Josh was wounded by an IED while serving with his unit in Ramadi, Iraq. He is currently at Walter Reed Hospital recuperating from surgery, with doctors working literally to save his leg.

When I talked to Josh, he did not want to complain about his wounds nor the pain that they were causing him. No, this American hero wanted to talk to me about the progress being made on the ground in Iraq, and how well the new Iraqi troops performed in the field, and how committed the Iraqis were to reclaiming their country from the terrorists.

His proudest day in Iraq was when he provided security in the Iraqi election last October. He watched thousands of Iraqis singing and celebrating on their way to polling stations. It made him proud that the American military was accomplishing their mission to spread peace and hope and freedom and democracy. He was disappointed that he was not in Iraq right now with his unit providing security for yesterday's election and watching the left flank of his buddies.

Mr. Speaker, that is commitment. That is dedication, what we expect and what we get from our brave men and women in uniform. Yesterday's election was a great victory for the Iraqi people, more proof of an historic pivot in that part of the world, and now is not the time to wave the white flag just as our Iraqi allies begin the difficult business of forming a new democratic government.

We cannot redeploy troops based on political concerns instead of needs on the ground to secure victory. We must not let down all of our brave men and women in uniform who have served so remarkably. We cannot let down over 11 million Iraqis who yesterday stuck a finger in the eye of the terrorists as they stuck their finger in that blue ink. We cannot give our terrorist enemies a victory which they cannot achieve on the battleground.

We need to send a message, this House needs to send a message, today that we are committed to completing the mission. Vote ''yes'' on the rule and the underlying resolution.

Mr. MCGOVERN. Mr. Speaker, before I yield 1 minute to the gentleman from California (Mr. LANTOS) to respond to what the chairman of the Rules Committee had said, let me make clear, nobody is talking about waving a white flag here. What we are talking about is trying to figure out a way to make a bad situation less bad. The polls have shown clearly that the majority of the Iraqi people want us out of Iraq. When a majority wants something, they usually get what they want, because that is what a democracy is about.

We don't know a lot about democracy in this House because we are routinely shut out of being able to have debates and votes on important issues. But the bottom line is that those of us who are advocating that the President set some sort of a timetable are doing so because we think that that is a way to strengthen the situation, to give the new government over there a chance to succeed. I don't believe it can succeed if it is viewed as a puppet of the United States. I don't believe it can succeed with a huge U.S. occupation over there. I don't believe it can succeed with the largest U.S. Embassy in the world over there. I don't believe it can succeed if those are the conditions.

And so having said that, let me yield 1 minute to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. I thank my friend for yielding.

Mr. DREIER. Mr. Speaker, I would like to yield a minute to my friend from California as well.

Mr. LANTOS. Thank you.

My good friend Mr. DREIER suggested that there will not be a divisive debate this morning. That divisive debate has already begun. You need to listen to the words of what my colleagues are saying. I attempted to avoid this divisive debate this morning. I attempted at the end of this session to have this Congress go home with a unanimous vote congratulating the Iraqi people on what they have done; congratulating our military, our allies and the Iraqi forces for making it possible for them to vote.

There are divisions on policy, and it is an ostrich policy to pretend that there are no divisions. I may agree with the gentleman's view about a timetable. That is not the issue. The issue is that the last discussion of Iraq in this body will show division, bitterness and divisiveness, and that could have been avoided with a little bit of flexibility and consideration on the part of the majority for the views of almost one-half of this body.

I thank my friend for yielding.

Mr. DREIER. Will the gentleman yield? I have yielded 2 minutes to the gentleman. I think he still has time.

I just would like to say that I believe that the resolution that has been brought forward is one which recognizes the directive, the call from the President of Iraq. It recognizes the sense of the men and women in uniform who are on the ground there. And I believe that an overwhelming majority, and I will say to my friend, there may be some Republicans who choose to vote against this measure. I don't know that every Republican is going to vote in support of this resolution, but this resolution underscores the importance of victory in Iraq.

Mr. LANTOS. Reclaiming my time, it is in the national interest to show the greatest degree of unity in this body, and your resolution does the opposite.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to one of the authors of the amendment that was rejected last night in the Rules Committee, the gentleman from Florida (Mr. HASTINGS), my colleague on the Rules Committee.

Mr. HASTINGS of Florida. I thank my friend, the distinguished Rules Committee member from Massachusetts, for yielding me time.

Last night I made the statement in the Rules Committee that I would not participate in the debate. I do not intend when the debate begins to have anything to say, and quite frankly if I had the wherewithal, I would ask my colleagues on the Democratic side not to say anything as well. But I do know a little bit now, having served on the Rules Committee for a little while, about closed rules, and I know when we have closed rules, we restrict democracy.

We come here to advocate for democracy in Iraq, as rightly we should. But I come this morning to advocate democracy for the Members of the House of Representatives who have a different point of view that needs to be heard regarding this important matter having to do with our Nation. Like my friend and mentor, TOM LANTOS, I feel that there will be division as a result of the resolution as filed. I quite frankly am a bit surprised that so many people in the majority who argue that the war should not be politicized have done an act, although subtle and nuanced, that is as political as most things that we do here.

□ 1000

I do not decry politics. That is what we do for a living. But when it comes to this Nation, we all have a responsibility to stand together. There is no one in this Congress that does not support the military of the United States in every aspect of what it has done. There is no one in this Congress that wants us to fail in achieving victory in Iraq and anywhere that terror exists in this world. We have a vested interest in that. We have a natural right to pursue that particular interest.

But to fashion a resolution that ignores the language that Mr. LANTOS offered, that does precisely the same thing with civility all throughout it, I cannot imagine that we have passed yet another closed rule and that we have restricted a sensible, civil resolution offered by Mr. LANTOS, Ms. PELOSI, and Mr. HOYER.

In that light, I consider it to be the kind of act that is seemingly becoming the pattern with so many people in this House who represent so many constituents who are not being heard.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend.

First of all, let me say that as a member of the Rules Committee, I am very proud of this democratic, small ''d,'' institution; and I am very proud of the work of the Rules Committee. I would like to say that in this session of Congress more amendments offered by Democrats have been made in order than amendments offered by Republicans.

Mr. Speaker, I would also like to say that as my friend talks about ideas

being shut out, that is a mischaracterization of what has happened here. We have come forward with a sense of the Congress resolution, a simple resolution is what it is. I would like to share with my colleagues, since we are talking about the process of democracy in Iraq and the process of democracy here in the United States of America and in the people's House, according to the Congressional Research Service, they state on simple resolutions, ''Simple resolutions express nonbinding opinions on policies or issues (the 'sense' of the House or Senate) or deal with the internal affairs or prerogatives of the House. For example, they are used to establish select and special committees, appoint the members of standing committees, and amend the standing rules. In the House, the Rules Committee reports its special rules in the form of simple resolutions.''

This is a simple resolution which I believe is going to enjoy strong bipartisan support. Democrats and Republicans will, I believe, in overwhelming numbers support this resolution which simply says, Mr. Speaker, that we recognize the incredible sacrifice by our troops, we recognize the incredible sacrifice and suffering that the Iraqi people encountered under Saddam Hussein and the struggle that they have gone through over the past 3 years. And it recognizes what has been clearly stated by Iraq's President, by our men and women in uniform and by the people of Iraq, and that is establishing some artificial timetable would undermine the process of democracy.

One must look at the letter which has gotten a great deal of attention that was sent from the number two operative in al Qaeda, Mr. Zawahari to the lead operative for al Qaeda in Iraq, the center of terrorism from Zarqawi. And he has said in that letter, Democracy is coming and there will be no excuse for violence thereafter.

Mr. Speaker, it is absolutely essential that we do everything that we can for the stability of Iraq, the stability of the region, and the stability of the world, that we must maintain that path towards democracy. The coalition forces, the Iraqi security forces are making that happen.

Mr. DREIER. Mr. Speaker, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, in 20 seconds I put to the Chair a simple question: If this resolution is so simple and noncontroversial, why did it come through the Rules Committee? And is it not true that Mr. LANTOS' resolution is also simple, and there was nothing to preclude the Committee on Rules from hearing the Lantos matter, had you chosen? And are you not the greatest exemplar of not having closed rules, Mr. Chairman?

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend.

I will simply say that I believe we should do everything we can to pursue the deliberative process here. I believe that the Rules Committee does that. We have a management responsibility. We bring resolutions through the Rules Committee. If there is controversy, I believe that recognizing our strategy for victory in Iraq is the right thing to do. People in Iraq, our men and women on the ground, recognize that.

I believe it is the right thing to do and I look forward to a strong and overwhelming bipartisan vote in support of this resolution.

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

Mr. HASTINGS of Florida. I thank the chairman for not answering my question.

Mr. MCGOVERN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, to suggest that the Rules Committee respects a deliberative process in this House or that it is somehow democratic or receptive to alternative ideas, I think demonstrates to me that the chairman has pretty low standards when it comes to being inclusive.

The bottom line is, on important issues, on important matters like this one, we are routinely shut out. I mean, the chairman may be on board with what the President is doing in Iraq, but there are many of us who have great concerns. And the fact of the matter is, the section that is controversial in this bill deserves debate, not in the context of this resolution, but we should be on this floor debating this for a period of time and let everybody have their chance to present their viewpoint on what our policy should be in Iraq.

We should be debating Iraq almost every day. I mean, we are at war. We have lost 2,100 American servicemen and women; 15,000 are wounded. We have spent hundreds of billions of dollars, and we do not like to talk about it except in the context of these resolutions that kind of get dropped on us and brought to the floor; and we are supposed to praise our troops, which we all do.

We want to congratulate the democratic voting in Iraq, which we all do. But then tucked into this is a provision which some of us find objectionable.

This administration has a credibility gap, in my opinion, when it comes to Iraq. We have been misled too often, and it is time to demand the truth. It is not acceptable to embrace an open-ended U.S. policy toward Iraq that suggests that we put all our faith in the President.

He has been wrong on everything. There were no weapons of mass destruction. There was no tie to al Qaeda. There was no imminent threat to the United States from Iraq, and he rushed us into war. He said we would be greeted as liberators. Here we are approaching the third year. We are not greeted as liberators. We are stuck in a mess.

Mr. Speaker, I will also point out to the chairman of the Rules Committee that if you read the front page of today's Washington Post it says, ''Iraqi Vote Draws Big Turnout of Sunnis.'' Underneath, subheadline, ''Anti-U.S. Sentiment is Motivator for Many.''

A majority of the people in Iraq want us to begin the process of withdrawal; and what you are asking us to do is to embrace a resolution that says we will be there for as long as the President wants us, and that is unacceptable.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, like the President's wishful, staged declaration of ''Mission Accomplished'' on that aircraft carrier 2½ years ago, or the Vice President's declaration that the insurgency was in its ''final throes,'' this resolution proclaims the desire of Congress for ''victory'' in Iraq.

Instead of dispatching our troops in adequate numbers, this Congress made one speech after another. Instead of covering our troops with adequate, impenetrable armor, this Congress passed one paper resolution after another like this, which provided little shield from those who would do our brave men and women harm.

Well, each day's news shows how out of touch this Administration and its congressional followers continue to be. Like the administration, this Congress has no idea what victory means other than trying to escape the morass that its bad judgment got us into.

I believe that victory in Iraq, which we all desire, begins with a commitment to championing the truth. This is an administration that cannot utter ''Iraq'' without saying ''9/11,'' even though it knows there is absolutely no connection between the two.

To win a war you have to shoot straight. Our young men and women in Iraq and Afghanistan understand that, but this administration and its congressional followers demonstrate again and again that they do not—when they are discussing the real weakness of the Iraqi army or fail to do so, the strength of the insurgency, or the length our armed forces should be deployed.

They are so proud of the democratic choices made in Iraq this week and so very fearful for there to be any democratic choices on the resolution of the gentleman from California (Mr. LANTOS) and others. They fear a democratic debate in this House because their position is one of complete weakness. They have waved the white flag themselves at the possibility of a true debate in this Congress.

What we need is a genuine debate about the best pathway for our security in Iraq. The President finally conceded over 30,000 civilians have died in this invasion. We have passed 2,000 young, brave men and women in the service of America, and we are on the way to 3,000.

This administration has begun a public relations offensive when what we need is an offensive for the protection of our families. It has abandoned that

in favor of a meaningless political victory, not a real plan for success for the security of our families.

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

I first say to my friend from Texas (Mr. DOGGETT) that this notion that we are going to stay just as long as President Bush wants us to stay and not a day longer, well, actually, what President Bush has said is that we will stay as long as necessary and not a day longer. And that was part of the initial strategy that was launched on his speech on the 26th of February 2003. And it is very, very clear that the President of Iraq has said that any kind of artificial timetable would, in fact, jeopardize the prospect of democracy.

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

Mr. DREIER. I yield to the gentleman from Texas.

Mr. DOGGETT. Has the President or your resolution been willing to declare that it rejects the idea of permanent bases in Iraq?

Mr. DREIER. Reclaiming my time, I will say that the President has said in that speech that we will remain in Iraq as long as necessary and not 1 day longer. That is very clear to me, and so it is obvious.

Mr. Speaker, I am happy to yield 2 minutes to the very, very able fighter for freedom, our great friend from Springdale, South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I am here today in support of the rule and the underlying resolution, in very strong support. I am here as a Member of Congress. I am here as a 31-year veteran of the Army Reserves and the National Guard.

I am also proud to be the father of a son who served for a year in Iraq. I know firsthand of the progress that is being made there, along with other Members of Congress.

We should be proud that Chairman HUNTER, his son served in the Marines for a year in Mosul. Mr. SKELTON had a son serve in Afghanistan in the war on terrorism. Mr. TAYLOR of North Carolina, Mr. AKIN of Missouri, Mr. KLINE of Minnesota, Ms. ROS-LEHTINEN of Florida, and Mr. SAXTON of New Jersey, all of us have had family members who have participated in the global war on terror, and we are so proud of their successes.

Additionally, I would tell you that I disagree with Democratic Leader PELOSI. I believe that her position is wrong. I believe that proposing a withdrawal is giving your game plan ahead of time. You do not do it in football; you do not do it in politics. And you do not do it in a time of war. It is my view that we should understand that war is unpredictable.

Of all times, this week 61 years ago we found out the unpredictability of war and that is the Battle of Bulge. Tens of thousands of German troops secretly were located in the Ardennes Forest, attacked our troops in Luxembourg, in Belgium, and in Germany itself, and we lost 17,000 Americans. This could not be projected, this surprise attack.

We need to be prepared. So I am very proud that indeed progress is being made.

Our President has a wonderful plan of developing the Iraqi Security Forces, developing the Iraqi economy and the political situation, as we saw yesterday with the historic turnout of millions of Iraqis to build a civil society. And the bottom line is, it protects the American people.

This is exactly what America did after World War II, developing the democratic society of Japan which now is one of our great allies. We have the same potential to protect American families now.

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Mr. MCGOVERN. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the resolution we are debating today is an H. Res. resolution. Basically, this is just a sense of the Congress. It is largely symbolic.

One of the complaints that many of us on this side of the aisle, and I know some of the people on the Republican side have as well, is that we kind of skirt around the real issue, which is what the policy is. Staying as long as it is going to take, that is not a policy. That is a sound bite.

The President does not know where we are going in Iraq. He has given speeches that have been heavy on rhetoric, but not particularly big on specifics.

If we want to do something helpful here, bring a binding bill to the floor here that sets out our policy, and let us have it out. Let us have the debate. Let us talk about what our policy should be in Iraq. Let us come back next week or let us come back for a week in January and have this debate. Let us discuss what, in fact, our policy should be in Iraq. We are not doing that. This is all symbolic.

Notwithstanding the fact that we have 160,000 troops over there, that over 2,100 Americans have died over there, and 15,000 Americans have been wounded, tens of thousands of Iraqis have been killed, we have yet to have a real policy debate on this House floor about what course we should take in Iraq. That is what we want. That is what we are hoping for. I do not think that is unreasonable.

To bring a largely symbolic resolution to the floor and tuck in it this kind of policy statement, give us an hour during the debate on the resolution to talk about everything, that is not the way we should be doing business around here.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, the odds of success in Iraq are not enhanced by Congress continuing to act as a rubber stamp for President Bush. We need a change in strategic vision in Iraq.

This resolution says that setting a timetable somehow is a Communist plot, but, in fact, the President himself set timetables in Iraq when he set timetables to have transitional elections in Iraq. He set timetables for elections because it focused the Iraqis to demand performance, and that is what we should do in setting a timetable to transition to Iraqis true sovereignty for three reasons.

Reason number one, we should no longer provide a crutch for an indefinite period of time to the Iraqi politicians. We need to focus their minds on making the compromises that are necessary if a real government is going to be followed. We cannot fall into the trap of enabling Iraqi politicians to continue their bickering. They need a solution.

Number two, people say a timetable will encourage more violence. Let me ask you this: If there is a young unemployed man who is angry about foreign troops marching on his neighborhood, what do you think will make him more angry and more likely to plant an IED, the fact that we tell him we are going to leave in a year or so, or tell him we are going to stay there as long as George Bush says so? We need to tell them that we are going to come home.

The third reason we ought to think about this is that in our briefings we have received, we have been told that the Iraqi military will be fully trained by next December 2006, and it is realistic, it is commonsense, it is a measure to focus the Iraqi politicians on the necessity of seeking compromise, to say that we should begin transitioning next year and substantially conclude by December 2006.

During that time I have one message for the administration. They need to do a better job arming the Iraqi military forces. They need radios, they need Humvees, they need logistics. We cannot allow that force to fall apart. We need to defeat this resolution.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore (Mr. TERRY). The gentleman from California (Mr. DREIER) has 4 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 3¼ minute remaining.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds, and I do so to simply focus on the issue that is constantly raised here, and that is, the notion that we somehow impose closed rules on every piece of legislation.

There have been 113 rules considered on the House floor in the first session of the 109th Congress. With the exception of those rules which by statute or simple resolutions or appropriation continuing resolutions, 10 percent of those 113 rules have been closed rules.

We allow for a free floor in debate. More Democratic amendments than Republican amendments have been made in order. So we are enjoying democracy right here in the people's House, and the people of Iraq are enjoying the same.

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

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Texas (Mr. DOGGETT) for a unanimous consent request.

Mr. DOGGETT. Mr. Speaker, given the stated interest in democracy here in the House, I would ask unanimous consent to amend the rule to permit for division of the question so that we could express our unanimous support for the various provisions of this resolution, except for that on which we have disagreement as to the best way to achieve success in Iraq. At this point, so that we can have the kind of democracy that occurred this week in Iraq, of which the majority seems so proud, and actually have it right here on the floor of the House, I ask unanimous consent for a division of the question on the provisions of this resolution.

The SPEAKER pro tempore. The majority manager of the resolution has not yielded for the purpose of such a request.

Mr. DOGGETT. Given his professed interest in democracy, I am sure he will yield for that unanimous consent.

The SPEAKER pro tempore. Does the gentleman from California yield? The gentleman from California is indicating that he does not yield for that purpose.

Mr. DOGGETT. Shocking, truly shocking, that democracy cannot exist here on the House floor.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time, and I will close for our side.

Mr. Speaker, first of all, let me remind the Members of this House, the chairman of the Rules Committee talked about how generous the Rules Committee is. This year, in the 109th Congress, we have had 43 restrictive rules, 22 closed rules, plus three additional closed rules that were included in one rule, H. Res. 351, and we have had 11 open rules as far as appropriations bills.

Let me also simply say my point was that on important matters we usually have closed rules, as we did yesterday on the pension bill.

Mr. Speaker, I will be asking for a ''no'' vote on the previous question so I could amend the rule and allow the House to consider House Resolution 613 instead of House Resolution 612. House Resolution 613 was introduced last evening by International Relations Ranking Member LANTOS, the Democratic Leader PELOSI, Democratic Whip STENY HOYER and the gentleman from Florida (Mr. HASTINGS), which expresses congratulations to the people of Iraq on three national elections conducted in 2005.

This amendment was offered in the Rules Committee early this morning, but unfortunately, it was rejected.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and the text of House Resolution 613 immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, regardless of how Members of this House feel about the war in Iraq, I think all of us want to congratulate the people of Iraq for holding these historic elections and for getting out to vote despite the significant risks. We all want to congratulate our troops, but quite frankly, there is language in this bill that some of us consider inflammatory, that some of us strongly disagree with, and I would urge my colleagues to vote ''no'' on the previous question so that we can have a unified message and not a divisive message here in the House.

Mr. Speaker, we have been in Iraq now for over 1,000 days, and I believe we must begin the transition to putting the Iraqis in charge. President Bush's unwillingness to announce a plan to remove U.S. troops within a clear time frame and his refusal to renounce the use of permanent U.S. military bases I think undermines his rhetoric and I think endangers the chance for democracy to succeed. Our occupation in Iraq complicates the transition to democracy.

People can disagree with me on this, but the fact of the matter is we should be debating this issue of how we deal with Iraq not in an H. Res. form, but in a binding resolution here on the House floor. We have time to debate Merry Christmas resolutions here in the House, but we never have the time to debate in a real way and in a meaningful way this war in Iraq.

We have sent thousands of our servicemen and -women into harm's way in Iraq. I would argue we rushed into this war. We have paid dearly for what the politicians in Washington have decided to do. We owe our troops better than just coming up and saying, stay the course. We owe them more than saying we are going to stay there until victory is achieved.

What is victory? I mean, nobody has defined what victory is. The President says we will know when we get there. Well, that is not good enough. That is not good enough for anybody in this House. That is not good enough for our soldiers.

We owe these brave men and women more than just a pat on the back and a congratulations. We owe them a real policy, and we owe the people of Iraq who have sacrificed so much the right to determine their own future. They want us to begin to extricate ourselves from Iraq. We should do that, and I would hope that my colleagues will vote ''no'' on the previous question so we can bring up a resolution that truly unites this body and not divides it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I have seen these buttons that my colleagues on the other side have been wearing, although I do not see them wearing it this morning, but they wore them last night, that says, debate Iraq. I just listened to a statement by my friend from Massachusetts, and I would say what is it that we are doing right now?

We have just gone through a very rigorous debate on the Defense appropriations process. It was considered under an open amendment process. We have gone through the Defense authorization process, and we have had a full debate on that. Every single day on the House floor at least one Member stands up to outline his or her position on the issue of Iraq. We are debating it constantly here, and it is a very healthy and important debate for us to have.

Mr. Speaker, as I have been listening to this debate, which has been taking place over the past hour, a name sticks in my mind. The name is J.P. Blecksmith. J.P. Blecksmith is a young marine who was tragically killed in one of the biggest battles in Iraq a year ago last month. It was the battle of Fallujah, and since he died, I have gotten to know his family, and his parents have repeatedly said to me personally, have gone on television and said this, that in the name of their courageous son who is a marine killed in the battle of Fallujah, it would be absolutely reprehensible for the United States of America to cut and run, for us to leave Iraq on some artificial timetable.

So, Mr. Speaker, today is a day of celebration. I cannot understand why my colleagues would say that the following line is somehow contentious. It simply says, while congratulating the Iraqi people for this overwhelming success that they had yesterday, congratulating our men and women in uniform and the Iraqi security forces and the coalition forces, it says basically what President Talabani of Iraq has said in a Wall Street Journal editorial. The resolution says, Setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region is fundamentally inconsistent with achieving victory in Iraq.

What is contentious about that? I cannot understand why anyone would believe, Mr. Speaker, that we cannot come together with a strong bipartisan vote, making sure that the success that we enjoyed on January 30 and October 15 and just yesterday in Iraq is sustained.

We know that Mr. Zarqawi has made it very, very clear that, as democracy blossoms, terrorism will come to an end.

So let us do everything within our power to support this resolution, to support our troops, to support the sustained victory of the people in Iraq. I urge support of this resolution.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 619, THE RULE FOR H. RES. 612 EXPRESSING THE COMMITMENT OF THE HOUSE OF REPRESENTATIVES TO ACHIEVING VICTORY IN IRAQ

Amendment in nature of substitute:

Strike all after the resolved clause and insert:

''*Resolved,* That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 613) congratulating the people of Iraq on the three national elections conducted in Iraq in 2005. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and the preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit.''

H. RES. 613

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas all segments of Iraqi society actively participated in the approval of a new Iraqi Constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, for a new, national parliament that will serve in accordance with the recently-approved Iraqi Constitution for a four-year term and that represents the first fully sovereign, elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq; and

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust, pluralistic democracy that will bring stability to Iraqi society is emerging: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Iraq on the three national elections conducted in Iraq in 2005;

(2) encourages all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society; and

(3) expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

Ms. WOOLSEY. Mr. Speaker, today, without a doubt, we should congratulate the Iraqi people for what appears to be a successful, high-turnout election.

For the third time this year, courageous Iraqi citizens have enthusiastically exercised their democratic rights.

But successful elections do not, and cannot, obscure the devastating national tragedy that is the Iraq war.

It doesn't change the fact that over 2,100 Americans have died for weapons of mass destruction that never existed.

It doesn't change the fact that this war has turned Iraq into a hotbed of terrorist activity.

It doesn't change the fact that our troops are sitting ducks for the insurgents, who have been emboldened—not deterred—by our military presence in Iraq.

Here's the bottom line: a successful Iraqi election should, at the very least, reinforce the imperative of bringing our troops home. If Iraq is truly able to self-govern, then we have no business occupying their country and meddling in their affairs.

I've argued all year long that it's time to restore Iraqi sovereignty and give Iraq back to the Iraqi people. If the election is a watershed moment as the White House claims . . . then what is the continued justification for having our troops over there in harm's way?

Now is the time to enlist the support of the international community to establish an interim security force for Iraq. But that's just the start.

As I've written to the President in a letter signed by 61 other members of the House, the United States must also launch a ''diplomatic offensive,'' recasting our role in Iraq as reconstruction partner rather than military occupier.

We must also lead the way in establishing an international peace commission to oversee the post-war reconciliation and coordinate peace talks between Iraq's various factions.

The majority of the American people aren't behind it. Our global allies aren't behind it. The Iraqi people aren't behind it. Even Iraqi leaders—Sunni, Shiite and Kurdish alike, who agree on practically nothing—have united around a call for the United States military to leave.

With the Iraqi people having voted once again, let's offer the ultimate vote of confidence in their democracy. Let's reward the self-sufficiency they've demonstrated—by giving them their country back and bringing American soldiers home.

Mr. DREIER. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. MCGOVERN. 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, further proceedings on this question will be postponed.

□ 1030

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 621 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 621

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes. No further general debate shall be in order, and remaining proceedings under House Resolution 610 shall be considered as subsumed by this resolution. Notwithstanding clause 11 of rule XVIll, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment 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. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 621 is a structured rule providing for further consideration of the bill. It provides that no further general debate is in order, and the remaining proceedings under House Resolution 610 shall be considered as subsumed by this resolution. It makes in order only those amendments printed in the Rules Committee report accompanying this resolution.

This resolution provides that the amendments printed in the report accompanying the resolution 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.

It waives all points of orders against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of House Resolution 621 and the underlying bill, H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

Yesterday, this House began consideration of the underlying bill and a portion of the amendments offered that were made in order. Following yesterday's debate, the Rules Committee completed its consideration of over 130 amendments, and today, upon passage of this rule, we will be able to complete consideration of the bill and the amendments that were made in order.

Mr. Speaker, I again would like to commend Chairmen SENSENBRENNER and KING for working together to give this House an opportunity to debate the issue of border security and to pass meaningful legislation to secure our borders.

As I emphasized yesterday, this debate is, at its core, an issue of protecting the homeland. While the economic and the social impact of illegal immigration cannot be denied, the integrity of our borders is fundamentally a matter of national security.

Mr. Speaker, we do not have the luxury to turn a blind eye to our borders and simply do nothing, and this problem cannot be talked away. I believe that today's bill, though not perfect, puts many good ideas into action. Border security did not become a problem overnight and, Mr. Speaker, it simply cannot be solved in 1 day.

Now, I understand that some of my colleagues may have legitimate disagreements with certain aspects of the bill. In fact, I do not agree with every aspect of this bill and would even like to see some additions. However, I remain confident, I remain confident that the underlying legislation will prove essential in beginning to turn the tide on illegal immigration.

H.R. 4437 is a commonsense bill that makes the employment verification system mandatory rather than the existing voluntary program. It also increases penalties for illegally crossing our border and for businesses that knowingly hire these illegal immigrants. We must mandate detention for all aliens apprehended at the border, especially the so-called OTM, ''other than Mexican,'' category, and deport them back into their country of origin.

Mr. Speaker, if we pass H.R. 4437, we will have stronger borders and we will save and protect lives. And, Mr. Speaker, not just the lives of our own legal inhabitants, but also the lives and the safety of so many of the unsuspecting immigrants left stranded on our side of the border.

So, Mr. Speaker, I want to ask my colleagues for their support of the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Georgia (Mr. GINGREY) for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, at several points during my remarks I am going to refer to Ellis Island, and I am going to begin today by citing Emma Lazarus, who wrote the poem ''The New Colossus'' in 1883. Twenty years later, it was engraved on a bronze statue in New York in the harbor.

What Miss Lazarus said at the beginning of her poem is, ''Not like the brazen giant of Greek fame, with conquering limbs astride from land to land; here at our sea-washed, sunset gates shall stand a mighty woman with a torch, whose flame is the imprisoned lightning, and her name Mother of Exiles. From her beacon-hand glows worldwide welcome.''

She goes on to say, ''Keep, ancient lands, your storied pomp!'' With silent lips she cried. ''Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door.''

Emma Lazarus understood the dynamics of America, as did those who went through Ellis Island and those of us that visit there to draw our strength in the diversity of this Nation.

Today, we come to put a cover over that torch and a blindfold on that lady and toss all of those magnificent notions of diversity and this great golden door right out into the Hudson. Or maybe it is the Potomac River that we do so today.

I rise to express my strong opposition to this restrictive rule, the second in as many days, for a xenophobic bill masked in catchy phrases, such as ''border control'' and ''homeland security.''

This restrictive rule blocks all but a select few from offering amendments to the underlying legislation. The chairman of the Rules Committee was in here a minute ago and said that they have made more Democratic measures, speaking of the entirety of the session, in order than Republican measures. Well, that does not hold for this particular party in part B, a very confusing process, I might add, which even the majority leader recognized.

Republicans are again allowing important and critical debates to happen behind the closed doors of the Republican Conference rather than on the House floor in the eye of the public.

What did you all talk about yesterday for all them hours that you could not bring this mess out here to the floor?

Under this rule, 18 of the 115 possible amendments, that would now make 33 of 130, could be considered or actually made in order. Two of those will be offered by the chairman of the Judiciary Committee, the author of the underlying legislation. As if that is not offensive enough, only four of the 18 amendments permitted in order in the rule will be offered by Democratic Members.

Then again, Democrats should not be surprised that our amendments have again been blocked from consideration. After all, President Bush, a Republican, could not even get his legislation proposal through the House Rules Committee.

President Bush, one day in July of 2001, in remarks at Ellis Island, in part said the following: ''The Founders themselves decided that when they declared independence and wrote our Constitution. You see, citizenship is not limited by birth or background.''

We have an amendment dealing with that here today. ''America at its best is a welcoming society. We welcome not only immigrants themselves, but the many gifts they bring and the values they live by. Hundreds of thousands of immigrants take the oath of citizenship every year.''

And I have had, me, I have had the pleasure of seeing them in tears, with their hands raised, on numerous occasions when I served in the Federal judiciary. And my colleagues in the Federal judiciary will tell you there is no greater feeling, except perhaps when we, in other roles as judges, are helping people to adopt a child, than to see a person adopt this country as their own.

''Each has come not only,'' President Bush says, ''to take, but to give. They come asking for a chance to work hard, support their families, and to rise in the world. And together they make our Nation more, not less, American. Immigration is not a problem to be solved, it is a sign of a confident and successful nation. And people who seek to make America their home should be met in that spirit by representatives of our government. New arrivals should be greeted not with suspicion and resentment but with openness and courtesy.''

I hope throughout the debate people hearken to the great commander in chief of this country.

At 6 a.m. this morning, 6 a.m., Mr. Speaker, those of us on the Rules Committee with our colleagues in the majority voted along party lines against the President and rejected an amendment that would have made the Kolbe-Berman-Gutierrez-Flake guest worker visa amendment in order.

Less than 24 hours ago, the chairman of the Rules Committee, my good friend from California, stood on this very floor noting that the Republican leadership was committed to debating the President's proposal during consideration of the underlying legislation.

□ 1045

Yet on two separate occasions when presented with opportunity to fulfill their empty promises, my friends in the majority balked. I guess old habits are hard to break.

We can only hope that encouraging the spread of democracy into the House of Representatives will be the Republican New Year's resolution for 2006. Later we are going to vote on spreading democracy in Iraq. I hope all of that works, but I sure would like to see more of it come to the House of Representatives.

Mr. Speaker, this morning south Florida newspapers include a story about 20 Haitians being found last night in a boat just north of the district in West Palm Beach that I am privileged to serve. Upon boarding the boat, which had left Port-au-Prince roughly 10 days ago in search of safety from political turmoil, customs officials noticed that they had no food or water, and that the day before many of them had fallen dreadfully ill, including the children.

While the 20 hopeful immigrants were all taken into custody and will eventually be deported back to Haiti, I tell this story because it happens too often in the district that I am privileged to serve and in south Florida generally.

In the Southwest of our great country, they come on foot. In Florida, they come by boat. People go to extreme lengths and take enormous risks just to get here. Once before in Boynton when a group of Haitians had washed up on shore, I stepped over the body of a naked pregnant Haitian woman and I thought to myself, my God, what kind of courage does it take to try to get away from despotism, to try to get away from political turmoil, to get on a boat and come here the way that she and others that died in that event had done?

In no way do I or any Member of this body, that is Republican or Democrat, condone illegal immigration, but if Congress is going to have this debate, we ought to consider why people are willing to risk their lives to come to the United States. It is not always to bilk our social programs or to steal an American job, it is for all of the things that Emma Lazarus, and President Bush described her emblem being at the Statue of Liberty and Ellis Island, and President Bush speaking there, as I quoted earlier. It is for safety and for security and for a better life.

Building a fence around the country, which some have advocated, is not going to deter people from coming here illegally, but reforming a system which requires literally years to process work visa applications will. Authorizing more border security personnel also will not deter people from coming here illegally, but ending double-standard immigration policies will.

Yesterday I talked about how much hypocrisy exists inside our immigration measures. We have wet foot, dry foot, up foot, down foot, all kinds of policies that seem to come at the whim of whomever the director is at any given time, be they Democrat or Republican.

The system is broken. Nevertheless, the policy solutions in the underlying legislation will never end these failures because they do not even address them, not to mention the fact that they are not going to see the light of day. They are Black Flag dead in the United States Senate. Instead, they are extreme ideas aimed more at catering to the lowest common denominator of the majority's political base than providing practical, commonsense solutions to a real issue in America.

''`Keep, ancient lands, your storied pomp!' cries she with silent lips. 'Give me your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door.'''

What she knows as she puts the new colossus before us is that this Nation's strength comes through that golden door, and many of the persons that we will talk about today as if they are objects have made more than valuable contributions.

Many of our ancestors who were brought here, others who were forced to come here, others who came of their own volition have gone on to make this Nation the great Nation that it is. I beg my colleagues to reject this restrictive rule and the underlying legislation.

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

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

Mr. Speaker, the gentleman from Florida has a great heart, and he indeed is my friend, and he knows that. He in his remarks indeed tugs at our heartstrings as he so eloquently quotes poetry and talks about the inscription on Lady Liberty and the men and women over the history of our country who have come to our shores seeking new opportunities.

It compels me to think about and to speak about my own heritage, my maternal grandparents, my grandfather an immigrant, an Ellis Island immigrant, in the early part of the 20th century from County Roscommon in the country of Ireland; my grandmother, Ellen Heron from Scotland. These two young people met in New York City and married and started a family of five children, including one of whom is my precious mother, 88 years old today.

I never knew my grandfather because he died at 25 years of age, literally working himself to death, possibly on buildings like the Twin Towers that were attacked so viciously 4 years ago where over 3,000 people were killed, and not just United States citizens. There were many foreign nationals among those 3,100.

So I certainly share the compassion and the intense feeling that my good friend from Florida has with regard to our love in this country of immigrants, and we do welcome them.

I am sure if my grandparents were living today, they would want to thank God that they had this opportunity to come into our great country to produce a better life for them and their children. In those days, of course, they had to be physically healthy and mentally healthy.

But today, Mr. Speaker, as we all know, the times unfortunately have changed drastically, and what we are trying to do with regard to border security is not just to protect our own citizens, but protect every person who comes to this country legally seeking a better opportunity, the land of free, that they are safe to go to work, to go to school and raise their children.

Mr. Speaker, that is what this legislation is all about. I want to make sure that my colleagues on both sides of the aisle understand.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased and privileged to yield 3 minutes to the gentlewoman from California (Ms. SOLIS) that doubtless has significant wisdom with regard to the matter we are debating.

Ms. SOLIS. Mr. Speaker, I thank the distinguished Member from Florida, and I appreciate the opportunity to speak on the floor on this very important issue.

Mr. Speaker, today I rise in strong opposition to this rule. The Sensenbrenner bill is an unacceptable, inefficient and punitive proposal to reform our immigration system. Rather than focusing our resources on apprehending terrorists, fraudulent document manufacturers and other serious criminals, this proposal hurts hard-working families who want nothing more than to contribute to the economy and to achieve the American dream. These workers help to make our economy the strongest in the world.

Criminalizing and deporting 11 million undocumented immigrants already in the United States is unrealistic and would be very costly to the American Treasury, as much as $230 billion. This legislation places unfunded mandates on our local governments and especially on our first responders who already face serious budget deficits.

While I agree that we must secure our borders, enforcement-only legislation is the wrong approach. Our immigration system is broken and severely outdated and should be comprehensively reformed. That is why I am disappointed that this rule does not allow for amendments which would provide real, effective reform, including a path to legal permanency for the undocumented that are already here, a reduction in the immigration backlog so that thousands of separated families can be reunited, and new channels for future workers to enter safely and legally.

This border security PLUS approach is a comprehensive solution to a complex problem. For generations, immigrant families have journeyed to the United States in search of the American dream. Like the immigrants of the past, today's immigrants contribute significantly to our country and yearn for that American dream.

As a daughter of proud immigrants, I value America's history of treasuring the contributions that immigrants have made to this country. My parents came from abroad. My father came from Mexico and came here to this

country under the Bracero program to work to make this country great. He busted his back working on the railroads; helping to pick fruit and vegetables in Texas, in Colorado, in Montana; and eventually met his wife, my mother, from Central America who had to leave poverty in Central America to find a better life. She and my father raised seven children, and I am proud to be a U.S. citizen born here.

Some of the amendments that you are going to hear about would try to deny a mother who gave birth to a child here that citizenship because she does not have her documents.

How dare the Republican Party begin to try to take apart our very Constitution? How dare the Republicans attempt to try to take away the lifeblood of our country, the contributions that immigrants have made and will continue to make?

Give me your tired, your poor. Give me those huddled masses that are yearning to breathe free. We did it a century ago when Italians, Germans and Europeans came to this country. But now when this economy is going down the tubes, we quickly want to point fingers at what I think is a community that has worked very hard, and that is the Hispanic community. I am a very proud to be a part of that community.

I know the residents and constituents that I represent toil every single day paying taxes, making those beds in those hotels, providing service, janitorial services, and many of them caring for our elderly and our children. What are we going to say to them for harboring the undocumented, that they are also criminals? I think not. This rule and the underlying piece of legislation should be voted down.

Mr. GINGREY. Mr. Speaker, I yield myself 1 minute to respond to the gentlewoman from California.

I want to remind the gentlewoman we are not criminalizing 11 million illegal immigrants in this country. Indeed, 60 percent are already criminalized from the standpoint from entering this country illegally, and 40 percent are just because they have overstayed their visas, and we are equalizing that in this bill.

The other thing that is important for the gentlewoman to know, given the history of her ancestors, that addressing this issue first and foremost, border security, is protecting, indeed protecting those 11 million, most of whom are working and supporting their families and are law-abiding except for the fact that they came in illegally. We want to protect them as well.

□ 1100

With that, Mr. Speaker, I yield 4 minutes to my colleague on the Rules Committee, the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Speaker, I thank my friend from Georgia for yielding.

My good friend from Florida closed his opening statement with the inscription at the base of Lady Liberty, and that new colossus that was so new and shiny at that time has grown into the great colossus.

That shining city upon a hill that Winthrop commented on and that Reagan resurrected in his soaring rhetoric is still a shining city upon a hill that all of us like to speak of and remark upon on a number of occasions on this floor.

Who was that city shining to? Who was it beckoning? Who was it welcoming but immigrants? We are still that great city shining upon a hill. We are a nation of immigrants, and they are our strength, and they are our diversity, and they are our source of innovation, and they are what prevent us from being stagnant in the old ways of the old world.

But a key change has occurred since the wave came over from Ireland and Poland and the European nations, and then subsequently from the Latin American nations and the Asian nations, and that is the rise of Islamic fundamentalist terrorism.

And so that immigration policy cannot be unfettered. We have to put in place common-sense, meaningful reforms so that we address it in three parts. We do not disagree about that. There is not an ounce of disagreement between our parties about strengthening our borders.

We all agree that we cannot continue to have a policy that allows hundreds of thousands of people to come across our borders, many of whom are seeking a better life, but a goodly number of whom are not. They are part of MS–13 gangs, they are part of human exploitation or sexual traffickers or even terrorists trying to bring in bombs or other equipment to do our society fundamental harm. So we have to be very careful in moving forward with this legislation and craft a balanced approach.

I commend the authors on their enforcement provisions at the border. That is phase one, to address our border security, to make sure that we have boots on the border, equipment, sensors, all of the technology that our innovation can provide to make sure that we are welcoming those immigrants who are coming here to build a better life for themselves and their family, and stopping those who are not.

The bill is incomplete in that it does not deal in a comprehensive way with the other two pieces of immigration policy, which are very sticky, difficult issues, that of what to do with those 11 million people who are already here and that of how we address the temporary worker program. It is incomplete in that sense. But this is an important step.

I would only characterize it as a baby step. But it is an important step forward to moving what I believe will become comprehensive immigration reform that deals with these three key components of this hugely important policy in a post-9/11 world.

I firmly believe that we are a stronger nation because of the diversity that our immigrants have brought us. I feel blessed to live in a nation that women seek to be here so badly that they are willing to put their babies on inner tubes to float across the Florida Straits to be here or to risk everything to come across a wall or a fence or a river to be a part of the freedoms and liberties that we take for granted every day.

I fundamentally feel blessed to live in a nation that everyone else strives so hard to join. And we have to have an immigration policy that meets the needs of our economy and welcomes those people who want to bring positive, meaningful developments to our Nation and help them find a better life for themselves and their families; and this bill puts us on the path toward doing that.

But it is important that we recognize what is not in the bill, and before it becomes law what must, what must become part of it, which is a comprehensive assessment of a temporary worker program and a way to deal with the enforcement of the 11 million people who are here.

Mr. GINGREY. Mr. Speaker, I yield 3¾ minutes to the gentlemen from Arizona, Mr. HAYWORTH.

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

Mr. HAYWORTH. I thank my friend from Georgia for yielding, and I thank my friend, the chairman of the Rules Committee, for literally a last-second update as I step into the well.

But despite these courtesies, I rise in opposition to the rule. And let me detail the reasons why. There are obviously, to put it mildly, strong differences of opinion on this question. Indeed, I heard my other colleague from Florida just say the key was comprehensive reform, which translates into a guest worker program, which many advocate, though I do not.

The distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House, was quoted in a publication this morning, saying this: ''First of all, we have to convince the American people that we can secure the borders. And then we also have to be able to convince the American people that we can sustain the laws. We also need to look at this guest worker issue so we can fulfill the need for jobs, but I do not think that is something we should do right away.''

Point well taken, Mr. Speaker, my colleagues. It leads to the following questions. How long then do we wait? Will we wait for the catch-and-release policy to go into effect late in 2006? Will we wait until we have operational control of the borders? The Secretary of Homeland Security says that could take 5 more years.

Will we wait for the worker verification program to be fully implemented? That will not come, in this legislation, until the year 2011. Will we

wait until the fence is completed on our southern border?

Fair questions to ask, fair questions to be debated.

I heard from my friend from Florida that he favors comprehensive reform. I would invite the leadership of this House to come to this floor and affirm that they would not support a conference report that includes a guest worker plan.

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

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I want to ask the question if the gentleman is opposed to the basic principles of this bill, the preponderance of provisions that are included in this base bill, or does he have other concerns that he might want to express?

Mr. HAYWORTH. Mr. Speaker, where do I begin?

Acknowledging that one of the central tenets and challenges of the legislative process is incremental reform, we can all understand that. But also understanding that in terms of truth in labeling, are we in fact engaged in enforcement first or are we engaged in enforcement maybe part of the way, awaiting bureaucratic implementation.

Now, if I can return to my point and to the reason why I must, in reluctance, oppose this rule, I do appreciate the courtesy of my friends, with whom I agree on many issues, but with whom I disagree this morning.

I proposed the following amendment that has been disallowed. It is the sense of Congress that a new temporary visa program or amnesty program shall not be enacted until each of the enforcement provisions in this act have been fully implemented and a measurable enforcement of United States borders and the interior of the United States has been demonstrated.

This is not included. We do not have any way to measure the progress. Regrettably, I oppose the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I am opposed to the rule and I am opposed to this legislation. I do not think any of the Members here disagree that strong and safe borders are vital and important to the security of our country.

Throughout my career, I have consistently supported strengthening our borders. And while the Sensenbrenner bill does address part of our problems, it is not the comprehensive solution we must have. It does not solve or even acknowledge the problems of illegal immigrants. Therefore, this bill is half a loaf at best.

We can secure our borders and keep out illegal immigrants, and we should. But what about the 11 million-plus people here illegally who are, by and large, law-abiding members of our community? What about the 11 million-plus people who keep the hotels, restaurants, and construction sites and farms running in every State of this Union?

This bill is no solution for them and it is no solution for our country. Denial is more than a river in Egypt, it is alive and well here in the House of Representatives in the form of H.R. 4437.

If we continue to delay facing the reality of this challenge, the reality of the importance of immigrants who are not here legally to our economy, then I urge those of you who decide to vote for this measure to be prepared to face the wrath of business people in your towns and cities throughout this country.

They will want to know why you voted to place the financial liability of document verification on them. They will want to know why you have made them a de facto agent of the Federal Government. They will want to know why you voted to require them to follow a system that makes them liable for thousands of dollars of fines when they are simply trying to run their businesses.

They will want to know why you voted to cripple tourism industries, home construction and farms, by refusing to confront the undeniable evidence that 11 million immigrants here illegally are making a difference.

My colleagues, we all acknowledge that the status quo of illegal immigration is unacceptable. Therefore, I implore you to act on a comprehensive solution, not the politics of division. This should not be a wedge issue. After all, lest we forget, we are a nation of immigrants.

I am the grandson of immigrants. Our failure to act now is not responsible. Therefore, I must oppose this measure.

Mr. GINGREY. Mr. Speaker, I yield 3½ minutes to the gentlemen from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I am going to support the rule, and I am going to support this bill. But there are a lot of things that are not included in this bill that I believe we, as Members of Congress of the United States of America, should include in this bill, representing the citizens of the United States of America.

There has been a lot of talk about unfunded mandates in this bill. Let us talk about the unfunded mandates in the States of our country that are educating illegals, that are providing health care, the judicial system incarcerating them, how much is that costing the economy?

I have been in the construction industry for over 35 years, and I remember in the 1970s through the late 1980s, a man could go out, a woman could go out in the construction industry and make a good living, could buy a house, raise a family.

In the late 1980s and early 1990s, especially during the recessions in the 1990s, that changed. You had labor coming into this country that some say are just going to work on farms until they get a call from their cousin who works on a construction site, or it might be a drilling company or a manufacturing plant, and says, You can make more money over here than you can over there.

And I have watched the jobs in our construction industry be lost to American citizens because wages were cut so much that they had to do something else. Now you tell the guys who used to be able to work in this country, who do not want to go to work with a tie and a suit on, that their job went to someone else who is willing to undercut their labor costs, and they are not paid what they should be, why that has happened to them, why they can no longer afford to own a home, why they can no longer afford to have a family and send them to college.

□ 1115

The wrath of the business people in this country was discussed. I am worried about the wrath of the citizens I represent who have lost their jobs.

The number one issue I hear about in California every week is illegal immigration, why can you not do something about it? Eleven million people impacting our highways and freeways, congesting southern California roadways, is that acceptable to the guy sitting on the road spending 2 hours trying to get to work? No, it is not acceptable.

There were some amendments that I offered that my good friend, the chairman, was unable to put in the bill, and I respect that. There are reasons for that. Congressman DEAL had a great amendment that said, on ''anchor babies,'' if they come here illegally and have a baby, that baby should not be a citizen of this country. I agree with that 100 percent.

There are countries who advertise to have people come here on vacation, and they provide a house, the medical, the care for their child, to have their baby here so they can become a citizen of this country; then they fly back to their country and the kid has dual citizenship. Is that right? No, it is not right. It is wrong.

And the people coming from Mexico and other countries are good people. Do not get me wrong. They are here just to better their life. I am not arguing that a bit. That is not the issue here. The issue is what responsibility do we have to the people of the United States of America, what responsibility we have to the workers of the United States of America who have lost their jobs or, instead of being paid $22 an hour are now having to work for $11 an hour? Tell that to that carpenter.

I go to job sites in this country, and the guys are pouring concrete, they are framing, and nobody on the job site, except the foreman, speaks English. Now, you tell that to the carpenter who lost his job or had his wage cut in half. You tell that to the electrician or the plumber or the framer or the roofer who have had their wages cut in half and lost many benefits because somebody is willing to come here to better

themselves, and, God bless them, I am not arguing that, but they took their job. Tell that to those people.

And I am going to say once again not everybody wants to get up in the morning and put a suit and tie on to go to work. They want to get up and work with their hands. They are proud of what they did. They look at their work during the day, and when they go home, they can say, I accomplished something.

We need to do more than we are doing here, but at least we are making a step in the right direction.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Might I just say that I have started this debate by suggesting that everyone who comes to this floor comes with good intentions and certainly comes charged with the responsibility of securing the borders. Again, there is no divide amongst Americans about the importance of securing the homeland. And, frankly, the eloquence of Mr. HASTINGS on reminding us of our original roots that the Statue of Liberty represents to this Nation, that we come from many walks of life. And some have, as we well know, come to this Nation in fishing boats or walked across various lands or may have flown here, and some of us came in slave boats. But we are all Americans now, and we should be united around the concept of security. But we should not be united around the concept of divisiveness.

So when you poll Americans or ask constituents in the district, they again want comprehensive immigration reform because so many of them, short of our Native Americans, can track their history from places away from this soil.

So I would ask my good friends why they would put a rule in that does not bring the diversity of this Congress, four Democratic amendments as opposed to a wide diversity of issues. Why, for example, do they insist on forcing local governments into utilizing hard-pressed resources for doing the Federal Government's work, immigration work? That is our work to do.

Why do they insist on forcing law enforcement to take precious resources away from protecting children and going after bank robbers and making sure the crime statistics go down by arresting hotel maids in hotels?

And it is important to recognize that they have amendments that would take away the very essence of the Constitution, which abides and believes in due process and the right to access the courts. We cannot dictate what the courts will say, but I think if you will ask any American, they would find it faulty that they do not allow people to petition to go into the courts.

What about those babies who have come here at 6 months old, and you criminalize them when they are 17-year-old honor students and simply want to be part of the American Dream?

So this legislation is missing because Americans understand the concept of earned access to legalization. Get the criminals out of here. We join you in that. Arrest the criminals. Arrest the drug dealers. Arrest the people that are not doing what they should do. But those who are working hard, paying taxes, should have an opportunity to be able to be part of this great American dream.

And, Mr. Speaker, what about the soldiers on the battle line who are seeking citizenship, but have undocumented relatives, offering their lives for Americans and the undocumented relatives which they seek to bring into status, are now criminalized and arrested and incarcerated simply for their presence in the United States?

So I hope, as we proceed, we will find ways to defeat these amendments. And I ask that we defeat the underlying bill.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

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

Today is not a red letter day for this great and storied institution. Rather than doing what we know has to be done regarding immigration reform, we are simply punting the ball to the Senate, hoping that they will have the courage to act in ways that we cannot.

Many of us here wanted an amendment that would be made in order that would allow for a temporary worker program to be established. That was not allowed. In doing so, in not allowing that, we are simply ensuring that we play a diminished role in the eventual bill that will pass this body.

If the denial of this amendment was unfortunate, the removal of language in the manager's amendment that simply references the role that a temporary worker program would play in enhancing border security is simply baffling. Every member of the Republican leadership and virtually every Member of this institution has expressed the need to have a temporary worker program at some point in order to secure the border. Yet some said they would vote against the legislation if it was included here. Gratefully, the Senate will not need a ''sense of the Congress'' resolution to understand what they have to do, and that is to include a temporary worker program.

The elephant in the middle of the room, of course, is the 11 million illegals who are here. Without a temporary worker program, we will continue to turn a blind eye to their existence, to pretend that they are not here. Nobody in this body, not one, is advocating that we round up and deport those who are here illegally now, but unless we have a program for them to go into, we simply will not enforce the law. And that is the dirty little secret here. We ought to at least be honest with our constituents in this regard.

There are some who will vote against the rule and underlying legislation with the hope that we will later do something more comprehensive. Some will vote for the rule and underlying legislation with resignation that all we are capable of doing is to send this legislative vehicle, however flawed, to the Senate with the hope that they will act with the maturity that we lack.

One would be justified in either approach.

Mr. Speaker, today is not a red-letter day for this great and storied institution. Rather than do what we know must be done regarding immigration reform, we are punting the ball to the Senate—hoping that they will have the courage to act in ways that we cannot.

Many of us in this body asked for an amendment made in order that would make this legislation comprehensive, in other words, an amendment that would provide for enhanced border security, increased interior enforcement, and would provide a legal framework for foreign workers to enter the country and then return home.

It is unfortunate that this amendment was not made in order. In doing so we ensured that this body will play a diminished role, at best, moving ahead immigration reform.

If the denial of this amendment was unfortunate, the removal of language in the manager's amendment that references the role that a temporary worker program will play in enhancing border security, is simply baffling. Every member of the Republican leadership has expressed support for a temporary worker program, as has an overwhelming majority of this body, yet the language was removed after threats from a few that the inclusion of any reference to a temporary worker program would guarantee their ''no'' vote against this legislation.

Gratefully, the Senate doesn't need to see ''sense of the Congress'' language on a temporary worker plan from the House to add such a provision to their legislation. They know that such a plan is a necessary part of securing the border.

The elephant in the middle of the room is the 11 million illegal aliens who have already entered the country. Without a temporary worker program we will continue to turn a blind eye to their existence. We'll pretend they aren't here.

Nobody in this body is advocating that we round up and deport all of those who are here illegally. It's no wonder. It would be the equivalent to rounding up the entire population of the State of Ohio and sending them back to their home country. Yet that is what ''enforcing the current law'' would require.

We in this body know that, Mr. Speaker. But unfortunately we don't want to admit it to our constituents. George Washington once famously said ''If to please the people we do what we ourselves disprove, how will we then defend our work?'' That is the question for us today.

There are some who will vote against this rule and underlying legislation in the hope that we will later do something more comprehensive. Some will vote for this rule and underlying legislation with resignation that all we are capable of is to send a legislative vehicle,

however flawed, to the Senate with the hope that they will act with the maturity we lack.

One would be justified in either approach.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. BERMAN), who has an extraordinary amount of experience in the area that we are debating.

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this generous amount of time in the context of the deliberations on this bill.

I would like to lay a little bit of a foundation for a question which I would like on my time to yield to either Mr. DREIER, because we have spoken privately about this issue for so long, or Mr. PUTNAM, who very specifically and straightforwardly addressed the issue on the floor.

And that is, the background, I have said on a number of occasions in the Rules Committee and in the Judiciary Committee and on the floor yesterday that this bill is either an insult to our intelligence or a con on the American people. And I say that, and those are harsh comments, and I do not use that language a lot around here, because one of two things is going to happen: Either the leadership of this House and the Rules Committee is refusing to allow us to address a fundamental and essential question of whether or not to have a program for the adjustment of 11 million or more people now in this country where they would come out of the shadows, be identified, deport the criminal aliens and find a way to condition those who are working in this society into coming out and giving us their true identities; and dealing with future shortages and a temporary guest worker program, particularly for seasonal industries. The refusal to do that tells me that J.D. HAYWORTH is right.

There is one of two agendas here. One agenda is the agenda that Mr. PUTNAM and that Mr. FLAKE hoped for, and that is we will pass a bill with a number of really some very silly and harsh provisions; the Senate will clean those up, turn it into a comprehensive approach; and the people here who have been screaming the word ''amnesty'' for any effort to solve this problem will now be forced to come back and cast a vote for it.

I do not think that is what is going to happen. This bill will probably pass today, and we will never again in this Congress see the immigration issue. And guys will go back to their districts, and they will talk about how they tried to get tough on the border and they tried to do something.

This is not a border enforcement bill. There is a case that we could try to do some things on the border to be more effective than we have been. When this bill tries to deal with employer verification in the context to our 11 million people in this country who are working without documents or without work status, we know it can never go into effect. We have to either deal with that and then do employer verification, which is the critical component of a comprehensive approach, or we are never going to pass this bill into law.

So what I would like to do is have Mr. DREIER or Mr. PUTNAM, and I do not know how they want to do it, if they would be willing to, explain to me what the fairness is of not letting this body decide, and J.D. HAYWORTH has one view, HOWARD BERMAN has another view, but decide whether or not on a critically important issue that the President has spoken of the need for, others have denounced, why we cannot have a debate and a vote on that kind of a program.

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

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Speaker, I thank the gentleman for yielding to me, and I thank my chairman for allowing me to respond.

The gentleman made the statement that this is not a border enforcement bill, and I would disagree and say that it is a border enforcement bill. It is not a comprehensive immigration reform bill.

Mr. BERMAN. Mr. Speaker, reclaiming my time, just to clarify, there are provisions about border enforcement in this bill, but when you implement, as this bill pretends to do, a massive comprehensive verification system, that has nothing to do with border protection. That is about ensuring that no one gets hired who is here without status. We cannot do that with 11 million people in this country, many of whom are working now.

I am sorry for cutting the gentleman short.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from California did not ask me to respond, but he suggested the bill is one of two things, but I suggest to him that, rather, it is a third thing.

This bill, indeed, is a response to the American people who are demanding we secure our borders first.

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

Mr. HASTINGS of Florida. Mr. Speaker, pretending that we are dealing with the problem is not dealing with the problem. This bill is going nowhere fast, end of story.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I had intended to stay out of this debate, but the tone of the debate has made me angry. It never ceases to amaze me how many men will seize any opportunity to kick people when they are down.

Illegal immigrants have no legal rights in this country.

□ 1130

They have no economic power. They have no political leverage. But, if they did, this bill would not be on the floor today. Sure, we are a Nation of laws, but we are also a Nation of values and ideals, and it is those values and ideals that bond us together as a society and an economy.

Every single one of us, and I can say that because there are no Native Americans in this body, every single one of us are the children of immigrants, and whether they were legal or illegal was largely due to the accident of their birth, what country they were born in, what visa and immigration quotas applied and, the economic status of the parents to whom they were born.

There is no sector of this economy that works harder for less compensation than undocumented aliens. There is no single group of workers that believe more in the American ideal than the people that we want to isolate and disown and marginalize today. They are here because they were willing to risk everything to forge a better future for their children, and that is what makes America great, because they believe in the American ideal; they believe that if they work hard enough, even though they will not be paid as much compensation as many of the people working beside them, but if they work hard enough, their children will have a better future, and that is why they are here.

I do not know any other sector of the American workforce that puts more money aside for the future of their children. That is what America is all about. It is not what this bill is about.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I see that my distinguished friend and your fellow colleague from Georgia could not resist, I see he joined us. Maybe I could talk some ''Savannah talk'' and ''Brunswick talk'' to get him to understand that people come through those areas, too, as I am sure he is mindful.

Mr. Speaker, basically what we have here is enforcement, but none of the compassion that President Bush has been speaking about.

Let me tell you what the President said. I quoted him on Ellis Island, and he was eloquent on Ellis Island in July of 2001. But August 24, the same year, here is what the President said in part: ''And I remind people all across our country, family values do not stop at the Rio Bravo. There are people in Mexico who have got children who are worried about where they are going to get their next meal from, and they are going to come to the United States if they think they can make money here. That is a simple fact. And they are willing to walk across miles of desert to do work that some Americans won't do, and we have got to respect that, it seems like to me, and treat those people with respect.''

We ought to treat ourselves with respect and have comprehensive immigration reform, and not some piecemeal bumper sticker stuff that is not going to do anything other than give people an opportunity to go home to

say that we did something about immigration.

Mr. Speaker, I will tell you what we are doing: We are going to create fear and confusion in the realm. And it is not all about 11 million illegal people, it is about a number of circumstances having to do with that knock on the door.

Defeat this rule.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from the coast of Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time, and I thank my friend from Florida for his kind words. He is right, I could not resist the open microphone opportunity, but also the subject matter. The subject matter is important.

Is this rule perfect, and is this bill perfect? Certainly not. I remember and had the honor of serving when we did welfare reform. All kinds of emotions were flowing back and forth, and it took us a number of different attempts and pieces of legislation to get to where we as a Nation thought we needed to go on welfare reform. As a result, there were 14 million people on welfare. That number was reduced down to 4 million people. Lots and lots of positive things happened with it, but we had to take that first step.

This is now the first step, or second step, if you will. It is overdue, in my opinion and the opinion of most Members on a bipartisan basis. We should have done something about immigration reform a long time ago.

Border security is integral to it. I do not live in a border State, where people pour over a river at night or walk across a desert, but I understand from our colleagues what a huge problem that is and how that is not just confined to immigrants from the country that is right next door to us, but other people who do not have anything to do with that country, who use it as a highway, a transit corridor, to come into America. So we need to do something about border security.

But certainly I believe we need to do something about employer sanctions. We always blame illegal immigration on that 20-year-old migrant who is here trying to send money home for his family. We do not ever talk about our own employer, who has also broken the law by hiring. We need to have tools so that employers can check the backgrounds of people before they hire them and then have penalties if they do not. I feel strongly about that.

Mr. Speaker, I represent an agricultural area. Certainly I see why we need to have a guest worker program. That is something I think we need to get to on a bipartisan basis, and we are going to have a great debate once we open that up.

But I strongly support this rule, and I am going to support the bill just to get the steps going. I do not think there is any turning back now that we have done this first very significant piece of legislation. We are in the immigration debate, and we will be doing immigration reform, I think, for very many months to come, and there is plenty of room for bipartisan ideas.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time for the purpose of closing.

Mr. Speaker, we have heard from the other side, and indeed from some Members on this side of the aisle, question what we are going to do with the 11 million or so illegals who are mostly working hard, supporting their families, law-abiding since they have been here.

As a physician Member of this body, Mr. Speaker, I would like to make a medical analogy as to why we are approaching this in the manner that we are approaching it; that is, to secure, first and foremost, our borders.

The medical analogy, indeed a surgical analogy, is this: The patient is our great country, the United States of America. The surgeon is this Congress. During the surgical procedure, it is discovered that massive hemorrhaging is occurring, massive hemorrhaging. The analogy is the 500,000 illegal immigrants that continue to come through our porous borders every year.

There is lots of blood in the field that the surgeon is concerned about. But does he or she spend their time, we, the Congress, trying to mop up the blood before we stop the bleeding? If we do that, I suggest to you, Mr. Speaker, that the patient dies.

No. First and foremost you stop that hemorrhaging. And that is what we are doing in this bill. Then you deal with the blood that has been lost, that is in the suction bottle, if you will. And do we take that blood and pour it down the drain? No, Mr. Speaker, we do not, because that blood, and that is the 11 million people that are here working hard in this country, that has been the lifeblood of this patient, the United States of America, for a number of years.

So what we do, Mr. Speaker, in many instances in a surgical situation, we put that blood back into the patient, because we know that it has served the patient well. Then we restore the patient to perfect health.

Mr. Speaker, that is what we are talking about. That is why we are addressing this issue in the timeline first and foremost, stop the hemorrhaging. If we do not, the patient dies.

Mr. Speaker, we in the Congress have a solemn responsibility to protect the integrity of our borders, and inaction would be a dereliction of duty. The American people look to us as the stewards of our Nation's security, and we must not let them down. I want to encourage my colleagues to support both this rule and the underlying bill.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of this effort to make the most meaningful changes to our immigration enforcement in a decade. This legislation is long overdue. Illegal immigration is spinning out of control, and we must act now to enact a tough and unified policy to effectively curb the influx of illegal aliens entering our Nation.

My district is in southern California. This region bears the brunt of our Nation's failed immigration policies. California has the highest number of illegal immigrants residing in its borders. In fact, nearly 32 percent of the total number of illegal immigrants in the United States are in California. The tide of illegal immigration increases Californian's tax burden, while weakening its legal, education and welfare system.

I am an original cosponsor of this bill because it lays a solid foundation to enhance our border security and enforce our current immigration laws. This is desperately needed. We must end policies that encourage illegal immigration.

I am disappointed that some of the other creative solutions that Members offered to address our failed immigration policies are not included under this Rule. I firmly believe these are important ideas that should be considered by Congress as we work to enforce and bolster our Nation's immigration policies.

For example, Representative NATHAN DEAL's amendment to deny citizenship to children born in the United States to illegal immigrants was not made in order. Providing automatic citizenship to the children of illegal aliens is an incentive for illegal immigration and we must close this loophole.

Three amendments that I offered, but were not made in order under this Rule, would have discouraged illegal crossings by eliminating incentives and providing tough interior enforcement.

Allowing all counties to be reimbursed for detaining and transferring illegal aliens: One amendment I submitted would allow all counties to be promptly reimbursed for the costs associated with assisting Federal immigration officials. Immigration affects all counties in the United States, not just those within 25 miles of the southern border. All counties absorb the costs of detaining, housing, and transporting illegal aliens.

Prohibiting illegal aliens from obtaining mortgages: Another amendment I submitted would require lenders to verify that mortgage credit applicants are U.S. citizens or legally present in the U.S. Allowing individuals who are here illegally to participate in the homebuying process only incentivizes illegal immigration. White picket fences shouldn't go to those who break down our fences to get in.

Outlawing birth tours: The last amendment I submitted would prohibit any alien from entering the United States with the intention of giving birth. It is truly disturbing that an entire industry has built up around the U.S. system of birthright citizenship. Each year, thousands of near-term pregnant women come to the United States from countries across the world for the sole purpose of giving birth so their newborns can become U.S. citizens. We cannot continue to allow illegal immigrants to make a mockery of our nation's hospitality and our laws.

Conclusion: It is imperative that we close the loopholes that encourage citizens to infiltrate our porous borders. If the war on terrorism is to be ultimately successful, it is more important than ever that we take the necessary steps to tighten security at our borders and provide law enforcement agencies the tools they need to identify those individuals who enter or remain in the United States illegally.

I am pleased this bill is before us today so we can begin to address those failed policies,

which we have ignored for too long. As we move forward, we must reject all proposals that contain any and all forms of amnesty. Rewarding lawbreakers will only weaken any proposal aimed at strengthening the system.

There should be no new guestworker program until we better enforce current immigration laws. History has shown that enforcement provisions are ignored and underfunded while guestworker and amnesty provisions are always implemented. The American people need to see that the current laws against illegal immigration are being enforced before any guestworker program can be considered.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the resolution.

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

Mr. HASTINGS of Florida. 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, further proceedings on this question will be postponed.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mrs. DRAKE. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 1815 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to close conference meetings will be followed by 5-minute votes on the motion to instruct conferees on H.R. 1815; the motion for the previous question on H. Res. 619; adoption of H. Res. 619, if ordered; adoption of H. Res. 621; and the motion to suspend the rules and agree to H. Con. Res. 294.

The vote was taken by electronic device, and there were—yeas 409, nays 12, not voting 12, as follows:

[Roll No. 642]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Blumenauer
DeFazio
Hinchey
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Olver
Stark
Waters
Woolsey

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Sweeney

□ 1206

Mr. BUYER and Mr. ACKERMAN changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

MOTION TO INSTRUCT OFFERED BY MR. SKELTON

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the vote on the motion to instruct on H.R. 1815 offered by the gentleman from Missouri (Mr. SKELTON) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 18, as follows:

[Roll No. 643]

YEAS—228

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza

Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—187

Aderholt
Alexander
Bachus
Baker
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—18

Akin
Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Edwards
Feeney
Hyde
Istook
Kirk
LaHood
McCarthy
Napolitano
Payne
Pearce
Putnam
Schiff
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1215

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHIFF. Mr. Speaker, on rollcall No. 643, had I been present, I would have voted "yea."

Stated against:

Mr. KIRK. Mr. Speaker, on rollcall No. 643, I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. PUTNAM. Mr. Speaker, on rollcall No. 643, I was unavoidably detained. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H. RES. 612, VICTORY IN IRAQ RESOLUTION

The SPEAKER pro tempore (Mr. REHBERG). The pending business is the vote on ordering the previous question on House Resolution 619 on which they yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 12, as follows:

[Roll No. 644]

YEAS—221

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards

Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Sweeney

□ 1224

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 202, not voting 14, as follows:

[Roll No. 645]

AYES—217

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hart
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Schwartz (PA)
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1232

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 621 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 203, not voting 15, as follows:

[Roll No. 646]

YEAS—216

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett

Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Barrett (SC)
Barton (TX)
Blackburn
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Jones (OH)
LaHood
McCarthy
Moore (WI)
Napolitano
Payne
Pearce
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1240

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 646, the rule providing for the border security, H.R. 4437, I was outside the floor and as I returned the gavel went down. Had I been present, I would have voted "no."

CONDEMNING THE LAOGAI

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 294, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 294, as amended, 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 413, nays 1, not voting 19, as follows:

[Roll No. 647]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—19

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Gilchrest
Hoekstra
Hyde
Istook
LaHood
Lewis (CA)
McCarthy
Napolitano
Neal (MA)
Payne
Pearce
Stark
Sweeney
Walsh
Watt

□ 1248

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, and Mrs. TAUSCHER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. HOEKSTRA, Mr. LAHOOD, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 561–563, 571, and 815 of the House bill, and sections 581–584 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, WILSON of South Carolina, and HOLT.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Financial Services, for consideration of sections 676 and 1073 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY, and FRANK of Massachusetts.

From the Committee on Government Reform, for consideration of sections 322, 665, 811, 812, 820A, 822–825, 901, 1101–1106, 1108, title XIV, sections 2832, 2841, and 2852 of the House bill, and sections 652, 679, 801, 802, 809E, 809F, 809G, 809H, 811, 824, 831, 843–845, 857, 922, 1073, 1106, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of sections 1032, 1033, and 1035 of the House bill, and section 907 of the Senate amendment, and modifications committed to conference: Messrs. LINDER, DANIEL E. LUNGREN of California, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 814, 1021, 1203–1206, and 1301–1305 of the House bill, and sections 803, 1033, 1203, 1205–1207, and 1301–1306 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 551, 673, 1021, 1043, and 1051 of the House bill, and sections 553, 615, 617, 619, 1072, 1075, 1077, and 1092 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and CONYERS.

From the Committee on Resources, for consideration of sections 341–346, 601, and 2813 of the House bill, and sections 1078, 2884, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, BROWN of South Carolina, and RAHALL.

From the Committee on Science, for consideration of section 223 of the House bill and sections 814 and 3115 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, AKIN, and GORDON.

From the Committee on Small Business, for consideration of section 223 of the House bill, and sections 814, 849–852, 855, and 901 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 314, 508, 601, and 1032–1034 of the House bill, and sections 312, 2890, 2893, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, and SALAZAR.

From the Committee on Veterans Affairs, for consideration of sections 641, 678, 714, and 1085 of the Senate amendment, and modifications committed to conference: Mr. BUYER, Mr. MILLER of Florida, and Ms. BERKLEY.

From the Committee on Ways and Means, for consideration of section 677 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, HERGER, and MCDERMOTT.

There was no objection.

VICTORY IN IRAQ RESOLUTION

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to the rule, I call up the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 612

Whereas the Iraqi election of December 15, 2005, the first to take place under the newly ratified Iraqi Constitution, represented a crucial success in the establishment of a democratic, constitutional order in Iraq; and

Whereas Iraqis, who by the millions defied terrorist threats to vote, were protected by Iraqi security forces with the help of United States and Coalition forces: Now, therefore, be it

Resolved, That—

(1) the House of Representatives is committed to achieving victory in Iraq;

(2) the Iraqi election of December 15, 2005, was a crucial victory for the Iraqi people and Iraq's new democracy, and a defeat for the terrorists who seek to destroy that democracy;

(3) the House of Representatives encourages all Americans to express solidarity with the Iraqi people as they take another step toward their goal of a free, open, and democratic society;

(4) the successful Iraqi election of December 15, 2005, required the presence of United States Armed Forces, United States–trained Iraqi forces, and Coalition forces;

(5) the continued presence of United States Armed Forces in Iraq will be required only until Iraqi forces can stand up so our forces can stand down, and no longer than is required for that purpose;

(6) setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq, or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region, is fundamentally inconsistent with achieving victory in Iraq;

(7) the House of Representatives recognizes and honors the tremendous sacrifices made by the members of the United States Armed Forces and their families, along with the members of Iraqi and Coalition forces; and

(8) the House of Representatives has unshakable confidence that, with the support of the American people and the Congress, United States Armed Forces, along with Iraqi and Coalition forces, shall achieve victory in Iraq.

The SPEAKER pro tempore. Pursuant to House Resolution 619, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous

consent request to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their successful election and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. SOLIS).

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

Ms. SOLIS. Mr. Speaker, I rise in opposition to H. Res. 612. I honor and support our troops and request an open debate on Iraq on the House floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to remove communicative badges while engaging in debate.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. HONDA).

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

Mr. HONDA. Mr. Speaker, I rise in opposition to H. Res. 612. I honor and support our troops and request an open debate on Iraq on the House floor.

Yesterday, millions of Iraqi citizens cast their ballots in national elections to constitute the country's first full-term National Assembly since the U.S. invasion. This achievement should be recognized, and I would enthusiastically support a resolution that simply commends the Iraqi people and U.S. troops for their commitment to the democratic process under extraordinary circumstances.

Unfortunately, the Republican leadership, once again, refuses to suspend politics at the water's edge. House Resolution 612 seeks to make yesterday's elections a vindication of President Bush's misguided Iraq policies and a basis for continued military engagement in a country that overwhelmingly desires the withdrawal of U.S. troops.

Accordingly, I rise in opposition to H.R. 612, and I take this opportunity to announce my support for H.J.Res. 73, Congressman JOHN MURTHA's plan for the strategic redeployment of U.S. troops.

Those familiar with my record know that I have consistently opposed the President's decision to invade Iraq. The war was always predicated on the false premise that Iraq was in possession of weapons of mass destruction. This Congress was negligent in not demanding more proof of the President and then refusing to hold him accountable for his exaggerated and unfounded claims.

His war strategy was equally flawed. He has failed to provide the resources our men and women in uniform need to be successful, and American lives have been lost as a result. In 2002 and 2003, Army Chief of Staff General Shinseki warned that not enough boots on the ground would lead to a power vacuum that our enemies would exploit. Tragically, his premonitions—ignored by President Bush and his political appointees—have been borne out.

To date, approximately 2,150 brave Americans and an estimated 30,000 Iraqis have been killed in Iraq, and there appears to be no immediate end to the quagmire in Iraq.

As a Member of Congress, I have wrestled with whether this ''war of choice'' has become a ''war of necessity,'' but I am persuaded by developments in Iraq that the presence of U.S. troops is fueling the insurgency, compromising the readiness of our military, undermining respect for the U.S. abroad, and shortchanging domestic priorities, including homeland security.

I, therefore, am announcing my support for H.J.Res. 73, introduced by Representative MURTHA, calling on President Bush to immediately redeploy U.S. troops and diplomatically pursue security and stability in Iraq. I am convinced that the withdrawal of U.S. troops will undercut the insurgency, which relies on popular opposition to the U.S. presence.

I remind my colleagues that, if experience has taught us anything, it is that democracy cannot be forced upon a nation by gunpoint.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. HINCHEY).

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

Mr. HINCHEY. Mr. Speaker, I rise in opposition to House Resolution 612, and in honor and support of our military personnel, I earnestly request an open debate on the war and occupation in Iraq.

I rise in strong opposition to H. Res. 612, the measure offered by Representatives HYDE and ROS-LEHTINEN.

In pushing this measure rather than the one offered by Congressman STENY HOYER, Republicans are once again denying the House of Representatives the opportunity for free, fair, and open debate on our continued involvement in Iraq. This maneuver is pure subterfuge designed to hide the Bush administration's continuing coverup of the rationale behind their behavior in Iraq, as well as the incompetent and corrupt manner in which American occupation of Iraq has been carried out.

The Republican leadership has the responsibility to bring a genuine and serious debate over Iraq to the floor, so that all of the implications of our continued involvement can be thoroughly debated before the eyes of the American people. H. Res. 612 does nothing to address this responsibility.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. LEE).

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

Ms. LEE. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their election. It is time to bring our troops home with no permanent bases in Iraq.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Wisconsin (Ms. BALDWIN).

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

Ms. BALDWIN. Mr. Speaker, I rise in opposition to the resolution. I honor and support our troops and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK of Michigan asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to the resolution. I honor and support the troops in Iraq and ask that we have an honest, open debate on the Iraq war on the House floor.

I rise in opposition to this resolution H. Res. 612. I share in the celebration for the successful parliamentary elections that took place in Iraq yesterday. It is my sincere hope that the event marks an important step toward establishing the long-term political stability in the country and the political legitimacy of its government.

However, this resolution goes beyond congratulating the Iraqi people for their bravery and success in yesterday's election. It pays more homage to the Bush Administration's prosecution of the war in Iraq than it devotes to the bravery of the Iraqi voters. Frankly, I have opposed this Administration's decision to go to war from the beginning and voted against extending the President the authorization to use military force against Iraq. I did so because the war aims of this administration seemed confused and I thought we should allow the U.N. weapons inspection team to complete its mission before embarking on a war footing.

What I resent most about this resolution is that there was no attempt by the majority to work with Members on this side of the aisle to arrive at a consensus resolution that we can all support. I can only conclude that it is interested only in gaining political one upmanship than it is in reaching bipartisan agreement on congratulating the Iraqi people for their progress toward democracy.

Additionally, this resolution sends the message that anyone advocating a draw down of U.S. forces 6 days or 6 hours earlier than the president does is imposing an ''artificial deadline'' and proposing a cut-and-run strategy. I reject that characterization. What I want to see from this administration is a timetable for training a viable Iraqi security force that would allow for an orderly draw down of our troops. After reading this resolution and listening to series of statements by the President on our Iraq strategy, I am truly concerned that we have no orderly way out of our predicament. It is my conclusion that our current course only continues our open-ended obligation.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in opposition to the resolution. I honor and support our troops and request an open debate on the House floor on the Iraqi war.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqi people on the completion of their parliamentary election and I request an open debate on Iraq.

The parliamentary election concluded yesterday in Iraq is a towering achievement and if this resolution spoke to that achievement I would be happy to vote for it.

But the votes have not even been counted and we cannot yet know whether this parliamentary election will produce elected members proportionately from the many ethnic and religious groups that make up the Iraqi people. That is necessary for the give and take and political compromises that occur in a healthy and mature democracy, to lead to a stable and unified Iraqi nation. I think every member of this House hopes this parliamentary election will lead to a stable free and democratic Iraq for the sake of the Iraqi people and especially the courageous Americans who have died or are now serving in Iraq.

What we do know is the constitution under which this parliamentary election has been held has major flaws. Under the constitution the central government powers are exercised through a weak and perilously divided executive; provisions remain that will further fracture Iraq into smaller regions drawn along religious, ethnic, and tribal lines; and incredibly, the huge revenues from oil, the greatest Iraqi natural and national resource, are reserved solely for the use of the region where the oil is produced. These factors bode extremely poorly for the establishment of a stable, free unified Iraq and the constitution will surely have to be greatly modified.

Given those problems it is at the very least premature to be trumpeting victory in Iraq whatever that victory may ultimately look like. Over a 15 year period America has engaged in two wars in Iraq. President Herbert Walker Bush, with the full support of the United Nations and a broad coalition of participating nations, followed his military commanders' advice by deploying 500,000 troops to liberate Kuwait from the Iraqi invasion. Saddam Hussein was driven out of Kuwait with only 19 American soldiers losing their lives.

In contrast, President George W. Bush, without U.N. support and only a small coalition of the so called ''willing,'' rejected his highest military commanders' advice and deployed only 140,000 troops to overthrow Saddam Hussein, occupy Iraq, and establish a free and stable Iraq. Establishing a free and stable Iraq is a noble goal. Yet after two and a half years of war, occupation, and insurgency, our casualties in this ill-conceived and incompetently managed war in Iraq have now passed 2,155 American soldiers killed.

More than 2,000 of those deaths have occurred since the President George W. Bush declared ''Mission Accomplished'' 30 months ago.

I fervently hope that this resolution, a year from now, will not show this House with as much egg on its face as that ''Mission Accomplished'' declaration produced.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WATSON).

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

Ms. WATSON. Mr. Speaker, I rise in opposition to the resolution. I congratulate and honor the Iraqis for their successful election. I would request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Wisconsin (Ms. MOORE).

(Ms. MOORE of Wisconsin asked and was given permission to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their successful election, and I ask for an open, honest debate on the prosecution of this war.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WATERS).

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that communicative badges cannot be worn on the House floor when under recognition.

□ 1300

Ms. WATERS. Mr. Speaker, I rise in opposition to H. Res. 612. I congratulate the Iraqis for the election, and I agree with BARBARA LEE: it is time to bring our troops home, and there should be no permanent bases in Iraq.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise in opposition to H. Res. 612. I congratulate the Iraqis for their successful election and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Speaker, I rise in opposition to House Resolution 612. The reason is I support and honor our troops and request an open debate on this subject on the floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Illinois (Mr. GUTIERREZ).

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

Mr. GUTIERREZ. Mr. Speaker, I rise in opposition to House Resolution 612. I honor and support our troops and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Florida (Ms. CORRINE BROWN).

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in opposition to H.R. 612. I honor and support our troops and request an open debate in the people's House on the Iraqi war on the floor of this House of Representatives.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Speaker, I rise in opposition to this resolution: in honor and support of our troops in Iraq, in opposition to our policy on the war in Iraq, and in urging the Republican leadership of the House to grant this an open and adequate debate on the entire question of our policy on Iraq on the floor of this House.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. I rise with a humble spirit to salute the people of Iraq who have shown us the ability for a successful election and ask that we honor and support our troops, but yet have an open and full debate on the redeployment of our troops on the floor of the House regarding Iraq.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 612.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

This resolution before us clearly and explicitly states that this body is committed to achieving victory in Iraq. The United States should not go back on its commitments to confront tyranny and to ''make the world safe for democracy.'' Failure is not a part of the American nature nor of our moral fiber. It is certainly not a concept that is acceptable to our men and women in the Armed Forces.

When we talk about progress in Iraq and concrete benchmarks for measuring success, we need only look back at yesterday's landmark nationwide elections in Iraq. Iraq's Independent Electoral Commission reported that at least 97.5 percent of planned voting centers were opened, monitored by up

to 120,000 observers, including 800 accredited by international observer groups.

The U.N. envoy to Iraq said that the initial signs are very positive, adding that ''anecdotal evidence shows that there has been good turnout, that it was inclusive, and that security was well maintained.''

Are we not in agreement that yesterday's vivid example of democracy taking root in Iraq was a profound victory for the Iraqi people, for our sons and daughters who continue to place themselves in harm's way, and a resounding defeat to the brutal Islamic jihadists? Are we not in agreement that this election empowers the people of the region who have toiled under brutal dictatorships for far too long and that the success of democracy yesterday in Iraq aided our efforts in the global war against terror? Are we not in agreement that these elections could not have been possible without the presence of our men and women in the Armed Forces?

If we are in agreement that these most recent Iraqi elections were a success and were met with very little violence and widespread participation due to the presence of U.S. forces in support of Iraqi security, then we should be in agreement with the totality of the text of the resolution before us. We should not leave the Iraqi people at this most critical juncture. We should not leave before they are fully capable of protecting their own nation, their people, and their incipient democracy from those who seek to destroy what they have been creating because they wish to turn Iraq into a safe haven for Islamic militants and extremist elements like Iran and Syria.

This is not in our nature, Mr. Speaker. This is not what our troops want, and it is not what the Iraqi people want.

References have been made to calls for U.S. withdrawal, but let us review some of those. Iraqi officials have not made such requests to the U.S. Government. The Arab League, for example, their statement says that it was the result of undue political pressure by rogue regimes, particularly Syria and Iran, whose foreign minister was involved in the drafting of the final communique.

We are fully aware that these pariah states have a vested interest in seeing Iraq fail and assisting the foreign fighters who are launching attacks against Iraqis and our U.S. and coalition forces in Iraq. We have achieved significant progress thus far in Iraq. The political and the psychological transformation that has taken place in Iraq will have long-term positive impact on our efforts to curtail the spread of Islamic extremists and jihadist activities.

Saddam Hussein would not be on trial today for his crimes against humanity, and most of the villainous heirs to his legacy would not be neutralized were it not for the critical role played by our U.S. Armed Forces personnel. Without the presence of our forces, the people of Iraq would not have had the opportunity to participate in the January 30, 2005, nationwide elections. They would not have returned to the polls on October 15, again to approve their Constitution and would not have been celebrating their new found democratic freedoms by participating in yesterday's yet another historic election.

Our mission, however, Mr. Speaker, remains only partially accomplished. Iraqi security forces are taking up more of the military burden, and the new coalition for strategy for ''clear, hold, and build'' is denying the insurgents many of their former sanctuaries.

The Iraqi Army and the police forces are growing larger, better trained, more effective. These forces are also becoming increasingly professional. Today, Iraqi security forces are now strong enough to garrison and control cleared areas, as recently illustrated by the resoundingly successful joint U.S. and Iraqi offensive in Tel Afar.

The Iraqi security forces are improving, but they cannot yet stand on their own. To abandon them now would be to leave them at the mercy of the brutal Islamic jihadists and would destroy the progress that we have achieved thus far.

Again, this is not in our nature. As clause 5 of this resolution states: Our presence in Iraq ''will be required only until Iraqi forces can stand up so our forces can stand down and no longer than is required for that purpose.''

Are we not in agreement on this critical point? Is it the contention of those who oppose this resolution that we abandon the Iraqi people after they have displayed immeasurable courage in the face of attacks from Islamic jihadists and their state sponsors? We should not base our strategy on artificial timelines. The criteria governing our eventual withdrawal from Iraq must be performance based, not chronologically based. Victory defined is: ''Final and complete defeat of an enemy in a military encounter. Success in a struggle against . . . an opponent, or an obstacle.''

Who is the enemy, the common enemy of Iraq and coalition forces, the enemy of the American and Iraqi people, of those who want freedom and democracy to flourish in Iraq? They are the Islamic jihadists and the militants who are seeking to destroy what we have helped the Iraqi people accomplish.

And what is our strategy for victory? One developed by our military and policy planners in coordination with our coalition partners and our Iraqi partners. Our military and policy planners track numerous indicators to map our progress and adjust our tactics as necessary to meet our strategic goals.

I would further add, Mr. Speaker, that despite some of the references made to the alleged lack of a clear path to victory, the President has, in fact, articulated our approach in the recent National Strategy for Victory in Iraq. Many of these reports with metrics on our efforts, our strategies, our goals, our accomplishments are readily available not just to us in this Chamber but to the American people. We are not just winning in Iraq, but we stand on the precipice of something far more profound: a decisive shift away from the world of brutal dictatorships which ruin their own societies through a combination of state-sponsored murder and incitement, and toward the emergence of a modern, democratic Middle East that takes its rightful place among free nations.

However, if we leave prematurely, Mr. Speaker, before the Iraqi people are able to stand on their own, we risk endangering all that we have worked so hard for and that some of our brave men and women in our Armed Forces have also sacrificed for. Let us not diminish their sacrifice by leaving their mission incomplete. Let us stand behind them as they seek to bring home a definite victory for us in this war on terror.

In closing, I would ask that we all recall the words of former President Ronald Reagan, who said: ''It is up to us . . . to work together for progress and humanity so that our grandchildren, when they look back at us, can truly say that we not only preserved the flame of freedom but cast its warmth and light further than those who came before us.''

We have prevailed in the struggle against tyranny and fascism after 40 years in a global conflict. We prevailed in the battle of ideas against communism. We will again prevail in defeating Islamic fascism if we fulfill our mission in Iraq and do not heed the nay-saying of defeatists. With freedom on our side, we cannot fail, Mr. Speaker.

I am proud of the service of my stepson, Doug Lehtinen, and his fiancee, Lindsay Nelson, who are marine officers serving in Iraq flying F–18s. They will tell us that setting an artificial deadline for withdrawal would put them in harm's way. They are fully trained military officers who understand that war is difficult; but they believe in their mission, a mission for victory in Iraq, a mission without a surrender statement.

As JOSEPH LIEBERMAN, the Senator, said just a few days ago a withdrawal, a withdrawal on an artificial timeline would discourage our troops because it seems to be heading for the door. It will encourage the terrorists. It will confuse the Iraqi people.

□ 1315

I agree with Senator LIEBERMAN, and I hope my colleagues do as well today.

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

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

Mr. Speaker, today could have been a day to rejoice and to celebrate in

unity. Yesterday, the people of Iraq asserted their newly won rights, won, it must be said, at a steep cost; and they inspired us all by flocking to the polls at great risk to their lives. This was a peaceful process, an affirmation of all that has been sacrificed in nearly 3 years of valiant struggle. We should be rejoicing, Mr. Speaker.

But it is a sad day, indeed, when the Iraqi people have to teach the United States Congress a lesson in democracy. The majority leadership in this body and in the Rules Committee that acts as its legislative gatekeeper have used authoritarian tactics to bring before us the resolution that we now debate. They have eliminated any real opportunity for nearly half the Members of the House of Representatives to effect the language of this measure, a measure deliberately calculated to be divisive.

Mr. Speaker, look around at this people's House. It was not designed to be an echo chamber. We are not here merely to recycle the administration's rhetoric on Iraq. It is clear that there is a spectrum of views on my side of the aisle on how to deal with the difficult situation in Iraq in the weeks and months ahead. Why should the majority try to force the issue, politicize the war effort and polarize this body further?

This resolution came to us yesterday afternoon. We tried negotiating in good faith and that went nowhere, so last night I introduced an alternative resolution and asked the Rules Committee to make it in order.

My resolution congratulates the Iraqi people on three democratic national elections this year; it encourages all Americans to support the Iraqi people; and commends and congratulates our troops and those of our allies and the Iraqi forces protecting their people at election time. The Democratic leader, Ms. PELOSI, and the Democratic whip, Mr. HOYER, joined me in advocating this measure.

Mr. Speaker, that is the resolution which should have come before us today. It is a measure that would have won the unanimous support of this body, or nearly so, and would have sent a message of support to the Iraqi people, to our troops, and to the whole world.

But the leadership of this body has approached this entire important matter in a rigid, unbending, and authoritarian fashion. Theirs was a take-it-or-leave-it proposal, not a comma to be changed; and that approach is inappropriate in a democratic legislative body where some of us have been attempting so hard to operate in a bipartisan fashion.

Mr. Speaker, along with several of my Democratic colleagues, I was hosted by the President at the White House 2 days ago. The President said he wanted to explore a bipartisan approach on Iraq. Unfortunately, my colleagues on the other side of the aisle have not gotten that message. Instead, they have made a mockery of it.

The election in Iraq yesterday was truly inspiring. It fills me with hope that Iraq can indeed emerge as a stable, pluralistic, and democratic society. This resolution could have been considerably improved, had there been a process of bipartisan consultation. We could have sent a united and strong message to our troops, to the Iraqi people, and to the global audience.

But whatever my thoughts on the substance of the measure, I profoundly reject the arrogant and undemocratic process that produced it, and for this reason I shall vote ''present'' on this measure.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I rise to join in congratulating the Iraqi people for their bravery, courage and their belief in freedom. Just 3 years ago, none of us would have ever predicted or believed that Iraq would have a Constitution and a newly elected national council of 275 representatives based on province and population.

Mr. Speaker, this is a remarkable transition. The Iraqi people have no prior experience in democracy, and they have lived under a brutal dictatorship for decades. Today, freedom, liberty, and democracy are within their grasp.

Mr. Speaker, I ask my colleagues to join in support of this resolution, in support of a free and democratic Iraq, and, as a result, a safer America and world. The road ahead will be long, hard and unpredictable, but the dream of freedom lights their way.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this resolution mentions the word victory six times, but victory is not defined. We are assured this administration will know victory when they see it, just like they knew WMDs when they did not see them.

Supporters of this bill point to yesterday's election as victory, but many were drawn to the polls by their overwhelming dislike of U.S. occupation. They like us all right; they would like us to get out of their country.

This fantasy victory resolution means more occupation, more war, more civil war, more deaths of our troops and innocent civilians, more waste of taxpayer money, while this House is reduced to a bunch of cheerleaders in a bloody ''Baghdad Bowl'' sponsored by Halliburton.

Congressman PAUL and I have a resolution which will let Iraqis, through their new representatives, decide whether the occupation ends or not. Do you want sovereignty, do you want self-determination, or do you just want occupation, deception, fake news, fake policy and next year's fakeout, partial troop withdrawals while a permanent U.S. presence is being built?

These fake resolutions keep this Congress in a stupor, almost a trance-like denial of conditions in Iraq and how we got there. Wake up, Congress. Wake up America. Get out of Iraq.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, a few moments ago we heard almost all the members of the Out of Iraq Caucus ask for a debate on the war, and one of the comments that was made throughout that series of unanimous consent requests was a statement affirming that they honor and support our troops, as do I believe all Members of this body seek to do that.

However, the deeper question I would like to raise in this, if we honor and support our troops, I would suggest to this body that we also listen to our troops and what they are saying on the ground, especially those who have paid a tremendous price.

I had the great honor and privilege yesterday to visit with several soldiers from Kentucky, one of whom was from my district, in Walter Reed Hospital. They included Specialist Jeremy Lowe, Sergeant Bill Winburn, and Sergeant Carlos Farler.

All of them emphasized strong belief in the mission. All of them shared very clearly and articulated the successes, most unreported by the national media, that they are seeing on the ground. They expressed a tremendous amount of confidence in what the Iraqi people are doing.

I think it is important that we stand with the troops in this resolution, that we stand with our country, that we stand with the Iraqi people, and that as we debate the war, and I believe there is an important need for debate, for discussion on policy, on the future, that one thing that we need to keep clear is that the messages that are sent communicate to several audiences: first and foremost to our troops in the field; second, to the Iraqi people; third, to our enemies, who will use our words against us; and, finally, to the entire world who is watching.

We must keep our promises, we must keep our commitment to our troops and carry on this mission that they believe in, where they see success, until it is completed.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the distinguished ranking member for yielding me time, and I want to associate myself with his remarks.

Mr. Speaker, at least this resolution provides us an opportunity to pose a serious question, an opportunity that, unfortunately, Democrats are usually denied in this people's House. I want to read some findings of a recent poll about the realities on the ground in Iraq.

Forty-five percent of Iraqis believe that attacks against American and

British troops are justified; 72 percent do not have confidence in coalition forces; 82 percent are strongly opposed to the presence of coalition troops; and less than 1 percent of the population believes that coalition forces are responsible for any improvement in security. That is the reality.

Let me note too, by the way, that this poll was conducted by Iraqis and commissioned by the British ministry of defense.

This data provokes a question for the proponents of this resolution: Now that we have a free, democratically elected Iraq, are we prepared to leave on their timetable? If the new Iraqi Government tells us, we want you to leave immediately, will we do so? Will we listen to them? For if we listen to the views of the Iraqi people as reflected in this poll, we can anticipate such a request in the very near future.

Or will we insist on staying until we believe they are ready to stand up? Will this administration attempt to influence what the democratically elected Iraqi Government asks us to do in this regard, or will they be pressured to be quiet on this particular issue? Because the American people deserve to know the answer to this question now, and the Iraqi people deserve to know the answer to this question now, as well as the duly elected representatives of the Iraqi people from the elections that occurred this past week.

I guess the real question is here, Will we really respect democracy in Iraq and the democratic process, or will we simply give it lip service?

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1½ minutes to my friend, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I would like to thank the leadership and Chairman HYDE of the International Relations Committee for drafting this important resolution.

Yesterday's elections mark yet another milestone for Iraqis in the future of a democratic Iraq. It is estimated that over 70 percent of Iraqis voted in yesterday's election. That is 12 percent more than voted in the last election, and with remarkably low violence. There were reports of polling stations running out of ballots early in the day because of the large numbers who came out to vote, and the voting deadline was extended in many parts of the country because of high turnout.

Many of those voting were Sunnis, who are now choosing to play an active part in their country's new democracy; and it was Iraqi Security Forces who took over responsibility of their country's security, with over 214,000 Iraqis now trained and equipped.

Mr. Speaker, this is concrete progress. No matter how you cut it, this vote was a win. Not only are Iraqis making progress by coming out to vote in the millions; they sent a message to the world yesterday: they want democracy, and they are willing to defy terrorist threats to make it happen.

□ 1330

We are supportive as Americans.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

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

Mr. PRICE of North Carolina. Mr. Speaker, the Republican leadership's resolution turns the Iraqi elections, a historic moment for the Iraqi people by any account, from a point of pride to a point of partisanship.

As usual, the minority was prohibited from offering a constructive substitute. We could have offered a measure that congratulated the Iraqi people on this successful election. Or we might have put forward a substitute similar to the one that passed resoundingly in the Senate, that would have required the President at last to submit a detailed plan for phasing down the occupation. The leadership refused to let us do either, opting instead for a measure that divides and distracts.

As a statement of policy, this resolution is deeply flawed. It rejects a plan for bringing our troops home. It fails to empower the Iraqis to take charge of their own future. And it blindly adopts the vague formula the President has repeatedly put forth, ''as they stand up, we stand down.''

As we have come to know very well from this ''mission accomplished'' President, catchy slogans do not make effective foreign policy.

Standing up Iraqi troops is a critical step in empowering the Iraqi state, but American national security demands additional priorities: That we maximize Iraq's chance of a successful transition to self-rule while minimizing the possibility of civil war; that we stabilize the region, preventing the terrorists from taking hold; and that we protect America's men and women in uniform.

It is high time we took up a real measure to deal with the situation in Iraq such as H. Con. Res. 70, which I have introduced with Mr. MILLER of North Carolina, now co-sponsored by 17 Members. That approach takes into account the Iraqis' recent steps toward sovereignty with two successful elections. It recognizes the valor of our troops. It requires a detailed exit strategy of the President. It calls for an immediate, initial draw down, and it sends a strong signal that we do not intend to occupy Iraq indefinitely.

Why will the House Republican leadership not let us vote on such a measure? Because they fear it would pass, and they fear embarrassing the President by calling him to account.

Mr. Speaker, let us start giving the American people what they are looking for: Honesty, accountability and a serious plan going forward; three things that have been sorely lacking since President Bush launched this war.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I marveled at Mr. LANTOS's good comment that this could have been, as I understood the quote, could have been a day for celebration. And I would submit it is a day for celebration. It should be. It is.

This is a great day. A great thing happened yesterday in the cradle of mankind. They elected permanent leaders. Now, there are those Americans who have said that it was quagmire in Iraq. We had to get out. It was a mistake to be there. Some made these statements out of personal heartache and tragedy, but some were made purely from partisan political motivation.

So when the question is asked, why should the leadership politicize the Iraqi situation, that is exactly the question I have been asking. Why? Why? Why, leading up to this election for the last 6 weeks, the yabbers got more shrill, more hysterical that we have to withdraw? And surely there are some people that are smart enough to know that that risk, the election that people who saw the fliers that said, ''you vote, you die,'' might actually take it more seriously if they thought we were going to withdraw quickly before the ink went off their fingers.

So I say to those who said the freedom, democracy and liberty we were fighting for and the evil that we fought against was not worth it, it is worth it. And the soldiers that have been there know it. That is why the retention among the soldiers that have been to Iraq is way up. I have talked to them.

I have not heard people ask, why are we still in Bosnia where President Clinton said we had to go? One of my best friends from college, we served in the Army in Fort Benning together, he just got sent to Bosnia. Why is not anybody saying, let us get out of there? Why are the same people not saying, we should have gotten out of Germany to President Truman? We should have gotten out of Japan? Because our leadership made good decisions, and we are safer of it.

Thank God for the heroes that have made America better by spreading liberty around the world.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, there have been many false dawns in Iraq over the past 2½ years, times when we hoped we might be seeing a new day, but yesterday was truly remarkable. More than 11 million Iraqis went to the polls, many dressed in their finest clothes, to cast their votes for a new parliament and a new future.

Iraqi Sunnis, who boycotted the polling in January, turned out in droves to ensure their voices would be heard in the new legislature.

Perhaps most remarkable was the absence of violence. Across the country, only 52 attacks were recorded, and there were no mass casualty incidents. For this, we have the men and women of the U.S. Armed Forces to thank.

For months, our troops have endured ever more numerous IED attacks and fierce urban combat in order to secure the country for yesterday's vote. They have done everything we have asked of them and more, and we are all, all deeply grateful for their sacrifice.

I want to support this resolution. I have an enormous respect for the chairman of our committee and the chairman of the Mideast Subcommittee, but I am deeply troubled by what is a calculated and transparent attempt to use the unity of the Iraqi vote to cause further disunity here at home.

Two days ago, I was invited to the White House along with Mr. LANTOS and a number of our colleagues to meet with the President and senior administration officials on preparations for the elections and the next steps in Iraq. I appreciated the President's efforts to reach across the aisle for unity as we exchanged ideas on how to best move forward in Iraq. Unfortunately, this resolution is not in keeping with the spirit of that meeting.

I hope to have the opportunity to return to Iraq in the near future and visit our troops along with several of our colleagues. We are going, as we have in the past, not as Republicans and Democrats but as Americans and as Members of the Congress of the United States.

It is too early to know if the election will be a turning point that we have all hoped for, but one thing is plain, greater division at home does not further the war effort. This is not the way to honor yesterday's triumph and the sacrifice of so many young Americans.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I very much appreciate this resolution coming to the floor of this Congress.

I would say that, Mr. Speaker, as we are holding this debate, our Armed Forces overseas are engaged in the active defense of our homeland. Their daily contributions and sacrifices are working to bring democratic stabilization to a country which has never known the freedom it has achieved today.

After decades of tyrannical rule under Saddam Hussein, yesterday, the Iraqi people voted in their third national election this year. They selected a government that will now for the first time establish really true and pure sovereignty for this Nation. And as the Iraqis put together their formal parliament, as they elect themselves a prime minister and are seated at the United Nations, they will be the freest and most representative Arab country in the world.

What a legacy for the United States of America to contribute to? What a noble cause that we are seeing come to fruition today? And I appreciate the tone that I am hearing from over here on the other side of the aisle. It sounds to me like we are coming together in a way we have not in the past, coming together in support and pulling for the Iraqi people and pulling for this common cause of freedom that we all struggled so long for.

When we look back across the history of this country and think about some of the other conflicts this Nation has been involved in, we have always had disagreements about whether to go forward and how to go forward; but look at the legacy of a place that is left in a place like, for example, in 1898 the USS *Maine* was sunk to the bottom of Havana Harbor. Who said then that the Filipinos would be free today and grateful for a century because of that act of our war against the Spanish at that time?

Who said at the beginning of the Civil War that it was about freeing the slaves? No, it was about saving the Union, but we know it now as the war that freed the slaves.

This will be the war that freed the Iraqi people, the war that established Iraq as the lone star to create a free Arab world which means the elimination of the habitat that breeds terrorists.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I regret that I cannot agree with the previous speaker. I think the tone of this debate is good, but the process is terrible. Mr. LANTOS, the ranking member of the committee, attempted to participate in making this a truly bipartisan resolution.

Now, I am one of those who has consistently supported the policies of our government and who supports success in our efforts in Iraq. I think that is in the best interests of America, certainly in the best interests of the Iraqi citizenry and the best interests of civility in the Middle East. However, I am saddened by the continued partisanship with which this issue is handled.

Mr. LANTOS and I and Ms. PELOSI offered a resolution which congratulated the Iraqi people, noted their courage, noted their determination to reach for democracy. That is what this effort is about. There was no attempt at bipartisanship. That was rejected out of hand, not even allowed as an amendment. That is not the way we bring our country together. That is not the way we strengthen our resolve. That is not the way we show the world that we are of, if not exactly one mind, of one objective.

I thank my friend for yielding me time. I thank him for his efforts. I generally agree with the propositions set forth in the resolution, but I am not sure I am going to vote for it because I am deeply grieved by the continuing failure to try to bring this House together on this issue and to bring this country together on this issue and to ensure that together we go forward to achieve success.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, there are a lot of voices in the debate about our success in Iraq, but I think the two most relevant voices in this debate are the Iraqi people themselves and the troops that have served and are serving in Iraq.

The Iraqi people spoke loud and clear yesterday when over 70 percent of them turned out at the polls to put in place the only constitutional democracy in the Arab world.

Mr. Speaker, I would like to share the voice and perspective of a young soldier that just returned home to Indiana. Staff Sergeant Ben Joy with the Gary, Indiana, based 113th Engineering Battalion returned just last Tuesday after a year in Iraq just in time for the holidays. Obviously, his family is overjoyed to have him home.

Staff Sergeant Joy set up security for elections earlier this year, and he explains, ''Election time is very busy. It was probably working 16 or 18 hours a day. The polls were peaceful then and now,'' he says, ''and the U.S. effort is working.'' He went on to say that ''you can tell that the people, they want to be free. They didn't really know how in the beginning. They're starting to show it more and more now.'' He adds, ''The build-up that is going on there, the Iraqis taking over, they clearly want us there. And I mean, if we stay the course, I think everything will work out just fine.''

Mr. Speaker, I think we should heed the actions of the Iraqi people and the words of Staff Sergeant Joy and support this resolution.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

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

Mr. Speaker, I rise in opposition to this so-called victory in Iraq resolution, and I do so for two central reasons.

Firstly and procedurally, it is unusual for a resolution which purports to set forth a congressional directive for our military in wartime to be so vague. Notable is the absence of any definition section in this bill. On its face, the resolution commits the Congress and the American people to ''victory in Iraq,'' but no where does it define or attempt to explain what that term means. No where does it set forth the conditions under which an objective observer could determine what number of Iraqi forces must be in place or what functions they must undertake before we begin the withdrawal of U.S. troops which leads me to my second reason for opposing the resolution.

□ 1345

This resolution is essentially a stay-the-course resolution that blindly supports an open-ended commitment to continue to send and keep our sons and daughters in uniform in Iraq and to write a blank check to continue pumping billions of dollars into that country

without requiring anything of the new Iraqi Government.

Moreover, this resolution does not allow us to fulfill the constitutional oversight responsibilities of this Congress. It says we need to stay in until the Iraqis stand up. That is rhetoric. We owe the American people better than this.

I am concerned that this resolution may have been offered to position people on either side of the aisle. I support our troops, as we all do, both sides of the aisle. We share that. We also share the heavy responsibility to ensure that our people do not stay in Iraq one minute longer than is required, and this bill does not allow an objective observer or any Member of this Congress to determine when that point is reached, when that point occurs.

With the Iraqi elections yesterday, an enormous success did occur. We have entered that phase of this war that we must ask how much more can we do for the Iraqi people as an occupying force. We must ask whether our presence in Iraq is undermining the stability we hope to provide. At some point, we all have to stop the politics on this issue.

I agree with the gentleman from Ohio, it is not good for America. It is not good for the best Americans, those men and women who are in uniform in Iraq and for their families who are carrying the heaviest burden for all of us.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to my good friend from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for the time and really wanted to stand in support of the resolution and believe that the resolution is a good one and that yesterday in this week's election speaks volumes for all the work that we have accomplished.

I want to speak more importantly in memory and honor of Sergeant Daniel Clay, who was killed when the marines were attacked in Fallujah on December 1. His dad, Mr. Bud Clay, wrote the President a letter and said that ''I am writing to tell you how proud and thankful we, his parents and family, are of you and what you are trying to do to protect us all. This was Dan's second tour in Iraq and he knew and said that his being there was to protect us.

''I want to encourage you. I hear in your speeches about 'staying the course.' I also know that many'' of you are against this war and you must get weary of fighting to try to do what is right. ''We and many others are praying for you to see this through, as Lincoln said 'that these might not have died in vain.'''

I also have the actual letter that Daniel Clay wrote his family to be opened in the event of his death, and I think it would be in his honor to read it. This is of course by a very young man:

''Mom, Dad, Kristie, Jodie, Kimberly, Robert, Katy, Richard, and my Lisa.

''Boy do I love each and every one of you. This letter being read means that I have been deemed worthy of being with Christ. With Mama Jo, Mama Clay, Jennifer, all those we have been without for our time during the race. This is not a bad thing. It is what we hope for. The secret is out. He lives and His promises are real! It is not faith that supports this but fact and I now am part of the promise. Here is notice! Wake up! All that we hope for is real. Not a hope but real.

''But here is something tangible. What we have done in Iraq is worth my sacrifice. Why? Because it was our duty. That sounds simple. But all of us have a duty. Duty is defined as a God-given task. Without duty life is worthless. It holds no type of fulfillment. The simple fact that our bodies are built for work has to lead us to the conclusion that God, who made us, put us together to do His work. His work is different for each of us. Mom, yours was to be the glue of our family, to be a pillar for those women, all women around you. Dad, yours was to train us and build us, like a platoon sergeant, to better serve Him. Kristie, Kim, Katy, you are the fire team leaders who support your squad leaders, Jodie, Robert and Richard. Lisa, you too. You are my XO and you did a hell of a job. You all have your duties. Be thankful that God in His wisdom gives us work. Mine was to ensure that you did not have to experience what it takes to protect what we have as a family. This I am so thankful for. I know what honor is. It is not a word to be thrown around. It has been our honor to protect and serve all of you. I faced death with the secure knowledge that you would not have to. This is as close to Christ-like I can be. That emulation is where all honor lies . . . I thank you for making it worthwhile.

''As a marine this is not the last chapter. I have the privilege of being one who has finished the race. I have been in the company of heroes. I now am counted among them. Never falter! Don't hesitate to honor and support those of us who have the honor of protecting that which is worth protecting.

''Now here are my final wishes. Do not cry! To do so is to not realize what we have placed all our hope and faith in. We should not fear. We should not be sad. Be thankful. Be so thankful. All we hoped for is true. Celebrate! My race is over. My time in the war zone is over. My trials are done. A short time separates all of us from His reality. So laugh. Enjoy the moments and your duty. God is wonderful.

''I love each and every one of you.

''Spread the word. Christ lives and He is real.

''Semper Fidelis.

''Sergeant Daniel Clay.''

Daniel Clay is like so many others who have fought to make yesterday possible, and yesterday is certainly not a conclusion but let us hope a beginning of a new and significant chapter in Iraq where the military sacrifices become smaller and the political engagement becomes greater.

One thing I have learned and loved about this House is the fact that we are using politics as a substitute for civil war. Let us hope that Iraq learns that lesson and that 200 years from now they will look back at yesterday as one of their first most significant days in democracy.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader.

Ms. PELOSI. Mr. Speaker, I rise to commend the gentleman from California (Mr. LANTOS), our ranking Democrat on the International Relations Committee, for his leadership to make our country safer, our military stronger, and to bring stability to the region. While we may not always agree on the approach to take, Mr. LANTOS strove very hard for a bipartisan resolution, and I want to just read from the resolution that he would put forth in the spirit of congratulating the people of Iraq.

He said: ''Resolved, That the House of Representatives congratulates the people of Iraq on the three national elections conducted in Iraq in 2005.'' Imagine, in January, in October, and now in December, three times courageously they went to the polls, and his resolution spells that out.

His resolution would encourage ''all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society,'' and again, throughout his resolution he makes that point.

And he expresses ''thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.''

That is the spirit of the resolution that we should be voting on today, one that brings us together, that is clear to the Iraqi people that their courage is an example to the world.

But, sadly, this Congress is not an example of democracy to the world when instead of using an occasion to unify, once again, the Republican majority brings to the floor a resolution rejecting the good offers of the gentleman from California (Mr. LANTOS) to come together in a bipartisan way and uses what should be a cause for celebration as instead a means to denounce those who disagree, not very democratic, and also to insist that if you want to congratulate the people of Iraq, you must support the status quo.

More of the same in Iraq is not making the American people safer. More of the same in Iraq is not making our military stronger. More of the same in Iraq is not bringing stability to the region.

So I think you will see Democrats united in congratulating the people of Iraq, commending our men and women in the armed services, and supporting

that in a democracy we will have different views and that we will respect them. I have said it before and I will say it again, Senator Taft, who would become the Republican leader of the Senate during World War II, he said disagreement in time of war is essential to a governing democracy, and this was during World War II. Why do the Republicans think that we cannot have disagreement in time of war?

So as we go into this holiday season, I know that we can come together and say to our men and women in harm's way that we honor them for their service; we are grateful to them for their patriotism, their courage and the sacrifice they are willing to make for our country; and in this holiday season, we strive for peace on Earth and goodwill toward man, which would not be possible without our men and women in the armed services.

That should be the spirit in which we go forward, not in the divisive manner the Republicans have put forward. That is really quite sad, but I hope that in the vote that we have today that the Iraqi people will know that on both sides of the aisle we all see them as an example of democracy and hope that they will not be discouraged by this suppression of dissent in the United States.

Mr. Speaker, this marks the second time in a month that House Republicans have gone to extreme lengths to avoid a fair and open debate on the war in Iraq. Last month, after being stung by a resolution introduced by Mr. MURTHA calling for the redeployment of U.S. forces in Iraq, Republicans brought to the floor a measure that was an act of deception and an attempt to mischaracterize the Murtha legislation.

Today, under the guise of commending the people of Iraq for yesterday's election, the Republicans present a resolution that spends more time trying to justify the continued presence of U.S. troops in Iraq than congratulating the Iraqis.

If the majority wants to debate the President's Iraq policy then let us do that. A war that is now more than 1,000 days old, has cost the lives of more than 2,150 Americans, and has not made the American people safer or the Middle East more secure, certainly merits debate in this House. But let us do so in a way that does not insult the intelligence of the American people or trivialize an issue of the utmost importance.

We should debate the war in Iraq thoroughly, with full consideration of the points of view of all Members. Sadly, the Republican leadership did not permit that debate today.

Millions of Iraqis voted in Iraq's three national elections this year, and all Americans should salute that fact. They should salute as well the courage of the 160,000 American troops and the courage of the thousands of soldiers from other nations and from Iraq itself, who made the safe conduct of these elections possible. It should appropriately be acknowledged that the elections are hopeful steps toward a more stable Iraq.

Mr. LANTOS brought a resolution to the Rules Committee, which would have done those things, but the majority refused to allow it to be considered. It can only be that the majority does not want to let commending the Iraqis get in the way of a tightly controlled tribute to the President's war policies. As we lecture the Iraqis about the need to accommodate differing points of view, let us hope that they do not devote too much attention to the example provided by this Republican House.

The Lantos resolution provides well-deserved recognition to all of the Iraqis who have taken part in their country's political development this year. It recognizes the heroism of the soldiers who strive each day to bring security to Iraq.

Commending them should be our focus today, but Mr. LANTOS was not allowed to offer his resolution. It would be unfortunate if the message we sent to the Iraqi people and our troops was that scoring political points is more important in this House than acknowledging their achievements this year.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2½ minutes to my fellow Floridian (Mr. YOUNG), the chairman of the Defense appropriations subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the resolution, especially to congratulate those millions of Iraqi citizens who in the face of adversity were willing to stand up and exercise their right to vote, to establish their own government; and I think that is something we should be very proud of. But as representatives of the American people for whose safety we here in this House are responsible, we had better recognize that there is a global war on terror being launched against us.

While a major battlefield, Iraq is just one of the battlefields. Afghanistan is one of the battlefields. Another battlefield was in 1993 when the World Trade Center was bombed with six lives being lost. Another of the battlefields was June 1996 when the Khobar Towers in Saudi Arabia were bombed when 19 of our airmen lost their lives. Another of the battlefields was in August of 1998 when our embassies in Kenya and Tanzania were bombed, 259 lives lost, 11 of those Americans. October of 2000, another of the battlefields against terror was the bombing of the USS *Cole* off the shore of Yemen. Seventeen American sailors died, many others injured.

Then was September 11, at the Pentagon, when 189 lives were lost when the airplane flown by terrorists flew into the Pentagon. Another was September 11 and the World Trade Center was bombed. Airplanes crashed. Suicide bombers flew the airplanes, nearly 3,000 people lost their lives.

Mr. Speaker, this is a global war on terror; and if we do not win the battle in Iraq, where else might we win it, or where else might we have to fight it? We had better be sure of what we are doing before we make a decision that will allow terrorists to regroup, to recover, to rearm, to retrain and become even a bigger enemy and a bigger threat than they are today to the security of the American people who we represent here in this Chamber today.

□ 1400

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I want to thank the gentleman for yielding me this time.

I truly wish democracy for the people of Iraq, and I commend the people of Iraq on yesterday's election. However, to claim success is really premature. Our soldiers are still at great risk. The insurgents are just as dangerous today as they were the day before the election.

This resolution quotes the President saying, ''When the Iraqis stand up, we will stand down.'' Under those terms, our soldiers could be in Iraq indefinitely.

This resolution is merely more rhetoric about how many Iraqi soldiers have been trained. In February 2004, Secretary Rumsfeld claimed there were more than 210,000 Iraqis serving in the security forces. Just 7 months later, Secretary Rumsfeld said 95,000 trained Iraqi troops were taking part in security operations. According to the figures in the President's November 29 speech, there appears to be between 84,000 and 96,000 Iraqis trained.

However, independent experts in a November 30 Christian Science Monitor article said that they believed the President's numbers were much too high. Instead, they said 30,000 was a more accurate figure.

Mr. Speaker, not only are the number of Iraqi soldiers uncertain, their readiness is also in doubt. In September, General George Casey told Congress that the number of Iraqi battalions rated at the highest level of readiness had dropped from three to one, which means the Iraqis have about 800 soldiers which are at the highest level of readiness.

If the President's criteria for concluding our involvement in Iraq is the Iraqi army standing up, it appears we are nowhere near achieving this goal.

Mr. Speaker, nearly everything this administration has said about the war has turned out to be false. There were no weapons of mass destruction. Iraq did not attempt to purchase uranium yellow cake from Niger. There was no relationship between Saddam Hussein and Osama bin Ladin or other al Qaeda leaders. We were not greeted as liberators. Iraq's oil revenues have not paid for reconstruction costs. In fact, it has cost U.S. taxpayers $251 billion so far. The insurgency is not in its last throes. And the war has not made us safer. It has provided an opportunity for al Qaeda and other terrorist organizations to recruit new members, and it has also diverted hundreds of billions of dollars away from efforts to secure our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will remind Members that they should not wear communicative badges while under recognition.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank Mr. LANTOS for yielding me this time to express what I think just about every speaker has said; that part of this resolution I support, and every Member of this body supports congratulating the Iraqis on the election. It was a critical step in developing democratic institutions in that government in its capacity to deal with its own problems. And we certainly all express our appreciation to our soldiers and their families for the sacrifices that they have made.

However, this resolution endorses the policy of this administration which got us into the war in Iraq and has prolonged our presence because of its current policy and unwillingness to change policy, and that I cannot support.

So what should we be doing? I think Mr. LANTOS is 100 percent right. We should be having an open debate on this issue. Our soldiers deserve that. The American people deserve that. We should be expressing that our objective in Iraq is to make sure that the Iraqis are capable of defending themselves.

In order to accomplish that, we should be engaging international organizations that are better suited than we in helping to develop democratic institutions in Iraq and in training Iraqi soldiers and security forces so that 2006 can be a year for a substantial number of our troops coming home.

It is our responsibility to ask our President to submit such a plan to Congress and to the American people so that we can accomplish these objectives. Unfortunately, this resolution does not do that, and I regret another missed opportunity.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, these cut-and-run Republicans cut off discussion of real security options and run up billion dollar bills every month.

Thin paper resolutions like this have not deflected bullets from our troops, and another such gimmick will not deflect accountability from a failed policy.

We are leaving Iraq. It is only a matter of when, of how many brave young Americans return home alive, how much we deplete our national treasury in the meantime, what chaos is left behind, and how many more terrorists are recruited while you dither and delay.

This resolution is not leading. It is misleading. And the pull-out most needed is to pull your heads out of the sand and listen to sound military advice, like the sound military advice of decorated military heroes like JACK MURTHA, like the sound military advice that should have been heeded before this mission ever got under way.

Only yesterday, the President renounced torture, but Republicans still cannot renounce the notion of permanent military bases occupying Iraq. ''Support our troops'' is more than a slogan. ''Support our troops'' means giving them the armor and the number they need to succeed in their job. It means never exploiting their courage and sacrifice for political gain or to advance failed policies. It is time that our troops get the support they need and that people stop hiding behind their valor and give them a strategy that works.

Abandonment and surrender, you say? For three years, you have abandoned reality and surrendered to fantasy. Stop repeating the same old mistakes. Step up to a new course that offers more hope for our future and for our security than the string of missteps in which you are currently mired.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I intend to vote for this resolution because I want to salute the elections in Iraq and our U.S. troops there. And I oppose set time tables for a U.S. withdrawal from Iraq. However, in good conscience, I must say I am deeply offended that, for the second time in 1 month, the House Republican leadership has brought a resolution dealing with the vital issue of war and peace to the floor of this House on a partisan basis without a single committee hearing, without a single witness and less than 24 hours after this resolution was even introduced.

Eight seconds. Eight seconds. That is how much the House leadership and Rules Committee has given each Member of Congress to speak on this vital issue today. How dare the leadership give itself the time to express their views of conscience but deny other Members of Congress the right to express their views of conscience on the issue of when to bring our troops home from harm's way.

We have had time to rename dozens of post offices. Are our troops not worth more than 8 seconds per House Member for debate? I think so. I hope and pray the Iraqi parliament gives its members a greater voice in their democracy than U.S. Members of Congress are being given in ours today.

The Republican leadership could have worked on a bipartisan basis to write a resolution saluting the Iraqi elections and our troops there. We could have had a unanimous vote to send to our troops during the Christmas and holiday season. Instead, the leadership cynically chose to push a partisan resolution that they knew would split the House, would split the American people, and send a mixed message, not a unified message, to our troops in harm's way.

And as someone who has represented over 40,000 soldiers, Army soldiers who have fought in Iraq, I think it is shameful that the House Republican leadership would put its partisan ploys above the interests of supporting and sending a unified message of support to our troops in Iraq.

Mr. LANTOS. I will use the balance of my time, Mr. Speaker, to read the resolution which was disallowed by the Republican leadership, a resolution congratulating the people of Iraq on three national elections conducted in Iraq in 2005.

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas Iraqi society participated in the approval of a new Iraqi constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, yesterday, for a new national parliament that will serve in accordance with the Iraqi constitution for a 4-year term and that represents the first fully sovereign elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq;

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust pluralistic democracy that will bring stability to Iraqi society is emerging:

Now, therefore, be it resolved, that the House of Representatives congratulates the people of Iraq on three national elections conducted in Iraq in 2005; encourages all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society; and expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

This is the resolution that would have received unanimous approval by this body. Instead, we had an ugly, divisive, and unnecessary debate.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am now very pleased to yield the balance of my time to the distinguished gentleman from Texas (Mr. DELAY) for the purpose of closing the debate on the resolution before us.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I greatly appreciate her leadership in bringing this resolution to the floor.

Mr. Speaker, blessed be the peacemakers, for they will be called children of God.

Peacemakers, Mr. Speaker, not simply peaceful. You need not be a soldier or a sailor to know the difference. To know that peace, like all virtues, demands vigilance, courage and unrelenting moral exertion. Every man and woman today making peace in Iraq, whether so signified by a flag on their uniform or an ink stain on their finger, understands those responsibilities.

The Iraqi people have hoped and prayed for a generation simply for the chance to take up peace's burden for themselves. Yesterday, they did, thanks to the bravery and the brilliance of the United States military. Because of their service and sacrifice, a war is being won and a peace is being made in Iraq, across the Middle East, here at home and around the world.

Now, many in this room sought to avoid this war rather than to fight it; to ignore a gathering threat rather than confront it; and now seek to end this war rather than win it. They point to the war's cost, its difficulties and our setbacks, and, despite the catastrophic consequences of failure, call for an immediate retreat and surrender.

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Well, not us, Mr. Speaker. This resolution reaffirms our commitment to victory, our commitment to the freedom and security of the Iraqi people, and our commitment to victory in Iraq and the broader war on terror. Every terrorist captured, every vote counted is another step the Iraqi people take towards freedom, victory, and peace. And another step our troops take toward home. Help win the war and help make the peace by supporting this resolution.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed that Republican leadership is again attempting to score political points on the backs of our troops. I congratulate the Iraqi people for their brave actions during yesterday's election and hope for them that this is a turning point in their country's history. Had the Republican leadership allowed our ranking member on the House International Relations Committee, Mr. LANTOS, to offer his resolution to this effect, we could have offered a unanimous statement of support from Congress and avoided this ugly and divisive debate.

The basic flaw in the resolution that we are debating is that it assumes that victory in Iraq is a military outcome to be achieved by U.S. troops. Our men and women in uniform have done everything which we've asked of them. They have won every battle, but a successful future for Iraq requires a strategy to secure the peace that builds on what our troops have achieved.

It makes no sense to remain in Iraq until victory is achieved if our continued military presence brings Iraq no closer to stability. Instead, we need a plan to change the course in Iraq and achieve the best possible outcome for Iraqis and Americans. I have laid out a plan, as have Mr. MURTHA and others. Rather than a divisive debate over a politicized resolution, we should have an open and honest debate over how to best proceed in Iraq. The American people deserve no less.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my support for H. Res. 612, which expresses the commitment of the House to achieving victory in Iraq.

The situation in Iraq has been the subject of much debate recently, and on the occasion of the successful Iraqi election yesterday, I think this resolution is both timely and appropriate.

We all agree that the U.S. faces a difficult task in the coming days and months ahead in Iraq. We must maintain enough of a presence to allow the newly elected government to survive, but not so much as to undermine its legitimacy. Thus, the plan is to turn over control on an aggressive schedule, as soon as Iraqi forces are able to handle the jobs themselves.

The objective is to create a democratic government that is able to manage its own affairs and keep the civilian population safe. This entails a gradual turnover of responsibility to Iraqi troops and an incremental redeployment of American forces. The schedule of withdrawals must be based solely on the Iraqis' ability to handle the job, not an arbitrary timetable. Furthermore, the message from elected leaders must be that troop withdrawals are part of a plan, not due to the fact that we are tired of being there.

As you know, Mr. Speaker, there have been many successes in Iraq notwithstanding the violent insurgency that seeks to thwart democratic change. There has been economic progress in every sector of Iraq, and, as we have all witnessed there has been significant political progress as well. Yesterday, approximately eleven million of the fifteen million eligible Iraqi voters participated in their national elections. This represents over 70 percent voter turnout—even larger than the 10 million who participated in the referendum on the new constitution in October, and the eight million who voted for their interim government last January. We can view this as yet another positive sign that the disparate ethnic and religious sects have opted to engage in the political process rather than civil war.

In fact, 82 percent of Iraqis polled believe their lives will be better in a year, and there is reason to share their optimism. However, there is also the need to have realistic expectations. Although they are making progress, Iraqi troops are not yet self-sufficient.

Iraqi forces do control and police more than one-third of Baghdad. In addition, Iraqi forces also secure Fallujah, Mosul, and Tal Afar, and most of the Syrian border.

American military commanders estimate that approximately 100,000 members of the Iraq military are able to work independently on operational matters with logistical support from U.S. troops. They expect this number to double in the next year. Thus, it is quite possible that a significant number of American forces will be able to leave the country in the coming year. However, it is also likely that we must maintain a sizeable American presence in the region for years to come.

Our efforts in Iraq must also be viewed from a broader Middle Eastern perspective. Other countries in the area have taken steps toward openness and democracy. Lebanon recently elected a new Prime Minister and forced Syria to end its long occupation. Afghanistan elected a president; the Palestinians new leadership; and Kuwaiti women won suffrage. The politics of this region have been characterized by autocracy and repression for millennia; thus, even these steps can be viewed as revolutionary. These countries' experiences also provide a cautionary tale that change does not come easily. Witness the continued assassinations of political figures and members of the press in Lebanon. Also witness the Egyptian elections, which began with promise but have devolved into disgrace. There are many groups in that part of the world who have a profound interest in the status quo and will do anything to maintain it. In Iraq, these include Saddam loyalists and Islamic radicals, all of whom have different but universally unappealing visions for the region.

The progress in Iraq to date would have been impossible without an American military presence. If our troops were to pull out immediately, violence would not decrease and the economy would not blossom. Rather, the government would collapse and Iraq would devolve into chaos. Instability would spread throughout the region, threatening our allies in the area, such as Jordan's King Abdullah. Iraq itself would become a haven for international terrorism, as Afghanistan once was, and Iran, whose government is hostile to our interests, would gain an exponential increase in regional influence. America's credibility would suffer a crippling blow, resulting in any number of unfavorable geopolitical consequences.

The Soviet Union and communism in Europe ended largely due to the policy of glasnost, or increased openness. Openness and democracy could well be the demise of the current predominant global threat, radical Islam. Thus, we have a great deal at stake in Iraq, and we must persevere until we are successful. The alternative is unacceptable.

I am extremely proud of our brave men and women in uniform and the sacrifices they and their families have made during Operation Iraqi Freedom. I understand the sentiments of those constituents who want American troops to leave Iraq because they want us to stop taking casualties. Words cannot describe the pain I feel when I see reports that more troops have been wounded or killed. However, if our troops leave Iraq prematurely, there will be no chance for stability in the Middle East; no way to check the advance of Iran or Syria; and a far greater likelihood that more Americans will suffer at the hands of emboldened terrorists.

In closing, let me express my sincere congratulations to the Iraqi people on the occasion of their successful national elections. My thoughts and prayers remain with our men and women in uniform, as they continue to work to bring freedom to the Iraqi people and safety and security to all of us here at home.

Mr. SHERMAN. Mr. Speaker, today I voted present on H. Res. 612.

I vote present when a resolution appears well-meaning but its language is flawed.

H. Res. 612 is referred to as the ''Iraq Victory Resolution.'' The term victory means many things to different people. This resolution does not define ''victory'' and is therefore unacceptably vague.

The resolution concludes that the House has ''unshakable confidence'' that the United States will ''achieve victory.'' Some would define victory as attaining all of the results promised by the administration at the time U.S.

forces invaded. I am not absolutely certain that we will achieve all of the results promised by the administration in the winter of 2002–2003.

Mr. Speaker, I join with my colleagues in congratulating the Iraqi people for electing a new parliament that will govern Iraq for the next 4 years, and for doing so in the face of great danger. I especially commend our troops for their heroism in Iraq and for their tremendous sacrifice for their service to our country.

Mr. Speaker, we had the opportunity to send a strong bipartisan message to the people of Iraq and to our troops. I am afraid that this resolution falls short.

Mr. DEFAZIO. Mr. Speaker, once again, the House Republican leadership refuses to allow an honest debate over the future of the U.S. military presence in Iraq. The American people, and in particularly our men and women in uniform serving honorably in difficult circumstances in Iraq, deserve more than cheerleading and sloganeering by Congress and the President. Unfortunately, empty gestures are all this Congress provides with this resolution.

Like all of my colleagues in Congress, I was heartened when millions of Iraqis, even at risk of life and limb, voted in late January to establish an interim government and constitutional assembly and again in October in support of a new Constitution. And, the early reporting on yesterday's election for a new four-year parliament in Iraq has been positive. There has been progress in Iraq. I congratulate the Iraqis on the election, and I commend our troops for helping to provide security for the election.

Unfortunately, I cannot support the resolution on the floor today because it contains the blatantly false assertion that negotiating a time line for withdrawal of U.S. forces with the Iraqi government is somehow inconsistent with achieving victory in Iraq. To the contrary, I believe that negotiating a timeline for withdrawal of U.S. forces is a prerequisite for stabilizing Iraq and bringing our troops home with honor beginning early next year.

Announcing the termination of the open-ended U.S. military commitment in Iraq and providing a concrete plan, including a timeline negotiated with the Iraqi government, for withdrawal could well undermine support for insurgents. The majority of insurgent fighters are Iraqi Sunnis who have stoked the wide variety of grievances of ordinary Iraqis arising from the U.S. military presence to generate popular support for their cause. Most importantly, establishing a withdrawal plan and timeline would remove one of the chief causes of instability in Iraq, the U.S. military presence itself, by separating nationalist Iraqi insurgents trying to end the U.S. military presence, both Sunni and Shia, from foreign elements in Iraq for their own reasons. As, the Commander of U.S. forces in Iraq, General George Casey, testified to Congress earlier this year that ''the perception of occupation in Iraq is a major driving force behind the insurgency.'' A specific withdrawal plan, with benchmarks for measuring success in stabilizing Iraq, could turn Iraqis, both Sunni and Shia, against the foreign terrorists operating in Iraq. This could be a key turning point in stabilizing the country.

A time line and withdrawal plan negotiated with the Iraqi government would also boost the Iraqi government's legitimacy and claim to self-rule, and force the Iraqi government to take responsibility for itself and its citizens. Negotiating a withdrawal timeline and strategy with the Iraqi government could, more than possibly anything else, improve the standing of the Iraqi government in the eyes of its own people, a significant achievement in a region in which the standing of rulers and governments is generally low.

Similarly, establishing a firm timeline for withdrawal could accelerate the development of Iraqi security forces and deepen their commitment to defending their own country and their own government. It would eliminate the conflict they now feel by working with what many of them see as an occupying force. It would allow them to defend a sovereign Iraqi government, rather than fight alongside U.S. forces. As long as the U.S. military remains in Iraq, Iraqi politicians and security forces will use it as a crutch and will likely fail to take the necessary steps to settle their differences and establish an effective, inclusive and independent government.

Negotiating a timeline for withdrawal with the newly elected Iraqi government would show that democracy ended the U.S. occupation of Iraq, not terrorist or insurgent violence, and would allow our troops to come home with honor.

Just as importantly, a specific plan and timeline for withdrawal would provide much needed relief to over-burdened military personnel and their families and provide some certainty to U.S. taxpayers regarding the financial burden they'll be forced to bear.

Finally, a plan for withdrawal could also help the United States in our broader fight against Islamic extremists with global ambitions, most notably al-Qaeda, by taking away a recruiting tool and training ground. Porter Goss, the Director of the Central Intelligence Agency, testified to Congress that, ''Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists. These jihadists who survive will leave Iraq experienced and focused on acts of urban terrorism.'' He went on to say, ''The Iraq conflict, while not a cause of extremism, has become a cause for extremists.''

The House should be debating this important issue and strategies for moving forward in Iraq instead of politically motivated misleading resolutions.

Mr. FRELINGHUYSEN. Mr. Speaker, recent newspaper articles, television news reports, debates on the floor of the U.S. House and Senate, and even dinner time conversations this holiday season have been dominated by discussions about the war against terrorism in Iraq.

Two and a half years removed from the beginning of this war, the stakes for victory remain high. It is important for all Americans, whether they support the war or not, to understand the implications of why we went there; what we are there to achieve; and what the consequences would be if we agreed to an artificial timetable to withdraw our troops. Because we continue to face both great difficulties and great opportunities in Iraq, it is even more important that all Americans absolutely recognize what the future of Iraq means to our security here at home and the future of the Middle East!

My current reading of the Iraq debate is that some war critics, who originally supported the war, have lately been trying to revise or rewrite the history of how Iraq became the central front in the war on terrorism. Some of this is genuine, principled opposition to war. Some of it is personal animosity toward the President. Whatever the reason, we need to separate the two. As some have said, ''hate the war, love the warfighter.''

To understand why we are there we do not have to look much further than what some critics said before the war and what they are saying now.

In 1998, House Democratic Leader NANCY PELOSI said ''Saddam Hussein has been engaged in the development of weapons of mass destruction technology.'' Seven years later, she says Saddam's weapons were ''not an imminent threat to the United States or a cause for war.''

In 2002, Senator HILLARY CLINTON said Saddam ''has also given aid, comfort, and sanctuary to terrorists.'' Now she claims there were ''false assurances, faulty evidence'' for war, but still hesitates to embrace calls for immediate withdrawal.

Even former President Bill Clinton said in 1998 that Saddam's ''ability to produce and deliver weapons of mass destruction poses a grave threat.'' Yet, now he says the war was ''a big mistake,'' but, like his spouse, warns of the danger of a premature withdrawal.

Unlike what Iraqis endured under the tyranny of Saddam Hussein, Americans are afforded the right to voice their concerns and state their opinions just as these elected officials and other citizens have done. However, it is important we understand the facts before more judgments and accusations are made.

Saddam Hussein reigned through terror, sponsored terror, and massacred innocent Iraqis with chemical weapons. He invaded his Kuwaiti neighbors and violated more than a dozen U.N. resolutions. His armed forces shot at U.S. and British pilots for the ten years they patrolled the U.N.-imposed ''No Fly Zones'' as they protected the Iraqi people from his brutality. And in the words of weapons inspector Dr. David Kay: Saddam had the ''intent'' and ''capabilities'' to develop weapons of mass destruction.

I have never regretted voting to give the President the authority to go to war in Iraq and remove Saddam from power. While I agree with Senator JOHN MCCAIN that mistakes have been made and some pre-war intelligence was unintentionally flawed, we cannot overlook positive developments in Iraq. I am convinced, however, that the progress we have made could be lost if we prematurely withdraw our troops before the Iraqi people are fully capable of governing and securing their own country.

The War on Terrorism in Iraq and Afghanistan is the defining challenge of our generation, whether some ''war opponents'' like it or not. Osama Bin Laden's deputy Ayman Al-Zawahiri has declared Iraq to be ''the place for the greatest battle,'' where he hopes to ''expel the Americans'' and then spread ''the jihad wave to the secular countries neighboring Iraq.'' Such statements reaffirm why withdrawing our troops according to an artificial political timetable would be detrimental to the future of Iraq, our own national security, and could actually embolden those who hate our way of life.

Iraq continues to strengthen its security forces, but not all of their military battalions are ready to operate independent of coalition troops. Our troops, and those of our coalition allies, are still needed in Iraq and we need to stand firm in the face of the terrorists. If we

leave prematurely, jihadists and terrorists will interpret our withdrawal as total victory and use that opportunity to turn Iraq into a springboard for future attacks closer to our shores. We know what these terrorists are capable of. Here in New Jersey, we don't need to be reminded of 9/11, nor have we forgotten terrorist attacks in Bali, London, Madrid, Thailand, Bangladesh, Jordan, Israel, and the discovery of cells in Belgium and a host of countries around the world.

We also have a responsibility to 28 million Iraqis who, after decades of abuse and torture by Saddam, yearn to be free and deserve a chance for prosperity and stability. We pledged to guide the Iraqi people through the difficult steps of constituting a new government, strengthening the Iraqi Army, and laying the ground work for free elections. But it would be incredibly dangerous if we allowed threats from Bin Laden, Zawahiri, or any of the insurgency to influence our foreign policy and ''break our promise'' to the Iraqi people. Drawing down our forces in Iraq should be based strictly on the progress being made by the Iraqi government to fully secure their own country and the judgment of our military generals on the ground over there.

For our troops to come home safely, our strategy for victory depends significantly on more Iraqi Security Forces, ISF, being trained, equipped, and ready to ''lead the fight'' for securing their own country. American military leaders in Iraq estimate that 210,400 Iraqi forces are currently fighting to defend Iraq. More than 80 battalions are fighting alongside coalition troops while nearly 40 others, including four in Baghdad, are independently policing and controlling areas of Iraq. Despite that innocent Iraqis continue to be a target of suicide bombers, more than 50,000 Iraqi police have completed basic training courses and ISF recruitment remains high. With all due respect to media reports, most of the insurgency only exists in four of 18 provinces in Iraq, a country the size of California.

Despite continued terrorists attacks, car bombings, beheadings, and kidnappings, the terrorists have not achieved their goals. In fact, 2005 has been a watershed year for democracy in Iraq. In January, the world watched as Iraqis defied terrorist threats by going to the polls and casting their votes for self-determination. Eight million Iraqis went to the voting booth and took a stand against terror by voting for an interim National Assembly. In October, almost 10 million participated in an Iraqi referendum to approve a national constitution that—for the first time ever—guarantees them basic freedoms, rights and protections under law, regardless of their gender, religion, or ethnic origin. And on December 15 even more Iraqis cast their votes for a permanent, full-time government.

In addition to the political and security strategy in Iraq, we must also continue to focus on the economic and reconstruction effort. While at times slow, critical infrastructure in Iraq continues to be restored and rebuilt to meet the increasing demand and need of the country's growing economy. The Army Corps of Engineers and many of our soldiers and Marines, working alongside Iraqis, the USAID and other international agencies, are helping Iraq build schools, modernize water and sewage projects, and open new fire and police stations. Approximately 80,000 children are attending Iraq's 3,400 schools. After years of neglect, more than 15,000 Iraqi homes have been connected to the Baghdad water system. And more Iraqi women are receiving better health care thanks to the construction of a new 260-bed maternity hospital in Mosul.

These are strong signs of progress in Iraq—none of which would have been possible without the service, sacrifice, and strong morale of U.S. and coalition forces. Unfortunately, such stories are not always being told by the media. Iraqis want to be free, and thanks to the support of our service men and women, they are taking steps each and every day to reach their goal.

Mr. Speaker, victory will not be accomplished overnight. On the contrary, the Iraqis still need our help to meet their political and security objectives. Our work in Iraq remains dangerous and difficult but we must meet the challenges of this new kind of war. We must honor the service and sacrifice of our soldiers by doing whatever it takes to protect our nation and prevail in Iraq and Afghanistan.

Mrs. MALONEY. Mr. Speaker, I will always support our troops, and I thank them and honor them for their bravery and valor during the difficult task of fighting the insurgents in Iraq. I also commend and admire the people of Iraq for their determination and bravery in the historic elections this week. The turnout was impressive—it was a testament to the spirit of the people and it will hopefully lead to a strong democracy.

I hope and pray that we are successful in Iraq—that the violence ends, that the country is stabilized and that our soldiers come home safe, sound and soon. Unfortunately, more than 150,000 of our best and bravest remain in Iraq having been given no real plan to win the peace and no defined terms of victory. Indeed, they were sent to Iraq by an administration that was unaware of the circumstance in Iraq and unprepared to win the peace.

I plan to vote ''present'' on this resolution because it calls for ''complete victory'' without actually defining victory. The administration has set tangible dates for elections and for the creation of a government, but why is it always vague about the terms of ''victory''? We have trained 100,000 Iraqi troops, will ''victory'' be achieved only after we train 100,000 more? Can victory only be won after our troops remain in Iraq in full force for another ten years? Longer than that?

Our military is the best in history, and it can achieve victory in any situation, as long as it is told what victory entails.

Elections are important milestones, but they are not magic pills. In 1967, there was an historic vote in South Vietnam, similar to the elections Iraq is holding now. As we all know, hostilities in Vietnam would continue for 7 years after those elections, with 50,000 more Americans losing their lives.

We continue to wait for the Iraqi forces to be capable of securing Iraq themselves, but the vagueness of our goals and the vagueness of ''victory'' in this war gives them little incentive to take over from our military. We badly need a timetable, but, ''When they stand up, we'll stand down,'' is hardly adequate.

Mr. CARDIN. Mr. Speaker, we can all agree with the parts of this resolution that congratulate the Iraqis for holding a democratic election and commend the sacrifices made by our United States Armed Forces and their families. Unfortunately, this resolution also endorses a failed policy that got us into this war, and has prolonged our presence in Iraq. Therefore, I cannot support H. Res. 612.

It is our responsibility to speak out individually and collectively. I will continue to communicate with the President and urge him to change course in Iraq. In order to achieve the goal of the Iraqis taking charge of their own security needs without the presence of U.S. troops, we must engage international organizations to assume primary responsibility for building democratic institutions including the training of Iraqi security forces. We need a strategy that will permit a substantial number of our troops to return home in 2006. The President should submit a plan to Congress and the American people that carries out these objectives.

As we pass yet another resolution that expresses support for our troops and our desire to achieve ''victory'' in Iraq, I must remind my colleagues that our soldiers have paid the heaviest price in Iraq. Thousands are dead, and tens of thousands are wounded. The American taxpayer has already invested hundreds of billions of dollars. Mr. Speaker, our soldiers deserve better than the resolution we are considering today with 1 hour of debate. The American people deserve serious consideration of how we can safely bring our soldiers home.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this resolution.

The Republicans do not want any timetables to end the Iraq war because timetables would force the Bush administration to actually create a workable strategy to end the war. To cover for their lack of strategy and competence in Iraq, the Republicans are accusing others of creating artificial solutions to the quagmire they created. This is ironic since the Republicans have done nothing but provide artificial facts about the reasons to go to war, the progress of the war and the goals of the war.

Just about everything President Bush and congressional Republicans have said about Iraq has been proven false. Initially, President Bush and congressional Republicans justified the Iraq War on artificial grounds. Here are just a few examples: Iraq had weapons of mass destruction; Iraq bought enriched uranium from Niger; Saddam Hussein and Iraq were involved in 9/11; the intelligence about Iraq was accurate; and Congress had the same intelligence as the President about Iraq.

Then, President Bush and congressional Republicans provided artificial reasons on the progress of the war. Here are just few examples: The cost of the Iraq war would be low; the United States could use Iraq oil to pay for most of Iraq's war costs; the United States would be welcomed as liberators; the United States has enough troops to keep the peace in Iraq; and the Iraqi insurgency is in its last throes.

President Bush and congressional Republicans have consistently created equally artificial landmarks about what defines victory in Iraq. Here are the latest artificial landmarks: Over 2 years ago, President Bush declared ''mission accomplished'' in Iraq on the USS *Abraham Lincoln* after the defeat of the Iraqi army; the first Iraq election in January 2005; the passing of the Iraq constitution in October 2005; and the second Iraq election held yesterday.

With the passing of these events and the insurgency still going strong, President Bush

and congressional Republicans are now creating another artificial definition of victory to justify the United States continued presence in Iraq. This resolution now defines victory as the United States staying in Iraq until Iraqis can provide their own security.

After 2 years of training Iraqis, nobody can definitively tell the American people when this is going to happen. The GAO, think tanks and the military itself agree that Iraqi troop readiness is low, their loyalty and morale are questionable, there are sharp regional and ethnic divisions among the troop ranks, and their reported numbers overstate the real effectiveness of the troops. Such analysis does not exactly provide confidence that continuing U.S. training efforts will be successful or that our troops will be coming home anytime soon.

I ask my colleagues how many young American men and women have to die for a war fought for artificial reasons and artificial goals? Our soldiers should not have to be killed while President George Bush fumbles around for a face-saving strategy to end the debacle of the Iraq war.

I urge my colleagues to vote against this resolution. It is time for America to end this mistake and bring our troops safely home.

Mr. DINGELL. Mr. Speaker, I rise today to congratulate the Iraqi people on their participation in a successful election. The successful vote was a major stride for many Iraqis. Guns, bombs and violence were largely set aside for the day as a large majority of Iraqis went to the polls and exercised their right to vote. It is my sincere hope that with the new government in order, the bloodshed in Iraq will be replaced by an open, democratic debate.

I cannot, however, support this flawed resolution. The resolution focuses more on affirming the President's strategy for a continued military presence in Iraq than actually congratulating the Iraqis. And, while I agree with this resolution that a timeline for a U.S. Armed Forces withdrawal is not the proper course of action at this time, I strongly believe our military effort needs to be exceeded by the diplomatic effort to come. Unfortunately though, this resolution does not express that sense. It is nothing more than another political tactic by the Republican leadership meant to squash a real debate on Iraq in favor of a one-sided avowal of faith in an administration that has proved unfaithful.

We have never had a real debate on Iraq here in the House and this resolution does not offer real deliberation either. I call on my friends in the leadership to allow this House, the greatest legislative body in the world, to have a candid discussion, a full and fair debate, for at least 2 days, on this critical matter.

It is becoming increasingly clear that the United States is not doing enough to ensure that diplomacy will win out over violence. Certainly that is our objective, I do not deny that, but without a clear plan from the administration to achieve this aim I fear that our presence in Iraq could be protracted for much longer than it could or should be. This war will not turn to peace by military means alone. Diplomacy, democracy, and dialogue are the only true ways that Iraq can be a success. After four major speeches on Iraq from the President, I still have not seen an honest appraisal from this administration on the progress that has been made, and more importantly, what we are doing to ensure future progress. This is the type of discussion that we should be having here in the House, not a bogus debate on a hollow political resolution veiled as a congratulatory message to the Iraqi people.

We need a change of course in Iraq. We should hasten the shift of control to the Iraqis and move away from military conflict. Peace in Iraq can only be achieved by the Iraqis themselves. Therefore, there must be more emphasis on finding diplomatic solutions to Iraqi problems; to bringing in more nations to work with the Iraqis to rebuild and restructure their country; and there must be support for Iraqi democracy in all its forms. The Iraqi constitution clearly needs to be revisited and the administration must put pressure on the ruling parties, no matter who emerges victorious from the election, to engage in an honest, open deliberation on the amendment process to ensure that all Iraqis feel that they have a legitimate stake in the future of their country.

We have lost more than 2,000 brave men and women in Iraq. In excess of 100,000 active and reserve soldiers continue to serve in Iraq. We must honor the sacrifices and achievements of our troops, the pain borne by their families, and we must celebrate what they have been able to accomplish in spite of the incompetence and arrogance of this administration. Yesterday's elections give hope to the success of a free Iraq. Let us build on this momentum and show Iraqis and the world that the U.S. is truly committed to a stable and free Iraq achieved through diplomacy, not through military might.

Again, I congratulate the Iraqi people on a successful election yesterday. They showed the world that freedom knows no bounds. And I believe we must give our brave men and women all the support they need to achieve victory. However, I urge my colleagues to vote against this cynical, and frankly, disgracefully political, resolution, and ask that my colleagues seek a debate beyond platitudes in this House and demand more honesty and action from this administration.

Mr. FARR. Mr. Speaker, like millions of other Americans, I am pleased that Iraq held a democratic election for permanent representation and commend the bravery of the Iraqi people who risked their lives to vote for their vision of an Iraq ''by and for Iraqis.'' And I remain a stalwart supporter of our sailors, soldiers and marines who are serving in Iraq. What I do not support is the Republican leadership's political manipulation of the Iraq war and their attempts to stymie debate about how to get U.S. troops home as quickly and safely as possible.

I could not vote for H. Res. 612 because it does not call for immediately bringing U.S. troops home. U.S. troop presence fuels the insurgency. If the administration acknowledged this fact and started bring our troops home, we would remove the dangerous veneer of ''occupiers'' and put pressure on the Iraqis to step up to the plate and take over their own security, particularly now that the Iraqis have a representative government. The administration's bogus statement of ''they stand up we stand down'' is a hollow promise to our troops: It's just a slogan that provides no concrete answers on how we're getting out of Iraq. I urge my colleagues in Congress and the administration to stop wasting our troops time with slogans and politically driven resolutions like H. Res. 612 and instead focus on what's really important: bringing our troops home.

Mr. VAN HOLLEN. Mr. Speaker, today the leadership of this House has failed both the American people and the people of Iraq.

Today our country had a tremendous opportunity to stand united and join together in congratulating the Iraqi people on their elections for the first full-term National Assembly. We had a chance to send a shared message of gratitude to our troops and the families who have sacrificed so much. Instead, the Republican leadership chose the politics of division over unity of purpose. In a reprehensible act of blatant partisanship, they squandered a special opportunity to send a strong message and cynically exploited our troops for political gain.

Today, Congressman LANTOS offered us an opportunity to stand together by introducing a resolution that congratulates the people of Iraq on the recent election and expresses our thanks to the men and women of our Armed Forces who are serving there. That resolution would have received a unanimous vote in this House. But the Republican leadership did not want a unanimous vote in support of our troops and the people of Iraq. They denied us the opportunity to cast a vote on the Lantos resolution. The hypocrisy of their action should not be lost on the American people. At a time when we all want to celebrate the right of the Iraqi people to vote in Iraq, the Republican leadership denied this House the right to vote on the unifying resolution offered by Mr. LANTOS. And the very people who tell us each day that our Nation should speak with one voice on Iraq crafted a resolution that was deliberately designed to splinter the Members of this House.

The American people can respect genuine differences of opinion on the best way to move forward in Iraq. We should have a healthy debate about the best way to bring our troops home. Questions of war and peace are matters of conscience. When so many American and Iraqi lives hang in the balance, each of us has a responsibility to exercise our best judgment. What is so disappointing about the actions of the Republican leadership today is that it chose to turn an opportunity for bipartisanship into a political ploy. It demonstrated a smallness of mind that placed politics over the national interest.

I have never before voted ''present'' on a resolution in the House. I hope I do not feel compelled to do so again in the future. But there are times we have an obligation to send a message that we reject the politics of cynicism. The Republican resolution is less about achieving victory in Iraq than victory at the polls in 2006. We must refuse to participate in a political charade. There are few things in politics as despicable as using our troops and the democratic aspirations of the people of Iraq as pawns in a political game. Today's action by the Republican leadership has brought shame upon this House. It is time to put the national interest above political posturing.

Mr. HOLT. Mr. Speaker, I am troubled and disappointed that this particular resolution concerning Iraq is before the House today. It is intentionally divisive, and unnecessarily so.

Yesterday, the Iraqi people engaged in the most basic civic activity of a true democracy; they voted. I congratulate the millions of Iraqi citizens who bravely went to the polls to elect their parliament. I am greatly encouraged by this significant accomplishment, and I am proud to strongly support the Iraqi people as they struggle to build their own democracy.

I also strongly support our troops on the ground in Iraq. I recognize and honor their service and tremendous sacrifice. I also honor the sacrifices that have been made by their family members over the past 4 years. They have served bravely and skillfully, even when they have not been given the equipment and strategic support they require. As they come home, their Government must live up to its promise and provide the long term support they will need.

Every member of the House would support a resolution celebrating and honoring the Iraqi people and successful elections that occurred yesterday.

Every member of the House would also support a resolution honoring the sacrifice and commitment of our service members who are serving in Iraq.

The ranking minority member of the International Relations Committee introduced a resolution that would have done those things.

Unfortunately, the majority has chosen to play politics with our troops and to use the historic Iraqi elections as an opportunity to try to split us apart.

The resolution before us today fails on two fronts. First it fails for what it is not: Not a strategy for success, no change of course, and nothing to communicate to the American People or our troops that we recognize the facts on the ground and have learned from our past mistakes.

It also fails for what it is: an empty, self-congratulatory statement that the current policy is working, without regard for the facts. There is enough good to recognize—the Iraqi elections, the service of our soldiers—that we should not be waving around our own statements of self-appreciation and manufactured on imaginary good news.

Let us discuss real, solid evidence and real, substantive plans. How do we move towards a more stable, functional Iraq?

It is worth discussing, for a moment, the meaning of victory. I would have hoped that the President and Majority would have learned 3 years ago that saying ''Mission Accomplished'' does not make it so. Giving wishful speeches in front of signs that says ''Victory'' does not make it so. And using the word ''victory'' in the titles of counterproductive resolutions like this brings us no closer to a stable and functional Iraq.

Now that the Iraqi people have a framework for a constitution and have elected a parliament, it is time for the United States to bring our troops home. This will do more to erode support for the insurgency than a continued U.S. military occupation can ever hope to accomplish.

As my colleges know, Congressman JOHN MURTHA, a respected defense expert and a decorated Marine veteran, recently introduced H.J. Res. 73, which would bring our troops home from Iraq and bring an end to an occupation that does not serve the interests of the Iraqis or America. This resolution recognizes the ground truth in Iraq and will help to end the insurgency, I am proud to support it, and not this one.

Also, publicly stating that we will not seek to build permanent bases in the country would help to reassure the population of Iraq that we mean what we say when we tell them we have no designs of occupation. That is why I have cosponsored the Iraq Sovereignty Promotion Act, H.R. 3142, which calls for America to make such a public pledge.

Unfortunately, today we are not discussing either of these bills, or any of the many other pieces of legislation that have been introduced by my colleagues on what to do in Iraq. Instead, we have wasted an opportunity to have a substantive debate in favor of yet another divisive hollow resolution.

Mr. OBERSTAR. Mr. Speaker, the majority brings to the House floor today a resolution wrapped in a process that is offensive to the very essence of democracy. This resolution provides a dictated take-it-or-leave-it vote without the opportunity for our side to offer amendments expressing differing views of the elections in Iraq and the U.S. presence there. The substance of this resolution has all the appearance and wording of a campaign slogan.

While applauding the beginnings of democracy in Iraq, the majority has stifled democracy at home by denying Democrats the opportunity to offer our own resolution for consideration and an up-or-down vote on it.

Certainly, Democrats and Republicans congratulate the Iraqi people who drafted and by vote ratified their own constitution, and who voted this week in defiance of radical elements who sought to deter the Iraqi people from voting.

It is appropriate for the House to congratulate the Iraqi people on this step toward democratic governance, and we share the view that this election and the continued training of Iraq's security forces will make it possible for the United States to redeploy our troops and leave Iraqis in charge of their own destiny.

That is as far as this House should go in expressing support for the Iraqi democratic process. However, this resolution goes further. It raises the strawman of ''achieving victory in Iraq'' and it is critical of ''setting an artificial timetable for the withdrawal of U.S. Armed Forces from Iraq, or immediately terminating their deployment in Iraq,'' policies that House Democrats have not proposed. Nor does this resolution define what is meant by ''victory in Iraq.''

I want to express my support for the Iraqi people and this further step toward democracy, but I will oppose this resolution because I find it offensive that the majority has advanced a resolution that pretends to celebrate democracy by adding divisive and partisan language that is clearly designed for use in a domestic political campaign.

Mr. LEVIN. Mr. Speaker, yesterday, millions of Iraqis went out and voted for a new, national parliament, and I applaud them for doing so. I also commend the men and women of the U.S. Armed Forces, who helped the Iraqi people vote in safety. Our troops are doing a difficult job in Iraq.

I do not favor immediate withdrawal. Opposition to immediate withdrawal is not a substitute for a clear and detailed American strategy in Iraq, nor is blindly staying the course. What is needed is coming to terms with what the course should be—a plan regarding completion of our presence in Iraq.

Last month, the Senate adopted an amendment to the Defense bill that requires the President to submit such a plan to Congress, an amendment I strongly support. Indeed, I favor the more rigorous version of the amendment that was offered in the other body. In addition to requiring the Administration to provide Congress with a detailed strategy in Iraq with measurable benchmarks, the Administration would also provide Congress with estimated dates for the phased redeployment of U.S. forces from Iraq as each condition is met.

Unfortunately, the resolution before the House is transparently political. The House should reject it.

Mr. UDALL of Colorado. Mr. Speaker, I strongly object to the procedures under which this resolution is being debated. I voted against those procedures because the House should have been able to have a full and free debate and to consider possible changes in the resolution.

For example, Representative LANTOS proposed that we congratulate the Iraqi people on three national elections conducted in Iraq this year, encourage all Americans to express support for the people of Iraq, and express thanks to the members of the U.S. armed forces whose heroism permitted the Iraqi people to vote safely in yesterday's elections. That would have been something all Members of the House could support, if the Republican leadership had permitted that to be considered.

Still, I will vote for the resolution that is now before us, for several reasons.

First, the resolution calls yesterday's parliamentary elections a ''crucial victory for the Iraqi people and Iraq's new democracy.'' I couldn't agree more.

Reports are still coming in and we won't know the results for some time, but it's clear that the day was a success in terms of high turnout and low levels of violence. To the extent that increased Sunni participation means a greater political role for Sunnis in the new parliament, we could see weakened support for the insurgency. And the Iraqi people should be commended for their courage in coming out to vote—not once, but three times this year.

The resolution then goes on to call for a commitment to victory in Iraq, although it doesn't define ''victory.'' I strongly suspect this language was added, not so much to send a positive message to our soldiers or the Iraqi people so much as it was designed to bolster President Bush's recent speeches in Iraq where the word ''victory'' looms large.

Unlike American success in World War II, ''victory'' in Iraq cannot be measured by military success alone. This was achieved when our troops toppled Saddam Hussein's regime in 2003. What we can hope for in Iraq is that a responsible withdrawal of American forces can be linked to measurable benchmarks of political stability. This means that Iraqi security forces must be capable of providing for the safety of Iraqis. It means that Iraq's cities and infrastructure are rebuilt and its citizens have access to electricity and clean water. A successful withdrawal strategy means that America will no longer bear the brunt of the burden—that the U.N., other international organizations, our allies, and countries in the region will step up to assist with the nation-building mission in Iraq.

A successful outcome in Iraq is essential because failure in this part of the world could lead to wider war, greater terrorism and a disaster for our national security. To be frank, it is not so much ''victory'' that ought to concern us so much as a need to avoid ''failure.''

Unfortunately, whether we can avoid a failure in Iraq is a question that is not completely in our hands because only the Iraqis themselves can find the will necessary to live

alongside each other and to make the compromises necessary to build a functioning government based on an inclusive constitution.

For the record, I opposed the Iraq war resolution, but I have resisted supporting an artificial deadline for withdrawing troops. I believe we need a plan that is designed to bring our troops home and make clear to the Islamic world that we harbor no ambitions for permanent bases, Iraqi oil revenues or any military occupation. But how we withdraw is as important as when we withdraw. This means giving the Iraqis time to form a permanent government and establish the means for international support. We must exercise deep care in the way our country withdraws because leaving a failed state in Iraq will deeply endanger our country.

We were led into war as a divided nation and today we are even more divided. That's why I led a letter last month to Defense Authorization conferees with my colleagues Rep. TOM OSBORNE (R–NE), Rep. ELLEN TAUSCHER (D–CA), and Rep. JOE SCHWARZ (R–MI) urging conferees to include language passed overwhelmingly in the Senate urging President Bush to outline his strategy for withdrawal from Iraq and to provide Members of Congress with quarterly reports on the progress of American operations in Iraq. We wrote this letter because we believe that a successful withdrawal from Iraq can only be helped if Congress and the Bush Administration work to bring unity at home.

It is in our national interest to show the greatest amount of unity possible to the American people, to the international community, and to the Iraqi people, who so bravely made their way to polling stations all over Iraq yesterday.

Sending a message of encouragement to the Iraqi people to build stable institutions based on democratic principles is important at this critical time. it is for this fundamental reason that I vote today in support of this resolution.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 619, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

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

Ms. ROS-LEHTINEN. 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, this 15-minute vote on House Resolution 612 will be followed by 5-minute votes on motions to suspend the rules with respect to H. Res. 409; H. Res. 575; and H. Res. 534.

The vote was taken by electronic device, and there were—yeas 279, nays 109, answered ''present'' 34, not voting 11, as follows:

[Roll No. 648]

YEAS—279

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—109

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kildee
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Lynch
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Solis
Stark
Strickland
Stupak
Thompson (MS)
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—34

Andrews
Baird
Bishop (NY)
Boyd
Butterfield
Carson
DeFazio
Emanuel
Engel
Eshoo
Harman
Hooley
Hoyer
Johnson, E. B.
Kaptur
Lantos
Larsen (WA)
Leach
Lofgren, Zoe
Lowey
Maloney
Matsui
McNulty
Meek (FL)
Michaud
Owens
Paul
Sanchez, Loretta
Schiff
Sherman
Slaughter
Tauscher
Thompson (CA)
Van Hollen

NOT VOTING—11

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). There are 2 minutes remaining in this vote.

□ 1442

Mr. CLYBURN changed his vote from ''yea'' to ''nay''.

Mr. BOEHLERT and Mr. FORD changed their votes from ''nay'' to ''yea.''

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MEEK of Florida changed their votes from ''nay'' to ''present.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Ms. ROS-LEHTINEN (during consideration of H. Res. 612), from the Committee on International Relations, submitted a privileged report (Rept. No.

109–351) on the resolution (H. Res. 549) requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address, which was referred to the House Calendar and ordered to be printed.

CONDEMNING THE GOVERNMENT OF ZIMBABWE'S ''OPERATION MURAMBATSVINA''

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 409, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 409, as amended, 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 421, nays 1, not voting 11, as follows:

[Roll No. 649]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1450

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 575, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 575, as amended, 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 397, nays 17, answered ''present'' 7, not voting 12, as follows:

[Roll No. 650]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—17

Abercrombie
Blumenauer
Dingell
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee
McDermott
McKinney
Moran (VA)
Obey
Paul
Rahall
Stark
Waters
Watson
Watt

ANSWERED ''PRESENT''—7

Becerra
Capuano
Gutierrez
Gutknecht
Kolbe
Leach
Moore (WI)

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Doolittle
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1458

Mr. ROHRABACHER changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Asserting that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes.''.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE AND CREDIBILITY OF AN INDEPENDENT IRAQI JUDICIARY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 534.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 534, 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 408, nays 1, not voting 24, as follows:

[Roll No. 651]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney

Towns	Wasserman Schultz	Wexler
Turner	Waters	Whitfield
Udall (CO)	Watson	Wicker
Udall (NM)	Watt	Wilson (NM)
Upton	Waxman	Wilson (SC)
Van Hollen	Weiner	Wolf
Velázquez	Weldon (FL)	Woolsey
Visclosky	Weldon (PA)	Wu
Walden (OR)	Weller	Wynn
Walsh	Westmoreland	Young (AK)
Wamp		Young (FL)

NAYS—1

Paul

NOT VOTING—24

Bachus	Diaz-Balart, M.	Mica
Barrett (SC)	Hyde	Miller (FL)
Barton (TX)	Istook	Miller, George
Brady (TX)	Johnson, Sam	Napolitano
Chocola	LaHood	Payne
Cole (OK)	Lantos	Radanovich
Davis, Jo Ann	McCarthy	Rangel
Delahunt	McDermott	Sweeney

□ 1506

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Resolution recognizing the importance of an independent Iraqi judiciary in the formation of a new and democratic Iraq.''.

A motion to reconsider was laid on the table.

MEDICAL REPORT ON THE HONORABLE JOE BARTON, MEMBER OF CONGRESS

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

Mr. UPTON. Madam Speaker, I just would like to give a brief medical report on our friend and colleague, JOE BARTON, who left last night rather suddenly to GW Hospital. He had three stents put in this morning.

I talked with him at length a little bit earlier this morning. He is doing quite well. He has a good sense of humor. Some of you might remember that our committee had a BCS hearing earlier this week on a playoff schedule, and I told him it had been resolved: Michigan would not be playing Nebraska, Michigan would be playing Southern California for the National Championship on January 4.

But he is in good humor, and he is doing well. His wife made it early this morning. He is expected to make a full recovery. In fact, he may be here later in the weekend to cast a vote or two if it is required.

He very much appreciates all the Members on both sides of the aisle inquiring about his health and wanted us to assure everyone that in fact he is the same JOE BARTON that he was before; he is expected to make a full recovery, and we may see him again later on this weekend.

GULF OPPORTUNITY ZONE ACT OF 2005

Mr. MCCRERY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Gulf Opportunity Zone Act of 2005''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

''PART II—TAX BENEFITS FOR GO ZONES

''SEC. 1400M. DEFINITIONS.

''For purposes of this part—

''(1) GULF OPPORTUNITY ZONE.—The terms 'Gulf Opportunity Zone' and 'GO Zone' mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

''(2) HURRICANE KATRINA DISASTER AREA.—The term 'Hurricane Katrina disaster area' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

''(3) RITA GO ZONE.—The term 'Rita GO Zone' means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

''(4) HURRICANE RITA DISASTER AREA.—The term 'Hurricane Rita disaster area' means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

''(5) WILMA GO ZONE.—The term 'Wilma GO Zone' means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

''(6) HURRICANE WILMA DISASTER AREA.—The term 'Hurricane Wilma disaster area' means an area with respect to which a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

''SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

''(a) TAX-EXEMPT BOND FINANCING.—

''(1) IN GENERAL.—For purposes of this title—

''(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

''(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

''(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone Bond' means any bond issued as part of an issue if—

''(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

''(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

''(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

''(C) such bond is designated for purposes of this section by—

''(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

''(ii) in the case of any other bond, the Governor of such State,

''(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

''(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

''(3) LIMITATIONS ON BONDS.—

''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

''(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

''(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term 'qualified project costs' means—

''(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

''(B) the cost of acquisition, construction, reconstruction, and renovation of—

''(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

''(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

''(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

''(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

''(i) by substituting '60 percent' for '50 percent' in subparagraph (A) thereof, and

''(ii) by substituting '70 percent' for '60 percent' in subparagraph (B) thereof.

''(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans' mortgage bond) shall be applied—

''(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

''(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

''(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

''(iv) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

''(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

''(D) Section 146 (relating to volume cap) shall not apply.

''(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

''(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

''(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

''(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

''(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

''(1) IN GENERAL.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

''(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

''(B) the requirements of paragraph (5) are met.

''(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

''(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

''(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

''(A) $4,500,000,000 in the case of the State of Louisiana,

''(B) $2,250,000,000 in the case of the State of Mississippi, and

''(C) $1,125,000,000 in the case of the State of Alabama.

''(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

''(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

''(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

''(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

''(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

''(c) LOW-INCOME HOUSING CREDIT.—

''(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

''(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

''(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

''(ii) the Gulf Opportunity housing amount for such State for such calendar year.

''(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Gulf Opportunity housing amount' means, for any calendar year, the amount equal to the product of $18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

''(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

''(2) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR TEXAS AND FLORIDA.—For purposes of section 42, in the case of calendar year 2006, the State housing credit ceiling of Texas and Florida shall each be increased by $3,500,000.

''(3) DIFFICULT DEVELOPMENT AREA.—

''(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone, the Rita GO Zone, and the Wilma GO Zone—

''(i) shall be treated as difficult development areas designated under subclause (I) of section 42(d)(5)(C)(iii), and

''(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

''(B) APPLICATION.—Subparagraph (A) shall apply only to—

''(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

''(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

''(4) SPECIAL RULE FOR APPLYING INCOME TESTS.—In the case of property placed in service—

''(A) during 2006, 2007, or 2008,

''(B) in the Gulf Opportunity Zone, and

''(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting 'national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))' for 'area median gross income' in subparagraphs (A) and (B) of section 42(g)(1).

''(5) DEFINITIONS.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

''(d) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER AUGUST 28, 2005.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Opportunity Zone property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified Gulf Opportunity Zone property' means property—

''(i)(I) which is described in section 168(k)(2)(A)(i), or

''(II) which is nonresidential real property or residential rental property,

''(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

''(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

''(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

''(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

''(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'August 27, 2005' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2008' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified Gulf Opportunity Zone property' for 'qualified property' in clause (iv) thereof.

''(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

''(e) INCREASE IN EXPENSING UNDER SECTION 179.—

''(1) IN GENERAL.—For purposes of section 179—

''(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

''(i) $100,000, or

''(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

''(B) the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

''(i) $600,000, or

''(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

''(2) QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 Gulf Opportunity Zone property' means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

''(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

''(f) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

''(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

''(2) QUALIFIED GULF OPPORTUNITY ZONE CLEAN-UP COST.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone clean-up cost' means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

''(A) held by the taxpayer for use in a trade or business or for the production of income, or

''(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

''(g) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

''(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting 'December 31, 2007' for the date contained in section 198(h), and

''(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

''(h) INCREASE IN REHABILITATION CREDIT.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

''(1) by substituting '13 percent' for '10 percent' in paragraph (1) thereof, and

''(2) by substituting '26 percent' for '20 percent' in paragraph (2) thereof.

''(i) SPECIAL RULES FOR SMALL TIMBER PRODUCERS.—

''(1) INCREASED EXPENSING FOR QUALIFIED TIMBER PROPERTY.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

''(A) the limitation which would (but for this subsection) apply under such subparagraph, or

''(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

''(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

''(3) RULES NOT APPLICABLE TO CERTAIN ENTITIES.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

''(A) is a corporation the stock of which is publicly traded on an established securities market, or

''(B) is a real estate investment trust.

''(4) RULES NOT APPLICABLE TO LARGE TIMBER PRODUCERS.—

''(A) EXPENSING.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of qualified timber property at any time during the taxable year.

''(B) NOL CARRYBACK.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

''(i) such property was held by the taxpayer—

''(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone,

''(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or

''(III) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma GO Zone, and

''(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) SPECIFIED PORTION.—

''(i) IN GENERAL.—The term 'specified portion' means—

''(I) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before the termination date,

''(II) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before the termination date, or

''(III) in the case of qualified timber property (other than property described in clause (i) or (ii)) any portion of which is located in the Wilma GO Zone, that portion of the taxable year which is on or after October 23, 2005, and before the termination date.

''(ii) TERMINATION DATE.—The term 'termination date' means—

''(I) for purposes of paragraph (1), January 1, 2008, and

''(II) for purposes of paragraph (2), January 1, 2007.

''(B) QUALIFIED TIMBER PROPERTY.—The term 'qualified timber property' has the meaning given such term in section 194(c)(1).

''(j) SPECIAL RULE FOR GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSSES.—

''(1) IN GENERAL.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

''(2) GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSS.—For purposes of this subsection, the term 'Gulf Opportunity Zone public utility casualty loss' means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

''(A) such loss is allowed as a deduction under section 165 for the taxable year,

''(B) such loss is by reason of Hurricane Katrina, and

''(C) the taxpayer elects the application of this subsection with respect to such loss.

''(3) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of any Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

''(4) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Subsection (k) and section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

''(5) ELECTION.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

''(k) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO GULF OPPORTUNITY ZONE LOSSES.—

''(1) IN GENERAL.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Opportunity Zone loss, the following rules shall apply:

''(A) EXTENSION OF CARRYBACK PERIOD.—Section 172(b)(1) shall be applied with respect to such portion—

''(i) by substituting '5 taxable years' for '2 taxable years' in subparagraph (A)(i), and

''(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) thereof for the taxable year.

''(B) SUSPENSION OF 90 PERCENT AMT LIMITATION.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

''(2) QUALIFIED GULF OPPORTUNITY ZONE LOSS.—For purposes of paragraph (1), the term 'qualified Gulf Opportunity Zone loss' means the lesser of—

''(A) the excess of—

''(i) the net operating loss for such taxable year, over

''(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C), or

''(B) the aggregate amount of the following deductions to the extent taken into account in computing the net operating loss for such taxable year:

''(i) Any deduction for any qualified Gulf Opportunity Zone casualty loss.

''(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

''(I) whose principal place of abode was located in the Gulf Opportunity Zone before August 28, 2005,

''(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

''(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Opportunity Zone.

For purposes of this clause, the term 'moving expenses' has the meaning given such term by section 217(b), except that the taxpayer's former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

''(iii) Any deduction allowable under this chapter for expenses paid or incurred after August 27, 2005, and before January 1, 2008, to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Opportunity Zone.

''(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof)) for the taxable year such property is placed in service.

''(v) Any deduction allowable under this chapter for repair expenses (including expenses for removal of debris) paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Opportunity Zone.

''(3) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSS.—

''(A) IN GENERAL.—For purposes of paragraph (2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Opportunity Zone if—

''(i) such loss is allowed as a deduction under section 165 for the taxable year, and

''(ii) such loss is by reason of Hurricane Katrina.

''(B) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of qualified Gulf Opportunity Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Opportunity Zone.

''(C) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Section 165(i) shall not apply to any qualified Gulf Opportunity Zone casualty loss to the extent such loss is taken into account under this subsection.

''(4) SPECIAL RULES.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

''(l) CREDIT TO HOLDERS OF GULF TAX CREDIT BONDS.—

''(1) ALLOWANCE OF CREDIT.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

''(2) AMOUNT OF CREDIT.—

''(A) IN GENERAL.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(B) ANNUAL CREDIT.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

''(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

''(ii) the outstanding face amount of the bond.

''(C) DETERMINATION.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

''(D) CREDIT ALLOWANCE DATE.—For purposes of this subsection, the term 'credit allowance date' means March 15, June 15, September 15, and December 15. Such term also includes the last day on which the bond is outstanding.

''(E) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

''(4) GULF TAX CREDIT BONDor purposes of this subsection—

''(A) IN GENERAL.—The term 'Gulf tax credit bond' means any bond issued as part of an issue if—

''(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

''(ii) 95 percent or more of the proceeds of such issue are to be used to—

''(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

''(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

''(iii) the Governor of such State designates such bond for purposes of this subsection,

''(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

''(v) the maturity of such bond does not exceed 2 years, and

''(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

''(B) STATE MATCHING REQUIREMENT.—A bond shall not be treated as a Gulf tax credit bond unless—

''(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

''(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i).

The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

''(C) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

''(i) $200,000,000 in the case of the State of Louisiana,

''(ii) $100,000,000 in the case of the State of Mississippi, and

''(iii) $50,000,000 in the case of the State of Alabama.

''(D) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

''(5) QUALIFIED BOND.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified bond' means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

''(B) EXCEPTION FOR PRIVATE ACTIVITY BONDS.—Such term shall not include any private activity bond.

''(C) EXCEPTION FOR ADVANCE REFUNDINGS.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

''(D) USE OF PROCEEDS REQUIREMENT.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue was (or is to be) used to provide any property described in section 144(c)(6)(B).

''(6) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3))

and the amount so included shall be treated as interest income.

''(7) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) BOND.—The term 'bond' includes any obligation.

''(B) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(i) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

''(ii) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

''(C) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(D) REPORTING.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

''(E) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

''(m) APPLICATION OF NEW MARKETS TAX CREDIT TO INVESTMENTS IN COMMUNITY DEVELOPMENT ENTITIES SERVING GULF OPPORTUNITY ZONE.—For purposes of section 45D—

''(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity is the recovery and redevelopment of the Gulf Opportunity Zone,

''(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

''(A) $300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Opportunity Zone, and

''(B) $400,000,000 for 2007, to be so allocated, and

''(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

''(n) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RESIDENTIAL RENTAL PROJECT REQUIREMENTS.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual's income will not exceed the applicable income limits of section 142(d)(1) upon commencement of the individual's tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

''(o) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—

''(1) IN GENERAL.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

''(A) section 165(i) shall be applied by substituting 'the fifth taxable year immediately preceding' for 'the taxable year immediately preceding',

''(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

''(C) section 6611 shall not apply to any overpayment attributable to such loss.

''(2) ELIGIBLE PUBLIC UTILITY PROPERTY LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'eligible public utility property loss' means any loss with respect to public utility property located in the Gulf Opportunity Zone and attributable to Hurricane Katrina.

''(B) PUBLIC UTILITY PROPERTY.—The term 'public utility property' has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

''(3) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

''(p) TAX BENEFITS NOT AVAILABLE WITH RESPECT TO CERTAIN PROPERTY.—

''(1) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of subsections (d), (e), and (k)(2)(B)(iv), the term 'qualified Gulf Opportunity Zone property' shall not include any property described in paragraph (3).

''(2) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSSES.—For purposes of subsection (k)(2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' shall not include any loss with respect to any property described in paragraph (3).

''(3) PROPERTY DESCRIBED.—

''(A) IN GENERAL.—For purposes of this subsection, property is described in this paragraph if such property is—

''(i) any property used in connection with any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

''(ii) any gambling or animal racing property.

''(B) GAMBLING OR ANIMAL RACING PROPERTY.—For purposes of subparagraph (A)(ii)—

''(i) IN GENERAL.—The term 'gambling or animal racing property' means—

''(I) any equipment, furniture, software, or other property used directly in connection with gambling, the racing of animals, or the on-site viewing of such racing, and

''(II) the portion of any real property (determined by square footage) which is dedicated to gambling, the racing of animals, or the on-site viewing of such racing.

''(ii) DE MINIMIS PORTION.—Clause (i)(II) shall not apply to any real property if the portion so dedicated is less than 100 square feet.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 54(c) is amended by inserting '', section 1400N(l),'' after ''subpart C''.

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting ''or 1400N(l)(6)'' after ''section 54(g)'', and

(B) by inserting ''or 1400N(l)(2)(D), as the case may be'' after ''section 54(b)(4)''.

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

''Subchapter Y—Short-Term Regional Benefits

''PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

''PART II—TAX BENEFITS FOR GO ZONES

''PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

''Sec. 1400L. Tax benefits for New York Liberty Zone.''.

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

''SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

(2) CARRYBACKS.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

SEC. 102. EXPANSION OF HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDIT FOR STUDENTS IN THE GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

''SEC. 1400O. EDUCATION TAX BENEFITS.

''In the case of an individual who attends an eligible educational institution (as defined in section 25A(f)(2)) located in the Gulf Opportunity Zone for any taxable year beginning during 2005 or 2006—

''(1) in applying section 25A, the term 'qualified tuition and related expenses' shall include any costs which are qualified higher education expenses (as defined in section 529(e)(3)),

''(2) each of the dollar amounts in effect under of subparagraphs (A) and (B) of section 25A(b)(1) shall be twice the amount otherwise in effect before the application of this subsection, and

''(3) section 25A(c)(1) shall be applied by substituting '40 percent' for '20 percent'.''.

(b) CONFORMING AMENDMENT.—The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400O. Education tax benefits.''.

SEC. 103. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

''SEC. 1400P. HOUSING TAX BENEFITS .

''(a) EXCLUSION OF EMPLOYER PROVIDED HOUSING FOR INDIVIDUAL AFFECTED BY HURRICANE KATRINA.—

''(1) IN GENERAL.—Gross income of a qualified employee shall not include the value of any lodging furnished in-kind to such employee (and such employee's spouse or any of such employee's dependents) by or on behalf of a qualified employer for any month during the taxable year.

''(2) LIMITATION.—The amount which may be excluded under paragraph (1) for any month for which lodging is furnished during the taxable year shall not exceed $600.

''(3) TREATMENT OF EXCLUSION.—The exclusion under paragraph (1) shall be treated as an exclusion under section 119 (other than for purposes of sections 3121(a)(19) and 3306(b)(14)).

''(b) EMPLOYER CREDIT FOR HOUSING EMPLOYEES AFFECTED BY HURRICANE KATRINA.—For purposes of section 38, in the case of a qualified employer, the Hurricane Katrina housing credit for any month during the taxable year is an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a) and not otherwise excludable under section 119.

''(c) QUALIFIED EMPLOYEE.—For purposes of this section, the term 'qualified employee' means, with respect to any month, an individual—

''(1) who had a principal residence (as defined in section 121) in the Gulf Opportunity Zone on August 28, 2005, and

''(2) who performs substantially all employment services—

''(A) in the Gulf Opportunity Zone, and

''(B) for the qualified employer which furnishes lodging to such individual.

''(d) QUALIFIED EMPLOYER.—For purposes of this section, the term 'qualified employer' means any employer with a trade or business located in the Gulf Opportunity Zone.

''(e) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(f) APPLICATION OF SECTION.—This section shall apply to lodging furnished during the period—

''(1) beginning on the first day of the first month beginning after the date of the enactment of this section, and

''(2) ending on the date which is 6 months after the first day described in paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking ''and'' at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting '', and'', and by adding at the end the following new paragraphs:

''(27) the Hurricane Katrina housing credit determined under section 1400P(b).''.

(2) Section 280C(a) is amended by striking ''and 1396(a)'' and inserting ''1396(a), and 1400P(b)''.

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400P. Housing tax benefits.''.

SEC. 104. EXTENSION OF SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

Section 404(d) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

SEC. 105. SPECIAL EXTENSION OF BONUS DEPRECIATION PLACED IN SERVICE DATE FOR TAXPAYERS AFFECTED BY HURRICANES KATRINA, RITA, AND WILMA.

In applying the rule under section 168(k)(2)(A)(iv) of the Internal Revenue Code of 1986 to any property described in subparagraph (B) or (C) of section 168(k)(2) of such Code—

(1) the placement in service of which—

(A) is to be located in the GO Zone (as defined in section 1400M(1) of such Code), the Rita GO Zone (as defined in section 1400M(3) of such Code), or the Wilma GO Zone (as defined in section 1400M(5) of such Code), and

(B) is to be made by any taxpayer affected by Hurricane Katrina, Rita, or Wilma, or

(2) which is manufactured in such Zone by any person affected by Hurricane Katrina, Rita, or Wilma,

the Secretary of the Treasury may, on a taxpayer by taxpayer basis, extend the required date of the placement in service of such property under such section by such period of time as is determined necessary by the Secretary but not to exceed 1 year. For purposes of the preceding sentence, the determination shall be made by only taking into account the effect of one or more hurricanes on the date of such placement by the taxpayer.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

SEC. 201. EXTENSION OF CERTAIN EMERGENCY TAX RELIEF FOR HURRICANE KATRINA TO HURRICANES RITA AND WILMA.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new sections:

''SEC. 1400Q. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

''(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

''(1) IN GENERAL.—Section 72(t) shall not apply to any qualified hurricane distribution.

''(2) AGGREGATE DOLLAR LIMITATION.—

''(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

''(i) $100,000, over

''(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

''(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

''(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

''(A) IN GENERAL.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

''(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFIED HURRICANE DISTRIBUTION.—Except as provided in paragraph (2), the term 'qualified hurricane distribution' means—

''(i) any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina,

''(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita, and

''(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

''(B) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

''(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

''(A) IN GENERAL.—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

''(6) SPECIAL RULES.—

''(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified hurricane distributions shall not be treated as eligible rollover distributions.

''(B) QUALIFIED HURRICANE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes this title, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

''(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

''(1) RECONTRIBUTIONS.—

''(A) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

''(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

''(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified distribution' means any qualified Katrina distribution, any qualified Rita distribution, and any qualified Wilma distribution.

''(B) QUALIFIED KATRINA DISTRIBUTION.—The term 'qualified Katrina distribution' means any distribution—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before August 29, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

''(C) QUALIFIED RITA DISTRIBUTION.—The term 'qualified Rita distribution' means any distribution (other than a qualified Katrina distribution)—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before September 24, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but which was not so purchased or constructed on account of Hurricane Rita.

''(D) QUALIFIED WILMA DISTRIBUTION.—The term 'qualified Wilma distribution' means any distribution (other than a qualified Katrina distribution or a qualified Rita distribution)—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before October 24, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but which was not so purchased or constructed on account of Hurricane Wilma.

''(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means—

''(A) with respect to any qualified Katrina distribution, the period beginning on August 25, 2005, and ending on February 28, 2006,

''(B) with respect to any qualified Rita distribution, the period beginning on September 23, 2005, and ending on February 28, 2006, and

''(C) with respect to any qualified Wilma distribution, the period beginning on October 23, 2005, and ending on February 28, 2006.

''(c) LOANS FROM QUALIFIED PLANS.—

''(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4)) to a qualified individual made during the applicable period—

''(A) clause (i) of section 72(p)(2)(A) shall be applied by substituting '$100,000' for '$50,000', and

''(B) clause (ii) of such section shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

''(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4))—

''(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2006, such due date shall be delayed for 1 year,

''(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

''(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2), the period described in subparagraph (A) shall be disregarded.

''(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

''(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

''(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means an individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita.

''(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means an individual (other than a qualified Hurricane Katrina individual or a qualified Hurricane Rita individual) whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

''(4) APPLICABLE PERIOD; QUALIFIED BEGINNING DATE.—For purposes of this subsection—

''(A) HURRICANE KATRINA.—In the case of any qualified Hurricane Katrina individual—

''(i) the applicable period is the period beginning on September 24, 2005, and ending on December 31, 2006, and

''(ii) the qualified beginning date is August 25, 2005.

''(B) HURRICANE RITA.—In the case of any qualified Hurricane Rita individual—

''(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

''(ii) the qualified beginning date is September 23, 2005.

''(C) HURRICANE WILMA.—In the case of any qualified Hurricane Wilma individual—

''(i) the applicable period is the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2006, and

''(ii) the qualified beginning date is October 23, 2005.

''(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

''(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

''(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

''(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

''(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

''(ii) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary may prescribe. In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

''(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

''(i) during the period—

''(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

''(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

''(ii) such plan or contract amendment applies retroactively for such period.

''SEC. 1400R. EMPLOYMENT RELIEF.

''(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Katrina employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on August 28, 2005, in the GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

''(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE RITA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Rita employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on September 23, 2005, in the Rita GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Rita.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on September 23, 2005, with such eligible employer was in the Rita GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Rita, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be

treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

''(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE WILMA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Wilma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on October 23, 2005, in the Wilma GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after October 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Wilma.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on October 23, 2005, with such eligible employer was in the Wilma GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 23, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Wilma, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or (b) or section 51 with respect to such employee for such period.

''SEC. 1400S. ADDITIONAL TAX RELIEF PROVISIONS.

''(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

''(1) IN GENERAL.—Except as otherwise provided in paragraph (2), section 170(b) shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 to other contributions.

''(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170—

''(A) INDIVIDUALS.—In the case of an individual—

''(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1)) over the amount of all other charitable contributions allowed under section 170(b)(1).

''(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1)) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

''(B) CORPORATIONS.—In the case of a corporation—

''(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b)) over the amount of all other charitable contributions allowed under such paragraph.

''(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

''(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution is paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) (other than an organization described in section 509(a)(3)),

''(ii) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

''(b) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Paragraphs (1) and (2)(A) of section 165(h) shall not apply to losses described in section 165(c)(3)—

''(1) which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina,

''(2) which arise in the Hurricane Rita disaster area on or after September 23, 2005, and which are attributable to Hurricane Rita, or

''(3) which arise in the Hurricane Wilma disaster area on or after October 23, 2005, and which are attributable to Hurricane Wilma.

In the case of any other losses, section 165(h)(2)(A) shall be applied without regard to the losses referred to in the preceding sentence.

''(c) REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A.—In the case of any taxpayer determined by the Secretary to be affected by the Presidentially declared disaster relating to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, any relief provided by the Secretary under section 7508A shall be for a period ending not earlier than February 28, 2006.

''(d) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

''(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 may, at the election of the taxpayer, be determined by substituting—

''(A) such earned income for the preceding taxable year, for

''(B) such earned income for the taxable year which includes the applicable date.

''(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

''(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means any individual whose principal place of abode on August 25, 2005, was located—

''(i) in the GO Zone, or

''(ii) in the Hurricane Katrina disaster area (but outside the GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

''(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means any individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, was located—

''(i) in the Rita GO Zone, or

''(ii) in the Hurricane Rita disaster area (but outside the Rita GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Rita.

''(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means any individual whose principal place of abode on October 23, 2005, was located—

''(i) in the Wilma GO Zone, or

''(ii) in the Hurricane Wilma disaster area (but outside the Wilma GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Wilma.

''(3) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

''(A) in the case of a qualified Hurricane Katrina individual, August 25, 2005,

''(B) in the case of a qualified Hurricane Rita individual, September 23, 2005, and

''(C) in the case of a qualified Hurricane Wilma individual, October 23, 2005.

''(4) EARNED INCOME.—For purposes of this subsection, the term 'earned income' has the meaning given such term under section 32(c).

''(5) SPECIAL RULES.—

''(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes the applicable date—

''(i) such paragraph shall apply if either spouse is a qualified individual, and

''(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

''(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both section 24(d) and section 32.

''(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

''(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, this title shall be applied without regard to any substitution under paragraph (1).

''(e) SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—With respect to taxable years beginning in 2005 or 2006, the Secretary may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or

credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

''SEC. 1400T. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

''(a) IN GENERAL.—In the case of financing provided with respect to owner-occupied residences in the GO Zone, the Rita GO Zone, or the Wilma GO Zone, section 143 shall be applied—

''(1) by treating any such residence in the Rita GO Zone or the Wilma GO Zone as a targeted area residence,

''(2) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

''(3) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

''(b) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38, as amended by this Act, is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting a comma, and by adding at the end the following new paragraphs:

''(28) the Hurricane Katrina employee retention credit determined under section 1400R(a),

''(29) the Hurricane Rita employee retention credit determined under section 1400R(b), and

''(30) the Hurricane Wilma employee retention credit determined under section 1400R(c).''.

(2) Section 280C(a), as amended by this Act, is amended by striking ''and 1400P(b)'' and inserting ''1400P(b), and 1400R''.

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new items:

''Sec. 1400Q. Special rules for use of retirement funds.

''Sec. 1400R. Employment relief.

''Sec. 1400S. Additional tax relief provisions.''.

(4) The following provisions of the Katrina Emergency Tax Relief Act of 2005 are hereby repealed:

(A) Title I.

(B) Sections 202, 301, 402, 403(b), 406, and 407.

TITLE III—OTHER PROVISIONS

SEC. 301. GULF COAST RECOVERY BONDS.

It is the sense of the Congress that the Secretary of the Treasury, or the Secretary's delegate, should designate one or more series of bonds or certificates (or any portion thereof) issued under section 3105 of title 31, United States Code, as ''Gulf Coast Recovery Bonds'' in response to Hurricanes Katrina, Rita, and Wilma.

SEC. 302. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) is amended by striking ''January 1, 2006'' and inserting ''January 1, 2007''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 303. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) EFFECTIVE DATE MODIFICATION.—

(1) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

''(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

''(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

''(B) SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.—

''(i) IN GENERAL.—Except as provided in clauses (ii), (iii), and (iv), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

''(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

''(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005–80 with respect to such transaction, or

''(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative. Subclause (I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

''(iii) TAXPAYERS ACTING IN GOOD FAITH.—The Secretary of the Treasury may except from the application of clause (i) any transaction in which the taxpayer has acted reasonably and in good faith.

''(iv) CLOSED TRANSACTIONS.—Clause (i) shall not apply to a transaction if, as of December 14, 2005—

''(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

''(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the transaction.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

(b) TREATMENT OF AMENDED RETURNS AND OTHER SIMILAR NOTICES OF ADDITIONAL TAX OWED.—

(1) IN GENERAL.—Section 6404(g)(1) (relating to suspension) is amended by adding at the end the following new sentence: ''If, after the return for a taxable year is filed, the taxpayer provides to the Secretary 1 or more signed written documents showing that the taxpayer owes an additional amount of tax for the taxable year, clause (i) shall be applied by substituting the date the last of the documents was provided for the date on which the return is filed.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to documents provided on or after the date of the enactment of this Act.

SEC. 304. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''January 1, 2006'' both places is appears and inserting ''January 1, 2007''.

SEC. 305. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2005.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2005.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2005.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Tax Technical Corrections Act of 2005''.

SEC. 402. AMENDMENTS RELATED TO ENERGY POLICY ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 1263.—

(1) Part VI of subchapter O of chapter 1 is repealed.

(2) Section 1223 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (16) as paragraphs (3) through (15), respectively.

(3) Section 121(g) is amended by striking ''1223(7)'' and inserting ''1223(6)''.

(4) Section 246(c)(3)(B) is amended by striking ''paragraph (4) of section 1223'' and inserting ''paragraph (3) of section 1223''.

(5) Section 247(b)(2)(D) is amended by inserting ''as in effect before its repeal'' after ''part VI of subchapter O''.

(6)(A) Section 1245(b) is amended by striking paragraph (5) and redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

(B) Section 1245(b)(3) is amended by striking ''paragraph (7)'' and inserting ''paragraph (6)''.

(7)(A) Section 1250(d) is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(B) Section 1250(e)(2) is amended by striking ''(3), or (5)'' and inserting ''or (3)''.

(b) AMENDMENT RELATED TO SECTION 1301.—Clause (ii) of section 45(c)(3)(A) is amended by striking ''nonhazardous lignin waste material'' and inserting ''lignin material''.

(c) AMENDMENTS RELATED TO SECTION 1303.—

(1) Subsection (l) of section 54 is amended by striking paragraph (5), and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) Subsection (e) of section 1303 of the Energy Policy Act of 2005 is amended to read as follows:

''(e) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to bonds issued after December 31, 2005.

''(2) SUBSECTION (C).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2005.''.

(d) AMENDMENTS RELATED TO SECTION 1306.—

(1) Paragraph (2) of section 45J(c) is amended to read as follows:

''(2) PHASEOUT OF CREDIT.—

''(A) IN GENERAL.—The amount of the credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this paragraph) as—

''(i) the amount by which the reference price (as defined in section 45(e)(2)(C)) for the calendar year in which the sale occurs exceeds 8 cents, bears to

''(ii) 3 cents.

''(B) PHASEOUT ADJUSTMENT BASED ON INFLATION.—The 8 cent amount in subparagraph (A) shall be adjusted by multiplying such amount by the inflation adjustment factor (as defined in section 45(e)(2)(B)) for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.''.

(2) Subsection (e) of section 45J is amended by striking ''(2),''.

(e) AMENDMENT RELATED TO SECTION 1309.—Subparagraph (B) of section 169(d)(5) is amended by adding at beginning thereof ''in the case

of facility placed in service in connection with a plant or other property placed in operation after December 31, 1975,''.

(f) AMENDMENTS RELATED TO SECTION 1311.—

(1) Clause (i) of section 172(b)(1)(I) is amended to read as follows:

''(i) IN GENERAL.—At the election of the taxpayer for any taxable year ending after December 31, 2005, and before January 1, 2009, in the case of a net operating loss for a taxable year ending after December 31, 2002, and before January 1, 2006, there shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss to the extent that such loss does not exceed 20 percent of the sum of the electric transmission property capital expenditures and the pollution control facility capital expenditures of the taxpayer for the taxable year preceding the taxable year for which such election is made.''.

(2) Clause (ii) of section 172(b)(1)(I) is amended by striking ''in a taxable year'' and inserting ''for a taxable year''.

(3) Subparagraph (I) of section 172(b)(1) is amended by striking clause (iv) and (v), by redesignating clause (vi) as clause (v), and by inserting after clause (iii) the following:

''(iv) SPECIAL RULES RELATING TO CREDIT OR REFUND.—In the case of the portion of the loss which is carried back 5 years by reason of clause (i)—

''(I) an application under section 6411(a) with respect to such portion shall not fail to be treated as timely filed if filed within 24 months after the due date specified under such section, and

''(II) references in sections 6501(h), 6511(d)(2)(A), and 6611(f)(1) to the taxable year in which such net operating loss arises or results in a net operating loss carryback shall be treated as references to the taxable year for which such election is made.''.

(g) AMENDMENT RELATED TO SECTION 1322.—Subsection (a) of section 45K is amended by striking ''if the taxpayer elects to have this section apply,''.

(h) AMENDMENT RELATED TO SECTION 1331.—Paragraph (3) of section 1250(b) is amended by striking ''or by section 179D''.

(i) AMENDMENTS RELATED TO SECTION 1335.—

(1) Paragraph (1) of section 25D(b) is amended by inserting ''(determined without regard to subsection (c))'' after ''subsection (a)''.

(2) Subparagraphs (A) and (B) of section 25D(e)(4) are amended to read as follows:

''(A) MAXIMUM EXPENDITURES.—The maximum amount of expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be—

''(i) $6,667 in the case of any qualified photovoltaic property expenditures,

''(ii) $6,667 in the case of any qualified solar water heating property expenditures, and

''(iii) $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) for which qualified fuel cell property expenditures are made.

''(B) ALLOCATION OF EXPENDITURES.—The expenditures allocated to any individual for the taxable year in which such calendar year ends shall be an amount equal to the lesser of—

''(i) the amount of expenditures made by such individual with respect to such dwelling during such calendar year, or

''(ii) the maximum amount of such expenditures set forth in subparagraph (A) multiplied by a fraction—

''(I) the numerator of which is the amount of such expenditures with respect to such dwelling made by such individual during such calendar year, and

''(II) the denominator of which is the total expenditures made by all such individuals with respect to such dwelling during such calendar year.''.

(3)(A)(i) The matter preceding subparagraph (A) of section 23(b)(4) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(ii) Subsection (c) of section 23 is amended to read as follows:

''(c) CARRYFORWARDS OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(3) LIMITATION.—No credit may be carried forward under this subsection to any taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.''.

(B)(i) The matter preceding subparagraph (A) of section 24(b)(3) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(ii) Paragraph (1) of section 24(d) is amended to read as follows:

''(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a)(2) or subsection (b)(3), as the case may be, or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 26(a)(2) or subsection (b)(3), as the case may be, were increased by the excess (if any) of—

''(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

''(ii) in the case of a taxpayer with 3 or more qualifying children, the excess (if any) of—

''(I) the taxpayer's social security taxes for the taxable year, over

''(II) the credit allowed under section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a)(2) or subsection (b)(3), as the case may be. For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(C) Subparagraph (C) of section 25(e)(1) is amended to read as follows:

''(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term 'applicable tax limit' means—

''(i) in the case of a taxable year to which section 26(a)(2) applies, the limitation imposed by section 26(a)(2) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C), and

''(ii) in the case of a taxable year to which section 26(a)(2) does not apply, the limitation imposed by section 26(a)(1) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, 25B, 25D, and 1400C).''.

(D) The matter preceding paragraph (1) of section 25B(g) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(E) Subsection (c) of section 25D is amended to read as follows:

''(c) CARRYFORWARD OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(F) Subsection (d) of section 1400C is amended to read as follows:

''(d) CARRYFORWARD OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and sections 23, 24, 25B, and 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

(G) Subsection (i) of section 904 is amended to read as follows:

''(i) COORDINATION WITH NONREFUNDABLE PERSONAL CREDITS.—In the case of any taxable year of an individual to which section 26(a)(2) does not apply, for purposes of subsection (a), the tax against which the credit is taken is such tax reduced by the sum of the credits allowable under subpart A of part IV of subchapter A of this chapter (other than sections 23, 24, and 25B).''.

(H) APPLICATION OF EGTRRA SUNSET.—The amendments made by this paragraph (and each part thereof) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment (or part thereof) relates.

(4) Subsection (b) of section 1335 of the Energy Policy Act of 2005 is amended by striking paragraphs (1), (2), and (3). The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made such paragraphs had never been enacted.

(j) AMENDMENT RELATED TO SECTION 1341.—Paragraph (6) of section 30B(h) is amended by adding at the end the following sentence: ''For purposes of subsection (g), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.''.

(k) AMENDMENT RELATED TO SECTION 1342.—Paragraph (2) of section 30C(e) is amended by adding at the end the following sentence: ''For purposes of subsection (d), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.''.

(l) AMENDMENTS RELATED TO SECTION 1351.—

(1) Paragraph (6) of section 41(f) (relating to special rules) is amended by adding at the end the following:

''(C) FOREIGN RESEARCH.—For purposes of subsection (a)(3), amounts paid or incurred for any energy research conducted outside the United States, the Commonwealth of Puerto Rico, or any possession of the United States shall not be taken into account.

''(D) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account under subsection (a)(3) shall not be taken into account under paragraph (1) or (2) of subsection (a).''.

(2) Clause (ii) of section 41(b)(3)(C) is amended by striking ''(other than an energy research consortium)''.

(m) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) REPEAL OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.—The amendments made by subsection (a) shall not apply with respect to any transaction ordered in compliance with the Public Utility Holding Company Act of 1935 before its repeal.

(3) COORDINATION OF PERSONAL CREDITS.—The amendments made by subsection (i)(3) shall apply to taxable years beginning after December 31, 2005.

SEC. 403. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 102 OF THE ACT.—

(1) Paragraph (1) of section 199(b) is amended by striking ''the employer'' and inserting ''the taxpayer''.

(2) Paragraph (2) of section 199(b) is amended to read as follows:

''(2) W–2 WAGES.—For purposes of this section, the term 'W–2 wages' means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year. Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.''.

(3) Subparagraph (B) of section 199(c)(1) is amended by inserting ''and'' at the end of clause (i), by striking clauses (ii) and (iii), and by inserting after clause (i) the following:

''(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.''.

(4) Paragraph (2) of section 199(c) is amended to read as follows:

''(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in paragraph (1) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.''.

(5) Subparagraph (A) of section 199(c)(4) is amended by striking clauses (ii) and (iii) and inserting the following new clauses:

''(ii) in the case of a taxpayer engaged in the active conduct of a construction trade or business, construction of real property performed in the United States by the taxpayer in the ordinary course of such trade or business, or

''(iii) in the case of a taxpayer engaged in the active conduct of an engineering or architectural services trade or business, engineering or architectural services performed in the United States by the taxpayer in the ordinary course of such trade or business with respect to the construction of real property in the United States.''.

(6) Subparagraph (B) of section 199(c)(4) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following:

''(iii) the lease, rental, license, sale, exchange, or other disposition of land.''.

(7) Paragraph (4) of section 199(c) is amended by adding at the end the following new subparagraphs:

''(C) SPECIAL RULE FOR CERTAIN GOVERNMENT CONTRACTS.—Gross receipts derived from the manufacture or production of any property described in subparagraph (A)(i)(I) shall be treated as meeting the requirements of subparagraph (A)(i) if—

''(i) such property is manufactured or produced by the taxpayer pursuant to a contract with the Federal Government, and

''(ii) the Federal Acquisition Regulation requires that title or risk of loss with respect to such property be transferred to the Federal Government before the manufacture or production of such property is complete.

''(D) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of this paragraph, if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.''.

(8) Paragraph (1) of section 199(d) is amended to read as follows:

''(1) APPLICATION OF SECTION TO PASS-THRU ENTITIES.—

''(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

''(i) this section shall be applied at the partner or shareholder level,

''(ii) each partner or shareholder shall take into account such person's allocable share of each item described in subparagraph (A) or (B) of subsection (c)(1) (determined without regard to whether the items described in such subparagraph (A) exceed the items described in such subparagraph (B)), and

''(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W–2 wages for the taxable year in an amount equal to the lesser of—

''(I) such person's allocable share of the W–2 wages of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary), or

''(II) 2 times 9 percent of so much of such person's qualified production activities income as is attributable to items allocated under clause (ii) for the taxable year.

''(B) TRUSTS AND ESTATES.—In the case of a trust or estate—

''(i) the items referred to in subparagraph (A)(ii) (as determined therein) and the W–2 wages of the trust or estate for the taxable year, shall be apportioned between the beneficiaries and the fiduciary (and among the beneficiaries) under regulations prescribed by the Secretary, and

''(ii) for purposes of paragraph (2), adjusted gross income of the trust or estate shall be determined as provided in section 67(e) with the adjustments described in such paragraph.

''(C) REGULATIONS.—The Secretary may prescribe rules requiring or restricting the allocation of items and wages under this paragraph and may prescribe such reporting requirements as the Secretary determines appropriate.''.

(9) Paragraph (3) of section 199(d) is amended to read as follows:

''(3) AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—

''(A) DEDUCTION ALLOWED TO PATRONS.—Any person who receives a qualified payment from a specified agricultural or horticultural cooperative shall be allowed for the taxable year in which such payment is received a deduction under subsection (a) equal to the portion of the deduction allowed under subsection (a) to such cooperative which is—

''(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

''(ii) identified by such cooperative in a written notice mailed to such person during the payment period described in section 1382(d).

''(B) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

''(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this section, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

''(D) SPECIAL RULE FOR MARKETING COOPERATIVES.—For purposes of this section, a specified agricultural or horticultural cooperative described in subparagraph (F)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

''(E) QUALIFIED PAYMENT.—For purposes of this paragraph, the term 'qualified payment' means, with respect to any person, any amount which—

''(i) is described in paragraph (1) or (3) of section 1385(a),

''(ii) is received by such person from a specified agricultural or horticultural cooperative, and

''(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under subsection (a).

''(F) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this paragraph, the term 'specified agricultural or horticultural cooperative' means an organization to which part I of subchapter T applies which is engaged—

''(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

''(ii) in the marketing of agricultural or horticultural products.''.

(10) Clause (i) of section 199(d)(4)(B) is amended—

(A) by striking ''50 percent'' and inserting ''more than 50 percent'', and

(B) by striking ''80 percent'' and inserting ''at least 80 percent''.

(11)(A) Paragraph (6) of section 199(d) is amended to read as follows:

''(6) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55—

''(A) qualified production activities income shall be determined without regard to any adjustments under sections 56 through 59, and

''(B) in the case of a corporation, subsection (a)(1)(B) shall be applied by substituting 'alternative minimum taxable income' for 'taxable income'.''.

(B) Paragraph (2) of section 199(a) is amended by striking ''subsections (d)(1) and (d)(6)'' and inserting ''subsection (d)(1)''.

(12) Subsection (d) of section 199 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, subsection (a)(1)(B) shall be applied by substituting 'unrelated business taxable income' for 'taxable income'.''.

(13) Paragraph (8) of section 199(d), as redesignated by paragraph (12), is amended by inserting '', including regulations which prevent more than 1 taxpayer from being allowed a deduction under this section with respect to any activity described in subsection (c)(4)(A)(i)'' before the period at the end.

(14) Clauses (i)(II) and (ii)(II) of section 56(d)(1)(A) are each amended by striking ''such deduction'' and inserting ''such deduction and the deduction under section 199''.

(15) Clause (i) of section 163(j)(6)(A) is amended by striking ''and'' at the end of subclause (II), by redesignating subclause (III) as subclause (IV), and by inserting after subclause (II) the following new subclause:

''(III) any deduction allowable under section 199, and''.

(16) Paragraph (2) of section 170(b) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) section 199,''.

(17) Subsection (d) of section 172 is amended by adding at the end the following new paragraph:

''(7) MANUFACTURING DEDUCTION.—The deduction under section 199 shall not be allowed.''.

(18) Paragraph (1) of section 613A(d) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) any deduction allowable under section 199,''.

(19) Subsection (e) of section 102 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(e) EFFECTIVE DATE.—

''(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

''(2) APPLICATION TO PASS-THRU ENTITIES, ETC.—In determining the deduction under section 199 of the Internal Revenue Code of 1986 (as added by this section), items arising from a taxable year of a partnership, S corporation, estate, or trust beginning before January 1, 2005, shall not be taken into account for purposes of subsection (d)(1) of such section.''.

(b) AMENDMENT RELATED TO SECTION 231 OF THE ACT.—Paragraph (1) of section 1361(c) is amended to read as follows:

''(1) MEMBERS OF A FAMILY TREATED AS 1 SHAREHOLDER.—

''(A) IN GENERAL.—For purposes of subsection (b)(1)(A), there shall be treated as one shareholder—

''(i) a husband and wife (and their estates), and

''(ii) all members of a family (and their estates).

''(B) MEMBERS OF A FAMILY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'members of a family' means a common ancestor, any lineal descendant of such common ancestor, and any spouse or former spouse of such common ancestor or any such lineal descendant.

''(ii) COMMON ANCESTOR.—An individual shall not be considered to be a common ancestor if, on the applicable date, the individual is more than 6 generations removed from the youngest generation of shareholders who would (but for this subparagraph) be members of the family. For purposes of the preceding sentence, a spouse (or former spouse) shall be treated as being of the same generation as the individual to whom such spouse is (or was) married.

''(iii) APPLICABLE DATE.—The term 'applicable date' means the latest of—

''(I) the date the election under section 1362(a) is made,

''(II) the earliest date that an individual described in clause (i) holds stock in the S corporation, or

''(III) October 22, 2004.

''(C) EFFECT OF ADOPTION, ETC.—Any legally adopted child of an individual, any child who is lawfully placed with an individual for legal adoption by the individual, and any eligible foster child of an individual (within the meaning of section 152(f)(1)(C)), shall be treated as a child of such individual by blood.''.

(c) AMENDMENT RELATED TO SECTION 235 OF THE ACT.—Subsection (b) of section 235 of the American Jobs Creation Act of 2004 is amended by striking ''taxable years beginning'' and inserting ''transfers''.

(d) AMENDMENTS RELATED TO SECTION 243 OF THE ACT.—

(1) Paragraph (7) of section 856(c) is amended to read as follows:

''(7) RULES OF APPLICATION FOR FAILURE TO SATISFY PARAGRAPH (4).—

''(A) IN GENERAL.—A corporation, trust, or association that fails to meet the requirements of paragraph (4) (other than a failure to meet the requirements of paragraph (4)(B)(iii) which is described in subparagraph (B)(i) of this paragraph) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) following the corporation, trust, or association's identification of the failure to satisfy the requirements of such paragraph for a particular quarter, a description of each asset that causes the corporation, trust, or association to fail to satisfy the requirements of such paragraph at the close of such quarter of any taxable year is set forth in a schedule for such quarter filed in accordance with regulations prescribed by the Secretary,

''(ii) the failure to meet the requirements of such paragraph for a particular quarter is due to reasonable cause and not due to willful neglect, and

''(iii)(I) the corporation, trust, or association disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation, trust, or association that fails to meet the requirements of paragraph (4)(B)(iii) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

''(I) 1 percent of the total value of the trust's assets at the end of the quarter for which such measurement is done, and

''(II) $10,000,000, and

''(ii)(I) the corporation, trust, or association, following the identification of such failure, disposes of assets in order to meet the requirements of such paragraph within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(C) TAX.—

''(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation, trust, or association for any taxable year, there is hereby imposed on such corporation, trust, or association a tax in an amount equal to the greater of—

''(I) $50,000, or

''(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

''(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of such paragraph (4) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the trust disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such paragraph (4).

''(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subparagraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.''.

(2) Subsection (m) of section 856 is amended by adding at the end the following new paragraph:

''(6) TRANSITION RULE.—

''(A) IN GENERAL.—Notwithstanding paragraph (2)(C), securities held by a trust shall not be considered securities held by the trust for purposes of subsection (c)(4)(B)(iii)(III) during any period beginning on or before October 22, 2004, if such securities—

''(i) are held by such trust continuously during such period, and

''(ii) would not be taken into account for purposes of such subsection by reason of paragraph (7)(C) of subsection (c) (as in effect on October 22, 2004) if the amendments made by section 243 of the American Jobs Creation Act of 2004 had never been enacted.

''(B) RULE NOT TO APPLY TO SECURITIES HELD AFTER MATURITY DATE.—Subparagraph (A) shall not apply with respect to any security after the later of October 22, 2004, or the latest maturity date under the contract (as in effect on October 22, 2004) taking into account any renewal or extension permitted under the contract if such renewal or extension does not significantly modify any other terms of the contract.

''(C) SUCCESSORS.—If the successor of a trust to which this paragraph applies acquires securities in a transaction to which section 381 applies, such trusts shall be treated as a single entity for purposes of determining the holding period of such securities under subparagraph (A).''.

(3) Subparagraph (E) of section 857(b)(2) is amended by striking ''section 856(c)(7)(B)(iii), and section 856(g)(1).'' and inserting ''section 856(c)(7)(C), and section 856(g)(5)''.

(4) Subsection (g) of section 243 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(g) EFFECTIVE DATES.—

''(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2000.

''(2) SUBSECTIONS (c) AND (e).—The amendments made by subsections (c) and (e) shall apply to taxable years beginning after the date of the enactment of this Act.

''(3) SUBSECTION (d).—The amendment made by subsection (d) shall apply to transactions entered into after December 31, 2004.

''(4) SUBSECTION (f).—

''(A) The amendment made by paragraph (1) of subsection (f) shall apply to failures with respect to which the requirements of subparagraph (A) or (B) of section 856(c)(7) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

''(B) The amendment made by paragraph (2) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (6) of section 856(c) of the Internal Revenue Code of 1986 (as amended by such paragraph) are satisfied after the date of the enactment of this Act.

''(C) The amendments made by paragraph (3) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (5) of section 856(g) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

''(D) The amendment made by paragraph (4) of subsection (f) shall apply to taxable years ending after the date of the enactment of this Act.

''(E) The amendments made by paragraph (5) of subsection (f) shall apply to statements filed after the date of the enactment of this Act.''.

(e) AMENDMENTS RELATED TO SECTION 244 OF THE ACT.—

(1) Paragraph (2) of section 181(d) is amended by striking the last sentence in subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULES FOR TELEVISION SERIES.—In the case of a television series—

''(i) each episode of such series shall be treated as a separate production, and

''(ii) only the first 44 episodes of such series shall be taken into account.''.

(2) Subparagraph (C) of section 1245(a)(2) is amended by inserting ''181,'' after ''179B,''.

(f) AMENDMENTS RELATED TO SECTION 245 OF THE ACT.—

(1) Subsection (b) of section 45G is amended to read as follows:

''(b) LIMITATION.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the product of—

''(A) $3,500, multiplied by

''(B) the sum of—

''(i) the number of miles of railroad track owned or leased by the eligible taxpayer as of the close of the taxable year, and

''(ii) the number of miles of railroad track assigned for purposes of this subsection to the eligible taxpayer by a Class II or Class III railroad which owns or leases such railroad track as of the close of the taxable year.

''(2) ASSIGNMENTS.—With respect to any assignment of a mile of railroad track under paragraph (1)(B)(ii)—

''(A) such assignment may be made only once per taxable year of the Class II or Class III railroad and shall be treated as made as of the close of such taxable year,

''(B) such mile may not be taken into account under this section by such railroad for such taxable year, and

''(C) such assignment shall be taken into account for the taxable year of the assignee which includes the date that such assignment is treated as effective.''.

(2) Paragraph (2) of section 45G(c) is amended to read as follows:

''(2) any person who transports property using the rail facilities of a Class II or Class III railroad or who furnishes railroad-related property or services to a Class II or Class III railroad, but only with respect to miles of railroad track assigned to such person by such Class II or Class III railroad for purposes of subsection (b).''.

(g) AMENDMENTS RELATED TO SECTION 248 OF THE ACT.—

(1)(A) Subsection (d) of section 1353 is amended by striking ''ownership and charter interests'' and inserting ''ownership, charter, and operating agreement interests''.

(B) Subsection (a) of section 1355 is amended by striking paragraph (8).

(C) Paragraph (1) of section 1355(b) is amended to read as follows:

''(1) IN GENERAL.—Except as provided in paragraph (2), a person is treated as operating any vessel during any period if—

''(A)(i) such vessel is owned by, or chartered (including a time charter) to, the person, or

''(ii) the person provides services for such vessel pursuant to an operating agreement, and

''(B) such vessel is in use as a qualifying vessel during such period.''.

(D) Paragraph (3) of section 1355(d) is amended to read as follows:

''(3) the extent of a partner's ownership, charter, or operating agreement interest in any vessel operated by the partnership shall be determined on the basis of the partner's interest in the partnership.''.

(2) Paragraph (3) of section 1355(c) is amended by striking ''determined—'' and all that follows and inserting ''determined by treating all members of such group as 1 person.''

(3) Subsection (c) of section 1356 is amended—

(A) by striking paragraph (3), and

(B) by adding at the end of paragraph (2) the following new flush sentence:

''Such term shall not include any core qualifying activities.''.

(4) The last sentence of section 1354(b) is amended by inserting ''on or'' after ''only if made''.

(h) AMENDMENT RELATED TO SECTION 314 OF THE ACT.—Paragraph (2) of section 55(c) is amended by striking ''regular tax'' and inserting ''regular tax liability''.

(i) AMENDMENTS RELATED TO SECTION 322 OF THE ACT.—

(1)(A) Subparagraph (B) of section 194(b)(1) is amended to read as follows:

''(B) DOLLAR LIMITATION.—The aggregate amount of reforestation expenditures which may be taken into account under subparagraph (A) with respect to each qualified timber property for any taxable year shall not exceed—

''(i) except as provided in clause (ii) or (iii), $10,000,

''(ii) in the case of a separate return by a married individual (as defined in section 7703), $5,000, and

''(iii) in the case of a trust, zero.''.

(B) Paragraph (4) of section 194(c) is amended to read as follows:

''(4) TREATMENT OF TRUSTS AND ESTATES.—The aggregate amount of reforestation expenditures incurred by any trust or estate shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account as expenditures incurred by such beneficiary in applying this section to such beneficiary.''.

(2) Subparagraph (C) of section 1245(a)(2) is amended by striking ''or 193'' and inserting ''193, or 194''.

(j) AMENDMENTS RELATED TO SECTION 336 OF THE ACT.—

(1) Clause (iv) of section 168(k)(2)(A) is amended by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraph (B) or (C)''.

(2) Clause (iii) of section 168(k)(4)(B) is amended by striking ''and paragraph (2)(C)'' and inserting ''or paragraph (2)(C) (as so modified)''.

(k) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—Paragraph (2) of section 904(g) is amended to read as follows:

''(2) OVERALL DOMESTIC LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'overall domestic loss' means—

''(i) with respect to any qualified taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding qualified taxable year by reason of a carryback, and

''(ii) with respect to any other taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for any preceding qualified taxable year by reason of a carryback.

''(B) DOMESTIC LOSS.—For purposes of subparagraph (A), the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

''(C) QUALIFIED TAXABLE YEAR.—For purposes of subparagraph (A), the term 'qualified taxable year' means any taxable year for which the taxpayer chose the benefits of this subpart.''.

(l) AMENDMENT RELATED TO SECTION 403 OF THE ACT.—Section 403 of the American Jobs Creation Act of 2004 is amended by adding at the end the following new subsection:

''(d) TRANSITION RULE.—If the taxpayer elects (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to have the rules of this subsection apply—

''(1) the amendments made by this section shall not apply to taxable years beginning after December 31, 2002, and before January 1, 2005, and

''(2) in the case of taxable years beginning after December 31, 2004, clause (iv) of section 904(d)(4)(C) of the Internal Revenue Code of 1986 (as amended by this section) shall be applied by substituting 'January 1, 2005' for 'January 1, 2003' both places it appears.''.

(m) AMENDMENT RELATED TO SECTION 412 OF THE ACT.—Subparagraph (B) of section 954(c)(4) is amended by adding at the end the following: ''If a controlled foreign corporation is treated as owning a capital or profits interest in a partnership under constructive ownership rules similar to the rules of section 958(b), the controlled foreign corporation shall be treated as owning such interest directly for purposes of this subparagraph.''.

(n) AMENDMENTS RELATED TO SECTION 413 OF THE ACT.—

(1) Subsection (b) of section 532 is amended by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subsection (b) of section 535 is amended by adding at the end the following new paragraph:

''(10) CONTROLLED FOREIGN CORPORATIONS.—There shall be allowed as a deduction the amount of the corporation's income for the taxable year which is included in the gross income of a United States shareholder under section 951(a). In the case of any corporation the accumulated taxable income of which would (but for this sentence) be determined without allowance of any deductions, the deduction under this paragraph shall be allowed and shall be appropriately adjusted to take into account any deductions which reduced such inclusion.''.

(3)(A) Section 6683 is repealed.

(B) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6683.

(o) AMENDMENT RELATED TO SECTION 415 OF THE ACT.—Subparagraph (D) of section 904(d)(2) is amended by inserting ''as in effect before its repeal'' after ''section 954(f)''.

(p) AMENDMENTS RELATED TO SECTION 418 OF THE ACT.—

(1) The second sentence of section 897(h)(1) is amended—

(A) by striking ''any distribution'' and all that follows through ''any class of stock'' and inserting ''any distribution by a real estate investment trust with respect to any class of stock'', and

(B) by striking ''the taxable year'' and inserting ''the 1-year period ending on the date of the distribution''.

(2) Subsection (c) of section 418 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

''(1) any distribution by a real estate investment trust which is treated as a deduction for a taxable year of such trust beginning after the date of the enactment of this Act, and

''(2) any distribution by a real estate investment trust made after such date which is treated as a deduction under section 860 for a taxable year of such trust beginning on or before such date.''.

(q) AMENDMENTS RELATED TO SECTION 422 OF THE ACT.—

(1) Subparagraph (B) of section 965(a)(2) is amended by inserting ''from another controlled foreign corporation in such chain of ownership'' before '', but only to the extent''.

(2) Subparagraph (A) of section 965(b)(2) is amended by inserting ''cash'' before ''dividends''.

(3) Paragraph (3) of section 965(b) is amended by adding at the end the following: ''The Secretary may prescribe such regulations as may be necessary or appropriate to prevent the avoidance of the purposes of this paragraph, including regulations which provide that cash dividends shall not be taken into account under subsection (a) to the extent such dividends are attributable to the direct or indirect transfer (including through the use of intervening entities or capital contributions) of cash or other property from a related person (as so defined) to a controlled foreign corporation.''.

(4) Paragraph (1) of section 965(c) is amended to read as follows:

''(1) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means—

''(A) with respect to a United States shareholder which is required to file a financial statement with the Securities and Exchange Commission (or which is included in such a statement so filed by another person), the most recent audited annual financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

''(i) which was so filed on or before June 30, 2003, and

''(ii) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(B) with respect to any other United States shareholder, the most recent audited financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

''(i) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(ii) which is used for the purposes of a statement or report—

''(I) to creditors,

''(II) to shareholders, or

''(III) for any other substantial nontax purpose.''.

(5) Paragraph (2) of section 965(d) is amended by striking ''properly allocated and apportioned'' and inserting ''directly allocable''.

(6) Subsection (d) of section 965 is amended by adding at the end the following new paragraph:

''(4) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax which is not allowable as a credit under section 901 by reason of this subsection.''.

(7) The last sentence of section 965(e)(1) is amended by inserting ''which are imposed by foreign countries and possessions of the United States and are'' after ''taxes''.

(8) Subsection (f) of section 965 is amended by inserting ''on or'' before ''before the due date''.

(r) AMENDMENTS RELATED TO SECTION 501 OF THE ACT.—

(1) Subparagraph (A) of section 164(b)(5) is amended to read as follows:

''(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

''(i) without regard to the reference to State and local income taxes, and

''(ii) as if State and local general sales taxes were referred to in a paragraph thereof.''.

(2) Clause (ii) of section 56(b)(1)(A) is amended by inserting ''or clause (ii) of section 164(b)(5)(A)'' before the period at the end.

(s) AMENDMENTS RELATED TO SECTION 708 OF THE ACT.—Section 708 of the American Jobs Creation Act of 2004 is amended—

(1) in subsection (a), by striking ''contract commencement date'' and inserting ''construction commencement date'', and

(2) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

''(d) CERTAIN ADJUSTMENTS NOT TO APPLY.—Section 481 of the Internal Revenue Code of 1986 shall not apply with respect to any change in the method of accounting which is required by this section.''.

(t) AMENDMENT RELATED TO SECTION 710 OF THE ACT.—Clause (i) of section 45(c)(7)(A) is amended by striking ''synthetic''.

(u) AMENDMENT RELATED TO SECTION 801 OF THE ACT.—Paragraph (3) of section 7874(a) is amended to read as follows:

''(3) COORDINATION WITH SUBSECTION (b).—A corporation which is treated as a domestic corporation under subsection (b) shall not be treated as a surrogate foreign corporation for purposes of paragraph (2)(A).''.

(v) AMENDMENTS RELATED TO SECTION 804 OF THE ACT.—

(1) Subparagraph (C) of section 877(g)(2) is amended by striking ''section 7701(b)(3)(D)(ii)'' and inserting ''section 7701(b)(3)(D)''.

(2) Subsection (n) of section 7701 is amended to read as follows:

''(n) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—For purposes of this chapter—

''(1) UNITED STATES CITIZENS.—An individual who would (but for this paragraph) cease to be treated as a citizen of the United States shall continue to be treated as a citizen of the United States until such individual—

''(A) gives notice of an expatriating act (with the requisite intent to relinquish citizenship) to the Secretary of State, and

''(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).

''(2) LONG-TERM RESIDENTS.—A long-term resident (as defined in section 877(e)(2)) who would (but for this paragraph) be described in section 877(e)(1) shall be treated as a lawful permanent resident of the United States and as not described in section 877(e)(1) until such individual—

''(A) gives notice of termination of residency (with the requisite intent to terminate residency) to the Secretary of Homeland Security, and

''(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).''.

(w) AMENDMENT RELATED TO SECTION 811 OF THE ACT.—Subsection (c) of section 811 of the American Jobs Creation Act of 2004 is amended by inserting ''and which were not filed before such date'' before the period at the end.

(x) AMENDMENTS RELATED TO SECTION 812 OF THE ACT.—

(1) Subsection (b) of section 6662 is amended by adding at the end the following new sentence: ''Except as provided in paragraph (1) or (2)(B) of section 6662A(e), this section shall not apply to the portion of any underpayment which is attributable to a reportable transaction understatement on which a penalty is imposed under section 6662A.''

(2) Paragraph (2) of section 6662A(e) is amended to read as follows:

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) COORDINATION WITH FRAUD PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6663.

''(B) COORDINATION WITH GROSS VALUATION MISSTATEMENT PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662 if the rate of the penalty is determined under section 6662(h).''.

(3) Subsection (f) of section 812 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(f) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

''(2) DISQUALIFIED OPINIONS.—Section 6664(d)(3)(B) of the Internal Revenue Code of 1986 (as added by subsection (c)) shall not apply to the opinion of a tax advisor if—

''(A) the opinion was provided to the taxpayer before the date of the enactment of this Act,

''(B) the opinion relates to one or more transactions all of which were entered into before such date, and

''(C) the tax treatment of items relating to each such transaction was included on a return or statement filed by the taxpayer before such date.''.

(y) AMENDMENT RELATED TO SECTION 814 OF THE ACT.—Subparagraph (B) of section 6501(c)(10) is amended by striking ''(as defined in section 6111)''.

(z) AMENDMENT RELATED TO SECTION 815 OF THE ACT.—Paragraph (1) of section 6112(b) is amended by inserting ''(or was required to maintain a list under subsection (a) as in effect before the enactment of the American Jobs Creation Act of 2004)'' after ''a list under subsection (a)''.

(aa) AMENDMENTS RELATED TO SECTION 832 OF THE ACT.—

(1) Subsection (e) of section 853 is amended to read as follows:

''(e) TREATMENT OF CERTAIN TAXES NOT ALLOWED AS A CREDIT UNDER SECTION 901.—This section shall not apply to any tax with respect to which the regulated investment company is not allowed a credit under section 901 by reason of subsection (k) or (l) of such section.''.

(2) Clause (i) of section 901(l)(2)(C) is amended by striking ''if such security were stock''.

(bb) AMENDMENTS RELATED TO SECTION 833 OF THE ACT.—

(1) Subsection (a) of section 734 is amended by inserting ''with respect to such distribution'' before the period at the end.

(2) So much of subsection (b) of section 734 as precedes paragraph (1) is amended to read as follows:

''(b) METHOD OF ADJUSTMENT.—In the case of a distribution of property to a partner by a partnership with respect to which the election provided in section 754 is in effect or with respect to which there is a substantial basis reduction, the partnership shall—''.

(cc) AMENDMENT RELATED TO SECTION 835 OF THE ACT.—Paragraph (3) of section 860G(a) is amended—

(1) in subparagraph (A)(iii)(I), by striking ''the obligation'' and inserting ''a reverse mortgage loan or other obligation'', and

(2) by striking all that follows subparagraph (C) and inserting the following:

''For purposes of subparagraph (A), any obligation secured by stock held by a person as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as so defined) shall be treated as secured by an interest in real property. For purposes of subparagraph (A), any obligation originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) shall be treated as principally secured by an interest in real property if more than 50 percent of such obligations which are

transferred to, or purchased by, the REMIC are principally secured by an interest in real property (determined without regard to this sentence).''.

(dd) AMENDMENTS RELATED TO SECTION 836 OF THE ACT.—

(1) Paragraph (1) of section 334(b) is amended by striking ''except that'' and all that follows and inserting ''except that, in the hands of such distributee—

''(A) the basis of such property shall be the fair market value of the property at the time of the distribution in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, and

''(B) the basis of any property described in section 362(e)(1)(B) shall be the fair market value of the property at the time of the distribution in any case in which such distributee's aggregate adjusted basis of such property would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''.

(2) Clause (ii) of section 362(e)(2)(C) is amended to read as follows:

''(ii) ELECTION.—Any election under clause (i) shall be made at such time and in such form and manner as the Secretary may prescribe, and, once made, shall be irrevocable.''.

(ee) AMENDMENT RELATED TO SECTION 840 OF THE ACT.—Subsection (d) of section 121 is amended—

(1) by redesignating the paragraph (10) relating to property acquired from a decedent as paragraph (11) and by moving such paragraph to the end of such subsection, and

(2) by amending the paragraph (10) relating to property acquired in like-kind exchange to read as follows:

''(10) PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.—If a taxpayer acquires property in an exchange with respect to which gain is not recognized (in whole or in part) to the taxpayer under subsection (a) or (b) of section 1031, subsection (a) shall not apply to the sale or exchange of such property by such taxpayer (or by any person whose basis in such property is determined, in whole or in part, by reference to the basis in the hands of such taxpayer) during the 5-year period beginning with the date of such acquisition.''.

(ff) AMENDMENT RELATED TO SECTION 849 OF THE ACT.—Subsection (a) of section 849 of the American Jobs Creation Act of 2004 is amended by inserting '', and in the case of property treated as tax-exempt use property other than by reason of a lease, to property acquired after March 12, 2004'' before the period at the end.

(gg) AMENDMENT RELATED TO SECTION 884 OF THE ACT.—Subparagraph (B) of section 170(f)(12) is amended by adding at the end the following new clauses:

''(v) Whether the donee organization provided any goods or services in consideration, in whole or in part, for the qualified vehicle.

''(vi) A description and good faith estimate of the value of any goods or services referred to in clause (v) or, if such goods or services consist solely of intangible religious benefits (as defined in paragraph (8)(B)), a statement to that effect.''.

(hh) AMENDMENTS RELATED TO SECTION 885 OF THE ACT.—

(1) Paragraph (2) of section 26(b) is amended by striking ''and'' at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting '', and'', and by adding at the end the following new subparagraph:

''(T) subsections (a)(1)(B)(i) and (b)(4)(A) of section 409A (relating to interest and additional tax with respect to certain deferred compensation).''.

(2) Clause (ii) of section 409A(a)(4)(C) is amended by striking ''first''.

(3)(A) Notwithstanding section 885(d)(1) of the American Jobs Creation Act of 2004, subsection (b) of section 409A of the Internal Revenue Code of 1986 shall take effect on January 1, 2005.

(B) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance under which a nonqualified deferred compensation plan which is in violation of the requirements of section 409A(b) of such Code shall be treated as not having violated such requirements if such plan comes into conformance with such requirements during such limited period as the Secretary may specify in such guidance.

(4) Subsection (f) of section 885 of the American Jobs Creation Act of 2004 is amended by striking ''December 31, 2004'' the first place it appears and inserting ''January 1, 2005''.

(ii) AMENDMENT RELATED TO SECTION 888 OF THE ACT.—Paragraph (2) of section 1092(a) is amended by striking the last sentence and adding at the end the following new subparagraph:

''(C) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph. Such regulations or other guidance may specify the proper methods for clearly identifying a straddle as an identified straddle (and for identifying the positions comprising such straddle), the rules for the application of this section to a taxpayer which fails to comply with those identification requirements, and the ordering rules in cases where a taxpayer disposes (or otherwise ceases to be the holder) of any part of any position which is part of an identified straddle.''.

(jj) AMENDMENTS RELATED TO SECTION 898 OF THE ACT.—

(1) Paragraph (3) of section 361(b) is amended by inserting ''(reduced by the amount of the liabilities assumed (within the meaning of section 357(c)))'' before the period at the end.

(2) Paragraph (1) of section 357(d) is amended by inserting ''section 361(b)(3),'' after ''section 358(h),''.

(kk) AMENDMENT RELATED TO SECTION 899 OF THE ACT.—Subparagraph (A) of section 351(g)(3) is amended by adding at the end the following: ''If there is not a real and meaningful likelihood that dividends beyond any limitation or preference will actually be paid, the possibility of such payments will be disregarded in determining whether stock is limited and preferred as to dividends.''.

(ll) AMENDMENT RELATED TO SECTION 902 OF THE ACT.—Paragraph (1) of section 709(b) is amended by striking ''taxpayer'' both places it appears and inserting ''partnership''.

(mm) AMENDMENTS RELATED TO SECTION 907 OF THE ACT.—Clause (ii) of section 274(e)(2)(B) is amended—

(1) in subclause (I), by inserting ''or a related party to the taxpayer'' after ''the taxpayer'',

(2) in subclause (II), by inserting ''(or such related party)'' after ''the taxpayer'', and

(3) by adding at the end the following new flush sentence:

''For purposes of this clause, a person is a related party with respect to another person if such person bears a relationship to such other person described in section 267(b) or 707(b).''.

(nn) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 404. AMENDMENTS RELATED TO THE WORKING FAMILIES TAX RELIEF ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Subsection (e) of section 152 is amended to read as follows:

''(e) SPECIAL RULE FOR DIVORCED PARENTS, ETC.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and—

''(B) such child is in the custody of 1 or both of the child's parents for more than one-half of the calendar year, such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) or (3) are met.

''(2) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

''(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

''(B) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

''(3) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

''(A) IN GENERAL .—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

''(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

''(ii) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

''(B) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this paragraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

''(i) which is executed before January 1, 1985,

''(ii) which on such date contains the provision described in subparagraph (A)(i), and

''(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

''(4) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent having custody for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(5) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENT.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(6) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.''.

(b) AMENDMENT RELATED TO SECTION 203 OF THE ACT.—Subparagraph (B) of section 21(b)(1) is amended by inserting ''(as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B))'' after ''dependent of the taxpayer''.

(c) AMENDMENT RELATED TO SECTION 207 OF THE ACT.—Subparagraph (A) of section 223(d)(2) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Working Families Tax Relief Act of 2004 to which they relate.

SEC. 405. AMENDMENTS RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENTS RELATED TO SECTION 201 OF THE ACT.—

(1) Clause (ii) of section 168(k)(4)(B) is amended to read as follows:

''(ii) which is—

''(I) acquired by the taxpayer after May 5, 2003, and before January 1, 2005, but only if no written binding contract for the acquisition was in effect before May 6, 2003, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after May 5, 2003, and before January 1, 2005, and''.

(2) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''September 11, 2004'' and inserting ''January 1, 2005''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 201 of the Jobs and Growth Tax Relief and Reconciliation Act of 2003.

SEC. 406. AMENDMENT RELATED TO THE VICTIMS OF TERRORISM TAX RELIEF ACT OF 2001.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Paragraph (17) of section 6103(l) is amended by striking ''subsection (f), (i)(7), or (p)'' and inserting ''subsection (f), (i)(8), or (p)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 407. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Clause (ii) of section 402(g)(7)(A) is amended to read as follows:

''(ii) $15,000 reduced by the sum of—

''(I) the amounts not included in gross income for prior taxable years by reason of this paragraph, plus

''(II) the aggregate amount of designated Roth contributions (as defined in section 402A(c)) for prior taxable years, or''.

(2) Subparagraph (A) of section 402(g)(1) is amended by inserting ''to'' after ''shall not apply''.

(b) AMENDMENT RELATED TO SECTION 632 OF THE ACT.—Subparagraph (C) of section 415(c)(7) is amended by striking ''the greater of $3,000'' and all that follows and inserting ''$3,000. This subparagraph shall not apply with respect to any taxable year to any individual whose adjusted gross income for such taxable year (determined separately and without regard to community property laws) exceeds $17,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 408. AMENDMENTS RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENTS RELATED TO SECTION 3415 OF THE ACT.—

(1) Paragraph (2) of section 7609(c) is amended by inserting ''or'' at the end of subparagraph (D), by striking ''; or'' at the end of subparagraph (E) and inserting a period, and by striking subparagraph (F).

(2) Subsection (c) of section 7609 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) JOHN DOE AND CERTAIN OTHER SUMMONSES.—Subsection (a) shall not apply to any summons described in subsection (f) or (g).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 3415 of the Internal Revenue Service Restructuring and Reform Act of 1998.

SEC. 409. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 1055 OF THE ACT.—

(1) The last sentence of section 6411(a) is amended by striking ''6611(f)(3)(B)'' and inserting ''6611(f)(4)(B)''.

(2) Paragraph (4) of section 6601(d) is amended by striking ''6611(f)(3)(A)'' and inserting ''6611(f)(4)(A)''.

(b) AMENDMENT RELATED TO SECTION 1112 OF THE ACT.—Subsection (c) of section 961 is amended to read as follows:

''(c) BASIS ADJUSTMENTS IN STOCK HELD BY FOREIGN CORPORATIONS.—Under regulations prescribed by the Secretary, if a United States shareholder is treated under section 958(a)(2) as owning stock in a controlled foreign corporation which is owned by another controlled foreign corporation, then adjustments similar to the adjustments provided by subsections (a) and (b) shall be made to—

''(1) the basis of such stock, and

''(2) the basis of stock in any other controlled foreign corporation by reason of which the United States shareholder is considered under section 958(a)(2) as owning the stock described in paragraph (1),

but only for the purposes of determining the amount included under section 951 in the gross income of such United States shareholder (or any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder by reason of which such shareholder was treated as owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations). The preceding sentence shall not apply with respect to any stock to which a basis adjustment applies under subsection (a) or (b).''.

(c) AMENDMENT RELATED TO SECTION 1144 OF THE ACT.—Subparagraph (B) of section 6038B(a)(1) is amended by inserting ''or'' at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 410. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) AMENDMENT RELATED TO SECTION 11813 OF THE ACT.—Subclause (I) of section 168(e)(3)(B)(vi) is amended by striking ''if 'solar and wind' were substituted for 'solar' in clause (i) thereof'' and inserting ''if 'solar or wind energy' were substituted for 'solar energy' in clause (i) thereof''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 11813 of the Omnibus Budget Reconciliation Act of 1990.

SEC. 411. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) AMENDMENT RELATED TO SECTION 10227 OF THE ACT.—Section 1363(d) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE.—Sections 1367(a)(2)(D) and 1371(c)(1) shall not apply with respect to any increase in the tax imposed by reason of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 10227 of the Omnibus Budget Reconciliation Act of 1987.

SEC. 412. CLERICAL CORRECTIONS.

(a) Subparagraph (C) of section 2(b)(2) is amended by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''.

(b) Paragraph (2) of section 25C(b) is amended by striking ''subsection (c)(3)(B)'' and inserting ''subsection (c)(2)(B)''.

(c) Subparagraph (E) of section 26(b)(2) is amended by striking ''section 530(d)(3)'' and inserting ''section 530(d)(4)''.

(d) Subparagraph (A) of section 30B(g)(2) and subparagraph (A) of section 30C(d)(2) are each amended by striking ''regular tax'' and inserting ''regular tax liability (as defined in section 26(b))''.

(e) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30C and inserting the following new item:

''Sec. 30C. Alternative fuel vehicle refueling property credit.''.

(f)(1) Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking ''or the New York Liberty Zone business employee credit or the specified credits'' and inserting '', the New York Liberty Zone business employee credit, and the specified credits''.

(2) Subclause (II) of section 38(c)(3)(A)(ii) is amended by striking ''or the specified credits'' and inserting ''and the specified credits''.

(3) Subparagraph (B) of section 38(c)(4) is amended—

(A) by striking ''includes'' and inserting ''means'', and

(B) by inserting ''and'' at the end of clause (i).

(g)(1) Subparagraph (A) of section 39(a)(1) is amended by striking ''each of the 1 taxable years'' and inserting ''the taxable year''.

(2) Subparagraph (B) of section 39(a)(3) is amended to read as follows:

''(B) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and''.

(h) Subparagraph (B) of section 40A(b)(5) is amended by striking ''(determined without regard to the last sentence of subsection (d)(2))''.

(i) Paragraph (5) of section 43(c) is amended to read as follows:

''(5) ALASKA NATURAL GAS.—For purposes of paragraph (1)(D)—

''(A) IN GENERAL.—The term 'Alaska natural gas' means natural gas entering the Alaska natural gas pipeline (as defined in section 168(i)(16) (determined without regard to subparagraph (B) thereof)) which is produced from a well—

''(i) located in the area of the State of Alaska lying north of 64 degrees North latitude, determined by excluding the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(1)), and

''(ii) pursuant to the applicable State and Federal pollution prevention, control, and permit requirements from such area (including the continental shelf thereof within the meaning of section 638(1)).

''(B) NATURAL GAS.—The term 'natural gas' has the meaning given such term by section 613A(e)(2).''.

(j) Subsection (d) of section 45 is amended—

(1) in paragraph (8) by striking ''The term'' and inserting ''In the case of a facility that produces refined coal, the term'', and

(2) in paragraph (10) by striking ''The term'' and inserting ''In the case of a facility that produces Indian coal, the term''.

(k) Paragraph (2) of section 451(a) is amended by striking ''qualified credit oil production'' and inserting ''qualified crude oil production''.

(l) Subsection (g) of section 45K, as redesignated by section 1322 of the Energy Policy Act of 2005, is amended—

(1) in the matter preceding paragraph (1), by striking ''subsection (f)'' and inserting ''subsection (e)'', and

(2) in paragraph (2)(C), by striking ''subsection (g)'' and inserting ''subsection (f)''.

(m) Paragraph (1) of section 48(a), as amended by section 1336 of the Energy Policy Act of 2005, is amended by striking ''paragraph (1)(B) or (2)(B) of subsection (d)'' and inserting ''paragraphs (1)(B) and (2)(B) of subsection (c)''.

(n) Subparagraph (A) of section 48(a)(3) is amended—

(1) by redesignating clause (iii) (relating to qualified fuel cell property or qualified microturbine property), as added by section 1336 of

the Energy Policy Act of 2005, as clause (iv) and by moving such clause to the end of such subparagraph, and

(2) by striking ''or'' at the end of clause (ii).

(o) Subparagraph (E) of section 50(a)(2) is amended by striking ''section 48(a)(5)'' and inserting ''section 48(b)''.

(p)(1) Paragraph (3) of section 55(c) is amended by inserting ''30B(g)(2), 30C(d)(2),'' after ''30(b)(3),''.

(2) Section 1341(b)(3) of the Energy Policy Act of 2005 is repealed.

(3) Section 1342(b)(3) of the Energy Policy Act of 2005 is repealed.

(q)(1) Subsection (a) of section 62 is amended—

(A) by redesignating paragraph (19) (relating to costs involving discrimination suits, etc.), as added by section 703 of the American Jobs Creation Act of 2004, as paragraph (20), and

(B) by moving such paragraph after paragraph (19) (relating to health savings accounts).

(2) Subsection (e) of section 62 is amended by striking ''subsection (a)(19)'' and inserting ''subsection (a)(20)''.

(r) Paragraph (3) of section 167(f) is amended by striking ''section 197(e)(7)'' and inserting ''section 197(e)(6)''.

(s) Subparagraph (D) of section 168(i)(15) is amended by striking ''This paragraph shall not apply to'' and inserting ''Such term shall not include''.

(t) Paragraph (2) of section 221(d) is amended by striking ''this Act'' and inserting ''the Taxpayer Relief Act of 1997''.

(u) Paragraph (8) of section 318(b) is amended by striking ''section 6038(d)(2)'' and inserting ''section 6038(e)(2)''.

(v) Subparagraph (B) of section 332(d)(1) is amended by striking ''distribution to which section 301 applies'' and inserting ''distribution of property to which section 301 applies''.

(w) Subparagraph (B) of section 403(b)(9) is amended by inserting ''or'' before ''a convention''.

(x)(1) Clause (i) of section 412(m)(4)(B) is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(2) Clause (i) of section 302(e)(4)(B) of the Employee Retirement Income Security Act of 1974 is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(y) Paragraph (1) of section 415(l) is amended by striking ''individual medical account'' and inserting ''individual medical benefit account''.

(z) The matter following clause (iv) of section 415(n)(3)(C) is amended by striking ''clauses'' and inserting ''clause''.

(aa) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 6662(d)(2)(C)(ii)''.

(bb) Paragraph (12) of section 501(c) is amended—

(1) by striking ''subparagraph (C)(iii)'' in subparagraph (F) and inserting ''subparagraph (C)(iv)'', and

(2) by striking ''subparagraph (C)(iv)'' in subparagraph (G) and inserting ''subparagraph (C)(v)''.

(cc) Clause (ii) of section 501(c)(22)(B) is amended by striking ''clause (ii) of paragraph (21)(B)'' and inserting ''clause (ii) of paragraph (21)(D)''.

(dd) Paragraph (1) of section 512(b) is amended by striking ''section 512(a)(5)'' and inserting ''subsection (a)(5)''.

(ee)(1) Subsection (b) of section 512 is amended—

(A) by redesignating paragraph (18) (relating to the treatment of gain or loss on sale or exchange of certain brownfield sites), as added by section 702 of the American Jobs Creation Act of 2004, as paragraph (19), and

(B) by moving such paragraph to the end of such subsection.

(2) Subparagraph (E) of section 514(b)(1) is amended by striking ''section 512(b)(18)'' and inserting ''section 512(b)(19)''.

(3) Paragraph (6) of section 529(c) is amended by striking ''education individual retirement account'' and inserting ''Coverdell education savings account''.

(ff)(1) Subsection (b) of section 530 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Clause (ii) of section 530(b)(2)(A) is amended by striking ''paragraph (4)'' and inserting ''paragraph (3)''.

(gg) Subparagraph (H) of section 613(c)(4) is amended by inserting ''(including in situ retorting)'' after ''and retorting''.

(hh) Subparagraph (A) of section 856(g)(5) is amended by striking ''subsection (c)(6) or (c)(7) of section 856'' and inserting ''paragraph (2), (3), or (4) of subsection (c)''.

(ii) Paragraph (6) of section 857(b) is amended—

(1) in subparagraph (E), by striking ''subparagraph (C)'' and inserting ''subparagraphs (C) and (D)'', and

(2) in subparagraph (F)—

(A) by striking ''subparagraph (C) of this paragraph'' and inserting ''subparagraph (C) or (D)'', and

(B) by striking ''subparagraphs (C) and (D)'' and inserting ''subparagraphs (C), (D), and (E)''.

(jj) Subparagraph (C) of section 881(e)(1) is amended by inserting ''interest-related dividend received by a controlled foreign corporation'' after ''shall apply to any''.

(kk) Clause (ii) of section 952(c)(1)(B) is amended—

(1) by striking ''clause (iii)(III) or (IV)'' and inserting ''subclause (II) or (III) of clause (iii)'', and

(2) by striking ''clause (iii)(II)'' and inserting ''clause (iii)(I)''.

(ll) Clause (i) of section 954(c)(1)(C) is amended by striking ''paragraph (4)(A)'' and inserting ''paragraph (5)(A)''.

(mm) Subparagraph (F) of section 954(c)(1) is amended by striking ''Net income from notional principal contracts.'' after ''Income from notional principal contracts.—''.

(nn) Paragraph (23) of section 1016(a) is amended by striking ''1045(b)(4)'' and inserting ''1045(b)(3)''.

(oo) Paragraph (1) of section 1256(f) is amended by striking ''subsection (e)(2)(C)'' and inserting ''subsection (e)(2)''.

(pp) The matter preceding clause (i) of section 1031(h)(2)(B) is amended by striking ''subparagraph'' and inserting ''subparagraphs''.

(qq) Paragraphs (1) and (2) of section 1375(d) are each amended by striking ''subchapter C'' and inserting ''accumulated''.

(rr) Each of the following provisions are amended by striking ''General Accounting Office'' each place it appears therein and inserting ''Government Accountability Office'':

(1) Clause (ii) of section 1400E(c)(4)(A).

(2) Paragraph (1) of section 6050M(b).

(3) Subparagraphs (A), (B)(i), and (B)(ii) of section 6103(i)(8).

(4) Paragraphs (3)(C)(i), (4), (5), and (6)(B) of section 6103(p).

(5) Subsection (e) of section 8021.

(ss)(1) Clause (ii) of section 1400L(b)(2)(C) is amended by striking ''section 168(k)(2)(C)(i)'' and inserting ''section 168(k)(2)(D)(i)''.

(2) Clause (iv) of section 1400L(b)(2)(C) is amended by striking ''section 168(k)(2)(C)(iii)'' and inserting ''section 168(k)(2)(D)(iii)''.

(3) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''section 168(k)(2)(D)'' and inserting ''section 168(k)(2)(E)''.

(4) Subparagraph (E) of section 1400L(b)(2) is amended by striking ''section 168(k)(2)(F)'' and inserting ''section 168(k)(2)(G)''.

(5) Paragraph (5) of section 1400L(c) is amended by striking ''section 168(k)(2)(C)(iii)'' and inserting ''section 168(k)(2)(D)(iii)''.

(tt) Section 3401 is amended by redesignating subsection (h) as subsection (g).

(uu) Paragraph (2) of section 4161(a) is amended to read as follows:

''(2) 3 PERCENT RATE OF TAX FOR ELECTRIC OUTBOARD MOTORS.—In the case of an electric outboard motor, paragraph (1) shall be applied by substituting '3 percent' for '10 percent'.''.

(vv) Subparagraph (C) of section 4261(e)(4) is amended by striking ''imposed subsection (b)'' and inserting ''imposed by subsection (b)''.

(ww) Subsection (a) of section 4980D is amended by striking ''plans'' and inserting ''plan''.

(xx) The matter following clause (iii) of section 6045(e)(5)(A) is amended by striking ''for '$250,000'.'' and all that follows through ''to the Treasury.'' and inserting ''for '$250,000'. The Secretary may by regulation increase the dollar amounts under this subparagraph if the Secretary determines that such an increase will not materially reduce revenues to the Treasury.''.

(yy) Subsection (p) of section 6103 is amended—

(1) by striking so much of paragraph (4) as precedes subparagraph (A) and inserting the following:

''(4) SAFEGUARDS.—Any Federal agency described in subsection (h)(2), (h)(5), (i)(1), (2), (3), (5), or (7), (j)(1), (2), or (5), (k)(8), (l)(1), (2), (3), (5), (10), (11), (13), (14), or (17) or (o)(1), the Government Accountability Office, the Congressional Budget Office, or any agency, body, or commission described in subsection (d), (i)(3)(B)(i) or 7(A)(ii), or (l)(6), (7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16), (18), (19), or (20) shall, as a condition for receiving returns or return information—'',

(2) by amending paragraph (4)(F)(i) to read as follows:

''(i) in the case of an agency, body, or commission described in subsection (d), (i)(3)(B)(i), or (l)(6), (7), (8), (9), or (16), or any other person described in subsection (l)(16), (18), (19), or (20) return to the Secretary such returns or return information (along with any copies made therefrom) or make such returns or return information undisclosable in any manner and furnish a written report to the Secretary describing such manner,'', and

(3) by striking the first full sentence in the matter following subparagraph (F) of paragraph (4) and inserting the following: ''If the Secretary determines that any such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, has failed to, or does not, meet the requirements of this paragraph, he may, after any proceedings for review established under paragraph (7), take such actions as are necessary to ensure such requirements are met, including refusing to disclose returns or return information to such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, until he determines that such requirements have been or will be met.''.

(zz) Clause (ii) of section 6111(b)(1)(A) is amended by striking ''advice or assistance'' and inserting ''aid, assistance, or advice''.

(aaa) Paragraph (3) of section 6662(d) is amended by striking ''the'' before ''1 or more''.

SEC. 413. OTHER CORRECTIONS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 233 OF THE ACT.—

(1) Clause (vi) of section 1361(c)(2)(A) is amended—

(A) by inserting ''or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))'' after ''a bank (as defined in section 581)'', and

(B) by inserting ''or company'' after ''such bank''.

(2) Paragraph (16) of section 4975(d) is amended—

(A) in subparagraph (A), by inserting ''or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))'' after ''a bank (as defined in section 581)'', and

(B) in subparagraph (C), by inserting ''or company'' after ''such bank''.

(b) AMENDMENT RELATED TO SECTION 237 OF THE ACT.—Subparagraph (F) of section 1362(d)(3) is amended by striking ''a bank holding company'' and all that follows through ''section 2(p) of such Act)'' and inserting ''a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))''.

(c) AMENDMENTS RELATED TO SECTION 239 OF THE ACT.—Paragraph (3) of section 1361(b) is amended—

(1) in subparagraph (A), by striking ''and in the case of information returns required under part III of subchapter A of chapter 61'', and

(2) by adding at the end the following new subparagraph:

''(E) INFORMATION RETURNS.—Except to the extent provided by the Secretary, this paragraph shall not apply to part III of subchapter A of chapter 61 (relating to information returns).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

Subtitle B—Trade Technicals

SEC. 421. TECHNICAL CORRECTIONS TO REGIONAL VALUE-CONTENT METHODS FOR RULES OF ORIGIN UNDER PUBLIC LAW 109–53.

Section 203(c) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 19 U.S.C. 4033(c)) is amended as follows:

(1) In paragraph (2)(A), by striking all that follows ''the following build-down method:'' and inserting the following:

$$\text{''}RVC = \frac{AV - VNM}{AV} \times 100\text{''}.$$

(2) In paragraph (3)(A), by striking all that follows ''the following build-up method:'' and inserting the following:

$$\text{''}RVC = \frac{VOM}{AV} \times 100\text{''}.$$

(3) In paragraph (4)(A), by striking all that follows ''the following net cost method:'' and inserting the following:

$$\text{''}RVC = \frac{NC - VNM}{NC} \times 100\text{''}.$$

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. MCCRERY (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. JEFFERSON. Madam Speaker, I do not object, but I reserve the right to object.

Madam Speaker, I want to say to the Speaker and this entire House, to my colleague from Louisiana, Mr. MCCRERY, to the ranking member, CHARLES RANGEL, to our chairman, BILL THOMAS, of the Ways and Means Committee, to all our Members who worked so hard to arrive at this piece of legislation at this time, we are, in our part of the world, extraordinarily grateful to the House and Senate for what it has done here. It will help to get our local government back on our feet and get our businesses incentivized to come back into our area. We believe that it will make a huge contribution to restoring and rebuilding our city.

Madam Speaker, I appreciate the good work that my colleague has done, and I thank the House.

Mr. MCCRERY. Madam Speaker, will the gentleman yield?

Mr. JEFFERSON. I yield to the gentleman from Louisiana.

Mr. MCCRERY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I, too, want to thank the gentleman from Louisiana, my colleague on the Ways and Means Committee, the chairman of the Ways and Means Committee, the ranking member and the staff who have worked so hard to help us provide incentives for businesses to come back and reinvest in the devastated areas along our gulf coast.

The gentleman from Louisiana and Members of the House should know that members of the other body have placed a document prepared by the Joint Committee on Taxation in the CONGRESSIONAL RECORD that explains the legislative intent with respect to H.R. 4440, as amended. The Joint Committee will also make this explanation public. This document expresses our understanding of the bill now before us, and it will be a useful reference in understanding the legislation.

Mr. JEFFERSON. Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCRERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4440.

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

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4437 to be considered shortly.

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

There was no objection.

BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution 621 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4437.

□ 1512

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with Mrs. EMERSON (Acting Chairman) in the Chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday December 15, 2005, amendment No. 12 printed in part B of House Report 109–347 by the gentleman from Oregon (Mr. DEFAZIO) had been disposed of.

Pursuant to House Resolution 621, no further general debate is in order and remaining proceedings pursuant to House Resolution 610 are subsumed by House Resolution 621.

Pursuant to House Resolution 621, no further amendment is in order except those printed in House Report 109–350. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–350 offered by Mr. GOODLATTE:

At the end of the bill, add the following new title:

TITLE IX—SECURITY AND FAIRNESS ENHANCEMENT

SEC. 901. SHORT TITLE.

This title may be cited as—

(1) the ''Security and Fairness Enhancement for America Act of 2005''; or

(2) the ''SAFE for America Act''.

SEC. 902. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking ''(a), (b), or (c),'' and inserting ''(a) or (b),'';

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and

(5) in subsection (g), by striking ''(a), (b), and (c)'' and inserting ''(a) and (b)''.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I yield myself 1½ minutes.

Madam Chairman, each year, the United States Government chooses the names of 50,000 people who will be given the status of legal permanent resident, not based on family or employer sponsorship nor based on any rationale reason, but based only pure luck through a random lottery. My amendment would eliminate the controversial visa lottery program. The visa lottery program presents a serious national security threat.

A perfect example of the system gone awry is the case of Hesham Mohamed Hadayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for legal permanent resident status in 1997 because of his wife's status as a visa lottery winner.

□ 1515

The State Department's Inspector General has even testified before Congress this year that the Office of Inspector General continues to believe that the Diversity Visa Program contains significant risks to national security from hostile intelligence officers, criminals and terrorists attempting to use the program for entry into the United States as permanent residents.

Do not gamble with national security. Join me in eliminating the visa lottery program.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield myself 2 minutes. I ask that the House carefully consider this amendment because it may in one respect represent a not-so-subtle attempt to dismantle the only program that guarantees that at least 4 percent of the new immigrants have a chance to come to this country from under-represented nations.

The Diversity Visa Program is the chance for many people of color around the world to immigrate to the United States and pursue the same American dream that many of the ancestors of the Members here were able to pursue.

There is no time in our Nation's history when race and ethnicity were not primary factors. So what we are asking here is that just as many great Americans have come to this country as refugees, I have no doubt that many great Americans have and are coming through the diversity program. You need only to look at the promise of young Freddie Adu, the teenage boy who is the newest star on the National Soccer League and the youngest professional player in the United States. He has got great promise, and but for his entry to the United States on the Diversity Visa Program, that promise might not have been realized.

I urge my colleagues to consider this amendment carefully. I hope that it will be turned back. Let us not dismantle an important and valuable program.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Madam Chairman, I rise in support of this amendment. I wanted to make a couple of points.

First of all, the visa lottery system has been susceptible to fraud. Doing away with it would do away with fraud. Secondly, the visa lottery system does not give visas to people from ''over-represented countries,'' and that includes Mexico. So no Mexican is eligible to get a visa on the visa lottery system. I think that is discriminatory.

Also, the visa lottery system is unfair because the winners go ahead of spouses and children of lawful permanent residents, including Mexicans, and married sons and daughters of citizens who have waited for visas, in some instances for years. It also is used as a potential for aliens who pose a danger to Americans.

I think that with all these problems in the visa lottery system, the best thing to do is pass this amendment and get rid of it.

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

Madam Chairman, the problem about fraud in this program is that people apply multiple times when the rules only allow one application a year per person. In some cases, multiple applications are the result of people trying to cheat the system; but in other cases, people may apply not understanding that, unlike many other lotteries, multiple applications are not allowed and do not really improve your chances.

The State Department has already addressed this in several ways. This program, I want to emphasize to the membership, is extremely valuable for those countries that have so very few people coming in under the regular system, and I would not want us to take this out of the present law. It is working well. We have had many success stories, and we think that there is not a serious history of fraud in the program.

Ms. ZOE LOFGREN of California. Madam Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Madam Chairman, I would just note, according to the State Department Visa Bulletin for next month, really this is primarily numerically the greatest number of individuals who benefit are from the continent of Africa. And because of immigration patterns, this is an important element of an opportunity for the American dream for would-be Americans who are coming from the continent of Africa. I thank the gentleman for yielding.

Mr. CONYERS. Reclaiming my time, I appreciate the gentlewoman's remarks.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentlewoman from South Dakota (Ms. HERSETH). This bipartisan amendment is based upon legislation introduced by myself and the gentlewoman.

Ms. HERSETH. Madam Chairman, I rise today in strong support of this important amendment to eliminate the Diversity Visa Program, otherwise known as the visa lottery. I thank my good friend, the gentleman from Virginia, for the time.

Chairman GOODLATTE and Chairman SENSENBRENNER have effectively outlined the serious security risk posed by the visa lottery program and the flaws in the administration of the program, so I will not repeat them at this time. But I would like to address a question raised by some of my colleagues: whether it would be possible to reallocate the visas currently utilized by the visa lottery program and add them to the family-sponsored and employer-based categories.

Although the amendment we are offering today does not reallocate the diversity visas, I am committed to working with Chairman GOODLATTE and our colleagues in the Senate to do just that.

I believe strongly that the elimination of the visa lottery program will strengthen our national security, that our amendment is an appropriate and necessary step towards resolution of this issue. I believe strongly that if our

amendment passes today, we can negotiate a compromise that will ensure reallocation of some or all of the immigrant visas available under this outdated and problematic program which has deviated from its original purpose.

I encourage my colleagues to join me in voting in favor of this amendment.

Mr. CONYERS. Madam Chairman, how much time remains on both sides?

The Acting CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 1 minute remaining. The gentleman from Virginia (Mr. GOODLATTE) has 2 minutes remaining.

Mr. CONYERS. Madam Chairman, as we have the right to close, I will reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Chairman, I want to thank Chairman GOODLATTE and Ms. HERSETH for offering this amendment to eliminate the Diversity Visa Program. This program discriminates against people from Mexico and six other countries. It is susceptible to rampant fraud. It allows 50,000 people to enter the country whether or not they have family ties or needed skills and is unfair to immigrants who play by the rules.

Immigrant visas are usually issued to foreign nationals who have connections to U.S. employers or family members lawfully residing in the United States. Under the visa lottery program, though, visas are awarded to immigrants at random without meeting any of these criteria.

Most family-sponsored immigrants currently face a wait of years to obtain visas. Yet the lottery program pushes 50,000 randomly picked immigrants ahead of those who are sponsored by family and employers.

Madam Chairman, we should not have an immigration program that violates the principles of common sense, fairness and non-discrimination.

Mr. CONYERS. Madam Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me make a simple statement. This is legal immigration; that is what we are trying to promote here in this Congress. The State Department has already testified that this program is a program that is improved, and it works internationally to bring in our developing nations as friends of the United States.

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

Mr. GOODLATTE. Madam Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. BOUCHER), another of the bipartisan supporters of this legislation.

Mr. BOUCHER. Madam Chairman, I thank the gentleman for yielding me time. I rise in support of his amendment.

The visa lottery is an affront both to logic and to the effective functioning of the visa system. Based upon nothing other than pure luck, 50,000 permanent resident visas are annually awarded. Lottery winners are admitted ahead of deserving family members who have played by the rules and endured long waits. It is a flawed system. The time to end it has come. I support the Goodlatte amendment which would end this system. I urge its adoption by the House.

Mr. GOODLATTE. Madam Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO) to close the debate.

Mr. DEFAZIO. Madam Chairman, certainly there is a better way to engender diversity. We could perhaps reallocate these visas to the families of those who have won the lottery previously who have become good citizens.

But the point is, does America want to have a lottery to get the best, the most skilled people from around the world or the most diverse people from around the world? And I think not.

It has been subject to fraud. My office every day deals with people whose families have been waiting 5, 6, 7, 8 years patiently in line around the world to come here from the Philippines, from Mexico, from India and other countries. Should they get bumped to the back while some random person comes first? I think not.

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

This amendment, I think, has been mischaracterized seriously. To allow 4 percent of new immigrants to have a chance to come to the country from under-represented nations is a way of addressing the imbalance that I do not think anybody would disagree with that exists in the immigration patterns, whether they are accidental or purposeful.

There has been no time when race and ethnicity were not primary factors in immigration policy. Please, I think this is a very important provision. The Diversity Visa Program should be sustained, and I hope that the amendment will be turned away.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–350 offered by Mr. FILNER:

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting ''distributes (or intends to distribute),'' before ''or falsely'' the first place it appears.

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting ''distributed,'' before ''or falsely'' the second place it appears.

The CHAIRMAN. Pursuant to House Resolution 621, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Madam Chairman, I appreciate the majority's acceptance of this amendment for discussion. I did have other amendments which I thought were more important and more helpful to this bill. For example, in this bill, in section 607, we compensate various local law enforcement agencies of border counties, of which I represent two, for detaining, housing and transporting undocumented persons. The biggest problem for the counties on the border is the emergency health care providers who are not reimbursed for treatment of undocumenteds.

□ 1530

My amendment, introduced in the House as H.R. 2934, is called ''PayUp,'' Pay for All Your Undocumented Procedures. It authorizes the Federal Government to make payment to emergency ambulance and medical services for the cost of uncompensated care of undocumented persons that come to their facility aided by the Border Patrol or any other Federal immigration agency. Unfortunately, that amendment was not accepted for discussion.

Another amendment would have allowed children in Mexico who have serious medical problems, for example birth defects, to come across the border as they did before 9/11 with 1-day visas for emergency treatment. For the 40 years before 9/11, we were able to give lives back to about 125,000 young children, poor children who were treated in my city of Calexico at the Valley Orthopedic Center. After 9/11, these 1-day visas were prohibited. That would have helped not only our relationship between our two countries but allowed our medical technology to help poor and young people who are living in Mexico. That amendment was not accepted.

What was accepted is a technical correction that I will briefly explain, because the bill in most respects takes a wrong approach toward our illegal immigration problem.

In this case, instead of making it a criminal act to sell and distribute fraudulent documents, the bill targets those who are trying to stay in the United States. My amendment fixes this fundamental problem by making the distribution or intent to distribute false, fake, or counterfeit immigration documents as much of a crime as creating or using them. Let us be clear.

We are talking about the sale and distribution of illegal documents. I represent the whole California-Mexico border. There is an industry dedicated to the counterfeiting and distribution of these documents. These are the people we ought to go after, and these are the people who, because of a loophole in the bill, are exempted. We have arrested people in San Diego for distributing false documents, but there is a loophole which allows them to escape that charge.

This is a crime that we ought to be going after. The current government statutes that deal with fraudulent documents completely ignore the distribution of passports, visas, and other permits, which, in my opinion, is the true crime. We should go after the real criminals who are profiting by the sale and distribution of these documents. It is a simple correction of the law that will strengthen penalties. While we might disagree about broader immigration policy, we all agree that the selling of fake and fraudulent and illegal documents should be stopped. I urge the adoption of this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Chairman, I rise to claim the time in opposition, even though I am not against the amendment.

The Acting CHAIRMAN (Mrs. EMERSON). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

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

Madam Chairman, I rise in support of this amendment which adds distribution of fraudulent immigration documents to the list of criminal offenses.

Document fraud is a serious offense that enables our immigration laws to be violated and creates a national security threat. Controlling the production and distribution of false immigration documents is a critical component to effective immigration reform. Currently, the criminal code provides stiff penalties for those who forge, counterfeit, or alter visas, border-crossing cards, or other similar types of documents.

However, the statute does not currently mention distribution of fraudulent documents among the enumerated offenses. This amendment would help prosecutors go after those who are not necessarily producing the fake documents, but those who are making them available on the black market. Those who distribute or sell false documents deserve the same harsh penalties as those who forge or counterfeit the documents. I urge my colleagues to support this amendment.

Madam Chairman, since I have the right to close, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman will not have the right to close since he is not opposed to the amendment.

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

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

Madam Chairman, I thank the chairman for accepting this amendment and for his common sense approach to this issue. I hope that you will look at the two other common sense amendments I mentioned when you get to conference. Not allowing children to cross for emergency medical procedures makes no sense at all. These are not terrorists; these are young children. We are giving them back their futures, and we ought to change the law to allow medical treatment.

In addition, you ought to put emergency medical providers on the list of people to be compensated when they deal with undocumented persons. I hope you will extend that common sense and courtesy that you have given me in this amendment and extend it to the others, too.

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–350 offered by Mr. HAYWORTH:

At the end of the bill, insert the following:

TITLE IX—AMENDMENTS TO VISA NUMBERS

SEC. 901. ELIMINATION OF FAMILY 4TH PREFERENCE VISA CATEGORY FOR ADULT SIBLINGS OF CITIZENS.

(a) IN GENERAL.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(2) by striking paragraph (4).

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended—

(1) in section 201(c)(1)(A)(i) (8 U.S.C. 1151(c)(1)(A)(i)), by striking ''480,000'' and inserting ''415,000'';

(2) in section 204(a)(1)(A)(i) (8 U.S.C. 1154(a)(1)(A)(i)), by striking ''(1), (3), or (4)'' and inserting ''(1) or (3)''; and

(3) in section 212(d)(11) (8 U.S.C. 1182(d)(11)), by striking ''(other than paragraph (4) thereof)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to visa numbers for fiscal years beginning with the first fiscal year beginning after the date of the enactment of this Act.

SEC. 902. INCREASE IN EMPLOYMENT BASED VISAS.

(a) IN GENERAL.—Section 201(d)(1)(A) of the Immigration and Nationality Act is amended by striking ''140,000'' and inserting ''205,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply beginning with the first fiscal year that begins after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Madam Chairman, the amendment I plan to offer today simply cannot be considered outside a comprehensive immigration reform effort, which, respectfully, this bill is not. Therefore, I would like to use my time to discuss the principle reflected in my amendment, one that thus far has been absent from this debate.

Madam Chairman, as we consider ways to meet our legitimate labor needs, the choice before us is not limited to doing nothing or jumping into a guest worker plan we all know will never work and I promise we will one day regret. There is another way.

Madam Chairman, we already have an immigration system in place that we can amend and change to reconcile economic demands with other important priorities, such as diversity of admissions. The worker scheme is based on the same defeatist notion that we cannot stop it, so we might as well legalize it, used by proponents of legalizing drugs and prostitution. Legalization has not worked for those vices and it will not work for illegal immigration.

Some have the audacity to claim a guest worker plan is not amnesty because it does not, in the President's words, place undocumented workers on an automatic path to citizenship. Madam Chairman, what does citizenship have to do with it? Most illegals do not come here with a copy of the Constitution in their back pockets yearning to become Americans. They come here mostly for one reason: a job. You can call it legalization or earned status adjustment or regularization, but a guest worker plan that lets illegals keep their jobs is amnesty.

Madam Chairman, do not take my word for it. Here is what the President of the National Council of La Raza said of the distinction between legalization and amnesty: ''The net effect is the same.''

Madam Chairman, under a guest worker plan, illegal aliens would be pardoned for all their document and employment-related crimes, get credit toward Social Security benefits for what they have earned illegally, and get to bring in their families and unfairly gain for their children born here one of the most coveted distinctions on Earth, that of American citizenship.

Madam Chairman, my colleagues, as we consider ways to stop illegal immigration, we should be guided by two principles: number one, do not reward law breakers, including illegal aliens or those who hire them; number two, do not create incentives for even more illegal immigration.

A guest worker scheme violates both. It also has something else going

against it, Madam Chairman: history. There has never been a successful guest worker program, not here, not in Europe, not anywhere. Those rioting in France are the children of temporary workers who never left. Saudi Arabia's 6 million guest workers live under conditions that have been called modern-day slavery. A guest worker plan would likewise create an American caste system that would insult our heritage. Our own bracero programs were ended because they lowered wages for American workers, exploited foreign workers and illegal immigration.

Guest worker proponents say our economy needs illegal alien workers; but under a guest worker plan, they would have to leave in 6 years.

Madam Chairman, are we supposed to believe we will stop needing them at that time? And what happens when guest workers do not leave as required? Will all those now promoting this discredited idea be out there leading the cause to round them up, or will they instead move to grant them citizenship?

Madam Chairman, if we are feeble enough to allow a guest worker plan to be added to this bill, it will be 1986 all over again: amnesty now, enforcement never, and an unending wave of illegal immigration.

Again, there is a better way: reform our legal immigration system to attract the kind of high-skilled workers that our economy really needs.

Madam Chairman, immigration must serve the national interests, not just the interests of businesses hooked on cheap labor or left wing political activists out to reshape American politics and culture.

Madam Chairman, I ask unanimous consent that my amendment be withdrawn.

Mr. BERMAN. Madam Chairman, reserving the right to object, and I do not intend to object, might I ask the author of the amendment, as he was speaking I was wondering what was going on. It sounded like he was giving a very articulate and reasoned, I disagree with some of the points, but reasoned position for an amendment that he was not allowed to offer under this rule.

I am wondering whether he thought it might have been appropriate that a coequal branch of the Congress, the House of Representatives, on an issue as fundamental as the one he has just spoken to might have been allowed to have had a couple of amendments in order for this issue to be discussed and voted on in this body. Would that have been a sensible way to approach this issue?

Mr. HAYWORTH. Madam Chairman, will the gentleman yield.

Mr. BERMAN. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Chairman, I thank my friend from California.

Madam Chairman, I would say to my friend from California, my votes on procedural questions speak for themselves in this regard. I thank the gentleman for his time.

Mr. BERMAN. Madam Chairman, further reserving the right to object, in case anyone noticed, the gentleman from Arizona did not support rules which prevented us from discussing maybe the most important issue involved in the context of whether or not to pursue comprehensive immigration reform.

Madam Chairman, I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–350 offered by Mr. SENSENBRENNER:

In section 102—

(1) in subsection (b), in the matter before paragraph (1), strike ''Committee on Homeland Security of the House of Representatives'' and insert ''appropriate congressional committees'';

(2) in subsection (b)(3), insert '', except for ports of entry and facilities subject to vulnerability assessments under section 70102 or 70103 of title 46, United States Code,'' after ''borders of the United States'';

(3) amend subsection (d) to read as follows:

(d) COORDINATION.— The National Strategy for Border Security described in subsection (b) shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13.

(4) in subsection (f), strike ''Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House'' and insert ''appropriate congressional committees, such committees shall promptly report to their respective House'';

(5) in subsection (g), insert ''and section 301(b)'' after ''this title''; and

(6) add at the end the following new subsection:

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.

In section 111, strike ''Committee on Homeland Security of the House of Representatives'' and insert ''appropriate congressional committees''.

At the end of title I, add the following new section:

SEC. 118. VOLUNTARY RELOCATION PROGRAM EXTENSION.

Section 5739(e) of title 5, United States Code, is amended by striking ''7'' and inserting ''12''.

In section 203, amend paragraph (3) to read as follows:

(3) by amending subsection (c) to read as follows:

''(c)(1) Whoever—

''(A) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

''(B) knowingly misrepresents the existence or circumstances of a marriage—

''(i) in an application or document arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder, or

''(ii) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals);

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

''(2) Whoever—

''(A) knowingly enters into two or more marriages for the purpose of evading any provision of the immigration laws; or

''(B) knowingly arranges, supports, or facilitates two or more marriages designed or intended to evade any provision of the immigration laws;

shall be fined under title 18, United States Code, imprisoned not less than 2 years nor more than 20 years, or both.

''(3) An offense under this subsection continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

''(4) For purposes of this section, the term 'proceeding' includes an adjudication, interview, hearing, or review.''

In section 275(e)(1) of the Immigration and Nationality Act, proposed to be inserted by section 203(5)—

(1) in subparagraph (A), strike ''(other than an aggravated felony)''; and

(2) strike subparagraph (B) and insert the following:

(B) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 30 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

(C) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 60 months or more, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

In proposed section 275(e)(3) of the Immigration and Nationality Act, as inserted by section 203(5)—

(1) strike ''(A) or (B)'' and insert ''(A), (B), or (C)''; and

(2) strike ''an aggravated felony or other qualifying crime'' and insert ''a qualifying crime''.

Strike section 210, and insert the following:

SEC. 210. ESTABLISHMENT OF THE FORENSIC DOCUMENTS LABORATORY.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a Fraudulent Documents Center (to be known as the Forensic Document Laboratory) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and foreign governments on the production, sale, distribution, and use of fraudulent documents intended to be used to enter, travel, or remain within the United States unlawfully.

(2) Maintain the information described in paragraph (1) in a comprehensive database.

(3) Maintain a repository of genuine and fraudulent travel and identity document exemplars.

(4) Convert the information collected into reports that provide guidance to government officials in identifying fraudulent documents being used to enter into, travel within, or remain in the United States.

(5) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—The Forensic Document Laboratory shall distribute its reports to appropriate Federal, State, and

local law enforcement agencies on an ongoing basis.

At the end of title II, add the following new sections:

SEC. 211. MOTIONS TO REOPEN OR RECONSIDER.

(a) EXERCISE OF DISCRETION.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)) is amended—

(1) by adding at the end of paragraph (5) the following new subparagraph:

''(D) DISCRETION.—The decision to grant or deny a motion to reconsider is committed to the Attorney General's discretion.''; and

(2) by adding at the end of paragraph (6) the following new subparagraph:

''(D) DISCRETION.—The decision to grant or deny a motion to reopen is committed to the Attorney General's discretion.''.

(b) PRIMA FACIE ELIGIBILITY FOR PROTECTION FROM REMOVAL TO ALTERNATIVE COUNTRY OF REMOVAL NOT PREVIOUSLY CONSIDERED.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a) is further amended by adding at the end of paragraph (6) the following new subparagraph:

''(E) SPECIAL RULE FOR ALTERNATIVE COUNTRIES OF REMOVAL.—The time and numerical limitations specified in this paragraph shall not apply if—

''(i) the Secretary seeks to remove the alien to an alternative or additional country of removal under subparagraph (D) or (E) of section 241(b)(2) that had not been considered during the alien's prior removal proceedings;

''(ii) the alien's motion to reopen is filed within 30 days after the date the alien receives notice of the Secretary's intention to remove the alien to that country; and

''(iii) the alien establishes a prima facie case that the alien is entitled by law to withholding of removal under section 241(b)(3) or protection under the Convention Against Torture with respect to that particular country.''.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to motions to reopen and reconsider that are filed on or after the date of the enactment of this Act in removal, deportation, or exclusion proceedings, regardless of whether a final administrative order is entered before, on, or after such date.

SEC. 212. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

Chapter 75 of title 18, United States Code is amended to read as follows:

''CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

''§ 1541. Trafficking in passports

''(a) Whoever, during any three-year period—

''(1) knowingly and without lawful authority produces, issues, or transfers 10 or more passports; or

''(2) knowingly forges, counterfeits, alters, or falsely makes 10 or more passports; or

''(3) knowingly secures, possesses, uses, receives, buys, or sells 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, issued, or designed for the use of another, or produced or issued without lawful authority; or

''(4) knowingly completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation) knowing the applications to contain any false statement or representation;

shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

''(b) Whoever knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

''§ 1542. False statement in an application for a passport

''Whoever knowingly—

''(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation); or

''(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing it to contain any false statement or representation; or

''(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), when such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1543. Forgery and unlawful production of a passport

''(a) Whoever—

''(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

''(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority;

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) Whoever knowingly and without lawful authority—

''(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport; or

''(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

''(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1544. Misuse of a passport

''(a) Whoever—

''(1) knowingly uses any passport issued or designed for the use of another; or

''(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport; or

''(3) knowingly secures, possesses, uses, receives, buys, or sells any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States;

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) Whoever knowingly uses any passport—

''(1) to enter or to attempt to enter the United States, or

''(2) to defraud an agency of the United States, a State, or a political subdivision of a State,

knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another, shall be fined under this title, imprisoned not less than 6 months nor more than 15 years, or both.

''§ 1545. Schemes to defraud aliens

''(a) Whoever knowingly defrauds any person in connection with—

''(1) any matter that is authorized by or arises under the immigration laws of the United States, or

''(2) any matter the offender claims or represents is authorized by or arises under the immigration laws of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) Whoever knowingly and falsely represents himself to be an attorney in any matter authorized by or arising under the immigration laws of the United States shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1546. Immigration and visa fraud

''(a) Whoever—

''(1) knowingly uses any immigration document issued or designed for the use of another; or

''(2) knowingly forges, counterfeits, alters, or falsely makes any immigration document; or

''(3) knowingly completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation; or

''(4) knowingly secures, possesses, uses, transfers, receives, buys, or sells any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, issued or designed for another, or produced or issued without lawful authority; or

''(5) knowingly adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

''(6) knowingly and without lawful authority transfers or furnishes an immigration document to a person for use when such person is not the person for whom the immigration document was issued or designed;

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) Whoever, during any three-year period—

''(1) knowingly and without lawful authority produces, issues, or transfers 10 or more immigration documents; or

''(2) knowingly forges, counterfeits, alters, or falsely makes 10 or more immigration documents; or

''(3) knowingly secures, possesses, uses, buys, or sells 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or issued or designed for the use of another, or produced or issued without lawful authority; or

''(4) knowingly completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation;

shall be fined under this title, imprisoned not less than 2 years nor more than 20 years, or both.

''(c) Whoever knowingly and without lawful authority produces, counterfeits, secures,

possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make an immigration document shall be fined under this title, imprisoned not less than 2 years nor more than 20 years, or both.

''§ 1547. Attempts and conspiracies

''Whoever attempts or conspires to violate any section within this chapter shall be punished in the same manner as a completed violation of that section. An attempt offense under this chapter is a general intent crime.

''§ 1548. Increased penalties for certain offenses

''(a) Whoever violates any of the sections within this chapter with the intent to facilitate an act of international terrorism (as defined in section 2331 of this title) shall be fined under this title, imprisoned not less than 7 years nor more than 25 years, or both.

''(b) Whoever violates any section in this chapter with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year, shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

''§ 1549. Seizure and forfeiture

''(a) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of any section within this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(b) Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

''§ 1550. Additional jurisdiction

''(a) Whoever commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided by that offense.

''(b) Whoever commits an offense under this chapter outside the United States shall be punished as provided by that offense if—

''(1) the offense involves a United States immigration document (or any document purporting to be the same) or any matter, right, or benefit arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder; or

''(2) the offense is in or affects foreign commerce; or

''(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of the immigration laws of the United States, or the national security of the United States; or

''(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331 of this title) or a drug trafficking crime (as defined in section 929(a) of this title) that affects or would affect the national security of the United States; or

''(5) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. § 1001(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. § 1001(a)(20)); or

''(6) an offender is a stateless person whose habitual residence is in the United States.

''§ 1551. Additional venue

''An offense under section 1542 of this chapter may be prosecuted in—

''(1) any district in which the false statement or representation was made; or

''(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

''(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

Nothing in this section limits the venue otherwise available under sections 3237 and 3238 of this title.

''§ 1552. Definitions

''For purposes of this chapter:

''(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

''(A) contains a statement or representation that is false, fictitious, or fraudulent;

''(B) has no basis in fact or law; or

''(C) otherwise fails to state a fact that is material to the purpose for which the document was created, designed, or submitted.

''(2) The term a 'false statement or representation' includes a personation or an omission.

''(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(4) The term 'immigration document' means—

''(A) any passport or visa; or

''(B) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States.

Such term includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

''(5) The term 'immigration laws' includes—

''(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

''(B) the laws relating to the issuance and use of passports; and

''(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2) of this subsection.

''(6) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

''(7) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

''(8) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

''(9) The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''§ 1553. Authorized law enforcement activities

''The sections in this chapter do not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).''.

SEC. 213. CRIMINAL DETENTION OF ALIENS.

(a) Section 3142(e) of title 18, United States Code, is amended by inserting at the end the following:

''Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

''(1) has no lawful immigration status in the United States;

''(2) is the subject of a final order of removal; or

''(3) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278, of the Immigration and Nationality Act.''.

(b) Section 3142(g)(3) of title 18, United States Code, is amended by striking ''and'' at the end of subparagraph (A) and by adding at the end the following new subparagraph:

''(C) the person's immigration status; and''.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended to read as follows:

''SEC. 3291. IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

''No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons) of this title (or for attempt or conspiracy to violate any such section), or for a violation of any criminal provision of sections 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (or for attempt or conspiracy to violate any such section), unless the indictment is returned or the information filed within ten years after the commission of the offense.''.

SEC. 215. CONFORMING AMENDMENT.

Subparagraph (P) of section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of Title 18 or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in any section of chapter 75 of title 18, United States Code,''; and

(2) by inserting after ''first offense'' the following: ''(i) that is not described in section 1548 (relating to increased penalties), and (ii)''.

SEC. 216. INADMISSIBILITY FOR PASSPORT AND IMMIGRATION FRAUD.

(a) IN GENERAL.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by inserting ''or'' at the end of subclause (II); and

(3) by inserting the following new subparagraph:

''(III) a violation of (or a conspiracy or attempt to violate) any section of chapter 75 of title 18, United States Code,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to proceedings pending on or after the date of the enactment of this Act.

SEC. 217. REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD.

(a) IN GENERAL.—Clause (iii) of section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C.1227(a)(3)(B)) is amended to read as follows ''(iii) of a violation of, or an attempt or a conspiracy to violate, any section of chapter 75 of title 18, United States Code,''.

(b) EFFECTIVE DATE.—This amendment made by subsection (a) shall apply to proceedings pending on or after the date of the enactment of this Act

In section 301—

(1) in subsection (b), in the matter preceding paragraph (1), strike ''Congress'' and insert ''appropriate congressional committees (as defined in section 102(g))''; and

(2) in subsection (c), strike ''RULE OF CONSTRUCTION'' and insert ''RULES OF CONSTRUCTION'', insert ''(1)'' before ''Nothing'' and add at the end the following new paragraph:

(2) Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.

In section 305(a), in the matter before paragraph (1), strike ''any activity'' and insert ''any terrorism prevention or deterrence activity''.

At the end of title III, add the following new section:

SEC. 308. RED ZONE DEFENSE BORDER INTELLIGENCE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Homeland Security and the Director of National Intelligence shall jointly establish a pilot program to improve the coordination and management of intelligence and homeland security information provided to or utilized by the Department of Homeland Security relating to the southwest international land and maritime border of the United States.

(b) PILOT AREA.—The Secretary of Homeland Security and the Director of National Intelligence shall designate a geographic area along the southwest international land and maritime border of the United States centered on Cochise County, Arizona, to be the pilot area for the pilot program established pursuant to subsection (a).

(c) PROGRAM.—The pilot program established pursuant to subsection (a) shall—

(1) coordinate and facilitate the sharing of intelligence and homeland security information related to border security within the pilot area designated pursuant to subsection (b) among Federal, State, local, and tribal governments, including relevant intelligence and homeland security information provided to the Department of Homeland Security by the intelligence community and relevant intelligence and homeland security information gathered by the Department of Homeland Security from other sources;

(2) to the maximum extent possible, provide for persistent surveillance of such pilot area;

(3) to the maximum extent possible, utilize airships, aerostats, and existing unmanned aerial vehicles to provide for surveillance of such pilot area;

(4) to the maximum extent possible, fully utilize the capabilities of underutilized assets currently available to conduct surveillance of such pilot area;

(5) where practicable, utilize the capabilities of existing operational and analytical centers that analyze intelligence and homeland security information relating to such pilot area from multiple sources and improve the interoperability of such centers;

(6) consistent with applicable security requirements, disseminate actionable intelligence and homeland security information relating to border security within such pilot area to the appropriate Federal, State, local, tribal, and foreign governments to support operational activities relating to border security within such pilot area;

(7) provide for direct transmission of such actionable intelligence and homeland security information to operational and analytical centers included in the pilot program;

(8) provide for a representative of the Department of Homeland Security to be assigned to each operational and analytical center to facilitate the immediate utilization, where practicable, of such actionable intelligence and homeland security information; and

(9) develop metrics to assess the capability of such pilot program to improve border security.

(d) STRATEGY COORDINATION.—In establishing the pilot program under subsection (a), the Director of National Intelligence shall coordinate the intelligence activities of the pilot program with the relevant activities and programs of other elements of the intelligence community.

(e) HEADQUARTERS.—The Secretary of Homeland Security and the Director of National Intelligence may establish a headquarters for the pilot program established pursuant to subsection (a) within the area designated as the pilot area pursuant to subsection (b).

(f) DURATION.—The pilot program established pursuant to subsection (a) shall last a minimum of two years.

(g) REPORT.—Not later than one year after the establishment of the pilot program pursuant to subsection (a), the Secretary of Homeland Security and the Director of National Intelligence shall submit to Congress a report containing—

(1) the lessons learned from such pilot program based on the metrics developed pursuant to subsection (c)(9);

(2) recommendations for enhancing the provision and sharing of intelligence and homeland security information relating to border security under the National Strategy for Border Security submitted pursuant to section 102(b) and with other programs of the intelligence community relating to border security; and

(3) an identification of any provisions of law that may impede effective coordination of intelligence and homeland security information relating to the southwest international land and maritime border of the United States.

(h) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY INFORMATION.—The term ''homeland security information'' has the meaning given the term in section 892(f)(1) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)(1)).

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section .

In section 401(c), add at the end the following paragraph:

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

In section 431(e) of the Homeland Security Act of 2002, as added by section 502(a), insert ''the Department of Transportation,'' after ''Justice,''.

Amend clause (vi) of section 601(a)(1)(B) to read as follows:

(vi) by striking the last sentence and inserting the following: ''The Secretary of Homeland Security shall waive the application of clause (v) in the case of removal of an alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

In section 602(a)—

(1) in section 241(a)(8) of the Immigration and Nationality Act, inserted by paragraph (8)

(A) strike ''procedures described'' and insert ''rules set forth''; and

(B) strike the dash and ''(A)'' and strike '', and'' and all that follows up to the period at the end; and

(2) in section 241(j) of such Act, inserted by paragraph (9)—

(A) in paragraph (1), strike ''procedures described'' and insert ''rules set forth'';

(B) in paragraph (3)(B)(i) strike ''subparagraph (A) if'' and all the follows through ''apply.'' and insert the following:

'' subparagraph (A)—

''(I) until the alien is removed if the conditions described in subparagraph (A) or (B) of paragraph (4) apply; or

''(II) pending a determination as provided in subparagraph (C) of paragraph (4).''

In section 241(j)(3)(B)(ii) of the Immigration and Nationality Act, inserted by section 602(a)(9), strike '' paragraph (4)(A)'' and insert ''paragraph (4)(B)''.

In section 611—

(1) strike ''section 103(d)(1)'' and insert ''sections 103(d)(1) and 105(a)(2)(A)''; and

(2) strike ''is amended'' and insert ''are each amended''.

Add at the end of title VI, the following new sections:

SEC. 615. REPORT ON CRIMINAL ALIEN PROSECUTION.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the status of criminal alien prosecutions, including prosecutions of human smugglers.

SEC. 616. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning 2 years after the date of the enactment of this Act, the office of the United States attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act; and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

The determination under paragraph (1) shall be made in accordance with guidelines of the

Executive Office for Immigration Review of the Department of Justice.

(b) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in paragraph (2) of subsection (a).

(2) DATA ENTRIES.—Beginning 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(c) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with the Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2012, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

In section 274A(h)(4) of the Immigration and Nationality Act, as added by section 705—

(1) amend the heading to read: ''**RECRUITMENT AND REFERRAL**'';

(2) amend the third sentence to read as follows: ''However, labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of workers for any period of time by a third party are included in the definition whether or not they receive remuneration.'' ; and

(3) amend the sixth sentence to read as follows: ''However, labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of workers for any period of time by a third party are included in the definition whether or not they receive remuneration.''.

Redesignate section 708 as 709, and insert after section 707 the following new section:

SEC. 708. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking ''imposing'', and inserting a dash and ''(A) imposing'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

''(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

''(ii) take other steps that facilitate the employment of day laborers by others.''.

At the end of title VIII add the following:

SEC. 807. CLARIFICATION OF JURISDICTION ON REVIEW.

(a) REVIEW OF DISCRETIONARY DETERMINATIONS.—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

(1) by inserting before ''no court'' the following: ''and regardless of whether the individual determination, decision, or action is made in removal proceedings,'';

(2) in clause (i), by striking ''any judgment'' and inserting ''any individual determination''; and

(3) in clause (ii)—

(A) by inserting ''discretionary'' after ''any other'';

(B) by striking ''the authority for which is specified under this title to be in the discretion of the Attorney General or the Secretary of Homeland Security,'' and inserting ''under this title or the regulations promulgated hereunder,''; and

(C) by striking the period at the end and inserting the following: '', irrespective of whether such decision or action is guided or informed by standards, regulatory or otherwise.''.

(b) REVIEW OF ORDERS AGAINST CRIMINAL ALIENS.—Section 242(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(C)) is amended by inserting after ''of removal'' the following: ''(irrespective of whether relief or protection was denied on the basis of the alien's having committed a criminal offense)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions for review that are pending on or after the date of the enactment of this Act.

SEC. 808. FEES AND EXPENSES IN JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(i) Notwithstanding any other provision of law, a court shall not award fees or other expenses to an alien based upon the alien's status as a prevailing party in any proceedings relating to an order of removal issued under this Act, unless the court of appeals concludes that the Attorney General's determination that the alien was removable under section 212 or 237 was not substantially justified.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fees or other expenses awarded on or after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Madam Chairman, for purposes of clarification, before I summarize the provisions within the manager's amendment, I will highlight what the amendment does not contain.

The amendment does not contain a sense of Congress on foreign workers; nor does it decrease the criminal penalties for illegal entry and illegal presence. The latter issue will be addressed in a separate amendment I will soon offer.

I will now summarize the provisions of the manager's amendment within the jurisdiction of the Judiciary Committee.

First, the amendment contains a provision drafted by the gentleman from Utah (Mr. CANNON) that will prohibit localities from requiring businesses to set up day labor sites as a condition for conducting or expanding a business. No business should be compelled to facilitate the hiring of illegal aliens by establishing labor sites on or near their premises, and this amendment will prohibit this practice.

The amendment also contains a provision drafted by the gentleman from California (Mr. ISSA) that requires the Attorney General to report on the status of criminal alien prosecutions, including prosecutions of smugglers. Mr. ISSA is rightly concerned about the lack of sufficient prosecutions of alien smugglers who prey upon the most vulnerable.

The amendment also includes a number of important provisions that will facilitate the ability of the Departments of Justice and Homeland Security to combat illegal immigration. Specifically, the amendment sets mandatory minimum sentences for repeated marriage fraud; improved sentencing enhancements for aliens who enter illegally after criminal convictions; clarifies that the Board of Immigration Appeals' decisions on motions to reopen removal proceedings are not subject to judicial review; increases penalties for passport and immigration fraud and penalizes fraud against aliens applying for immigration benefits; makes criminal defendants' immigration status an express consideration in determining whether they should be released on bond; extends the statute of limitations for all immigration-related fraud; makes passport fraud a ground of inadmissibility and deportability; and abolishes attorneys' fee awards to removable aliens under the Equal Access to Justice Act.

□ 1545

Madam Chairman, I urge my colleagues to support this amendment, and I reserve the balance of my time.

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

Madam Chairman, we come to the floor with a 39-page manager's amendment that has never been considered in the committee during the rather lengthy number of times that we have held hearings at the subcommittee and full committee level. And while there are fortunately some parts of it that I can agree to, I have counted approximately nine parts of it that present very serious problems.

One is that the punishment does not fit the crime. The manager's amendment would expand the definition of aggravated felony to include a wide range of passport and related document offenses, even if the person never spent a day in jail. As I have previously stated, the consequences of an aggravated felony conviction are severe. They include, among other things, mandatory detention, permanent deportation and

ineligibility for any type of relief. And so I think that is a very serious criticism. It criminalizes the most vulnerable of our populations.

This manager's amendment, with regard to passport fraud, would criminalize trafficking victims, victims of domestic violence or abuse, victims of animals, coyotes, and others who often do not have control over what documents are presented to immigration officials on their behalf.

Madam Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN), a member of the committee.

Mr. BERMAN. Madam Chairman, I thank the gentleman for yielding me this time, and I would ask the chairman to consider one specific thing about one very discrete narrow part of the manager's amendment.

In the fantasy world we are in, should this bill ever actually become a law, the issue on the passport violations that the gentleman from Michigan just spoke to, there are limited situations where someone that you and I and everyone around would agree truly was a refugee, with a well-founded fear of persecution, escaping from a politically repressive regime took advantage of some kind of falsified and altered passport in order to escape.

The only question I have, as we look at the manager's amendment now, there should be some discretion here in the context of either criminalizing or deportation to allow a situation where that was the purpose; the person met the full test of a refugee and that that not become a basis for deporting him or her back to the regime or incarcerating that person or charging them with a criminal offense.

Mr. CONYERS. Madam Chairman, I would be pleased to yield 30 seconds to the chairman of the committee.

Mr. SENSENBRENNER. Madam Chairman, I thank the gentleman for yielding me this time.

First, on the hypothetical the gentleman from California raised, there is this thing called prosecutorial discretion. It seems to me we should have more faith in our prosecutors not to prosecute genuine refugees, but continue the law on the books as proposed in the manager's amendment that will get at the people who use passport fraud to cover the transportation of a lot of people who are not refugees and who should not enter the United States.

Mr. CONYERS. Madam Chairman, I yield 15 seconds to the gentleman from California.

Mr. BERMAN. Madam Chairman, I felt that answer was not totally satisfactory from my point of view.

Would somewhere in the context of the language of that provision or the report language indicate that it is not our intent in that situation, with your classic refugee purpose?

Mr. SENSENBRENNER. Madam Chairman, I yield myself 30 seconds to say that, should this matter survive conference, there will be a statement that it is not intended to include the situation in the statement on the part of the managers. And I can say, as the floor manager of this bill and the author of the manager's amendment, it does not either.

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

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

The other point that we would like to make, and there are so many, but the manager's amendment punishes amazingly battered immigrant women who would suffer some very harsh consequences when they are frequently forced by their batterers to use fraudulent travel documents.

Under the Violence Against Women Act, battered immigrants are entitled to self-petition for immigration status, independent of their abusive U.S. citizen and lawful permanent residence spouse. So this would be a huge step backwards for those of us who have been working in this area.

So I urge and I hope that because there has been insufficient attention given in the committee and since we did not know these were going to come up, that the manager's amendment will be turned back and that we be given an opportunity to examine this more than a dozen objections that we raise.

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

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–350 offered by Mr. PRICE of Georgia:

In section 101(a), in the matter preceding paragraph (1), strike ''The Secretary'' insert ''Not later than 18 months after the date of the enactment of this Act, the Secretary''.

In section 101(b), strike ''the entry into the United States of'' and insert ''all unlawful entries into the United States, including entries by''.

In section 101, add at the end the following new subsection:

(c) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the progress made toward achieving and maintaining operational control over the entire international land and maritime borders of the United States in accordance with this section.

In section 102(b), insert after paragraph (3) the following new paragraph (and redesignate subsequent paragraphs accordingly):

(4) An assessment of all legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

I want to thank the Speaker, Chairman KING, Chairman SENSENBRENNER, the Homeland Security Committee, the Judiciary and Rules Committee, and their staffs, for their wonderful help in the preparation of this amendment and, frankly, for this debate and bringing this issue forward.

Based on my experience in representing Georgians in both the State Senate and in Congress, this chamber is now dealing with the issue of immigration reform and border security because the American people are demanding it. Recent public opinion polling confirms what we all know, and that is that illegal immigration is as important as other major issues, including the war on terror and the economy.

Such overwhelming support for border security and immigration reform is due to a general sense and knowledge that our current policy is one of benign neglect. An estimated 12 to 20 million illegal aliens live here, and the presence of so many illegal aliens undermines our rule of law.

Today, the people's body is heeding the will of the American people. Many of the ideas introduced by Members of the House, in fact, reflect very specific concerns of their constituents, and I believe that my amendment is one of those that properly reflects the voice of the populace.

This amendment sets a hard deadline, a specific date of 18 months following adoption of the legislation to achieve complete operational control over our borders. In addition, it would clarify the working definition of operational control of our border to include the prevention of all unlawful entries into the United States.

My amendment is a critical component to the border security debate because it provides the accountability portion, and it signifies to the American people that there will be no more excuses. Illegal entries into the United States will not be tolerated because our Nation is not secure unless our borders are secure.

Instead of kicking the problem down the road just a little bit, the Federal Government is given the specific goal to get the current crisis under control. This is called accountability, something that we say we all want from government. A hard deadline holds the executive branch, Congress and the bureaucracy accountable.

The House leadership, the Judiciary Committee and the Homeland Security Committee should be praised for their efforts. Stopping the influx of illegal aliens begins with solid border security and interior enforcement, and we are finally addressing the crisis that so many of our constituents rightfully believe to be of paramount importance.

I respectfully ask my colleagues to support this amendment of accountability.

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

Mr. CONYERS. Mr. Chairman, I rise to claim the time on this side, although I am not opposed to the amendment of the gentleman from Georgia.

The Acting CHAIRMAN (Mr. HAYES). Without objection, the gentleman is recognized.

There was no objection.

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

Mr. Chairman, I think our colleague from Georgia has an excellent amendment, but I think his deadline may be too generous. The Department of Homeland Security should report to Congress on the progress it is making to secure our borders, but, unfortunately, they have an unenviable record of submitting their reports to the Congress. Our ranking member of the Homeland Security Committee has written Secretary Chertoff twice on the repeated failures of the Department of Homeland Security to meet congressionally mandated deadlines.

As you have stated, we have a duty to ensure that it is protecting the American people, and to do that we must receive information to ensure that the Department is up to the task. Every day that passes in which Congress does not receive this information is another day that the terrorists gain on us if they are planning the next attack.

So I support the amendment of the gentleman from Georgia (Mr. PRICE), which gives the Homeland Security Department a lot of time, but I think we want to ride a very careful herd over these fellows in terms of where they go from this amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment, and I think we ought to talk about what operational control means.

Under the amendment, it means the prevention of all unlawful entries into the United States, including by terrorists and illegal aliens, and including all narcotics shipments.

The amendment also provides that, within 90 days of enactment, the Department of Homeland Security provides the Congress a comprehensive plan for border surveillance and, within 180 days, DHS provides to Congress a national strategy for border security and a report on progress made.

□ 1600

Now these goals are obviously ambitious and the Department of Homeland Security has not been ambitious on anything, in my opinion; but it seems to me by setting deadlines, and then the two committees in their oversight functions can be on the back of the Department of Homeland Security, and we might shame them into doing the right thing.

Mr. CONYERS. Mr. Chairman, reclaiming my time, we have had a lot of time here with the current administration to have ridden herd and call for an accounting. I think the gentleman from Georgia is forced, and we are all collectively forced, into this position. They have had plenty of time to have been far more compliant.

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

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

I thank the gentleman from Michigan (Mr. CONYERS) for making his points, because I agree: our responsibility as a Congress is truly oversight. It concerns me greatly that we do not get many of the reports that we are due. I look forward to working with him and holding the Department of Homeland Security's feet to the fire.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I rise in strong support of this amendment as well as the underlying legislation because its focus is law enforcement, and this is a law enforcement and a national security issue. In controlling our borders, we will win the war on terror only when we control our borders, and it is important that the country recognize that northern Mexico has become like Colombia, owned lock, stock and barrel by the drug lords whose law is ''plata o plomo,'' silver or lead. You work in my plaza, you pay me silver or I will kill you now with lead, plomo; and we must have the rule of law and order on the border and not the rule of plata o plomo.

The chairman has rightly focused this legislation on reestablishing law and order on the border, and I applaud the gentleman from Georgia for his amendment so we can keep the Department of Homeland Security focused on giving us in Congress the information we need so we can determine whether or not the United States is properly protecting its border at a time when we are at war with terrorists who have told us repeatedly that they are going to sneak into the country using whatever means are necessary to hurt us. I urge all Members to support this amendment and the underlying bill.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I do not oppose the amendment. In fact, I think it should be labeled from ''our lips to God's ears.''

If we say that by a certain date we will stop and Homeland Security will stop, using the chairman's definition, will have operational control so that no terrorists, no illegal aliens, no drug smugglers ever come into our country; if we say that and we say it strong enough, then maybe it will happen.

And after we do that, I suggest a bill that says that by a certain date we eliminate poverty, and pass that, and a few other very important goals that I think we all share here.

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

This is a simple amendment regarding accountability, and I am privileged to have the opportunity to offer it. We say that we want accountability in this and other areas. Those charged with securing our borders should be held accountable as well. I urge adoption of the amendment.

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

Mr. CONYERS. Mr. Chairman, we support the Price amendment, and I yield back the balance of my time.

The Acting Chairman (Mr. HAYES). The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–350 offered by Mr. STEARNS:

At the end of title I, add the following:

SEC. 118. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

''(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence,

''(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until an IBIS check on the alien has been initiated at a Treasury Enforcement Communications System (TECS) access level of no less than Level 3, results from the check have been returned, and any derogatory information has been obtained and assessed, and until any other such background and security checks have been completed as the Secretary may require.

''(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

''(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence,

''(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this subsection has been fully investigated and found to be unsubstantiated.''.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

Mr. Chairman, obviously, I would like to thank the Rules Committee publicly for allowing my amendment because I know there were probably 130 amendments, and I know they had a tough job deciding which ones to allow to go forward.

In short, my amendment requires our government to ensure that the applicant is not a known criminal or terrorist before granting them immigration benefits. Pretty simple. But as the current law now stands, background checks of alien applicants are required, but the law does not specifically require these security checks to be completed before these immigration benefits are actually handed out.

This means that many unworthy people have been able to receive these crucial benefits which then enables them to move freely throughout our country before their background checks are completely finished. By the time we finally discover something questionable in their background, of course it is too late to track them down. We cannot find them.

My amendment helps to close this loophole. My amendment will prohibit the Department of Homeland Security, the Attorney General, and all courts from granting any kind of legal immigration status or benefits to an alien until, at a minimum, the alien's name is first completely checked against a database of criminal records and terrorist watch lists using the Treasury Enforcement Communication System database.

As it now stands, all three have been giving status to aliens before they get their final results back from security checks. The result is we are giving green cards, citizenship, work permits, and temporary status to terrorists, criminals, and other unsavory types under this arrangement, not always but sometimes.

For example, a new study by Janice Kephart, who was on the staff of the 9/11 Commission, looked at the immigration histories of 94 terrorists, including six of the 9/11 hijackers who had operated on U.S. soil between the 1990s and 2004. The results of this study are quite frightening. Two-thirds, that is 59, of the foreign-born terrorists studied committed immigration benefits fraud prior to or in conjunction with taking part in terrorist activity.

My amendment should go a long way towards preventing this irresponsible and dangerous loophole. I urge my colleagues to support my amendment and the underlying bill.

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

Mr. BERMAN. Mr. Chairman, I am not in opposition, but I would like to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman is recognized.

There was no objection.

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

Mr. Chairman, I congratulate and agree with the notion that no immigration benefit should be given to any alien until all relevant background and security checks have been completed and any suspected fraud related to the granting of such status or benefit has been fully investigated and found to be unsubstantiated.

The gentleman from Florida is right. He has said in the context of his comments for this amendment that he believes that is happening now, and he may be right. I do not know that it is not. But all I know is that for my congressional office and for my colleagues' congressional offices, every time our staffs call regarding the processing of an immigration application, we hear there is nothing we can do. We are waiting for the FBI to get an answer. Why the FBI is just choosing the cases our congressional offices do, to hold back on providing information and denying immigration benefits, I do not know. In other words, what you say and what you ask for is correct, but the problem is not so much with the immigrant. The problem is with the bureaucracy.

The resources, the leadership to get these terrorist lists, these watch lists, the criminal database up to date so we can get this information in a quick time is very important.

I would just like to tell a quick story about the NSEERS program in Los Angeles. They had a registration date for different countries. If you are here from Iran on a nonimmigrant visa, come in on such and such date and register. People did that. Huge numbers of people flocked into the Los Angeles office of INS to do that.

The FBI was totally unable to give any clearance to the people who were coming in. Huge numbers of people were held, detained and kept overnight over a weekend thinking they were just going to file a registration form because the FBI could not get the clearance. That is a scandalous way to treated a number of people who came here as refugees fleeing the tyranny of the ayatollah because our bureaucracy failed to provide the answers.

So to me the answer here in Homeland Security and the FBI and in the other critical agencies is to get these lists and this other critical information online and accurate and quick so that we can move ahead with legitimate requests for these benefits that should be conditioned on getting that information out.

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

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the full Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment. This amendment has been triggered by a recent IG report of the Department of Homeland Security that not all applicants for immigration benefits undertake an IBIS check. The excuse that was given is that not all U.S. Citizenship and Immigration Service employees have a high enough security clearance to conduct the proper checks, and some of the problems stem from simple lax management. Neither of these excuses is valid.

I am amazed that this has not always been a requirement of the law. We should conduct a thorough background check of anybody who seeks immigration benefits. The necessity of these checks was demonstrated by the fact that at least six of the 9/11 hijackers, murderers, ended up slipping through the cracks. I think this amendment plugs an important loophole in the current law, and I urge my colleagues to support it.

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

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

Mr. Chairman, the distinguished chairman of the Judiciary Committee used the word ''amazed,'' and I am just amazed, too, that this amendment would even be needed at this point.

The gentleman on the other side of the aisle has talked about the resources, but we cannot even talk about the resources until we implement the procedures. And so to get this procedure in place will then determine if we have the resources and we can take the next step. But I appreciate his example and his support.

I think it can be done and should be done; and before we give these benefits, we should be sure these people are who they say they are. It is the right thing to do.

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

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. SENSENBRENNER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109–350 offered by Mr. SENSENBRENNER:

In section 203(2), add ''and'' at the end of subparagraph (B), strike ''and'' at the end of subparagraph (C), and strike subparagraph (D).

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman

from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. Chairman, under current law, illegal entry into the United States makes an alien subject to a Federal criminal misdemeanor with a maximum penalty of 6 months in prison. However, unlawful presence itself, such as by overstaying a visa, is not a criminal offense, but only a civil ground of inadmissibility.

Forty percent of the current illegal alien population entered legally, but overstayed their visas. The other 60 percent of the illegal alien population came here by illegal means and are therefore already subject to criminal penalties for committing a Federal criminal offense.

At the administration's request, the base bill makes unlawful presence a crime, such as unlawful entry already is. This change makes sense. Aliens who have disregarded our laws by overstaying their visas to remain in the United States illegally should be just as culpable as aliens who have broken our laws to enter and remain here illegally.

In the base bill, the maximum penalty for illegal entry was increased to a year and a day, and the same penalty was set for unlawful presence, to make the enhancements for these offenses consistent with the other penalty enhancements of the bill.

□ 1615

The administration subsequently requested the penalty for these crimes be lowered to 6 months. Making the first offense a felony, as the base bill would do, would require a grand jury indictment, a trial before a district court judge and a jury trial.

Also because it is a felony, the defendant would be able to get a lawyer at public expense if the defendant could not afford the lawyer. These requirements would mean that the government would seldom if ever actually use the new penalties. By leaving these offenses as misdemeanors, more prosecutions are likely to be brought against those aliens whose cases merit criminal prosecution.

For this reason, the amendment returns the sentence for illegal entry to its current 6 months and sets the penalty for unlawful presence at the same level. Some have argued that this provision would require 11 million prosecutions. That is not true. Prosecutorial resources are limited, and authorities would rather quickly deport an alien whose only offense is to be here unlawfully rather than to prosecute and have to detain that alien pending trial.

Even if an alien were prosecuted under this provision, a conviction of unlawful presence would not prevent an alien from some day attaining legal status or even citizenship if the alien would otherwise qualify.

Making unlawful presence a crime, however, would serve as a greater deterrence to aliens overstaying their visas. For these reasons, I ask that the Members support this amendment.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume. Currently, illegal presence in the United States is not a crime; it is a civil violation.

People who cross the border without inspection commit a crime for improper entry but not an ongoing violation. The government can prosecute you for crossing but not for existing after having done so.

This section, section 203, makes virtually any violation of the immigration laws an ongoing criminal act. In one stroke, it would subject the entire undocumented population, estimate by some to be 11 million people, to criminal liability.

Now the amendment before us changes the degree of punishment, but it does not alter the underlying issue of criminalizing being alive in the country without documents. I would like to note that, in addition to adults, this would criminalize children who had no decision about coming to the United States.

I understand, although, I was not present in the course of the discussion in the Rules Committee, but that one of the Members of the committee raised the issue of an individual, a young student who was 17, who actually thought that he was an American citizen and found out, much to his surprise, that he was not.

That young man, under the underlying bill, would be a felon. Under the amendment, he would be a misdemeanant, but in fact, he is not a criminal at all. He is a kid who was brought here by his parents and who is in a bind right now. Making him a criminal is not going to make us any safer. It is not a reasonable thing to do. I oppose the amendment.

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

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

Mr. Chairman, I regret to say, the gentlewoman from California, whom I greatly respect, is wrong. Under the Federal juvenile statute, children cannot be prosecuted for any Federal crime, felony or misdemeanor, if it is not a crime of violence or a drug trafficking crime.

So her entire argument about making children subjected to Federal criminal prosecution simply by being here is not valid. They can be subjected if it is a crime of violence or a drug trafficking crime. What this amendment does is reduce the penalties for this type of immigration violation from a felony in the base bill to a misdemeanor. That is all the amendment does.

And what it does do is criminalize the presence of the people here who have overstayed their visas. Now those who have entered the United States illegally, not through a port of entry and not submitting themselves to inspection by U.S. Immigration and Customs authorities commit a crime. That is a crime now. It is a Federal misdemeanor.

But if you do go through inspection and do not go home when you are supposed to, then it becomes a civil ground of inadmissibility. So we are treating illegal aliens differently. You are a potential misdemeanant if convicted if you entered the United States illegally. But if you overstayed your visa and did not go home, then you do not subject yourself to criminal prosecution.

The bill takes care of this anomaly. But it makes both offenses felonies. What this amendment does, it makes it misdemeanors. So if you are against the amendment, you want to keep it as felonies because that is in the base bill. You should be for the amendment to make it a misdemeanor for the reasons that I have stated.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I might consume.

In taking a look at section 203, the application of criminality is actually quite broad. If you are here in the United States holding a student visa, there are requirements, for example, that you take a certain number of units in order to maintain that status. If, for example, you fall below that, and I will say that there are many students who, for one reason or another, one quarter might fall below where they may need to be, you would be in violation of your student visa status. Under the amendment before us, you would not just be disappointing your parents who paid full tuition, you would be committing a misdemeanor.

If you are a businessman here and your return flight home is cancelled, causing your visitors visa, your B2 visa, to be expired, not only would you be in technical violation if you were 2 days late to the flight home, but you would also be committing a misdemeanor.

I do not think that is a reasonable approach. I also do not think that it has anything to do with keeping our country safer. You know, this debate started yesterday on the floor of the House. But it has been ongoing in the media for quite some time. The John and Ken show in California every day is taking about illegal immigration.

And we saw many Members, our friends on the other side of the aisle, touting that they were going to have this tough bill. And then, of course, today, we see that the Republicans are trying to back off on that a little bit.

So it is easy to say one thing to the red meat talk shows, but here, of course, we need to make some adjustments.

We think the adjustment is misguided, and it is not one that I can support.

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

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

Mr. Chairman, two of the 9/11 hijackers overstayed their visas. Under the current law, that is just a civil ground of inadmissibility. I think that that should be some type of a crime so that at least they can be detained.

The businessperson who inadvertently overstays their visa because the flight is canceled, no problem; no prosecutor is going to prosecute that person because of it. I see some games being played here. The people who are saying that this bill is too harsh want to keep these penalties as felonies. I do not know why that is. I think it will be much better to make them misdemeanors, because at least, that way, we do not have to have the taxpayers pay for a lawyer to defend them if they do not have any money. And we do not have to have the space to incarcerate them in Federal penitentiaries.

This amendment makes the bill workable. I believe it is a good amendment. I urge its adoption.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ.)

Mr. GUTIERREZ. Mr. Chairman, I stand in opposition to this amendment. I think that we should move forward and make sure that we have the groundwork for a program that allows, as President Bush has stated, those who work hard, play by the rules, to come out of the darkness and come out of the shadows and come forward.

I do not think we should criminalize it at any level. We have administrative review now. We have civil penalties. We have a process. And I do not see why we should change that process, if indeed, as the chairman has said and so many people have said, that, next year, we are coming back to fix this thing.

Well, let us not cause any interruptions in fixing this thing. I said we should not criminalize this in the first place just on principle. We have civil statutes that deal with this.

So I stand, and the Hispanic Congressional Caucus has unanimously adopted a position to stand against this motion and this amendment in particular.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. BERMAN) for the purpose of entering into a brief colloquy.

Mr. BERMAN. Mr. Chairman, I thank the gentlewoman for yielding.

I want to understand the state of play. If this amendment goes to a vote, a recorded vote, then am I to understand that the chairman and the Republican leadership has offered a tough bill and now they are asking their colleagues on the majority side to soften the criminal penalties for illegal immigration?

Ms. ZOE LOFGREN of California. We will soon discover.

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

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 8 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–350 offered by Ms. VELÁZQUEZ:

At the end of title II, insert the following:

SEC. 211. REDUCTION IN IMMIGRATION BACKLOG.

(a) IN GENERAL.—The Secretary of Homeland Security shall require that, not later than six months after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services (in this section referred to as ''USCIS'') undertake maximum efforts to reduce to the greatest extent practicable the backlog in the processing and adjudicative functions of USCIS.

(b) PILOT PROGRAM INITIATIVES.—

(1) IN GENERAL.—The Director is authorized to implement a pilot program for the purposes of, to the greatest extent practicable—

(A) reducing the backlog in the processing of immigration benefit applications; and

(B) preventing such backlog from recurring.

(2) INITIATIVES.—To carry out paragraph (1), initiatives may include measures such as increasing personnel, transferring personnel to focus on areas with the largest potential for backlog, streamlining paperwork processes, and increasing information technology and service centers.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

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

Mr. Chairman, I offer this amendment at a time when our immigration system continues to fail America's hardworking families, at a time when immigration laws continue to separate our Nation's families and at a time when our country is so desperately seeking fair and comprehensive immigration reform.

Millions of close family members continue to languish in a wearisome visa backlog process for years waiting to be reunited with their loved ones. The seemingly endless application process creates desperation and homelessness for hardworking immigrants in a Nation where we hear so much about family values being a priority. We must provide relief for these families struggling to be together.

Beginning in fiscal year 2002, President Bush proposed a $500 million initiative to eliminate the immigration processing backlog and attain a universal 6-month processing time standard for all immigration applicants within 5 years.

While this initiative has helped to reduce the backlog, the Goverment Accountability Office estimates that, as of June 30, 2005, USCIS still had 1.2 million cases in its backlog, and the agency was unlikely to meet the September 2006 deadline of a 6-month turnaround time for applications.

In my congressional district, we continue to have backlogged cases of over a year despite the President's proposed 6-month time standard.

Elsewhere in the country, there are people waiting up to 22 years for their applications to be processed. What is most alarming about the cases in my district is that the individuals have been mistakenly identified by the USCIS as naturalized when in fact they are not.

Not only does this create an unnecessary backlog, it poses a national security concern. My amendment, which has previously passed the House, will help address this issue. The amendment will enable the Department of Homeland Security to explore new ways of tackling this problem by authorizing the director of the USCIS to implement innovative pilot initiatives to eliminate the immigration application processing backlog and prevent further backlog from occurring.

□ 1630

It would encourage initiatives such as increasing or transferring personnel to areas with the greatest backlog, streamlining regulations and paperwork filing processes, upgrading information technology, and increasing immigration service centers throughout the country.

This amendment recognizes that there is not one specific approach toward eliminating the backlog, and therefore it encourages flexibility at the local level so pilot project sites can examine the problem in new ways. Children should not be left without the guidance of both of their parents as they face the joys and trials of school life, building friendships, and discovering their individual talents.

Mothers and fathers should not be denied the chance to watch their children grow up into young men and women, moving on to having children of their own. And couples should not be separated, leaving one parent struggling to make ends meet and serve the needs of

their children alone. We must help reunite families and ensure that immigrant families have the same opportunities as native-born families to live and work together as a complete family unit.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise to claim the time in opposition, even though I support the amendment.

The Acting CHAIRMAN (Mr. HAYES). Without objection, the gentleman is recognized.

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I support this amendment, and I want to commend the gentlewoman from New York for offering it.

One can ask all 435 Members of the House of Representatives what is the principal area of constituent complaints that caseworkers in our local offices deal with, and they will all say immigration complaints, because the immigration service legacy, as well as the component parts that it has been split into, has not been dealing with these issues properly.

This is an issue that deals with immigration benefits that legal aliens are entitled to receive. And it seems to me that if we are the welcoming country to legal aliens that we claim to be, we ought to deal with their petitions promptly and professionally. That is not being done, and we owe it to our present constituents and future constituents, as many of these people are eligible for permanent resident status and will eventually become citizens of the United States, to solve the problems of the backlog in dealing with immigration benefits.

The Government Accountability Office is about to issue a report that will deal with the effects of the U.S. Citizenship and Immigration Services to reduce the immigration application backlog that has plagued the system for years. This report will confirm that this new agency, created under the Homeland Security Act and transformed from the old Immigration and Naturalization Service, has made significant strides in reducing application backlogs since its creation in 2003.

Nevertheless, more progress needs to be made. The current backlog stands at about 1 million applications for immigration benefits. Although this figure was reduced from over 3 million applications when the new agency was formed, much of this came from definitional changes which I have publicly questioned. We must do more to challenge the Department of Homeland Security to improve. This will mean a more professional and prompt resolution of dealing with the documents that legal immigrants need to integrate themselves into American society.

I urge my colleagues to support this amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN).

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding to me an additional minute.

To follow up, I support very strongly the Velázquez amendment, and I am glad that the chairman and the majority support it as well. It is very important. But as I look at the bill, I find an issue that will take a higher precedence than the problem of the backlog in terms of our constituents and in terms of our congressional offices and I think will put that far in the background in terms of things that most bother them, because under the Alien Smuggling and Related Offenses provision of the bill that we will be asked to vote on, anyone who assists, encourages, directs, or induces a person to reside in or to attempt to reside in or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside or remain in the United States, is subject to penalties of up to 5 years in jail if it is not for commercial purposes. If it is for commercial purposes, understandably, it would be tougher sentences.

So when a person calls my district office and talks to my congressional staff and says, I was here on a temporary visa, the date passed, I have an immigration petition pending, is there anything I can do? if my office assists that person or suggests that person go see a lawyer and perhaps if my assistant does not call the Department of Homeland Security and tell them to pick that person up, my staffer, potentially, is subject to criminal penalties. Congressional staff do not have congressional immunity. That means I am going to have to do all the casework in my district office. I think we need a little correction of the base bill in this particular area of alien smuggling. We are sweeping very widely here.

With that, I urge adoption of this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

Amendment No. 9 Offered by Mr. NORWOOD

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109–350 offered by Mr. NORWOOD:

At the end of title II, add the following new sections:

SEC. 211. FEDERAL AFFIRMATION OF ASSISTANCE IN THE IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) IN GENERAL.—Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. This State authority has never been displaced or preempted by Congress.

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or

(2) arrest such victim or witness for a violation of the immigration laws of the United States.

SEC. 212. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) ESTABLISHMENT OF TRAINING MANUAL AND POCKET GUIDE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(1) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(2) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(b) AVAILABILITY.—The training manual and pocket guide established in accordance with subsection (a) shall be made available to all State and local law enforcement personnel.

(c) APPLICABILITY.—Nothing in this section shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established under subsection (a)(2) with them while on duty.

(d) COSTS.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under subsection (a).

(e) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. E-learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is sealable, survivable, and can have a portal in place within 30 days, shall be made available by the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel.

(2) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(3) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer to assist in the enforcement of Federal immigration laws in the normal course of carrying out their normal law enforcement duties.

(f) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(2) in paragraph (2), by adding at the end the following: ''Such training shall not exceed 14 days or 80 hours, whichever is longer.''.

SEC. 213. FINANCIAL ASSISTANCE TO STATE AND LOCAL POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING AND PROCESSING ILLEGAL ALIENS.—From amounts made available to make grants under this section, the Secretary of Homeland Security shall make grants to States and political subdivisions of States for procurement of equipment, technology, facilities, and other products that facilitate and are directly related to investigating, apprehending, arresting, detaining, or transporting immigration law violators, including additional administrative costs incurred under this Act.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a State or political subdivision of a State must have the authority to, and have in effect the policy and practice to, assist in the enforcement of the immigration laws of the United States in the course of carrying out such agency's routine law enforcement duties.

(c) FUNDING.—There is authorized to be appropriated for grants under this section $250,000,000 for each fiscal year.

(d) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of funds distributed to States and political subdivisions of States under subsection (a).

SEC. 214. INSTITUTIONAL REMOVAL PROGRAM (IRP).

(a) CONTINUATION AND EXPANSION.—

(1) IN GENERAL.—The Department of Homeland Security shall continue to operate and implement the program known as the Institutional Removal Program (IRP) which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The institutional removal program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with officials of the institutional removal program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to officials of such program as a condition for receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from United States Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology such as video conferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program (IRP) available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the institutional removal program—

(1) $100,000,000 for fiscal year 2007;
(2) $115,000,000 for fiscal year 2008;
(3) $130,000,000 for fiscal year 2009;
(4) $145,000,000 for fiscal year 2010; and
(5) $160,000,000 for fiscal year 2011.

SEC. 215. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by inserting before the period at the end the following: ''and $1,000,000,000 for each subsequent fiscal year''.

SEC. 216. STATE AUTHORIZATION FOR ASSISTANCE IN THE ENFORCEMENT OF IMMIGRATION LAWS ENCOURAGED.

(a) IN GENERAL.—Effective 2 years after the date of the enactment of this Act, a State (or political subdivision of a State) that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a political subdivision within the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' routine law enforcement duties shall not receive any of the funds that would otherwise be allocated to the State under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(b) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States or political subdivisions of States to report or arrest victims or witnesses of a criminal offense.

(c) REALLOCATION OF FUNDS.—Any funds that are not allocated to a State or political subdivision of a State due to the failure of the State to comply with subsection (a) shall be reallocated to States that comply with such subsection.

At the end of title IV, add the following new section:

SEC. 408. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Under Secretary may have on any and all aliens against whom a final order of removal has been issued, any and all aliens who have signed a voluntary departure agreement, any and all aliens who have overstayed their authorized period of stay, and any and all aliens whose visas have been revoked. Such information shall be provided to the National Crime Information Center, and the National Crime Information Center shall enter such information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available on the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or whether sufficient identifying information is available on the alien and even if the alien has already been removed; and

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Chairman, I want to thank Chairman SENSENBRENNER, Chairman KING, the Speaker, and the Rules Committee for allowing me to bring this amendment.

It is part of the CLEAR Act that we have been trying to pass for many years. We have passed many parts of it. In fact, the majority of the people in this body have voted for parts of it in the past, but we bring it today for the Members' consideration to do one thing: we are simply trying, as I have discussed this over and over with Chairman KING, we are trying in this amendment to direct local law enforcement to help us apprehend the 500,000 illegal immigrants in this country who are criminals who are under deportation orders from the American courts. And I point out to the Members, Mr. Chairman, that 100,000 of those are very violent criminals. That is the purpose of what we are trying to do. I look forward to a bipartisan support on this.

Many Democrats in here have complained the underlying bill does nothing to deal with criminal illegal aliens. This amendment does. Many Democrats have complained that there is nothing in here that helps local law enforcement. This amendment does. So I feel sure we will have a very good vote on this amendment.

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

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

Mr. Chairman, I rise in opposition to the amendment. This Norwood No. 65 amendment includes a number of provisions of the CLEAR Act; and in addition to giving State and local police the same authority to enforce immigration laws as a Federal agent, the provisions do not require, as a matter

of fact limit, the amount of training that they could receive in order to enforce these rather technical provisions.

Moreover, the provisions require the entry of millions of civil immigration law violators into the National Crime Information Center, an FBI database of those who are wanted; and these entries go on thousands of times each day.

I am just wondering if my colleague, the author of this amendment, is aware of the incredible complexity that he is suggesting now be included in this measure. If these categories were limited to wanted criminals, that would be one consideration. However, the list includes millions of people with technical status violations that are fluid and easily remedied, and we would be creating, I think, in my judgment, an administrative nightmare.

We have a lot of examples. But let me just close by saying that local police have more than enough work to do hunting down the people that are law violators. But entering the names of people with minor status problems into a criminal database would overwhelm it and mix those who may be legal and those who are not criminals with the rest who are. It exposes to liability for unlawful arrests. It discourages immigrants from working with local law enforcement. And those are the reasons I have serious reservations about this amendment.

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

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), our chairman.

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

This amendment clarifies the inherent authority of State and local law enforcement officers to enforce the immigration law and provides reimbursement to those States and localities for their assistance. Most importantly, it provides a means for Federal, State, and local law enforcement officers to work together to apprehend, detain, and remove illegal aliens.

The fact is that at the present time there are only 2,000 special agents to locate and arrest the entire illegal alien population nationwide. The Norwood amendment would allow State and local officers who are willing to do so to be a force multiplier for those 2,000 agents.

It is a good amendment and should be adopted.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. BERMAN).

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

There is an interesting juxtaposition going on between the gentleman's amendment and the base bill. The gentleman says something that I think is very important: we have got to prioritize. The priority in a country where there are 10, 11 million people who are here without status and under this bill and would, therefore, becoming guilty of a criminal offense, he says let us get the 500,000, whatever number it is, who have committed crimes of violence and economic crimes and murder and drug dealing and all these things. And he is right. No one can disagree. That should be the most urgent priority.

But in a universe where you have criminalized all 11 million, you have lost our ability to do that. So what is so funny about the argument for the gentleman's amendment is that in the context of this, all 11 million, it is the flip side of where some people have to wear a band designating it and the way of protesting that is everybody wear the band. You have lost your ability to prioritize.

Mr. NORWOOD. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in support of the amendment.

I stand today in strong support of the Norwood Amendment, which will provide State and local law enforcement the necessary authority, resources, and intelligence needed to apprehend and detain illegal aliens that they encounter during their routine duties. The President in his recent comprehensive immigration strategy has called for an elimination of "catch-and-release" at our national border and it essential that this is expanded to include incidents within the interior of the country.

Over 400,000 alien absconders and more than 85,000 criminal illegal aliens are in our country. Tragically, many of these criminal aliens remain loose within our borders and continue to commit violent crimes in our neighborhoods, such as Eduardo Campos Rodriquez, an illegal immigrant wanted for four counts of murder and two counts of attempted murder. We can not allow cases like this to continue to threaten the safety of our citizens in their communities.

Illegal immigration is a national problem—not one only occurring in the communities along the southern border. Throughout the country, State and local law enforcement are confronted with this problem everyday from large urban cities to the smallest and most rural communities. Unfortunately, our State and local law enforcement officers lack the critical information, necessary resources, and clear authority to detain and process these individuals. Recently, my district has been in the national spotlight concerning the various strategies that local and State law enforcement are attempting to use to address their illegal immigration problem in the absence of federal guidance. Recent incidents in New Ipswich, New Hampshire and Hudson, New Hampshire forced police officers to release illegal aliens whom they had detained during the course of their normal duties due to a lack of assistance from Immigration and Customs Enforcement officials. In response to having to repeatedly release illegal aliens, the towns' law enforcement officers attempted to apply New Hampshire trespassing laws to these illegal aliens, so they would have the authority to detain the individuals for a longer period of time in hopes that ICE would then be able to take custody. Even though this strategy has not held up in the courts, it illustrates the need for this essential amendment to give law enforcement the authority, resources, and intelligence to respond to the unique challenges presented by illegal aliens. It is important to point out these incidents happen in relatively small communities—the town of Hudson with a population of 24,000 and the town of New Ipswich with a population of 5,000.

Overall, State and local law enforcement are looking to Congress to provide them with the vital resources, information and authority to address this serious security concern. I strongly believe that the nation's security must remain our highest priority, and local involvement in security solutions is critical to achieving this goal. Therefore, I urge my colleagues to vote "yes" on the Norwood amendment.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. DEAL), who has worked on immigration issues for a long time.

□ 1645

Mr. DEAL of Georgia. Mr. Chairman, I want to thank my colleague for bringing this amendment and for yielding me time. He brings an important aspect of enforcement to the table, and that is interior enforcement.

Many people believe that only the problem exists along the border, and that is not true. My State of Georgia, Congressman NORWOOD's State of Georgia, is one of the fastest growing in terms of population of illegal aliens in the country. In fact, in my congressional district in north Georgia, two of the five fastest growing populations of illegal immigrants are in my congressional district.

Now, if we want to get serious about enforcement, let us look at what the facts are. You heard Congressman NORWOOD say there are 500,000 criminal aliens in our country that are waiting to be apprehended. In our State of Georgia, one of the fastest growing in illegal populations in the country, I am told we only have three enforcement agents. In our adjoining State of Alabama, they only have one.

Are we really serious? Why not tap into the 700,000 State and local law enforcement officers who are available and trained to enforce the law.

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

Mr. Chairman, let me just point out that if you wish to vote against this bill, you are basically saying that you want to allow 500,000 criminal illegal aliens to stay on the street because 2,000 Federal officers simply are not going to remove them. It is impossible. It takes the 700,000 local law enforcement people out on the streets to help get this done, and we need to fund this. This amendment does that.

This amendment adds funding for SCAT, which is money needed desperately by the cities who deal with so many illegal immigrants.

Lastly and very importantly, it directs Homeland Security to put in

place in all 50 States the Institutional Removable Program. Now, you want to vote against this? How about us sending a rapist to prison in this country and INS is not there to deport them the minute they get out? No, they turn them loose on our State. This very thing has happened in Georgia with a pedophile.

This amendment is a reasonable aspect of this bill that brings resources to the table, and it brings law enforcement, the people who can solve this problem, to help us out.

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

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

Mr. Chairman, I think the author of the amendment will rest more comfortably tonight when he finds that not only do the people that he described that do not want this amendment are joined by numerous State and local police departments across the Nation, but also scores of groups that work with victims of domestic violence.

The proponents of this amendment must understand that there is nothing in this bill to ensure that ICE or SCAT in Homeland Security will be able to respond to the millions of requests from local police to pick up low-priority civil law violators.

Remember what the gentleman from California (Mr. BERMAN) said: you cannot dump millions of people into this database and think it is going to work. It will not. Turn down the amendment.

Mr. MCCAUL of Texas. Mr. Chairman, I rise in strong support of this amendment. My hometown of Austin has seen the horrifying effects that a sanctuary policy can have on a community.

Nearly two years ago an 18-year-old woman named Jenny Garcia was found brutally stabbed to death in her Northwest Austin home.

An illegal alien by the name of David Diaz Morales was one of Jenny's coworkers. He made it clear to her that he wanted to be more than just her coworker or friend. When Jenny rejected his advances, this put David Diaz Morales into a murderous rage.

On January 26th of last year, Morales broke into Jenny's home, forcefully grabbed her, held her down, savagely raped her and then brutally stabbed her to death.

In less than 24 hours, the Austin Police Department arrested this 20 year old thug who had absolutely no business being in the United States, let alone Jenny's home.

However, David Diaz Morales had no business being free to walk the streets either. You see, before becoming Jenny's murderer, he had been previously arrested for molesting a child in Austin.

Travis County District Attorney Ronnie Earle decided not to prosecute Morales's molestation case. Instead, he let him out of jail to commit more violent crimes, and when it came to Morales's immigration status District Attorney Ronnie Earle looked the other way.

If only District Attorney Earle had picked up the phone, he would have discovered that Morales was in our country illegally. He could have contacted immigration officials who would have deported him out of our country. He could have saved Jenny's life.

This is one horrific example of many injustices which could have been prevented. That is why we must include this vital amendment to the underlying bill. This amendment will put $1 billion in the State Criminal Alien Assistance Program, and make the Institutional Removal Program, which identifies criminal illegal aliens, mandatory. It also gives states, counties and cities 2 full years to come into compliance or risk losing State Criminal Alien Assistance Program funds.

Mr. Chairman, we owe it to victims like Jenny Garcia and so many others to include this language in the underlying bill, and I strongly urge my colleagues to support this amendment.

The Acting CHAIRMAN (Mr. HAYES). The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

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

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

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

AMENDMENT NO. 10 OFFERED BY MR. TANCREDO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109–350 offered by Mr. TANCREDO of Colorado:

At the end of title III, add the following:

SEC. 308. PENALTIES FOR VIOLATIONS OF FEDERAL IMMIGRATION LAWS BY STATES AND LOCALITIES.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by adding at the end the following:

''(7) Prior to entering into a contractual arrangement with a State or political subdivision under paragraph (1), the Attorney General shall determine whether such State or political subdivision has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Attorney General shall not enter into a contractual arrangement with, or allocate any of the funds made available under this section to, any State or political subdivision with a policy that violates such section. The Attorney General shall submit to Congress an annual report on any State or political subdivision with a policy that violates such section.''.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

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

Mr. Chairman, we have had a lot of debate on this bill, of course, over, I don't know, the last 24 hours it seems like or more; and it has oftentimes been punctuated with the use of the word ''comprehensive'' and people complaining about the fact that they do not think it is comprehensive, or at least comprehensive enough. But that has been a euphemism most of the time for the phrase ''guest worker.'' That is what people want in this bill in order to make it ''comprehensive.''

Let me suggest to you it would do nothing, absolutely nothing, to make this bill comprehensive. A bill designed to deal with border security and internal enforcement of our laws in no way helps us accomplish those goals by including anything like a guest worker program.

Hence, I believe that this bill, as it was written and as it has been amended, and hopefully with the amendments that are going to be accepted at the end of the discussion of the bill, I believe it has become a comprehensive bill. Not totally comprehensive. There are certainly things I would like to see in it. Congressman DEAL's issue of birthright citizenship, I wish that were in there, and a couple of other things that we will continue to work on. But to a great extent, it begins, for the first time, to actually deal with a problem in what I think is a comprehensive way, and I mean it in this form.

We have a supply and a demand problem. The supply problem is coming across the border. We are in this bill doing something very specific about that with the inclusion of the amendment, with the passage of the amendment, to build some barrier along at lease 700 miles of our southern border. I hope we continue with that, by the way, along the entire border, to the extent it is feasible, and the northern border we could start next. That is dealing with the supply side of this problem.

The demand side of the problem is, of course, the job magnet that is created by people here who provide jobs for people who come across the border illegally, and in many cases do so knowingly. And I want to commend the Speaker of the House, I want to commend the leadership of my party, I want to commend the chairman of this committee, and I want to commend my colleagues on this side of the aisle for doing something that is difficult.

We are going up against economic interests that are extremely powerful. Many of them, of course, have been supporters of Republicans for years, the Chamber of Commerce and the rest. We have actually said to them, you know what, we are going to put our Nation's security and the importance of border security above all of these other issues and above the economic interests you bring to bear because so many of you are making so much money off illegal aliens. You are exploiting them. We know that this is happening, and we are going to try to put a stop to it, because in this bill we actually have something called internal enforcement.

We are going to do something about employer enforcement of the law. We are going to give them the opportunity and the tools to do that.

Again, I wish it were better. I wish we had a shorter period of time for the law, for checking the Social Security numbers to go into effect. But, nonetheless, it is there. We have made enormous strides with this bill, enormous, I must admit to you more than I had anticipated we could do, certainly, in this term of the Congress. But I am happy that we are here.

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

Mr. CULBERSON. Mr. Chairman, I want to show the American people what a typical day looks like for a law enforcement officer on the southern border. This is the result of an arrest that took place in Nuevo Loredo and this is what the sheriffs are facing. This is what our Border Patrol is facing: 40 millimeter grenade launchers, 12 of them captured; 10,000 rounds of ammunition; 40 AK–47 rifles. These are carried by individuals, paramilitary commandos, who are trained to kill anybody who stops and attempts to intercept them.

These are 40 millimeter grenades that are taped up with adhesive tape designed to be put on top of a warm engine, and as the glue softens, the tape comes off and the grenade explodes. This is a sniper rifle carried by the narcoterrorist commandos that shoots around corners. It has a television screen and a silencer on it.

This is the level of sophistication of these people that our sheriffs are facing. These narcoterrorists are so bold, Mr. Chairman, and the lawlessness is so pervasive on the border that the narcoterrorists have set up, according to the FBI, at least one narcoterrorist training camp outside of Matamoros operating in the open, run by the zadas to train gun runners, human smugglers, smugglers who pay cash, who keep their mouths shut. They can go to this training camp outside of Matamoros and they will be carried into the United States. There may be three others operating just across the river from the United States in the open.

This is a law and order issue that the United States must deal with through our locally elected law enforcement officials and the Border Patrol.

I thank the chairman for bringing this bill to the House.

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

Mr. Chairman, I intend to withdraw the amendment. The issue that I was bringing to the table with regard to this sanctuary city has been dealt with to a significant extent by my colleague, Mr. CAMPBELL, from California. In that light, I will in fact withdraw my amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. BERMAN. Mr. Chairman, reserving the right to object, and I do not intend to object, I wanted to simply point out to my friend from Colorado that before he praises this legislation too much, he should make sure there really is a strategy to turn it into a law, because I am very skeptical that you will ever see this bill coming back from here, very skeptical. If I had to bet, I would bet these provisions which you like and which you think make this into an attractive proposition and a serious attempt will never be seen again.

I simply want to add one other point: one day I would like you to explain to me how the employee verification system, which I think, like you do, is a critical part of dealing with the problem of illegal immigration, will ever get implemented in the context of 10, 11, 12 million people in this country in unauthorized status.

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

Mr. BERMAN. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, the gentleman knows that I have often approached this particular issue with a certain degree of cynicism, perhaps the same amount as he is expressing right now in terms of its prospects.

All I know is this: this is what I have before me today. This is what this House is being asked to address and to accomplish. That one thing, if nothing else happens, I am happy to have been able to get it to this point.

I am truly hopeful, and I recognize full well the gentleman is right that there are major obstacles to getting this beyond this point, but that is a fight to fight tomorrow. Today we are here, it is a good bill, and I certainly hope that we can pass it.

Mr. BERMAN. Mr. Chairman, without accepting the gentleman's assumptions about the worthiness of the bill, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 11 OFFERED BY MR. NADLER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109–350 offered by Mr. NADLER:

Strike section 407.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment strikes section 407. Section 407 expands the controversial policy of expedited removal, which grants extraordinary power to low-level immigration officers to order deported without any judicial review and without any fair hearing people who arrive at ports of entry without proper documentation.

This section would authorize such unreviewable deportation decisions, again without any real judicial review, for anyone picked up within 100 miles of any U.S. border, not just at ports of entry or near the Mexican border. My amendment would prevent this expansion of expedited removal and limit its use to the present locations.

If the amendment passes, we would still, of course, deport illegal aliens; but people arrested within the U.S. would continue to have the right to some judicial review, some due process before being deported. They would have the right, as they do now, to challenge the decision of the Border Patrol agent.

By imposing expedited removal proceedings on all aliens apprehended within 100 miles of any border, this bill would deny thousands of people all due process rights.

□ 1700

The expedited removal process poses the gravest risks to refugees fleeing human rights abuses. Those fleeing torture, imprisonment or other forms of persecution are often forced to travel without valid documents because there is not enough time to obtain them or because it is too dangerous to apply for them.

Those fleeing persecution or the Gestapo or the KGB or the Savak are least likely to have properly notarized and stamped documents, countersigned by the Gestapo, the KGB or the Savak.

The expansion of the expedited removal process puts refugee women and children fleeing rape, honor killings, female mutilation, forced marriages and sexual slavery particularly at risk because these victims have the most difficulty sharing and explaining their painful stories to border agents who may not be experts in foreign cultures.

Furthermore, when individuals are placed in expedited removal, they do not have access to relief from deportation under the Violence Against Women Act, the temporary protected status or as trafficking victims.

My amendment seeks to prevent the inevitable consequences of deporting more asylum seekers, battered immigrants, trafficking victims and others who may be legally entitled to remain but who have no real opportunity for any appeal from the hasty judgment of the border agent, no due process.

Even as currently applied, expedited removal has resulted in terrible mistakes, including its wrongful application to genuine refugees and even to U.S. citizens. The Senate heard the case of Sharon McKnight, an American citizen from New York of Jamaican descent who suffers a mental disability and was wrongly put into expedited removal and sent to Jamaica because an inspector mistakenly thought her passport was fake.

Expanding this policy to include persons already within the United States

poses grave constitutional problems. Immigration laws long made a distinction between those aliens seeking admission to the U.S. and those who are already within the U.S., regardless of the legality of their entry. In Zadvydas v. Davis, the Supreme Court held ''once an alien enters the country, the legal status changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary or permanent.''

Because there is no check or review of expedited removal decisions, there is no due process. This policy should not be expanded. It should be left where it is as my amendment would do.

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

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

Mr. Chairman, I rise in opposition to this amendment which would strike the provision added by the bill the gentleman from California (Mr. DANIEL E. LUNGREN), mandating expedited removal for other than Mexican aliens apprehended after entering illegally within 14 days and 100 hundred miles of entry.

Unlike what the gentleman from New York (Mr. NADLER) said, the Lungren provision in this bill applies to land borders only, and it would not apply to asylum seekers who ask for asylum at the time they enter through a port of entry.

The provision that this amendment would strike is crucial to ending the current practice of catch and release of aliens along the southern border. While nationals of Mexico who are apprehended along the southern border can be returned to Mexico, the nationals of other countries cannot. Rather these aliens, known as OTMs, must be placed in removal proceedings which is a process that can take months. Because of a lack of detention space, most are released on the promise that they will show up for their adjudication.

Experience has shown that if OTMs are released to attend their removal proceedings, they will likely disappear. Of the 8,908 notices to appear at the immigration court at Harlingen, Texas, issued last year to OTMs, 8,767 failed to show up for their hearings, according to the statistics compiled by the Justice Departments's Executive Office of Immigration Review.

The fact that these aliens were able to enter illegally, be released and then disappear into society has encouraged even more OTMs to illegally enter. Arrests of non-Mexicans along the U.S.-Mexico border, which total 14,935 in 1995 and 28,598 in 2000, rose to 65,814 in fiscal year 2004.

As nationals of these countries have entered with impunity, they have encouraged others to do so also. The Lungren provision addresses the problem of catch and release by requiring DHS to remove these OTMs who are apprehended within 14 days of entry and 100 miles of the border through expedited procedures. This codifies DHS's current practices. By limiting the amount of time that aliens are in proceedings, these procedures allow DHS to use its limited detention space more effectively. This in turn ensures that more aliens can be detained, which discourages other aliens from attempting to enter illegally.

I urge my colleagues to oppose this amendment.

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

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

Mr. Chairman, the real question here is due process. We all want to deport illegal aliens. We all want to deport people who are not here legally. But the question is because the Border Control agent thinks that someone may not be here legally, because he thinks that the passport is fake, should there be no appeal? Should there be no ability to show facts? Should there be no due process?

This country is built on due process. This country is built on a foundation of liberty and proper process.

The Department of Homeland Security states that expedited procedures currently cannot be applied to the nearly 1 million aliens who are apprehended annually on the southwest border, where it can legally be applied, as it is not possible to initiate formal removal proceedings against all the aliens.

So you cannot use it in too many of the cases where it is legal now, so let us expand it so we cannot use it in millions of more cases.

Mr. Chairman, I realize that we have to talk about the principle of due process. I also realize that not passing this amendment is going to result in a fiction, the fiction of having this policy where we cannot use it for millions of people. So I am not sure what the practical impact of that will be.

I recognize there is no point to spending more time on this. I wanted to make the point about due process, and I hope the Senate will listen.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. CULBERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON S. 1932, DEFICIT REDUCTION ACT OF 2005

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the Senate bill.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

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

The Clerk read as follows:

Mr. Spratt moves that, to the maximum extent possible within the scope of the conference, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to recede to the Senate by eliminating House provisions reducing eligibility for food stamps (sections 1601 and 1603 of the House amendment), and reducing funding for child support enforcement (sections 8319 and 8320 of the House amendment), and repealing the Continued Dumping and Subsidy Offset (the ''Byrd Amendment'' (section 8701 of the House amendment)) and modifying the Mining Law of 1872 (sections 6201 through 6207 of the House amendment); such managers be instructed to recede to the Senate by eliminating the sections of the House amendment that reduce Medicaid benefits and allow increases in beneficiary costs (sections 3111, 3112, 3113, 3114, 3115, 3121, 3122, 3123, 3124, 3125, 3134, and 3147 of the House amendment) and by reducing to the maximum extent possible increases in interest rates and fees paid by student and parent borrowers on student loans contained in sections 2115, 2116, and 2117 of the House amendment, and by adopting the Senate provisions concerning Pell grants (sections 7101 and 7102 of S. 1932); and such managers be instructed to recede to the Senate by adopting the Senate provision eliminating the stabilization fund that makes payments to Medicare Advantage Regional Plans (section 6112 of S. 1932), adopting the Senate provision on Medicare Advantage risk adjustment (section 6111 of S. 1932), and adopting the Senate provision on Medicare physician payments (section 6105 of S. 1932).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Iowa (Mr. NUSSLE) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina.

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

Mr. Speaker, I would like to lay out now the basics of the motion to instruct conferees for the budget reconciliation bill going to conference.

First of all, we would move to preserve the safety net. This motion instructs the conferees to eliminate House provisions that would cut food stamps by $697 million and to reject

Medicaid cuts of even more, $11 to $12 billion in the House bill.

In addition, we would move to protect higher education. Because the budget bill as now written on the House side calls for substantial changes in interest rates and fees, by our calculation raising the cost of student loans by as much as $5,800.

Next we would support personal responsibility. The motion instructs the conferees to eliminate House cuts of $4.9 billion in Federal spending on child support enforcement programs that are run by the States but partially subsidized by the Federal Government. This is the most misguided fiscal savings in this whole bill.

This motion instructs the conferees to eliminate the House provision that would prevent hundreds of companies also that are hurt by unfair foreign trade known as dumping through the continued Dumping and Subsidy Offset Act which the budget reconciliation bill would eliminate.

This motion also instructs the House conferees to accept the Senate conferees' provisions that cut subsidies to Medicare private insurance plans by as much as 4.4 percent beginning January 1 and to prevent the planned 4.4 percent cut in physician payments by taking funds instead out of the Medicare Stabilization Program, the Medicare Stabilization Fund, which is part of the Medicare advantage and Medicare modernization bill which was the prescription drug-Medicare bill.

This motion instructs conferees to protect taxpayer-owned property as well and the environment by eliminating House provisions that would sell huge tracts of Federal land at below market value and expose them to purchase commercial and mining development.

These are the instructions we would give to our conferees going into this conference as to where the House should stand with respect to positions it has previously taken and with respect to positions the Senate has taken. I will say more about them later.

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

□ 1715

Mr. NUSSLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we have an opportunity just now to look at this motion to instruct conferees, and let me first remind my colleagues that this is a nonbinding symbolic vote. This is not substantive; this is symbolism. It was interesting today that the minority had a big press conference to celebrate Christmas and celebrate the end of the session, and they promised a Christmas present to the American people and that was a big box, and on the box it said the Democrats were going to give the American people a Democratic Congress.

The rest of the story, of course, is that, if you looked inside the box, there was not anything in there. If you opened the box, if you unwrapped it and you looked inside, what you would find is a lot of that little popcorn matter that you get that gets messy all over your house, but no substance whatsoever. Again, today no substance. In fact, interestingly enough, today once again the minority party here in this House brings forward a motion that equates the amount of money you spend in America with your level of compassion; not substance, not results, not is the program working, not are people being helped by the policies that have been put forth. But, if you spend more money, you must care. If you do not spend enough money, or the amount of money we are willing to spend, you must be scrooge at Christmastime.

We had people come here to protest what was happening in this budget bill. And what was their protest? Spend more money. Not get better results, not help more people, not make sure that people who are starving get the food stamps they deserve, but spend more money.

At the holidays we should recognize this probably better than at any other time, that it is not the size of the gift, it is not the fancy paper on the outside of the box, it is not the amount of money you spend that determines your love, your compassion, whether or not you are a true brother and sister to your fellow man; but it is whether or not that gift actually has the results that are intended.

Time and time again we have demonstrated through hearings at the Budget Committee, through hearings at all of the authorizing committees how these programs are just eating up more money, they are spending more money, we are hiring more bureaucrats; but we are using the same old system designed oftentimes back in the 1960s before man even walked on the Moon; and we assume that today in 2005 those programs do not need any reform, do not need any help, do not need any oversight. Just let them keep going. Oh, and spend more money at the same time.

Well, we have an opportunity, and it is an opportunity to reform. It is a plan that we have put out very carefully throughout this year. Today is not the first time we rush to the floor with a piece of paper about what we are going to do. All year long we have been working to try and make sure that food stamps were working better, that the services to the poor and the indigent were effective in getting the results that they truly need.

Instead, what we have today is the opportunity to vote for this symbolic motion to instruct conferees to basically rip out all those savings, to not do anything about reforming those programs but just spend more money. Spend more money.

Let me tell you that, as colleagues, the answer to the most vexing problems in our country today will not be solved by just spending more money. They will be solved when we take responsibility for the job that we have been given to ensure that these programs that people work hard, that people pay taxes to us in order to invent and implement, that they are truly working, that they are helping the people who deserve it the most, and that they ensure that we get results. Not just the rhetoric of reform, but results from reform.

We have the opportunity today to go to conference to work out our differences on a whole host of very important issues. I will tell my colleagues that, if you are worried about this vote, come down and vote for it. Go ahead, vote for it; it is symbolic. If you want to vote for an empty popcorn-filled box of Christmas presents under the tree, go ahead and vote for it. I do not think there is any reason why you cannot.

The real vote will be when the conference meets to talk about reform. The real vote will be when we have an opportunity to talk about truly helping people, not just handing out more money and saying, go ahead, get away from us, do not bother us any more, we have given you more money.

I have seen time and time again how Members of this body have gone home with press releases saying, we have increased the funds for this program. You should not be complaining, we have increased the money to this policy. We have put more money into this bureaucracy. Why are you complaining?

The reason they are complaining is because throwing more money at it does not work.

If you want to measure compassion at this very important time on the calendar by just spending more money, then I have no doubt you will find a way to do that. But if you want to ensure that these programs and these policies are truly helping the people in need, then we need to meet as a conference, we need to put all of those policies on the table to discuss, and we need to reform those policies to ensure that they are truly helping the people intended.

The difference here today is that we have a plan. It does achieve savings, but it delivers a better product for the people intended. The difference on the other side is that they have rhetoric, they have empty promises, and they have the age-old adage of throw more money at it and just hope and pray and assume that it will get fixed. I do not think the American people sent us here to throw more money at it. I think what they have sent us here to do, particularly at this time, is to show compassion, is to get to work, serious work about the reform of these programs so that they truly help the people in need.

Go ahead and vote for this motion to instruct if you feel so moved to throw money at the problem. It is nonbinding; it will not affect the outcome of the conference. We will meet, we will negotiate and discuss these important reforms, and we will bring back to

this body an important package of reforms in a plan that will achieve savings for the American people.

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

Mr. SPRATT. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Ways and Means Committee.

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

Mr. RANGEL. Mr. Speaker, there certainly was a lot of emotion in the speech given by the chairman; but I suspect in this time of the year where so many people are concerned about our sick, our poor and our disabled, that rather than being moved by the rhetoric of the Republicans, we might take a deep breath and find out who is on our side as Democrats.

I know that the poor and the aged and disabled do not have much of a political voice, but somehow in this holiday season the spiritual leaders probably understand this a little better than some of us. These are the charitable organizations that reach out, Catholic Charities, the Jewish Council Against Poverty, the Protestant Council. Each and every day they run soup kitchens and try to assist people, especially mothers that have no one in the household to assist them in raising their children.

Any specialist will tell you, if you do not give a kid the right start, you do not give them a chance to get to school, and cut the resources from under him to get an education, it is not just why can they not do it my way or why did he not get an inheritance. It is a question of where do these kids end up.

They first end up not paying much taxes since they do not have the talents to get a job; but worse than that, in New York we spend $84,000 for every kid who gets in trouble who finds himself on Ryker's Island, and I do not think you have to be a health specialist to know that when you cut the ability of people to get access to health care, they do not necessarily die right away. More often than not, they end up at the most expensive of expenditures, and that is in our hospitals.

I do not know what the poor and the disabled have ever done to the majority or, indeed, what the moral majority, why they would wait until Christmastime to show just how mean they can get. Even if they cannot control this meanness, why would they do it at a time when they have given hundreds of billions of dollars of tax cuts to the very wealthy?

I am not that good spiritually, but know my friends on the other side of the aisle that are so concerned with the Bible and biblical phrases, there is one thing somewhere, and I do not know all of the facts as is properly recorded, but it deals with a bunch of rich people that could not get in heaven because they had not treated the lesser of Jesus' brothers and sisters the way he would want. I have never seen a more classic example of the violation of that spirit than what I have seen in the last couple of weeks on this floor.

So you can raise your voice all you want, you can scream about spending, but it just seems to me that there are no religious leaders that I can think of that feel they have an obligation to take care of those people who are in the hospital, who are hungry, who are without clothes, who are without food, and certainly the children who are really the least powerful of all, if you had to do it, why do you not just do what you do in conference and come out and say that we authorized it? But to have this heavy blow at a time when you are reducing the taxes on the very rich is not only wrong, but it smacks of being immoral.

This is the wrong thing to do. This is the wrong time to do it, and it is something that I am confident is not in accord with the moral teachings or the spiritual beliefs of anyone in this body.

What you are doing is saying that you have to cut spending. Why can Iraq not get on that list of not wanting to spend? Why can we not just slow down the rebuilding of Baghdad and rebuild the health of some of our people and the schools of some of our people? Why can we not invest in Americans and make them the most productive people that we can make? Why do you pick on the most vulnerable in Medicare, which the other side is probably going to hit as badly as we hit Medicaid?

What are these programs? The programs are listed as SSI. What does it mean, you have to be blind, disabled or aged? Medicare, you have to be old and sick? Medicaid, you have to be poor and sick? The programs are designed to bring the moneys to the mothers who have been abandoned or just for children, and the other one is education.

Is there anyone that you missed, the sick, the poor, the young? Is there anyone else that you want to include that programs should be cut? I might also add, with capital gains tax cuts and corporate dividend tax cuts, is there anyone that is rich that you missed in terms of not giving a tax cut?

What a combination package you have given to the American people and what a time to do it. So whether you call it Christmas or holiday seasons or Chanukah or whether you call it Kwanzaa, you sure picked the right time to hit the wrong people at this time of the year.

Mr. CRENSHAW. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from Iowa (Mr. NUSSLE).

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

There was no objection.

Mr. CRENSHAW. I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY), a distinguished member of the Budget Committee.

□ 1730

Mr. MCHENRY. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

Ladies and gentlemen, I say Merry Christmas to you. We are presenting you a budget that the American people can be proud of. To the Democrats, I say, happy holidays. But I will tell you, ladies and gentlemen of the House, my colleagues, what we are doing here is right for the American people.

My colleague from New York asks, have we touched everyone in America? Well, yes. If you live in a $2 million house, you will not qualify for aid to the poor. Under this budget, we pass that reform; that if you live in a million dollar house, if you live in a $2 million house, if, heaven forbid, you live in a $10 million house, you would not be eligible for Medicare. You would not be eligible for the government paying for your nursing home. That is the type of reform that we have in this budget. It is the right thing to do.

Beyond that, if you are a student in college today, if you are a student in college today, you will be eligible for that student loan next year under this budget. You will be eligible for that same loan you got today. The only difference would be that the Federal Government would not be paying that loan giver, that company that provides the loan, we would not be paying them 9.5 percent interest. We would go back to a market-based interest, which we all know is somewhere around 5 percent today. That alone would save $13 billion over 5 years.

So, ladies and gentlemen of the House, if you vote for this motion to instruct, you are voting against reform; you are voting against savings; you are voting against positive changes that will help more Americans. And it is the right thing to do.

Look, Mr. Speaker, this motion to instruct is something that Mr. Grinch would be proud of. So, ladies and gentlemen, I bid you merry Christmas, and ask that you vote against this motion to instruct and vote for our conservative, realistic, reform-based budget.

Merry Christmas to all.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Education and Workforce Committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Maybe the gentleman who was just in the well preceding me is proud of this budget. I noticed he talked about student loans and how the students will get the same loan they got this year. They may get that loan, but it is going to cost them more. In fact, what we see in the estimates are that this budget bill will raise the average cost to those students or those families who are paying off those loans. The average student who borrows $17,500, and that is what, unfortunately, the average student borrows today, this will raise

their cost by $5,800, almost $6,000 in additional costs. That is what comes with this bill.

The $13 billion is the largest cut in the student loans accounts in this history of this Congress. That $13 billion rebounds back onto these parents and to these students to the tune of $6,000 over the life of their loans. If that is your idea of a Christmas gift, have at it, but I do not think America's families are going to understand.

At a time when we understand how important it is for young people to be able to get an AA degree, to be able to get a B.A. degree, to get a Masters Degree or to get a Ph.D. so that they can fully participate in the American economy of the future, a globalized world economy, what is it the Republican budget is doing? It is raising the barriers. It is raising the barriers for millions of young students, for millions of families as to whether or not they will be able to afford this college education.

Students are going deeper into debt today than at any time in history. The cost of a college education is rising faster than the average working family's ability to pay for it. And what is the answer to that crunch that these families and these students are finding themselves in? The answer in this budget is to increase their costs by $6,000.

For 50 years, the idea was to try to make college more accessible, less expensive, so that the vast majority of people who were qualified to go to college would have the opportunity to do so. This year, they changed the course of this Nation. This year, they changed the course of this House. This year, they changed the course of the Congress. Because on a partisan basis, on a partisan basis, they decided that what they would do to the crunch and the cost of college for American families is they would increase the cost of college to America's families by charging parents more to borrow money, by putting origination fees on the direct student loan, which is the least expensive way people can borrow money.

You are raising the cost of the direct student loans by mandating insurance on all of the borrowers, whether it is necessary or not. You are very fond of telling us when you put these taxes and these costs on the business communities they are passed on. Well, that is exactly what is going to happen to the tune of about $6,000. These costs are going to be passed on.

We should vote to support the motion to instruct so we can prevent these costs from falling on these families and these students not only at Christmas time but for the next 5, 6, 7, 8, 10 years.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Budget Committee.

Mr. HENSARLING. Mr. Speaker, I rise today and urge my colleagues to defeat this motion to instruct. All of us know that America still faces a number of fiscal challenges, although under our economic policies, we have made a lot of great strides. With over 4 million new taxpaying jobs created and the deficit coming down, we have made a lot of great progress, but there is a lot of work to be done.

This really comes down to a debate about two different visions for America's fiscal future. Our colleagues on the other side of the aisle believe that we have a fiscal challenge because the American people are undertaxed. We believe our Nation faces a fiscal challenge because Washington spends too much and too unwisely.

Now, Mr. Speaker, during this debate, we have already heard a lot about cuts and compassion. Well, let us talk a little about those. I believe, Mr. Speaker, that everybody is entitled to their own opinion, but they are not entitled to their own facts. If one would look up the word ''cut'' in Webster's Dictionary, one would discover it means to reduce an amount. Yet under this modest, very modest, set of reforms, we see that total Federal outlays will grow by an average of 4.3 percent a year. What we call mandatory spending will grow 6.3 percent a year. Medicaid will grow 7.5 percent a year. TANF and other welfare programs will grow at 8.5 percent a year. And the list goes on and on and on.

Mr. Speaker, it is not how much money you spend in Washington that counts; it is how you spend the money. When we talk of cuts, we need to realize that every time we increase some program, some budget in Washington, by definition, we are cutting some family budget. This money has to come from somewhere. So when we feed the Federal budget, we cut the family budget.

We have a modest set of proposals that over 5 years would save us approximately $45 billion over what we call the baseline. I mean, that is almost 2 million down payments for homes for the American people. It is almost a million 4-year college educations. That is who is being cut if we follow this motion to instruct; it is the family budget.

And let us talk about compassion, compassion for the least of these. I submit to you, Mr. Speaker, that the least of these are those who are too young to vote and those who have not yet been born. If we follow the Democrat plan, let us look at what the General Accountability Office has said; if, right now, we do not change the spending patterns that we have in order to balance the budget, in just one generation, we are going to have to double taxes on the American people.

Where is the compassion there, Mr. Speaker, in taking away their jobs, in taking away their hope, taking away their opportunities? We would be the first generation perhaps in American history to leave our children a lower standard of living than we enjoy. There is no compassion there, Mr. Speaker.

Let us defeat this motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of the Spratt motion to instruct the conferees on H.R. 4241, the Reconciliation Spending Cuts Act.

This motion wisely provides that the House would give up its harshest and most hateful cuts. Just 1 week after passing $100 billion in new tax cuts, benefiting mostly the wealthy in our country, our Republican colleagues are now seeking to cut spending on those who have the greatest need of assistance.

For example, one of the programs hardest hit by this legislation, Medicaid, provides health care to working families. Three-quarters of the cuts in the Medicaid program come directly from the families who depend on it, either by raising their payments, by making health care unaffordable or by not paying for needed treatments when they do seek care.

The House bill seeks to raise health care premiums for individuals who depend on Medicaid. According to the Congressional Budget Office, one-quarter of the savings from the premiums would be imposed on beneficiaries, including children, coming from families losing their health insurance coverage. There are more than 45 million uninsured in this Nation, and the House bill would add more to that number. The Senate Bill does not do that.

Five-and-a-half million children face increases in the amount their parents would pay for them to go to the doctor, according to the Congressional Budget Office. Eighty percent of the savings from higher cost-sharing will come from individuals, including children, foregoing services and not from the actual payment of the higher cost-sharing.

I want my colleagues to listen to this, because I think this is a real scandal: Five million Americans will find themselves unable to pay for certain kinds of treatments, such as for cancer, because such treatments will, under this legislation, no longer be covered. Under the House proposal, half of these will be children who will lose access to services such as dental care, vision coverage, mental health care and therapies. The Senate Bill does not do this.

Finally, the House should also recede to the Senate on matters concerning Medicare HMO payments and Medicare physician payments. HMO payments, already too high, are being increased by better than 4 percent this year. And in 2 weeks, physicians will see their payments cut 4.8 percent. This is going to hurt our seniors' access to needed health care, and it is going to assure that very shortly there will be no physicians participating in Medicare. I look forward to hearing the explanations of my colleagues when this event transpires.

I urge my colleagues to support the Spratt motion. It is fair, decent and humane. The proposal before us is not.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi (Mr. WICKER), a member of the Budget Committee.

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

Mr. Speaker, my friend from California asked just a few moments ago, what is it that Republican budgets do? I will tell you what Republican budgets do, and I will tell you what this Republican budget does. It provides a plan to give savings to the American people. It provides a plan to slow the growth rate of some of the most important programs that we have in the United States of America so that we can save those programs, programs mentioned in the motion to instruct conferees, such as food stamps, funding for child support enforcement, Medicaid benefits, and student loans.

Republicans acknowledge, as most Americans acknowledge, that these are important and valuable programs. But, Mr. Speaker, we must slow the growth rate of these programs; not cut them, but slow the growth rate in order to preserve those programs.

What do Republican budgets do? Republican budgets also keep intact those tax policies that have grown this economy for 10 straight quarters, a growth rate of 4.1 percent in our GDP currently.

Now, what do Democrat budgets do? They consistently advocate increased spending, increases in discretionary spending, that done by the Appropriations Committee; and higher spending on the entitlement programs that we are talking about in this motion to instruct conferees. Also, Democrat budgets consistently call for higher taxes on the American people.

It is just a difference of philosophy. But that is what Democrat budgets do, and that is contrasted to what our responsible and reasonable Republican budget does today.

Now, I will mention one program, if I have the time, and that is Medicaid. Democrat Governors from around the country, Republican Governors from around the country have come to Congress and said, please, implement Medicaid reforms so that we can protect our budgets, so that Medicaid will not completely eat up State budgets in the 50 States, so that we can continue to provide this valuable service for our citizens.

□ 1745

The Democrat motion would allow Medicaid to grow. The Republican budget, our budget plan, would allow Medicaid to grow just a little slower, at just a little less of a growth rate than the Democratic plan.

Slowing the growth rate of Federal entitlement programs, which is what our Republican plan does, is not a cut in these programs. It is a way to acknowledge the value of these programs, it is a way to say we should preserve them, and it is a way to provide an additional means to protect the tax cuts and the tax policy that have been so successful in having our economy grow the way it has. I urge my colleagues to vote against the motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds to respond.

When the tax reconciliation bill with tax cuts is put side by side with the spending reconciliation bill, these two reconciliation bills add $52 billion to the deficit. That is the total outcome of the budget package that you are putting before us over the next 5 years; and that is not all, as I will show in a minute.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I want to take the language we have heard from the Republicans in the last few minutes and apply it to child support.

CBO says this budget will result in $24 billion less in child support over the next 10 years. That is the Congressional Budget Office. All right, one of you said Washington spends too much, too unwisely. Cutting child support payments by $24 billion?

You also said not how much, but how it is spent. Yes, it is spent in administrative expenditures to collect money for children.

Oh, and one of you said it is the family budget that is at stake. Absolutely, families with kids who are entitled to child support, and you are going to reduce what is collected by $24 billion over the next 10 years.

And then the lingo we hear, ''slow the growth rate.'' Under this formula, the money goes to the States and to the counties to collect money that is owed to children. I spent some time out in Macomb County talking to the people who administer this program, and I wish I could bring just one of the children who will be harmed by what you are doing and put them on this table, and have you look them in the eye and repeat your language. I do not think you would dare do it.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Budget Committee.

Mr. RYAN of Wisconsin. Mr. Speaker, let us talk about the fact that that same CBO report did say that child support payments will increase, yes, increase.

Mr. Speaker, what are we doing with child support payments? What we are simply saying is that we have a Federal Government match. What the Federal Government match is spending on child support with State governments is 50 percent for food stamps, for Medicaid, that is what we are proposing here.

When we passed welfare reform, we increased the match for child support to 66 percent. What happened: child support collections went way up; welfare case loads way down. Yet we still have a higher match than normal even though our case loads are way down. What we are simply trying to do is reform government to save money and still meet the needs of the people.

What about Medicare. This motion to instruct says let us gut the Medicare Advantage Program. What is the Medicare Advantage Program? Do you ever hear that line when you do a town hall meeting with senior citizens that say we on Medicare ought to get the same health care you in Congress get? That is the Medicare Advantage Program. We are simply saying to seniors, if you want to have comprehensive health insurance like we have in Congress, like other Federal employees have, you should get that.

What does this motion to instruct do? It compromises that entire program.

Mr. Speaker, what about all these issues? Food stamps, Medicaid, Medicare, child support, all of that spending is increasing in this bill. What does this budget do? This budget proposes to increase spending over 6.3 percent but not 6.4 percent, the current projection.

Let me say it another way. We are proposing to save $45 billion out of a $15 trillion budget over the next 5 years. We are proposing to increase spending 6.3 percent instead of 6.4 percent, and that sounds like a draconian cut.

I have also heard speakers say that we are proposing deep tax cuts. Mr. Speaker, here is their definition of deep tax cuts: we are not raising taxes. What we are proposing to do in this budget is to not raise taxes. We are proposing simply to keep taxes where we are today. When we had a recession 2 years ago, when the Dot-com bubble burst, people lost their savings when the market went down. We lost hundreds of thousands of jobs; we had 2 years of economic growth no higher than 1.3 percent, and we cut taxes.

What happened after we cut taxes, 4.5 million jobs were created. The stock market came back. Our stock market savings portfolios, our savings for seniors grew 23 percent. We are averaging 148,000 new jobs being created every month. We created 215,000 just last month alone. Our economy grew 4.3 percent last quarter alone. We raise taxes; we hurt jobs. It is a difference in philosophy.

The Democrats are saying raise taxes and do not do anything to control spending. We do not want to raise taxes; we want to control spending and balance the budget.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Michigan (Mr. LEVIN) 1 minute.

Mr. LEVIN. Mr. Speaker, we are not talking about raising taxes. You are dodging the issue.

This is not the formula for Medicaid or other programs; this is a formula in terms of the Federal share for child support. I would like any of you to stand up and deny the estimate of CBO that what you are doing will reduce the

amount collected in child support by $24 billion over the next 10 years.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Does the CBO report also not say that child support payments will go up from one year to the next?

Mr. LEVIN. It will go up. Sure, they are going to go up because there are more kids from families of divorce. But I ask you, does CBO not say because of your change, $24 billion over the next 10 years will not be collected for the children? Yes or no?

Mr. RYAN of Wisconsin. The gentleman just answered my question, child support payments will go up.

Mr. LEVIN. And it is $24 billion less because of you people.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, $24 billion will not go to the children of this country, but 53 percent of the tax cuts that this party put together in the last several weeks will go to people who make over $1 million a year. So $24 billion denied to kids in this country to satisfy the wealthiest 1 percent of the wage earners in this Nation. It lays out very clearly the values and the priorities of the majority party here.

Let me just say to you tonight that this Nation has been through a lot in the last several months: the devastation of Hurricane Katrina and a precarious situation in Iraq. This is not the moment for the drastic cuts the Republican budget calls for. This ought to be a moment of clarity where we realize what priorities are and what is important to us as a Nation.

This budget reconciliation, the cuts here, cut access to health care for low-income children and families; college loan assistance, leaving the typical student borrower to pay $5,800 more for college; throws a quarter of a million low-income families off food stamps, working families trying their best to provide this winter.

Those families who make over a million dollars who are going to get the tax cut, they do not need food stamps. They probably have medical bills because they have gout because they are overeating. They are not on food stamps. The American people have had enough.

With this motion, Democrats are calling to reject the most extreme cuts proposed by the majority that impact our most vulnerable citizens, whether it is stripping protections which guarantee more than 5 million children receive the medical services they need, mental health services they need, optical care, hearing aids, cuts to child support we have been talking about, 40 percent.

It eliminates federally funded foster care benefits for grandparents and relatives of abused and neglected children. This bill goes out of its way to make the lives of Americans already living on the margin even more difficult. It is the wrong direction. Vote for the Spratt motion to instruct.

Mr. CRENSHAW. Mr. Speaker, I yield myself 30 seconds to make the following point, and that is what we are talking about here is to try to get a handle on the way we spend money. We are going to spend more money next year than we spent last year, more money for all of the programs that you hear people talking about, railing about cuts being made.

I want everyone to keep in mind that we will spend more money, but we will not spend a whole lot more money. Only in Washington do you hear people say when you spend more money, but you do not spend as much as you want to spend, you call that a cut. People do not say that in the real world. Keep that in mind.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a member of the Budget Committee.

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

As we have heard the budget chairman explain, our friends on the other side of the aisle only use as a measurement of success how much we spend, not how well we spend.

Mr. Speaker, every business in America has to use a model of better products at a lower cost. I ask: Which model would we be better off using? Would we be better off if every business in America used as a model of success that if we spend more, we do better? Well, if every business did that, then every business would be in the same financial condition as the Federal Government, and I would argue they could not provide one job to one American in this country.

Or would we be better served if government used the model of better government at a lower cost?

Mr. Speaker, I think it is a little bit ironic that the debate we are having today, those who say we do not spend enough also say the deficit is too big. Mr. Speaker, we can achieve better government at a lower cost, and the first step to achieving that is voting ''no'' on this motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, what we are trying to prevent here is an abuse of process, because what has happened is the process known as reconciliation has been taken and stood on its head. The original process of reconciliation was to rein in the deficit, to have an end to the budget process by which Congress was compelled to revisit the goals it set earlier in the year and bring the budget in on the targets that it indicated were acceptable when the budget resolution was passed.

To that end, a budget reconciliation bill was given fast track capacity to go through the Senate so it would not be subject to filibuster, because its purpose was fiscal prudence. Its purpose was to rein in the deficit.

You can see from past history from this chart right here, you can see that in 1990 when we did the Bush budget summit, total reconciliation savings were $482 billion. In 1993 when we did the Clinton budget, total reconciliation savings over 5 years was $443 billion. In 1997 when we finally put the budget into balance for the first time in 30 years, the balanced budget agreement of 1997 provided for reconciliation of $118 billion.

What does this reconciliation bill do? Well, when you put it together, because it has been divorced, separated from the tax cuts in the other reconciliation bill, it increases the deficit. It does not decrease the deficit. It provides for, and we see $108 billion of additional tax cuts all together thus far. I will show you exactly how those add up right here.

One of the things that is going on here is that these fiscal actions get broken into many different fragments in the course of the year. As a consequence, it is hard to put all the small pieces together and figure out exactly what the tab is running up to.

□ 1800

Well, here is what it is running up to. If you just look at the tax cuts that have been taken over the last 6 months, keeping in mind that the budget resolution called for $70 billion in reconciled tax cuts and $106 billion in tax cuts all together, you will see we are on a path to accomplish just that under the budget resolution.

First of all, the transportation bill, $500 million. The Energy Policy Act, $6.9 billion tax cuts. The Katrina Emergency Tax Relief Act, $6.1 billion. The Stealth Tax Relief Act, $31.2 billion. That is the so-called alternative minimum tax, patching it for 1 year so it does not affect more taxpayers. Tax Relief Extension Reconciliation Act, that is the one that is before us in the other bill that I was referring to, the bill that is passing now in the reconciliation itself, and then, finally, $7.1 billion adapted just a week ago for the Gulf Opportunity Zone Act.

Add all of that together, you get $108 billion. But wait a minute. This only has a 1-year fix for the AMT. And we all know that we are fixing it this year for the same reason we will have to fix it next year and the following years and on into time until we finally adjust it so that it does not apply to middle-income taxpayers for whom it was never intended.

So when you recognize that fiscal reality and add to the total, tally a longer-term fix, a 5-year fix, on the AMT, the total amount of tax cuts adopted thus far over 5 years, the total amount is $301 billion, against which you are applying $50 billion in putative tax cuts and putative spending cuts, and how did you get those spending cuts? In the name of deficit reduction, which is a false claim, as can you see, because you are increasing the deficit.

How did you get those cuts, those putative cuts? You went to students

struggling to pay for their college education. You went to the poorest of the poor whose only resort to medical care is Medicaid and cut it by $11 billion. You went to child support enforcement, which is moneys used by the Federal Government to subsidy State efforts to see that parents who are not taking care of their children nevertheless have to pay something in child support and forces it, at $4.9 billion. CBO says it will deprive us of $25 billion for that most essential necessity. You went to foster care. You went to food stamps. You went to the pension insurance fund, PBGC, a false claim. You are claiming that these revenues generated for the PBGC can be applied against your tax cut. In truth, they are encumbered money; they will be needed to pay benefits before you know it.

And then, finally, let me speak up for the doctors. You have not done anything at all about the fact that there are doctors, on January 4, faced with a cut of 4.4 percent due to something called the sustainable growth rate factor. Unless we do something here tonight, this weekend, on the budget reconciliation bill, they are going to suffer that cut.

How do you think that is going to make them feel towards Medicare patients? Less willing than ever. So this is a bad bill. What we are trying to do with the motion to instruct is simply to take, as the gentleman from Michigan (Mr. DINGELL) put it, the harshest and most hateful features out of it.

Mr. CRENSHAW. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, before I make the comments I rose to make, I do want to comment for those watching this debate, that when you hear the words ''tax cut,'' the great majority of that money, outside of the new tax provisions to encourage rebuilding in New Orleans and the Mississippi coast and those areas so hard hit by Katrina and other storms, pretty much the rest of all of those, quote, ''tax cuts'' are simply tax extensions. In other words, we avoid increasing taxes.

If we did nothing, we would increase taxes. We do not want to increase taxes, because the current tax policy has created a remarkable rate of growth in our economy. And when your economy is growing, not only do your revenues come in well if you are the government, but jobs are created if you are the people, and current jobs are maintained.

So what are now loosely referred to as tax cuts, they appear in our vocabulary and our work as cuts, are not cuts; they are just maintaining current tax policy and avoiding tax increases that would harm our economy, cost jobs, cost taxpayers money they desperately need, as we go into a season of high heating oil costs and so on.

But I want to mention something else about this motion, which I appreciate is presented as part of the process here. It doesn't have the force of law. It gives people something they might like to vote about to tell the negotiators how to negotiate, but you know, there are always big rocks when the sea looks calm. So I just want to tell you about a couple of rocks underneath the sea of the verbiage of this motion to instruct. It is certainly not a motion I would want to vote for.

It wants us to recede to the Senate's position on physician payments. At first blush, that might look like a good idea, because they solve the first year problem by giving a very small increase to physicians. But in the second, not only do they let the 4.4 percent go into effect, but they add a 2 percent additional cut for physicians, for a 6.4 percent cut for physicians. That creates some pool that we are supposed to then pay physicians for performance. But we do not know what measurements are going to be used to determine whether a physician meets the performance standards or not. We do not know whether those measures will be such that a physician who provides health care in an area of the city or of the country where people simply do not come to the doctor until the last minute is going to be eligible for those payments like other physicians who might select patients who were healthier to take care of.

We do not know whether those benefits, those pay-for-performance benefits, will go equally to physicians who run small practices and cannot afford electronic health records as opposed to those who go to big practices.

So I certainly do not want to be instructing our conferees to yield to the Senate's position. Same on stabilization fund. The stabilization fund is explicitly, and we may not need it, but we do not know yet; it is explicitly to overcome one of the two big problems of being a rural physician in America, and that is intellectual isolation and being forced to abandon a patient who needs specialty care.

In the time I have allotted, I cannot enlarge on that, but believe you me, if you care about quality care in rural areas, you do not want to instruct our conferees prematurely to eliminate the stabilization fund.

Mr. SPRATT. Mr. Speaker, I yield myself 2 minutes. Mr. Speaker, I would ask the gentlewoman, if she does not believe that we should do something about the potential cut, getting nearer by the day, of 4.4 percent in physician's reimbursement and in paying for it, what is wrong with going into the so-called Medicare stabilization fund, which is really inducement money to get HMOs and insurance companies that do not otherwise want to participate in Medicare to participate?

The money is available. It comes out of the Medicare program. It would be given to physicians instead of insurance companies. But do you not think there will be adverse consequences if there is an across-the-board cut in physician's pay of 4.4 percent on January 1?

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I absolutely do. I think we are facing the possibility of physicians fleeing the Medicare program and creating a real access problem for seniors to physicians of their choice. But acceding to the Senate position is not going to fix it; it is going to exacerbate it.

We need a better fix than the Senate offers. We need one without the threat of a 6 percent cut in the year after that which is absolutely unconscionable.

So the negotiations are about finding better solutions. And that is one area in which we need a better solution, but if you cannot negotiate, if you do not have the latitude, you cannot get to the right answer. And this resolution tells you what the right answer is, when it is not the right answer and abandons the opportunity to negotiate in a number of areas.

Mr. SPRATT. Mr. Speaker, reclaiming my time. So the right answer is to fix the growth rate factor, no question about it. But that fix is not going to be accomplished in the next 2 weeks. So unless we do something adequate, you are going to have perfection be the enemy of the good; you are not going to get anything done.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, but we need to do something better than the Senate position, and we certainly need to avoid the additional 2 percent cut that starts every year thereafter.

Mr. SPRATT. Mr. Speaker, reclaiming my time. I do not think the House bill has any money at all for physicians in it. That is the point.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. This is a negotiation. And what you are doing is prejudging the negotiation. That is what a motion to instruct does. This motion to instruct is across so many categories that it will do damage to our ability to get the right answer in all of the policy areas that we have responsibility for.

Mr. SPRATT. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, that is why we say this is the best opportunity we have got to send the conferees to conference, to sit down with the Senators to come up with a solution to this problem.

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

Mr. CRENSHAW. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I think the issue here is very simply that our friends on the other said of the aisle just do not like the Budget Reduction Act. They do not

want to step in and change the way we do business. They do not want to reform the way we spend money. And so they have opposed that, and now they have a motion to instruct which, if you read it, is pretty much the kitchen sink thrown in to try to tell our conferees this and tell them that. It is kind of a hodge-podge, but basically, they oppose what we are trying to do.

But, Mr. Speaker, I think the American people know that we have got to change the way we do business here in Washington. We have got to change the way that we raise money, because it comes from the American people. And we have got to change the way that we spend money, because we are stewards of the American people when we do that.

And we have taken some giant steps this year, Mr. Speaker, to change the way we do business here in Washington. We started by lowering taxes across the board. People that pay taxes got tax relief. That lets people keep more of what they earn. And when you let people keep more of what they earn, then they get to decide whether they want to spend it, whether they want to save it, whether they want to invest it.

And that is the way you get the economy moving again. And we got the economy moving again. Everybody knows the good news that has come out of our economy. The economy has been growing for the last 10 quarters. More people are able to buy new homes. It is a wonderful time from the standpoint of the financial wherewithal of this country. So we took that step.

And then this year, as people sometimes do not understand, we wrote a budget this year, and like a lot of people have to do when they write their budget at home, we had to kind of hold the line on spending. The money that we in this Congress get to spend, we wrote a budget that actually reduced the amount of money we spend in the budget. Except for Defense and except for Homeland Security, spending went down. And we are sticking to that. We are pretty much spending the same amount of money we spent last year.

We have not done that since Ronald Reagan was President about 20 years ago. And that is a giant step forward to control the way we spend money. And here we are again now with what we call the Budget Reduction Act. As our chairman said, it is a plan to reform government and to actually save money, because over half of the money we spend here in Washington is kind of on automatic pilot. We do not even get a chance to say how it is being spent or why it is being spent.

And right now, with this Budget Reduction Act, we are going to get a handle on that. We are going to reform the way we spend money. And that is what we are trying to do. And so I would urge my colleagues to vote no on this motion to instruct, even though when you read the motion, you are not very clear exactly what it does other than try to confuse the issue, because I am afraid my friends on the other side, if you listen to them talk, they have an answer for everything; spend a little more money. Where do you get the money? You raise taxes.

All we are saying is we want to reform the way we spend money, because everybody knows this, and I will conclude with this, Mr. Speaker. Everybody knows that we need money to provide services. But right now, the American people are saying to us, you, the people in Washington making this decision, you need to do a better job of the way you spend money. You need to control spending. And that is what we are trying to do.

Sure we need money. But right now, we need the courage up here to make some tough choices, just like every family has to do every year when they sit down and make their budget. They have got to set priorities. They say we cannot do everything. So we have got to make sure that we limit the amount of money we spend.

We need a commitment, a commitment by all of us to say, we are going to decide what is important, and we are going to try to do that, but we cannot do everything. Because if we are ever going to change the way we do business, we have got to start right here among ourselves.

So once again, I would urge my colleagues to vote no on this motion to instruct. Let the conference begin. Let our Members of the conference committee sit down with the Members of the Senate conference committee, work out any differences they have, but at the end of the day, let us come up with a final plan that will save money for the American people.

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

□ 1815

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

Mr. Speaker, it pains me to say it, but Republicans control the House, they control the Senate, they control the White House, and they cannot escape responsibility for the dismal condition our budget is in.

Let me start with the simplest way I know to summarize the last 5 years. When the Bush administration brought us their budget in 2001, they said we will not need to raise the debt ceiling of the United States, the legal limit to which we can borrow, for another 6, 7 years. The next year they were back, hat in hand. They needed a $450 billion increase in the debt ceiling. The next year, just a year later, they came and asked for $984 billion, the biggest increase, single increase, in the national debt ever. As big as the total national debt when Ronald Reagan took office.

One would have thought $984 billion had long legs and would have taken us several years at least, but, no. Within a year they were back, Secretary Snow, hat in hand, saying, I need $800 billion. And in this year's budget resolution as it passed the House, buried in it is a conditional provision to increase the debt ceiling by another $781 billion. If we add all of those up, we come up with $3.015 trillion. That is the net addition to the legal debt of the United States over the last 5 years. That should temper everybody's understanding of the debate we have just been holding.

And look at this chart right here. Kind of complicated, but basically what we have done here is we have gone to the Congressional Budget Office and we have said, we have got your numbers for August and September, the update of the budget and the update of the economy. What you would like to do is make this politically realistic. Let us assume that the Bush administration's agenda is reaffirmed to us in July in the budget update; let us assume it is carried out. What will be the result? CBO came back to us, and they said the deficit of the United States last year, in 2004, in 2005, was $325 billion. That will grow to $640 billion under the assumptions you have given us. As for the debt service of the United States, it was $182 billion. It will grow to $548 billion over the next 10 years. That is the course we are on. And that is what we are discussing tonight. What do we do about it?

There is a process called reconciliation. When we find ourselves in dire straits like this, this is an extraordinary process, reconciliation, which gives special primacy to a bill for this purpose adopted in a budget resolution, and at every other time we have used it since it was invented, it was used to reduce the deficit by big numbers because a lot of the cost growth that has to be dealt with in deficit reduction is in the entitlement programs.

Look what we did in 1990 and 1993 and 1997: big, big reductions due to reconciliation. But what is being done here in the name of deficit reduction is deficit worsening. The deficit gets worse by at least $58 billion according to where the final cuts finally settle out. It gets worse by at least that amount, not better. And if we take a realistic view of what the likely revenue effects of all the tax cut legislation passed in the last 6 months have been, the deficit gets $300 billion worse.

They have taken reconciliation and stood it on its head. We would like to stand it back up, put some of the values back in it. We do not think we should balance the budget on the backs of small children, on the backs of Medicaid beneficiaries. And that is what the purpose of this motion to instruct is.

Ms. PELOSI. Mr. Speaker, today, nine days before Christmas, I rise in strong support of the motion to instruct on the spending reconciliation bill. This motion to instruct would eliminate the most egregious aspects of the House reconciliation bill and would reduce the Republican cuts to less than $20 billion.

This Congress must not go home for the holidays, leaving a lump of coal in the stockings of the most vulnerable children in this country. That is contrary to the spirit of this holiday season and contrary to the values of

this nation. If we adopt this motion, we will send the conferees on this bill a strong message that this should not be the season of ''suffer little children.''

This motion eliminates the cuts from the House bill that would affect the most vulnerable children in this country: It says no to cuts to our child support enforcement program: so that parents have to fulfill their responsibilities to their children. It says no to slashing food stamps: so that low-income children can be properly fed. It says no to cutting health benefits for low-income children: because we want all children to have access to health care in this country.

How can we possibly leave here and as one of our last legislative actions in this Christmas season to be accused of being scrooges to the least among us—poor children?

This motion stops the Republican raid on student aid: It would help make college more affordable, reducing interest rates and fees relating to student loans and increasing Pell Grants.

This motion eliminates the so-called ''mining reform'' in the bill, which is really a massive give-away of public lands to special interests: Selling public lands at fire sale prices. That is why sportsmen and women, environmentalists, and Western governors oppose this outrageous proposal.

This motion ensures that seniors and individuals with disabilities can continue to receive physician services under Medicare: Eliminating the reimbursement cut physicians would receive when treating Medicare recipients.

Two days ago, hundreds of faithful Americans descended on Capitol Hill in peaceful protest to stand up for working Americans, our children, the poor, those still hurting from Hurricane Katrina, and our elderly. In the freezing cold, in prayer and song, they called the Republican budget what it is—a moral failure, devoid of spiritual hope and nourishing resources.

This mean-spirited Republican budget takes food from the mouths of hungry children, cuts housing for Katrina evacuees, reduces support for our veterans, and fails to adequately provide health care for our elderly; all to provide tax cuts for millionaires.

I commend Reverend Jim Wallis and the pastors and church workers from across our country who marched on our Capitol. By adopting this motion to instruct, we would stand with them in the struggle for a budget that lives up to our American values of fairness and opportunity.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 175, not voting 12, as follows:

[Roll No. 652]

YEAS—246

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—175

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Young (FL)

□ 1846

Mrs. MYRICK, Ms. PRYCE of Ohio and Messrs. RADANOVICH, WHITFIELD, BACHUS, DANIEL E. LUNGREN of California, MCCAUL of Texas and SESSIONS changed their vote from ''yea'' to ''nay.''

Ms. GINNY BROWN-WAITE of Florida and Mrs. KELLY and Messrs. REGULA, FRANK of Massachusetts, RUSH, BOEHLERT, STUPAK, UPTON, JOHNSON of Illinois, PLATTS, SHIMKUS, LINCOLN DIAZ-BALART of Florida, SIMPSON, REHBERG, COBLE, HAYES, RAMSTAD, GINGREY, FOLEY and SAXTON changed their vote from ''nay'' to ''aye.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PETRI). Without objection, the Chair appoints the following conferees:

For consideration of the Senate bill and the House amendment thereto, and modifications committed to conference: Messrs. NUSSLE, RYAN of Kansas, CRENSHAW, PUTNAM, WICKER, HULSHOF, RYAN of Wisconsin, BLUNT, DELAY, SPRATT, MOORE of Kansas, NEAL of Massachusetts, Ms. DELAURO, Mr. EDWARDS and Mr. FORD.

From the Committee on Agriculture, for consideration of title I of the Senate bill and title I of the House amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS and PETERSON of Minnesota.

From the Committee on Education and the Workforce, for consideration of title VII of the Senate bill and title II and subtitle C of title III of the House amendment, and modifications committed to conference: Messrs. BOEHNER, MCKEON and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Messrs. UPTON, DEAL of GEORGIA and DINGELL.

From the Committee on Financial Services, for consideration of title II of the Senate bill and title IV of the House amendment, and modifications committed to conference: Messrs. OXLEY, BACHUS and FRANK of Massachusetts.

Provided that Mr. NEY is appointed in lieu of Mr. BACHUS for consideration of subtitle C and D of title II of the Senate bill and subtitle B of title IV of the House amendment.

From the Committee on the Judiciary, for consideration of title VIII of the Senate bill and title V of the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

From the Committee on Resources, for consideration of title IV of the Senate bill and title VI of the House amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS and RAHALL.

From the Committee on Transportation and Infrastructure, for consideration of title V and Division A of the Senate bill and title VII of the House amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO and OBERSTAR.

From the Committee on Ways and Means, for consideration of sections 6039, 6071, and subtitle B of title VI of the Senate bill and title VIII of the House amendment, and modifications committed to conference: Messrs. THOMAS, HERGER and RANGEL.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 621 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4437.

□ 1850

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with Mr. SHIMKUS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 11 printed in House Report 109–350 by the gentleman from New York (Mr. NADLER) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109–350 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GOODLATTE of Virginia.

Amendment No. 6 by Mr. STEARNS of Florida.

Amendment No. 7 by Mr. SENSENBRENNER of Wisconsin.

Amendment No. 9 by Mr. NORWOOD of Georgia.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 148, not voting 12, as follows:

[Roll No. 653]

AYES—273

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berman
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—148

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)

Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1908

Mr. RUSH changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 654]

AYES—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Weller
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1916

Mrs. JONES of Ohio changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. SENSENBRENNER

The Acting CHAIRMAN (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his inquiry.

Mr. BERMAN. Are we now voting on the Sensenbrenner amendment to reduce the crimes on illegal immigrants?

The CHAIRMAN. Pending is the request for a recorded vote on amendment No. 7 offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. BERMAN. To soften the penalties?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 257, not voting 12, as follows:

[Roll No. 655]

AYES—164

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Crenshaw
Cubin
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Doolittle
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Fortenberry
Fossella
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Granger
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Hulshof
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
Leach
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCaul (TX)
McCrery
McKeon
McMorris
McNulty
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Regula
Reichert
Reynolds
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (TX)
Souder
Spratt
Tancredo
Tanner
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Young (AK)

NOES—257

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Gerlach
Gibbons
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Neugebauer
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1926

Mr. ABERCROMBIE and Mr. UDALL of Colorado changed their vote from ''aye'' to ''no.''

Mr. SHAYS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 180, not voting 16, as follows:

[Roll No. 656]

AYES—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—180

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.

Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Frelinghuysen
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wu
Wynn
Young (AK)

NOT VOTING—16

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Jones (NC)
Kolbe
LaHood
McCarthy
Napolitano
Oxley
Payne
Pryce (OH)
Woolsey
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1934

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MRS. MYRICK

Mrs. MYRICK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. CULBERSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in House Report 109–350 offered by Mrs. MYRICK:

In section 606, add at the end the following:

(c) UNAUTHORIZED ALIENS CONVICTED OF DWI.—Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(iii)) is amended by inserting ''other than an unauthorized alien described in this clause'' after ''alien'' and by inserting at the end the following: ''In the case of an unauthorized alien (as defined in section 274A(h)(3)), a first drunk driving conviction shall be deemed to satisfy the definition of aggravated felony under section 101(a)(43)(F).''.

Strike section 606(a) and insert the following (and redesignate subsequent subsections accordingly):

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) in subparagraph (D), by inserting ''or'' at the end; and

(C) by inserting after subparagraph (D) the following new subparagraph:

''(E) is deportable on any grounds and is apprehended for driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security) by a State or local law enforcement officer covered under an agreement under section 287(g),'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

''(e) DRIVING WHILE INTOXICATED.—If a State or local law enforcement officer apprehends an individual for an offense described in subsection (c)(1)(E) and the officer has reasonable ground to believe that the individual is an alien—

''(1) the officer shall verify with the databases of the Federal Government, including the National Criminal Information Center and the Law Enforcement Support Center, whether the individual is an alien and whether such alien is unlawfully present in the United States; and

''(2) if any such database—

''(A) indicates that the individual is an alien unlawfully present in the United States—

''(i) an officer covered under an agreement under section 287(g) is authorized to issue a Federal detainer to maintain the alien in custody in accordance with such agreement until the alien is convicted for such offense or the alien is transferred to Federal custody;

''(ii) the officer is authorized to transport the alien to a location where the alien can be transferred to Federal custody and shall be removed from the United States in accordance with applicable law; and

''(iii) the Secretary of Homeland Security shall reimburse the State and local law enforcement agencies involved for the costs of transporting aliens when such transportation is not done in the course of their normal duties; or

''(B) indicates that the individual is an alien but is not unlawfully present in the United States, the officer shall take the alien into custody for such offense in accordance with State law and shall promptly notify the Secretary of Homeland Security of such apprehension and maintain the alien in custody pending a determination by the Secretary with respect to any action to be taken by the Secretary against such alien.''.

(b) DEPORTATION FOR DWI.—

(1) IN GENERAL.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following new subparagraph:

''(F) DRIVING WHILE INTOXICATED.—Any alien who is convicted of driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security), or who refuses in violation of State law to submit to a Breathalyzer test or other test for the purpose of determining blood alcohol content is deportable and shall be deported.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to violations or refusals occurring after the date of the enactment of this Act.

(c) SHARING OF INFORMATION BY MOTOR VEHICLE ADMINISTRATORS REGARDING DWI CONVICTIONS AND REFUSALS.—Each State motor vehicle administrator shall—

(1) share with the Secretary of Homeland Security information relating to any alien who has a conviction or refusal described in section 237(a)(2)(F) of the Immigration and Nationality Act;

(2) share such information with other State motor vehicle administrators through the Drivers License Agreement of the American Association of Motor Vehicle Administrators; and

(3) enter such information into the NCIC in a timely manner.

In section 608(b), amending section 237(a)(2) of the Immigration and Nationality Act, strike ''(F) CRIMINAL'' and insert ''(G) CRIMINAL''.

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MRS. MYRICK

Mrs. MYRICK. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form I have sent to the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 12 offered by Mrs. MYRICK of North Carolina:

Strike section 606(a) and insert the following (and redesignate subsequent subsections accordingly):

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) in subparagraph (D), by inserting ''or'' at the end; and

(C) by inserting after subparagraph (D) the following new subparagraph:

''(E) is unlawfully present in the United States and who is deportable on any grounds and is apprehended for any offense described in section 237(a)(2)(F) by a State or local law enforcement officer covered under an agreement under section 287(g),'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

''(e) DRIVING WHILE INTOXICATED.—If a State or local law enforcement officer apprehends an individual for an offense described in section 237(a)(2)(F) and the officer has reasonable ground to believe that the individual is an alien—

''(1) the officer shall verify with the databases of the Federal Government, including the National Criminal Information Center and the Law Enforcement Support Center, whether the individual is an alien and whether such alien is unlawfully present in the United States; and

''(2) if any such database—

''(A) indicates that the individual is an alien unlawfully present in the United States—

''(i) an officer covered under an agreement under section 287(g) is authorized to issue a Federal detainer to maintain the alien in custody in accordance with such agreement until the alien is convicted for such offense or the alien is transferred to Federal custody;

''(ii) the officer is authorized to transport the alien to a location where the alien can be transferred to Federal custody and shall be removed from the United States in accordance with applicable law; and

''(iii) the Secretary of Homeland Security shall reimburse the State and local law enforcement agencies involved for the costs of transporting aliens when such transportation is not done in the course of their normal duties; or

''(B) indicates that the individual is an alien but is not unlawfully present in the

United States, the officer shall take the alien into custody for such offense in accordance with State law and shall promptly notify the Secretary of Homeland Security of such apprehension and maintain the alien in custody pending a determination by the Secretary with respect to any action to be taken by the Secretary against such alien.''.

(b) DEPORTATION FOR DWI.—

(1) IN GENERAL.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following new subparagraph:

''(F) DRIVING WHILE INTOXICATED AND WHILE UNLAWFULLY PRESENT IN THE UNITED STATES.—An alien—

''(i) who at the time the alien is unlawfully present in the United States and who commits the offense of driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security) and who is convicted of such offense, or

''(ii) who is unlawfully present in the United States and who commits an offense by refusing in violation of State law to submit to a Breathalyzer test or other test for the purpose of determining blood alcohol content,

is deportable and shall be deported.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to violations or refusals occurring after the date of the enactment of this Act.

(c) SHARING OF INFORMATION BY MOTOR VEHICLE ADMINISTRATORS REGARDING DWI CONVICTIONS AND REFUSALS.—Each State motor vehicle administrator shall—

(1) share with the Secretary of Homeland Security information relating to any alien who has a conviction or refusal described in section 237(a)(2)(F) of the Immigration and Nationality Act;

(2) share such information with other State motor vehicle administrators through the Drivers License Agreement of the American Association of Motor Vehicle Administrators; and

(3) enter such information into the NCIC in a timely manner.

In section 608(b), amending section 237(a)(2) of the Immigration and Nationality Act, strike ''(F) CRIMINAL'' and insert ''(G) CRIMINAL''.

Mrs. MYRICK (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

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

Mr. Chairman, I would like very much to thank Chairman SENSENBRENNER and Chairman KING for their hard work in bringing this bill to the floor and allowing my amendment. It is a commonsense enhancement to a strong underlying bill.

On Saturday, July 16, Scott Gardner, a beloved school teacher in my district, was killed by an illegal alien who was driving drunk. After the wreck, it was discovered that the illegal alien already had five prior drunk driving convictions; yet he was still on our roads and still in our country. He should never have been allowed to stay in our country after his drunk driving arrests.

Unfortunately, tragedies like this are happening all over the country, and that is why my amendment is important.

Currently, the bill says all illegal aliens must be deported after their third DWI conviction. My amendment requires the automatic deportation of an illegal alien after their first DWI conviction because it only takes one DWI to kill someone; ask Scott Gardner's family.

Please note that this does not apply to legal immigrants; this is only illegal aliens. This amendment also gives specially trained State and locally trained local law enforcement officers the authority to detain drunk driving illegal aliens so they cannot run from their court dates and be free to drink and drive again, as is currently the case.

The amendment also allows these same officers to transport illegal aliens into Federal custody so they can be deported, and they will be reimbursed by the Department of Homeland Security for doing so.

Information on these illegal alien drunk drivers will be reported to the Department of Homeland Security, the National Criminal Information Center, and the Driver License Agreement of the American Association of Motor Vehicle Administrators. The authorities and information collection will give us another tool to use against criminal illegal aliens who continue to break our laws and threaten our safety.

By passing this amendment today, we will be sending a strong message that we will no longer tolerate criminal actions by illegal aliens.

You drink, you drive, you are illegal, you are deported. Period.

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

Mrs. MYRICK. I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Recent news reports have underscored the tragic cost inflicted by aliens who have taken lives while driving drunk or while intoxicated.

Two cases from North Carolina have highlighted this problem. In each, the alien driver has been charged with drinking and killing another driver. Authorities have alleged that a Gaston County teacher was killed in July by an illegal Mexican national with five previous DWI charges. That alien has been charged with DWI and second degree murder. The police have also reported that a UNC Charlotte student was killed in November by an illegal Mexican national who reportedly had two prior impaired-driving arrests and had drunk six beers before the accident. That alien, who had previously been sent back to Mexico 17 times, was also charged with second-degree murder.

Despite the risks posed by drunk drivers, this offense is not currently a ground of removal. The bill I introduced that we are considering today requires the deportation of aliens convicted of three or more drunk driving offenses.

The bill establishes a policy of three strikes and you are out for all noncitizens who are convicted of drunk driving—removal without exception. Representative MYRICK'S amendment provides for the mandatory detention and removal of illegal aliens who are convicted of drunk driving.

Second, the amendment mandates the detention of any deportable alien who is apprehended for drunk driving.

Third, the amendment makes a conviction of drunk driving a deportable offense for any alien, but still leaves open the availability of cancellation of removal by an immigration judge.

Fourth, if a local law enforcement officer apprehends an illegal alien for drunk driving, DHS shall reimburse the local agency for the costs of transporting the alien to Federal custody.

Finally, State motor vehicle administrators shall share with DHS and other States and the national criminal information center database information about aliens who have been convicted of drunk driving.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 2 minutes to the coauthor of the amendment, the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, I rise in strong support of this amendment, and I thank Mrs. MYRICK for her work on this legislation.

Unfortunately, a recent tragedy in my home district in southeastern North Carolina makes clear the need for strengthening our immigration laws in this type of situation.

On July 16, Scott Gardner, a constituent of Mrs. MYRICK, was killed in my district while traveling with his family to go to the beach on vacation. He was killed by a drunk driver, an illegal immigrant who should never have been in this country in the first place, not just because he came here illegally, but because he had already broken the law three times and was still in our country.

Prior to killing Scott Gardner, this illegal alien had been charged with driving under the influence of alcohol on three separate occasions. But rather than being deported for breaking the law a third time, this illegal immigrant was sentenced to just 30 days in jail and then released back into society.

The tragedy the Gardner family experienced personifies the need for expanding efforts to stop illegal immigration and improve our border control. It is time to send a clear message to those who would break our laws and put our Nation's citizens at risk. You are drunk, you are driving, you are illegal, you are deported.

We must honor the family of Scott Gardner and others like him by passing

this amendment. It is important to pass this amendment now before another family suffers such an unfortunate tragedy.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, the gentlewoman who is the sponsor of this amendment, MIKE MCINTYRE, and I all live in the same part of the country; and we have all seen this tragedy. Scott Gardner is from my hometown, York, South Carolina. I know his parents.

In addition to that, there was another incident in Lancaster County, someone driving drunk swerved across the road, killed the other person, got out on bail, jumped bail, and is gone. And then recently on the interstate, I–485 in Charlotte, another incident where someone got on the interstate, an illegal alien, and had a head-on collision with a car going in the wrong direction.

This is tough, one violation; but it is tough, too, when you see Scott Gardner's family. You understand the circumstances they have gone through, and they wonder how in the world someone can stay in this country with an illegal status and five DWIs.

This maybe goes a little far to the other extreme, but it begs the question, should we not hold everyone who is here to at least basic standards of behavior? And should we not apply that standard to illegal aliens?

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I will support this amendment, and I was very sad to hear about the tragic situation that the Members have spoken of where a family was so devastated.

I would just like to note that when you look at the current Immigration Nationality Act, that individual should have been deported anyhow.

I do not mind changing law, even if it is redundant. I have never fallen prey to the argument that a redundancy is necessarily wrong. But I think it points out some of the discussions we had yesterday. We are working on a law here, but the real issue is the failure of the Bush administration to enforce the current law.

If we had the institutional removal program operating the way it used to, this person who killed people while driving drunk would not have been in this country. That person would have been deported.

So as I say, I do not object to the amendment. I appreciate the clarification because I think that was an important clarification, but it does once again point out the real ineptitude of the Department.

I remember watching just stunned after Hurricane Katrina came and devastated Louisiana and saying how inept is FEMA. I hate to admit it, but many of the elements of the Department of Homeland Security are just as inept as what we saw at that time, and the immigration functions are prime among them.

I worry that there are some things in this measure that are completely wrong-headed and there are some things in the bill that make some sense. The things that make sense will not be accomplished because the administration is so poor, they are so inept, they are so pathetic that they actually cannot administer the law.

□ 1945

As I say, I commend the gentlewoman and my colleague for bringing this amendment. I will vote for it. But, again, this will not solve the problem, which is basically incompetence in the administration.

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

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

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment, as modified, offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment, as modified, was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SHADEGG

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in House Report 109–350 offered by Mr. SHADEGG:

At the end of title VI, add the following new section:

SEC. 6___. INCREASED CRIMINAL PENALTIES FOR DOCUMENT FRAUD AND CRIMES OF VIOLENCE.

(a) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''not more than 25 years'' and inserting ''not less than 25 years''

(B) by inserting ''and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisoned for life,'' after ''section 2331 of this title)),'';

(C) by striking ''20 years'' and inserting ''imprisoned not more than 40 years'';

(D) by striking ''10 years'' and inserting ''imprisoned not more than 20 years''; and

(E) by striking ''15 years'' and inserting ''imprisoned not more than 25 years''; and

(2) in subsection (b), by striking ''5 years'' and inserting ''10 years''.

(b) CRIMES OF VIOLENCE.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

''CHAPTER 52—ILLEGAL ALIENS

''Sec.

''1131. Enhanced penalties for certain crimes committed by illegal aliens.

''§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

''(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

''(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

''(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.''.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

''52. Illegal aliens ..... **1131**''.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Arizona (Mr. SHADEGG) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I might consume.

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

Mr. SHADEGG. This amendment is simple and straightforward. It does two things. First, it increases the penalty for document fraud, and, second, it imposes a mandatory minimum sentence on any illegal alien convicted of either a crime of violence or a drug trafficking offense.

Mr. Chairman, document fraud is a key component of the activities of human smugglers and human traffickers. These smugglers, many of them present in trafficking through my State of Arizona, create false Social Security cards, false green cards, visas and a variety of other fraudulent documents as an essential part of their smuggling activities.

Yet, under current law, the penalty for these crimes is insufficient to deter this type of activity. The amendment increases the penalties for document fraud, first, committed to facilitate a crime of international terrorism by imposing a minimum sentence of 25 years. It also increases the penalty for document fraud committed to facilitate drug trafficking, and it increases the penalty for document fraud; that is, the creating of these type of documents fraudulently in connection with other activities, including human smuggling.

It is widely reported that many Mexican organized crime syndicates have shifted much of their activity from drug smuggling to human smuggling and human trafficking, specifically because the penalties for human smuggling and human trafficking and for the related offense to which this amendment is directed, document fraud, are much lower, yet they can achieve the same profit.

The penalties for committing these offenses, for creating these false crimes, must be significant, and they must be sufficiently high to deter this type of activity.

Second, the amendment imposes minimum-mandatory sentences of 5 years on any illegal alien convicted of either a crime of violence here in the United States or drug trafficking.

Under current law, there is no additional penalty for someone who enters the United States illegally and then commits either a crime of violence or a drug trafficking offense. They simply come under the same penalty as we have in current law.

What this amendment does is add a minimum mandatory sentence to be imposed on top of the sentence for the crime. It is unacceptable for somebody to come to our country illegally and then prey on an American citizen and not receive a severe penalty. We must send a very clear message that if you enter our country illegally and then you commit one of these offenses, you will be dealt with harshly and you will pay a heavy price for your conduct.

I would like to thank Chairman SENSENBRENNER and Chairman KING for their work on this legislation. I urge my colleagues to support it.

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

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

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the gentleman's amendment.

One of the primary mechanisms for the flagrant abuse of our immigration laws is the use of counterfeited immigration documents, the perpetration of identity fraud, and lying under oath in immigration applications.

This amendment significantly strengthens criminal penalties for all of these crimes and will therefore act as a strong deterrent to aliens considering immigration fraud.

The amendment also provides that if an illegal alien commits a violent crime or a drug trafficking offense, that the alien should receive a criminal sentence at least 5 years longer than he or she would have received otherwise.

If such an illegal alien had previously been ordered deported for having committed another crime, the alien will receive a sentence at least 15 years longer than he or she would have received otherwise.

These are extremely important provisions. It is bad enough for an alien to come illegally to the United States. But for such an alien to come here illegally and then perpetrate a serious, if not deadly, crime takes the offense to a whole other level. And for such an alien to return again and commit yet another offense must simply not be tolerated.

These aliens deserve to see their prison sentences dramatically increased. This is what the amendment does, and I urge my colleagues to support it.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cite to the gentleman from Arizona (Mr. SHADEGG) that I do not think there would be a divide on your legislation, because all of us believe that criminals should have a fast track to a point where they are not doing others any harm.

But I do have problems with this legislation. It poses a number of problems. It creates three new mandatory-minimum criminal penalties and one new death penalty. But I think the biggest concern that I have is the fact that they are in the country and the fact that they have been able to get in the country because we failed as a Federal Government to do the job that we are supposed to do.

We have already received Ds and Fs from the 9/11 Commission's report on the work that we should be doing. For your information, we already have a criminal offense for immigrants who enter the country illegally. But there is no enforcement, because there are no resources.

So to try to enhance it from the back door, with new mandatory minimums, with death penalties, with 5-year mandatory minimums, with 15-year mandatory minimums, just simply says, we failed. We are not going to stand here and advocate for drug dealers and those who use fraudulent documents, and might I just say that I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for joining me in supporting an amendment that was offered about fraudulent documents and creating a singular database.

But frankly, I wish that we could join together in comprehensive immigration reform so that the enforcement against those who enter illegally would start where it was supposed to be, which would be at the border.

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

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

Mr. Chairman, I appreciate the gentlewoman's argument, but I believe it misses the mark. Quite frankly, the current law has resulted in the circumstance where the penalty imposed for document fraud on average in this country is 8 months.

An American prosecutor is not going to go to trial and pursue a criminal offense where someone fraudulently creates a document and then gets, on average, 8 months. Indeed, it probably takes longer than 8 months to get to trial on a crime of this nature.

If the penalty is insufficient, we simply encourage this conduct. I know the gentlewoman makes a valid point about our failure to enforce our borders. Certainly that is our responsibility. But the point of this amendment is to say two things: Number one, the penalties connected with those who are really exploiting people, it is important to understand that human smuggling is the conduct of bringing across people who largely want to come across, but they are still being exploited; and human trafficking, the second offense, realize are people who are brought across, misrepresented and then, once they are here, become essentially indentured slaves. That is, they must work and work perhaps in a job they do not want at a sub level of pay in conditions that are unacceptable to them to pay off a huge debt for having brought them into the country.

Integral to those offenses, as a key part of those offenses, is creating these fraudulent documents, a false Social Security card, a false green card, all types of identity that they use in this country to get the job. And the smugglers do the exploiting. The smugglers create those documents. It is unacceptable to have these kinds of fraudulent schemes perpetrated on essentially victims from other countries and have the penalty for those that are victimizing them be insufficient.

In addition, I do not believe the gentlewoman means to oppose this, but it seems to me, if you come to this country and you victimize people in this country and you commit crimes here, we want to send a message that if you want to commit crimes, commit it back home; do not come here and commit it. And if you do come here and commit it, we are going to send you a very clear message. Because if someone comes here to victimize an American, they ought to get an additional penalty. So I urge the passage of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I respect the gentleman's argument, but I think that the American people would be somewhat surprised that a prosecutorial system, a Federal system, picks and chooses who they will prosecute. We have laws on the books to prosecute these individuals. We have laws on the books to prevent them from coming into the United States.

It is all a question of resources. How do we use our resources? In this bill, we do not have sufficient dollars for prosecutors, for court systems, for detention systems and for jails. And are the American people asking for us to bear the burden of undocumented criminals that will be here for 25 years and how many long years and we pay the bill for them? I think not.

We should be focusing today on comprehensive immigration reform. We should be focusing on putting resources at the border, the northern and southern border, so that, in fact, as we do so, we prevent these people from coming into the United States. I believe that the best defense is offense.

And I believe that homeland security starts at the border. Here we are talking about closing the barn door after the fact. And so, yes, I agree with the gentleman. We all should be against those who perpetrate crimes of violence, those who are drug traffickers and, unfortunately, happen to be illegal aliens.

But ask the Federal Government whose responsibility it is, the Justice Department, the Homeland Security Department, why they have been ineffective in enforcing our laws at the border and internally in terms of individuals who have perpetrated crimes?

These mandatory minimums are burdensome. They are expensive to us, and we do not have the system in place to

prosecute. But I would admonish our prosecutorial system that it is certainly unfortunate to tell Americans, as the gentleman from Arizona (Mr. SHADEGG) has said, that we pick and choose how we prosecute, and so we let people go when we should be prosecuting.

Maybe we might save lives if we would prosecute. Mandatory minimums are extremely expensive. And just as an example, as I close, the cost of fighting crime in the United States for police, prisons and courts rose to a record $167 billion in 2001, $20 billion more than was spent on the criminal justice system in 1999.

My only point is that this will go up and up and up, and now this gentleman is adding more cost. I hope my colleagues will recognize that we are interested in crime fighting as well, but we need to put the blame where it needs to be put. We have failed in the immigration process and enforcement, and that is where we need to put more resources.

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

The Acting Chairman. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. SHADEGG

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in House Report 109–350 offered by Mr. SHADEGG of Arizona:

At the end of title VI, add the following new section:

SEC. 6___. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting ''section 1590 (relating to trafficking with respect to peonage, slavery, involuntary serviture, or forced labor),'' after ''section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),''; and

(2) by inserting ''section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),'' after ''section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),''.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

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

Mr. SHADEGG. Mr. Chairman, let me begin by thanking again Chairman SENSENBRENNER for his hard work on this legislation. I think it is important to this country. I appreciate the openness of the debate. I also want to thank the gentleman from New York (Mr. KING), the chairman of the Homeland Security Committee, for his work.

This amendment adds two laws, human smuggling and human trafficking, to the list of specified unlawful activity under the Federal money laundering statute.

Mr. Chairman, under today's law, human smuggling and human trafficking rings are highly sophisticated and organized crime operations. According to testimony here in the United States Congress before the subcommittee of my colleague, the gentleman from Illinois (Mr. SOUDER), these organizations are a complete one-stop operation.

They recruit customers from deep inside countries outside of the United States. They arrange transportation to the United States border. They provide housing at the border. They then conduct the illegal aliens across the country where prearranged vehicles meet them and transport them to a nearby large city, often a city such as Tucson in my State of Arizona or Phoenix or Los Angeles.

They also provide transportation in these cities and housing, and then they provide travel from those cities to the interior of this country, perhaps to Chicago or Philadelphia or New York. Once the illegal arrives at one of those cities, they are met by yet another agent of this sophisticated organization who provides transportation to a safe house where they are met. They are again provided housing, and they are provided the kind of documents that we just talked about, a fraudulent Social Security card, a fraudulent green card or some other documentation which will enable them to get a job.

Often they advertise, what city do you want to go to? What kind of job do you want to find? Then these sophisticated operations find them employment in the area they are interested in. An integral part of these sophisticated human smuggling operations and the human trafficking operations is money laundering. They money launder the proceeds of these crimes. Yet unfortunately, at the present time, neither human trafficking nor human smuggling, which victimize people outside of this country and bring them here and enslave them in some instances, neither of those crimes are predicates for our Federal money laundering statute.

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That is to say one can engage in that crime, but that key statute of money laundering cannot be used to get after those people. Mr. Chairman, this simply adds those two statutes so that we say clearly when we want to get after these smugglers who are smuggling or trafficking human beings into this country, we can use our sophisticated statutes, including our money laundering statute, to get at these individuals.

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

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

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

International traffickers and smugglers of human beings are the most barbaric of immigration violators. They force women and children into sexual slavery and aliens into indentured servitude. They place their human cargo in extremely dangerous circumstances and often abandon them and leave them to die in the rugged terrain along much of our southwestern border.

This amendment ensures that Federal authorities can use all the powerful tools of our money laundering statutes against the money laundering activities that these persons engage in as part of their criminal enterprises.

If we can make it more difficult for them to launder their profits, and we can more easily seize their profits, we will be much better able to combat this scourge. Just as money laundering by drug dealers and organized crime demands a powerful response by law enforcement, so does money laundering by human traffickers and smugglers.

I urge my colleagues to support this amendment.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for his support, and I reserve the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). Who claims time in opposition to the gentleman's amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition, though I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Texas will control the time in opposition to the amendment.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment, which would add human trafficking, human smuggling to the list of predicate acts under the Federal money laundering statute.

Let me just say that what Mr. SHADEGG has just articulated is a plague on our society across America. I have worked extensively on human trafficking issues and see them often repeated in our own jurisdictions in Texas. It is actually 20th-century human bondage. And the tragedy is that many of these individuals are women, young women, who are forced to come to the United States and are abused and utilized not only in areas of prostitution but also areas of hard work where they are not able to receive adequate compensation.

According to the State Department, the State Department estimates between 15,000 and 20,000 people are trafficked into the United States every year. Worldwide there are approximately 600,000 to 800,000 people trafficked across international borders every year. Victims of human trafficking are often forced into prostitution, hard labor, child soldiering, and

other forms of involuntary servitude. In effect, they become slaves.

It is shameful to say that this occurs in the United States. It is shameful to say that it is still going on in the 21st century. But I believe if we cut off the money supply of human traffickers, charging them with money laundering, it is a reasonable step to take in addressing this problem.

This is not the same offense, but we have seen the devastation of alien smuggling when we lost large numbers of those undocumented individuals who came here for an economic reason who lost their lives at the hands of unscrupulous smugglers. This is similar, where we bring people in under false pretenses and we hold them as human slaves.

So I think this amendment has the purpose of helping to diminish that very vicious set of circumstances.

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

Mr. SHADEGG. Mr. Chairman, I simply want to thank the gentlewoman for her kind remarks and support. I appreciate that very much.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it seems we are both asking for the support of this amendment.

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

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

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

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. WESTMORELAND

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 printed in House Report 109–350 offered by Mr. WESTMORELAND:

In paragraphs (1)(A) and (2)(A) of section 706, strike ''paragraph (10)'' and insert ''paragraphs (10) through (12)''.

In the matter inserted by section 706(1)(B), strike ''not less than $5,000'' and insert ''not less than $5,000 and not more than $7,500''.

In the matter inserted by section 706(1)(C), strike ''not less than $10,000'' and insert ''not less than $10,000 and not more than $15,000''.

In the matter inserted by section 706(1)(D), strike ''not less than $25,000'' and insert ''not less than $25,000 and not more than $40,000''.

In section 706(3), strike ''the following new paragraph'' and insert ''the following new paragraphs''.

In section 706(3), after the paragraph (10) added by such section add the following:

''(11) EXEMPTION FROM PENALTY FOR INITIAL GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was the first such violation of such provision by the violator and the violator acted in good faith.

''(12) SAFE HARBOR FOR CONTRACTORS.—A person or other entity shall not be liable for a penalty under paragraph (4)(A) with respect to the violation of subsection (a)(1)(A), (a)(1)(B), or (a)(2) with respect to the hiring or continuation of employment of an unauthorized alien by a subcontractor of that person or entity unless the person or entity knew that the subcontractor hired or continued to employ such alien in violation of such subsection. ''.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Georgia (Mr. WESTMORELAND) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Chairman, I rise to offer an amendment to title VII of the Border Protection, Antiterrorism, and Illegal Immigration Control Act.

Our Nation is facing a serious crisis with illegal immigration. Our Nation's national security along with our Nation's job security are on the line as we debate this bill.

I have spent my entire life prior to coming to Congress in the building business. I have worked with many people over the years that work hard to employ, to build infrastructure, to help their communities, and to provide for their families. They are usually small business people; but the way this legislation was originally drafted, it had the potential to turn many of the people I have worked with my entire life into Federal felons.

When I read title VII of the legislation, I was surprised. The criminal penalties were high, and in some cases the fines went up by 800 percent. Businesses are overregulated as it is, and government agencies tend to pile on penalties and fines for even the smallest infractions. I did not want this House sending a flawed bill to the Senate, and I think this amendment makes very important changes that are necessary to clarify some of the issues in title VII.

First, the amendment places caps on the monetary penalties laid out in section 7. Instead of just laying out high mandatory minimum fines, the amendment places upper limits on the fines so businesses will not be subject to unlimited liability.

Second, it provides for the relief from the civil penalties for a first offense under the bill if a business violates a particular rule regarding the employment checks as long as the employer acted in good faith. This will protect companies that are doing their best to follow this complicated new system, but miss some part of it one time.

Finally, the amendment provides a safe harbor for contractors who have a subcontractor that hires an illegal alien. This ensures that general contractors will not be held liable for the actions of a subcontractor when they are not aware that the sub is hiring illegals.

Mr. Chairman, the government requires that schools teach students whether they are legal or not. Hospitals are required to treat patients whether they are legal or not. Let us not make business the police of illegal immigration.

Right now we have laws and serious penalties on the books that prohibit people from entering our country, and that prevents businesses from hiring those here illegally. We need to be careful about requiring businesses to help us do our enforcement work. Enforcement of existing laws is absolutely necessary, but we need to make sure the government is doing its part. Many times partnering with business to help address the problem may be a better approach than imposing severe fines and ever-increasing penalties on business.

We have a problem with illegal immigration that has been decades in the making. Although this legislation is not perfect, we must begin addressing these problems before they grow even worse. True leadership sometimes involves doing things that may be unpopular, but they are right.

Mr. Chairman, I urge all my colleagues to support this amendment and the underlying bill.

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

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

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Westmoreland amendment.

I support this amendment, which sets caps on employer sanctions penalties and provides an exemption from penalties for initial good-faith violations.

H.R. 4437 establishes very significant minimum levels for civil penalties, but sets no cap. The new minimums in H.R. 4437 for first-, second-, and third-time offenses are $5,000, $10,000, and $25,000, respectively, per alien.

This amendment would create what I believe are reasonable caps on these penalty levels, giving employers some level of certainty as to the consequences of hiring an illegal alien while still maintaining a strong deterrent effect through significant penalties.

The caps would be $7,500 for a first offense—per alien involved—$15,000 for a second offense, and $40,000 for the third and higher offenses. These are certainly penalties that send a necessarily strong message to employers contemplating cutting corners.

This amendment also clarifies that an employer who makes a mistake in good faith in complying with the employment eligibility verification system would be spared civil penalties.

Finally this amendment provides a safe harbor for contractors whose subcontractors employ illegal aliens. This provision clarifies current law. Under section 274A(a)(4) of the Immigration and Nationality Act, an employer may be held liable for the actions of a subcontractor if the employer knows that the subcontractor is hiring illegal aliens.

In other words, employers who have no knowledge as to whether the subcontractor's employees are work-authorized cannot be held liable or penalized. This amendment makes that protection clearer, and should help to put employers at ease that they will not be held responsible for the misdeeds of subcontractors.

This amendment improves the bill and I urge my colleagues to support it.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BERMAN), distinguished member of the Judiciary Committee's Subcommittee on Immigration.

Mr. BERMAN. Mr. Chairman, this is a very important amendment because if this amendment passes, we go down the slippery slope of 1986.

There are three parts of this amendment. It takes the base bill, which creates one of the four steps, one of the four pillars that I think are vital to doing something about illegal immigration, which is a meaningful employer verification system. And it says, essentially, the penalties for employers who do not use that system and hire people in violation of our law, they get one free bite. They say they did not know, they were acting in good faith, penalty totally waived.

Secondly, you provide a safe harbor for subcontractors. Everybody knows what goes on in agriculture and in construction. Growers hardly at all hire the people anymore. They bring in a farm labor contractor. He hires somebody else. They get the coyote. They go out and they recruit. I did not know what the guy was doing? I get a safe harbor.

They create dummy subs. They have no assets. There are no meaningful penalties. They go off scot-free. This amendment gives them a safe harbor.

This is the employer's way of dealing with your effort to try to deal with illegal immigration, weaken and undermine the whole structure of a comprehensive system.

Now, everyone knows that I do not like the bill because it is not comprehensive, but the way to make this bill right is not to go and do the employers' work in getting them out of the problem. That was our flaw in 1986. Employer sanctions were a joke. If this amendment passes, employer sanctions are once again a joke. And you will be back here in 20 years with millions of more undocumented workers brought in by employers who have no accountability.

And the third part is you put caps on the maximum penalties. The exploitation and money that could be made by hiring people who are afraid to complain, who are willing to work at very low wages and maybe under the minimum wages of our own laws and of the States they are working in, and you now cap the penalties. The bill before it had a serious strengthening of the penalties for these activities by unscrupulous employers. Now you have put a cap on them.

So a safe harbor when they go out to a contractor, so they have no liability. Their first violation, they get it waived. They say, I did not know. I was acting in good faith. I did not know, even though you have a verification system under this bill. And then you put caps on it so that they can make an economic test, that it makes more sense to find the undocumented person who will work at a very low wage at very long hours under very onerous conditions, that they make more money by that, and they have a cap penalty that they know they never have to go beyond.

Do not do this and claim you are serious about dealing with illegal immigration. This is a gaping whole in the whole structure of your legislation.

I urge a ''no'' vote.

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

It is a shame that the gentleman did not read the amendment. It caps the penalties at $40,000. The maximum penalty that was on there was $20,000, and this just caps the penalties at $40,000, regardless of the occurrence. In some cases that could be up to 10 different occurrences.

What this does is it gives safe harbor for somebody who has made a good-faith effort in getting into the system. We are going to have an overburdensome system when this thing begins. This is an opportunity that if they made one error in filling out any of the paperwork or the procedure they go through, they have a safe harbor.

And as far as the contractor and the subcontractor goes, this is already existing law. This just restates that law, and puts it into this amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. ZOE LOFGREN), distinguished member of the House Judiciary Committee's Subcommittee on Immigration.

Ms. ZOE LOFGREN of California. Mr. Chairman, I think it is important to note that in the underlying bill, there are no caps at all. I would direct the attention of the Members to page 152, 153, and section 706 of the underlying bill. There are no caps.

I would just like to note once again that we have a failure of administration. Last year, employers were sanctioned for hiring illegal immigrants only three times. So even if we were to change the law, the ineptitude of the administration does not mean that anything will change.

I object to this amendment for another reason in addition to what my colleague, Mr. BERMAN, has indicated. In the underlying bill, there is at least an effort to make some fairness for little companies versus big companies in terms of making a reduction for small companies. But in this case, in this amendment, Wal-Mart would have the same penalty structure as Joe's Pizza. And it seems to me that Wal-Mart and megacompanies, I would just like to note, in the paper Wal-Mart appears to be one of the biggest offenders, going out and hiring large numbers of undocumented people and, by the way, not treating them very well. They would have their sanctions capped, and they would be treated just the same as Joe's Pizza. So I think of this as the Wal-Mart amendment. Let them go ahead and do their dirty deeds with impunity. They will not have to worry. And I will tell my colleagues for a company as big as Wal-Mart, capping the fines at this level is just the cost of doing business.

And I thank the gentlewoman for yielding me this time.

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

Mr. Chairman, I want to thank the distinguished chairman of the Committee on the Judiciary, Mr. SENSENBRENNER, for his hard work on this and the chairman of the Homeland Security Committee, Mr. KING. They have shown great leadership in us taking a first step towards this procedure. This is the first step down a long road of getting a handle on the Nation's immigration problems; and I am grateful for their leadership.

Mr. Chairman, I urge all Members to support the Westmoreland amendment to H.R. 4437.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say to Mr. WESTMORELAND, frankly, I wish that we could have worked together on the underlying problems of this legislation, which is comprehensive immigration reform. But the problem here is there were no caps in the underlying bill. We had no hearings. We do not know if these are the best numbers. They could be stronger.

I wish you would join me on Protect American Jobs, using some of these resources to provide training for American workers, to be able to outreach to American workers. This is a cap with no hearings, no standards, not knowing whether this is punitive enough. And certainly the inequity between big companies and small companies makes this amendment somewhat doubtful.

Mr. Chairman, I ask my colleagues to vote ''no'' on the amendment.

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 16 OFFERED BY MR. GONZALEZ

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 printed in House Report 109–350 offered by Mr. GONZALEZ:

Strike section 706(1).

At the end of the title VII of the bill, add the following:

SEC. 709. COMPLIANCE WITH RESPECT TO THE UNLAWFUL EMPLOYMENT OF ALIENS.

(a) CIVIL PENALTY.—Paragraph (4) of subsection (e) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

''(4) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—

''(A) IN GENERAL.—With respect to a violation by any person or other entity of subsection (a)(1)(A) or (a)(2), the Secretary of Homeland Security shall require the person or entity to cease and desist from such violations and to pay a civil penalty in the amount specified in subparagraph (B).

''(B) AMOUNT OF CIVIL PENALTY.—A civil penalty under this paragraph shall not be less than $50,000 for each occurrence of a violation described in subsection (a)(1)(A) or (a)(2) with respect to the alien referred to in such subsection, plus, in the event of the removal of such alien from the United States based on findings developed in connection with the assessment or collection of such penalty, the costs incurred by the Federal Government, cooperating State and local governments, and State and local law enforcement agencies, in connection with such removal.

''(C) DISTRIBUTION OF PENALTIES TO STATE AND LOCAL GOVERNMENTS.—

''(i) IN GENERAL.—Penalties collected under this paragraph from a person or entity shall be distributed as follows:

''(I) 25 percent of such amount shall be distributed to the State in which the person or entity is located.

''(II) 25 percent of such amount shall be distributed to the county in which the person or entity is located.

''(III) 25 percent of such amount shall be distributed to the municipality, if any, in which the person or entity is located, or, in the absence of such a municipality, to the county described in subclause (II).

''(D) LIMITATION ON USE OF FUNDS.—Amounts paid to a State, county, or municipality under subparagraph (C) may only be used for costs incurred by such State, county, or municipality in providing public services to aliens not lawfully present in the United States.

''(E) DISTINCT, PHYSICALLY SEPARATE SUBDIVISIONS.—In applying this subsection in the case of a person or other entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or other entity.''.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Texas (Mr. GONZALEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, let us start off with the basic fact, and that is illegal hiring of undocumented workers is a Federal problem calling for a Federal solution. But the cost of the illegal hiring of the undocumented worker falls on the States, the counties, and our cities.

This is what my amendment attempts to accomplish: first of all, the vital aspect of where the costs fall. The fines that are collected from the lawbreaking employers will be equally apportioned among the Federal Government, the State, the county, and the city governments. The 25 percent that will go to the State, the county and the city in which the illegal act occurred and for which they are incurring costs, those moneys are really reimbursements. Those moneys will be limited when they are received by those entities to be spent directly for the costs incurred, for those public services being provided for the undocumented worker who has been illegally hired by the employer.

Secondly, my amendment increases the base fine to $50,000 per incident. This amendment follows on the heels of Mr. WESTMORELAND's amendment, so we are polar opposites when it comes to what a fine represents.

Historically, a fine has a purpose. First, it is a penalty, no doubt, for wrongdoing. But it is also a deterrent. The greater value is really the deterrence to keep others from following that same type of prohibited behavior. You are not going to accomplish that under the present scheme of the underlying bill, and you surely will not do it if the other amendment that preceded this one is adopted by this House.

You say, $50,000? Keep in mind that that is never going to be levied unless, what happens? My understanding, first of all, is if an employer completely ignores the prevailing rule of law, ignores the verification system that we are attempting to implement, and then upon being notified that legal status cannot be established, ignores it, only then. Now, you are telling me we should not have a significant fine for such outrageous and blatant disregard for our laws? How else are you going to ever get anyone's attention?

There are two component parts to immigration reform which we are not going to touch on, and, of course, that is comprehensive in nature. But if we are looking at enforcement only, let us be honest then. It is the illegal alien worker coming over, but at the behest and the request and the availability of a ready, willing employer, ready, willing and able to disobey the very laws of this country.

A $50,000 fine would get your attention, a $50,000 fine per incident will teach you a lesson, and a $50,000 fine will be a deterrent. And the beauty of what I do in this amendment is that an equal proportion will go to those governmental entities that are bearing the cost for the ineffectual governmental regulation by the Federal authorities. It is a Federal problem, and it should be a Federal solution that addresses these particular concerns.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

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

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

Mr. Chairman, this amendment increases civil penalties against employers who do not comply with the Employment Eligibility Verification System to such fantastically high levels that they could easily bankrupt companies for first offenses. When companies are bankrupted, everybody who works at that company loses their job.

The amendment would raise penalties to not less than $50,000 for each violation for each alien. Penalties of this magnitude are not merely a deterrent; they would make almost every violation into a capital offense. And I thought the Democrats were against the death penalty.

Let me say first that the underlying legislation already dramatically increases the civil penalties for employers who knowingly hire illegal aliens or who fail to comply with the Employment Eligibility Verification System. I did this because current penalties are so low they are not a deterrent. This bill raises penalties for first-time offenses from $250 to $2,000 per alien for a first-time offense to not less than $5,000 per alien; penalties for second-time offenses are raised to no less than $10,000 per alien; and for employers with two or more previous offenses the penalty is not less than $250,000 per alien.

The penalty levels in this bill are quite sufficient to act as a deterrent for employers who might otherwise hire illegal aliens or ignore the verification requirements. In fact, they have been attacked by practically every employer association in Washington. The amendment goes just too far in order to make a political point; thus it is not a serious amendment.

The amendment designates the proceeds of the penalties to States and localities, which would be required to use the funds to provide services to illegal aliens. When penalties are funneled back in this matter, it sets up an incentive to use immigration as a fundraiser for States and localities. That should not be the goal. We should not be using Federal funds to pay for services to illegal aliens. Money collected from civil penalties should be deposited into the Treasury.

Mr. Chairman, I urge my colleagues to oppose this amendment.

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

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

Mr. Chairman, if a company places an unauthorized call to your household and you are on the do-not-call list, it is $11,000 for that call. DirecTV will be paying $5.3 million in fines for basically calling 484 households. Under the present scheme of the underlying bill, an employer could hire 1,066 undocumented workers illegally employed by that employer and pay that amount of money. As you increase the fine schedule, you could still hire 533 at the next level. Even at your highest level of $25,000, after you have a cease and desist order, you can still hire 213.

This is not about fund-raising either. These municipalities, when you go back home and talk to your Governor, your mayor or county judge, they tell you they are paying those moneys.

You get the same mail I do. This is not going to encourage some sort of irresponsible behavior at the local level. What it does is meet a Federal obligation we have to localities. It is Federal policy. It is Federal enforcement of that policy that has resulted in these additional costs.

I think it is disingenuous for us. If we are going to do enforcement, and that is all we are going to do here, let us be honest about it. Let us move forward. Let us be aggressive. Let us get the wrongdoer on both sides of this illegal transaction, the worker and the employer. If you cut off demand, you will not have supply.

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

Mr. Chairman, this really is an overkill amendment. I think that the increases that are contained in the underlying bill will be sufficient to act as a deterrent. I think we all know as far as the border security situation is concerned, we have to put more efforts on the border to prevent illegal aliens from coming across. We also have to turn off the magnet of employment of illegal aliens in the United States. The employer verification system turns off the magnet. The increase in the fines for not using the employer verification system or hiring illegal aliens are sufficient to act as a deterrent.

I can tell you that our courts are going to be tied up horrendously because everybody who gets a citation for violating the law under Mr. GONZALEZ's amendment is going to ask for a trial by jury, and I doubt we will ever be able to get very much of the money that he thinks we are going to collect.

I think what is in the underlying bill is able to do the trick. I would like to challenge those who are making the argument that we have got to get tough on the border and we have got to get tough with employers to turn off the magnet. When the time comes to vote for passage of the bill, vote ''aye.''

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

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

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

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

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

AMENDMENT NO. 17 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 printed in House Report 109–350 offered by Mr. BRADLEY of New Hampshire:

At the end of title VII, insert the following:

SEC. 709. REPORT ON EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Not later than one year after the implementation of the employment eligibility verification system and one year thereafter, the Secretary of Homeland Security shall submit to Congress a report on the progress and problems associated with implementation of the system, including information relating to the most efficient use of the system by small businesses.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by thanking both chairmen, Chairman SENSENBRENNER and Chairman KING, for working with me, as well as the Rules Committee on this amendment.

Mr. Chairman, I am offering what I expect is a very simple amendment that will require reporting to Congress at the 1-year mark and at the 2-year mark of the Employment Eligibility Verification System that is going to be implemented as a result of this legislation.

This is important to have this report so that we as policymakers in Congress have the information as to how the verification system is working. Is it working as intended? Is it user-friendly? What type of response are businesses, both small and large, having with this system? Is it used primarily online by telephone? How many businesses utilize it? How are the penalties being implemented? All of these kinds of questions we need to have data on with this reporting that I am proposing in this amendment.

Mr. Chairman, I hope that my colleagues will support this amendment; and, once again, I thank the chairmen.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

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

Mr. Chairman, I rise in support of this amendment, which requires the Department of Homeland Security to report to Congress on the implementation of the employment eligibility verification system which this bill expands economy-wide.

One of the key components of this bill is a mandatory, national employment eligibility verification system. By checking the work authorization status of each person working in the U.S., we will finally be able to flush out the those working illegal.

We are expanding the Basic Pilot Program, which has worked extremely successfully as a voluntary program for 10 years.

Employers who use the Basic Pilot to conduct employment eligibility checks clearly like the system and that it is easy to use. A 2001 report found that ''an overwhelming majority of employers participating found the basic pilot program to be an effective and reliable tool for employment verification''—96 percent of employers found it to be an effective tool for employment verification; and 94 percent of employers believed it to be more reliable than the IRCA-required document check.

The system is available to employers both over the internet, and through a toll-free telephone number. Employers may use whichever option is more convenient.

As this system is expanded to a much larger scale, I am committed to working with the Department of Homeland Security and the business community to ensure that it works well and meets the needs of America's employers. I believe it is important that the verification process is user-friendly for all businesses—large and small.

This amendment would require DHS to report to Congress after the first and second years of implementation, and specifically address the concerns of businesses. These reports will assist Congress in monitoring the progress of the program.

I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who seeks time in opposition?

Ms. ZOE LOFGREN of California. I do.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes in opposition.

Ms. ZOE LOFGREN of California. Mr. Chairman, the amendment requires the Department of Homeland Security to report to Congress on the problems caused by the automated employment verification system. However, I want to point out that this amendment will not fix the problems with the Employment Eligibility Verification System, even though this underlying bill will require all employers and employees to use the system.

The GAO has already told us, at the request of Mr. SENSENBRENNER as a matter of fact, that the basic pilot program is not ready for widespread use,

that the DHS system is badly flawed, that it is unable to detect identity fraud; and this report, after the fact, is not going to change that.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

My, how times have changed. I was here in 1993 and I was the principal Republican author of a bill called the Brady Bill, which in part required the establishment of an automated system to check out whether somebody who was trying to purchase a firearm was eligible under the law to purchase and possess that firearm.

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That had an automated system to verify the eligibility of the prospective firearm purchaser against the database that was maintained by the Department of justice. Lo and behold, the people that were pushing the Brady bill, and there were many more on that side of the aisle than the side I serve on, said this system is going to be a foolproof system in order to make sure that convicted felons or adjudicated mental incompetents will never get a firearm in their hands by purchasing it from a licensed firearm dealer. So if it was good enough then to check out people who might not be eligible to possess a firearm because of a felony conviction or a mental incompetency adjudication, then the same type of system ought to be good enough to check out whether somebody who is asking for a job is legally entitled to work in this country.

There is a 2-year delay in implementing the verification system in this bill. That is a little bit more than we heard on the Brady bill. But I think that telling the Department of Homeland Security that they got have to get this thing up and running in 2 years to be able to verify the new hires and then, 4 years later, the existing hires is plenty of time to be able to check out, in a manner that does not create a national identification card, whether somebody is eligible to get a job.

This is a good amendment. It requires progress reports on how the Department of Homeland Security is doing. What is wrong with that? We ought to pass the amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just note that the GAO report identifies at tremendous length the problems with this system in the administration of the system. I would further draw the attention of all my colleagues to this report.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Once again, the intention of this amendment is to make sure that we as Members of Congress, the policymakers that are going to implement this verification system, have the most accurate information with which to react and possibly make mid-course corrections should they be warranted at the 1-year mark and at the 2-year mark.

While it does not fix the process, it certainly is designed to give us all the information that we need to make sure that it works in the most user-friendly, cost-effective, efficient way for businesses in our country, and I urge my colleagues to support this.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I am listening carefully. I am trying to work in a bipartisan manner on this, but the underlying problem here with this bill and this amendment as well is the poor administration of our laws by the Department of Homeland Security.

I mentioned earlier today the pathetic performance of DHS during the Katrina disaster. And one of the things just that is seared in my memory is the, ''good job, Brownie,'' comment. And I think we have the same problem in the Department of Homeland Security and ICE.

The chairman, I am sure, will recall that when we worked on reorganization, he insisted, I did not agree at the time but I now understand why he did, that any applicant for the head job have a minimum of 10 years experience in managing a large and complex organization.

What ended up in the law was a 5-year minimum requirement in managing a large organization. Well, the President's favorite Democratic senator, Senator LIEBERMAN, in opposing the new ICE director, Julie Myers, noted that, with over 20,000 employees, ICE is not only a big agency, it is a vital one. And Ms. Myers has virtually no immigration experience and also does not meet the minimum requirements.

We now have a crony in charge of the immigration service. She may be a lovely person, I do not know, but she worked for a Federal prosecutor for 2 years. She worked for Ken Starr when he was special assistant. Her husband is the chief of staff to Mr. Chertoff. And her dad is a general, General Myers, who we all know of and think is a very good guy, but these are not the qualifications asked for in the statute nor expected by America.

We need to move beyond cronyism into competence. And the fact that we have only had three enforcement actions in unlawful employment; that over 100,000 people have been cited and released and then failed to appear, and the department just continued to do that over and over again in the face of that failure-to-appear rate; the fact that we have not actually followed through on the institutional removal program which requires the immigration function to go out to county jails and to State prisons and to take individuals who have been convicted of crimes and deport them, that has not happened either. Those individuals instead in many cases were simply released because the Federal Government dropped the ball. The Bush administration has dropped the ball at the border.

We have not put the staff forward. We have no technology to implement not only the bills and this amendment but the underlying law. And why? It is competence.

I think it is a sad thing that this bill has been proposed. There are some good things in it. There are a lot of bad things in it. But it is really just to cover the fact that there has been a massive failure of administering current law by the Bush administration. If current law were adequately administered, we would not be here today. Perhaps the amendment is good. Maybe the gentleman has convinced me to support it. But it will not solve the problem.

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

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. SULLIVAN

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 printed in House Report 109–350 offered by Mr. SULLIVAN of Oklahoma:

Add at the end the following new title:

TITLE IX—SECURE OUR NATION'S INTERIOR

SEC. 901. EXPEDITED REMOVAL.

Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

''(i) IN GENERAL.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who has not been admitted or paroled into the United States and who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 1-year period immediately prior to the date of the determination of inadmissibility under this paragraph, is inadmissible under section 212(a)(6)(C) or 212(a)(7), the officer shall order the alien removed from the United States without further hearing or review, unless—

''(I) the alien has been charged with a crime, is in criminal proceedings, or is serving a criminal sentence; or

''(II) the alien indicates an intention to apply for asylum under section 208 or a fear of persecution and the officer determines that the alien has been physically present in the United States for less than 1 year.

''(ii) CLAIMS FOR ASYLUM.—If an immigration officer determines that an alien (other

than an alien described in subparagraph (F)) who is arriving in the United States, or who is described in clause (i), and the alien indicates either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer under subparagraph (B) if the officer determines that the alien has been physically present in the United States for less than 1 year.''.

SEC. 902. CLARIFICATION OF INHERENT AUTHORITY OF STATE AND LOCAL LAW ENFORCEMENT.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), in the enforcement of the immigration laws of the United States. This State authority has never been displaced or preempted by Congress.

SEC. 903. DEPARTMENT OF HOMELAND SECURITY RESPONSE TO REQUESTS FOR ASSISTANCE FROM STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following:

''CUSTODY OF ILLEGAL ALIENS

''SEC. 240D. (a) IN GENERAL.—If the Governor of a State (or, if appropriate, a political subdivision of the State), exercising authority with respect to the apprehension of an illegal alien, submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary

''(1) shall—

''(A) not later than 48 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

''(B) request that the relevant State or local law enforcement agency temporarily incarcerate or transport the illegal alien for transfer to Federal custody; and

''(2) shall designate a Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of the criminal or illegal aliens to the Department of Homeland Security. The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement, private entities, and detention officials to implement this subsection.

''(b) REIMBURSEMENT TO STATES AND LOCALITIES.—The Secretary of Homeland Security shall reimburse States and localities for all reasonable expenses, as determined by the Secretary, incurred by a State or locality in the incarceration and transportation of an illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1). Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State) plus the cost of transporting the criminal or illegal alien from the point of apprehension, to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

''(c) INCARCERATION OF ILLEGAL ALIENS.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

''(d) TRANSFER OF ILLEGAL ALIENS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security may establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

''(2) AGREEMENTS.—The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement, private entities, and detention officials to implement this subsection.

''(e) DEFINITION.—For purposes of this section, the term 'illegal alien' means an alien who entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security.''.

SEC. 904. UNIVERSAL PROCESSING THROUGH THE AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) RECORD OF ENTRY AND EXIT.—Not later than January 1, 2008, the Secretary of Homeland Security shall develop a program to collect and maintain a record of each admission for every alien arriving in the United States.

(b) PURPOSE.—The program established in subsection (a) shall verify the identify of every arriving and departing alien by comparing in real time the biometric identifier on such alien's travel or entry document or passport with the arriving or departing alien.

(c) COORDINATION.—The program established under subsection (a) shall be coordinated with the system established under section 235(a) of the Immigration and Nationality Act (8 U.S.C. 1225(a)).

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress detailing the additional resources, including machine readers and personnel, that are needed at each port of entry, based on recent and anticipated volumes of admissions at such ports of entry, to fully implement subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

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

First, I would like to thank the Rules Committee for approving my amendment. And let me say that H.R. 4437 is a good start to addressing immigration reform. However, I feel the bill needs to do more to protect and enforce immigration laws throughout our Nation's interior.

National security does not stop at our Nation's borders. Interior security is national security. My amendment is in direct response to the lack of Federal immigration enforcement in cities and towns across the Nation.

It gives willing local law enforcement and State law enforcement the ability to detain illegal aliens in the course of their regular duties. The simple truth is, our State and local law enforcement officers confront illegal aliens more often than Federal agents. My amendment also requires Federal authorities to respond to and detain all illegal aliens reported to the Department of Homeland Security by State and local law enforcement. Federal authorities will now have a choice between either taking immediate custody of illegal or criminal aliens or paying for their continued local detention.

With my amendment, the current policy of catch and release will give way to deter and remove. The key word here is ''willing.'' The amendment does not force or mandate State or local law enforcement to enforce immigration laws. It simply gives them the option of doing so in the course of their regular duties.

It is common sense that willing law enforcement agencies should have the inherent authority and the ability to protect citizens and their community when they come across criminal violations involving illegal aliens.

My amendment also expands expedited removal nationwide for all illegal aliens who cannot prove to the immigration officer they have been in the United States for more than 1 year. Newly arrived illegal aliens coming up from our southern border through Arizona should not get the benefit of a court date simply because they successfully circumvented U.S. law and made it to Phoenix, Arizona, which is 180 miles away. This bill only applies expedited removal up to 100 miles of the southern border.

The Department of Homeland Security has the authority to invoke expedited removal nationwide up to 2 years, but they have chosen not to do so. Expedited removal must apply nationwide.

Lastly, my amendment requires that, by 2008, all non-citizens who enter or exit the country be processed through an automated entry-exit control system Congress mandated in 1996. However, to be effective and secure, the program must require every non-citizen's entry and exit to be recorded, not just a fraction of non-immigrants entering the U.S.

The statistics on this issue are startling. According to the Government Accountability Office, the current risk of visa overstay being identified and removed is less than 2 percent. And we know that visa overstayers account for 40 percent of the illegal alien population.

I feel this amendment is a commonsense approach to deter illegal immigration and will strengthen H.R. 4437, and I encourage its passage.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly oppose this amendment for a couple of reasons. I do not think it is workable, and it will cause huge problems on the northern border that will result in a lot of jobs being lost both in the United States and Canada.

First of all, we have got about 20,000 detention beds that ICE has got under

its control; and about 80 percent of those detention beds are currently filled by criminal aliens, and they are subject to mandatory detention. If there are more people that are put into the detention system without more beds being created by ICE, the courts will not allow for overcrowding of detention facilities. And all of a sudden, there are going to be criminal aliens that are going to be either released on the street or not being put in detention simply because there are not the slots that are available. And that is going to result in the misallocation of resources.

Now, I certainly am all for internal enforcement, but given the fact that there are a half million aliens that illegally enter the United States every year, the requirements here do not match up with the facilities and the infrastructure available. And the deadlines that the gentleman has in his amendment are going to be simply unworkable, and it is going to end up resulting in the agency shifting its resources from what it is doing now, which is concentrating on the criminal aliens and the drug smugglers and the human trafficking smugglers, to other people.

Now, I would also like to talk a little bit about the northern border. What this amendment does is that it has a requirement that there be a mandatory biometric universal processing through the automatic entry-exit control system, which is the US-VISIT program with the fingerprint scans for aliens. We do not have the facilities on the northern border to do that at the present time.

The amendment says, not later than January 1 of 2008 that this infrastructure will be in place. But what this will require is that everybody who does not prove they are a United States citizen or a permanent resident of the United States get out of their car and have a fingerprint scan and wait for the data to come up on the screen of the immigration inspector on the northern border.

Now, when 9/11 occurred and there were hours and hours of waiting to get across the border between the United States and Canada, there were a lot of businesses, and the auto business simply did not get the goods that they needed to be able to conduct their business on the dock in time for the first shift to be able to use that raw material or to use their parts. And that kind of an obstruction along the northern border is going to mean huge unemployment in those border-sensitive communities where manufacturing, particularly, is intensely reliant on the products arriving on the dock in time.

□ 2045

It is not going to be just in our country, but it is going to be in Canada as well. The amendment is a good intention, but it is going to cause all kinds of enforcement problems, as I have described; but it is going to cause a lot of innocent people to lose their jobs along the northern border and should be opposed.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, my simple point is to suggest to the distinguished author of the amendment that even aliens have a form of due process. What he simply is trying to do is to get the young man who is the painter who has a wife and family at home and then he is immediately arrested with no rights of due process. In addition, the distinguished chairman of the Judiciary Committee has made a very good point: we do not have an exit program right now in the US–VISIT program. We do not have the resources; we do not have the space for the lanes. I would simply say we are unable to do such.

Mr. SULLIVAN. Mr. Chairman, I yield myself such time as I may consume. I respect the gentleman from Wisconsin's and the gentlewoman from Texas' opposition to my amendment, and you have done a great job. The chairman does a great job in what you do as well. But, unfortunately, we disagree on this issue.

Simply put, this bill will not be complete without my amendment in it. Our cities and towns that lie far away from the border need these resources to have the same protection of law that border towns receive.

In my State of Oklahoma, it is estimated that 40 percent of the immigrant population is illegal. I would just like to give you an example of what goes on in our district and the people out in the middle of the United States and other places.

We had a van pulled over in my community as happens dozens of times, but the van had 18 illegals in it. Our local law enforcement did its job, pulled that van over about 2 o'clock in the morning, it had five juveniles in it, 18 people, five juveniles under the age of nine, but no adult or guardians. The adults that were driving and in the van were drinking.

They found amounts of drugs in their pockets. They were on an admitted smuggling load to Chicago, and the juveniles were in there. Sometimes these juveniles, I hope they were just working in a sweat shop even though that is bad, sometimes they are subjected to child pornography and those kinds of things. But our local law enforcement did its job, called their local Immigration Customs Office, which is in Oklahoma City, and asked them, Here is the situation. What do you want us to do? And our local Immigration Office, do you know what they said? Let them go.

Well, no constituent in my district that was driving without insurance and drinking or something like that which is wrong was pulled over, they would be arrested. We let them go. We need to stop doing this. This is absolutely crazy. And it should not just apply to border towns. This is happening all across our country, and I am standing up for the constituents across this country. It is very important.

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

Mr. Chairman, I described that this amendment is unworkable. We will have a reallocation of resources. I would not want this bill to cost thousands of people in the northern border communities, legitimate, honest, hard-working American citizens as well as their counterparts on the Canadian side of the border to lose their jobs simply because goods cannot get across the border.

I appreciate the thought behind the gentleman's amendment, but it really is not a workable one, and it should be rejected as a result of that.

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

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN).

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

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

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

AMENDMENT NO. 19 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 printed in House Report 109–350 offered by Mr. RYUN of Kansas:

Add at the end the following new title:

TITLE IX—OATH OF RENUNCIATION AND ALLEGIANCE

SEC. 901. OATH OF RENUNCIATION AND ALLEGIANCE.

(a) IN GENERAL.—Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by inserting after the fourth sentence the following: ''The oath referred to in this section shall be the oath provided for in paragraph (a) or (b) of section 337.1 of title 8, Code of Federal Regulations, as in effect on April 1, 2005.''.

(b) NOTICE TO FOREIGN EMBASSIES .—Upon the naturalization of a new citizen, the Secretary of Homeland Security, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Kansas (Mr. RYUN) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, today I offer an amendment to establish the oath of renunciation and allegiance as Federal law so that it cannot be changed without an act of Congress.

The oath of renunciation and allegiance is a solemn vow taken by thousands of immigrants each year to become a United States citizen. The oath is the fundamental statement of allegiance to the United States, and this allegiance is what unites America. We are not a Nation based upon race and creed or religion. We are a Nation based upon loyalty and allegiance to our country and her principles. As a gateway to the United States citizenship, the oath should be given the same respect and protection as our other national symbols, such as the American flag, our national anthem, and the Pledge of Allegiance.

Furthermore, given its title 1 authority over naturalization, Congress has the authority and obligation to protect the oath. The oath took its current form in the 1950s, but parts of the oath date back to 1790.

In 2003, the Bureau of Citizenship and Immigration Services proposed changes that would have significantly weakened the oath and its historical significance. Specifically, the proposed changes would have eliminated the call to bear true faith and allegiance to the Constitution. Eliminating these words would have inherently diminished the force of the Constitution, and any measure that reduces the importance of the Constitution is a blow to all American rights.

Fortunately, because of public backlash, the Bureau did not institute these changes of the oath. However, when the Bureau announced its changes, we saw the integrity and the oath was in danger. Accordingly, the House passed an amendment last year making sure that no funds would be used by the Department of Homeland Security to alter the language of the oath. This prohibition should be made permanent.

The oath is currently in the U.S. Code of Federal Regulations and can be changed at any time by this or future administrations. My amendment would codify the oath of renunciation of allegiance so that Congress would have the sole authority to alter its language. My amendment would also require the Department of Homeland Security to notify a foreign embassy when an individual from that country takes the oath and swears allegiance to the United States. I ask my colleagues to support this amendment establishing the oath of allegiance as the law of the land.

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

Mr. RYUN of Kansas. I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment. Let me say the significant point the gentleman from Kansas has made is that last year the Congress prohibited the Department of Homeland Security from using appropriated funds to change the oath. Because it is an appropriation bill, the Congress would have to renew that prohibition year after year after year. This will save us some work in the future by making the change permanent law. I support the amendment.

In 2003, the Department of Homeland Security proposed changes to the oath which every naturalized citizen must take which would have significantly weakened the oath and demeaned its historical significance. Due to strong public opposition, those changes were never implemented. However, since the oath is not set forth in federal statute, but only in regulation, the agency can modify its language at any time in the future in a similarly inappropriate way.

The Oath is the fundamental statement of allegiance to the United States and our Constitution, and this allegiance is what unites Americans of all backgrounds and provides for our commonality.

We are not a nation based upon race, creed, or religion—we are a nation based upon our loyalty and allegiance to our country and her principles. As the gateway into U.S. citizenship, the Oath should be protected by Congress.

The Oath of Allegiance has historic roots in the language of the founders. We should protect this historical statement of national unity and support the Ryun amendment. We have already set the precedent in an appropriations bill of requiring that no appropriated funds could be used to amend the Oath of Renunciation and Allegiance as it currently is memorialized in federal regulations.

I urge my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, just two points. I go to the swearing in of the new citizens all the time, and I will say that when the oath, the part that comes ''renounce absolutely any abjure absolutely foreign prince potentate,'' it is pretty clear that they do not know what a potentate is, and I will bet you a lot of Members of this body do not know, either. So to freeze this language, I think, is a mistake.

Number two, there is another issue. To report back to governments when they get citizenship is going to be a risky venture for some. If we have to tell the Cuban Government that one of their former citizens has become one of our citizens, we put their relatives at risk to the Castro regime.

I would like to also note that there are some countries that permit dual citizenship. Among them, Israel. I really do not want to be part of an effort to tell Americans who also have Israeli citizenship that they have to renounce that. I thank the gentlewoman for yielding.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise to support the Ryun amendment. What this amendment does is it protects that long-standing and high standard that is affirmed by our oath of allegiance, and it has been referred to that this is a solemn moment, a proud moment, and for many people, it is a dream that has come true.

Let us try to put this in a little bit of a perspective. This is, in a sense, a form of what is sometimes called in old-fashioned language a covenant, a covenant between a people and a person who wants to join a nation.

What are other types of covenants? One of them is a marriage, where a man and a woman pledge allegiance to each other equally. So this is a solemn moment. Try to picture yourself getting married and saying, yes, I want to get married, but I have got a couple of other marriages going, too. That is not going to fly very well.

What this does, this is a dream come true. This is a commitment to a country and to a way of life and to a set of principles. It is something that has always been held in high regard. I think it is totally appropriate for this Chamber to control some bureaucrats that just want to change language and water it down.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I agree with my distinguished colleague, it is a solemn time; it is a time of commitment. Many of us who have participated in these oaths of allegiance taken by throngs of new citizens in our jurisdictions have seen the emotion, the tears, the commitment, the celebration, the family commitment and the commitment to this Nation.

There has been no evidence that my good friend can show to suggest that the allegiance as it is now written and stated is not sacred. There is no evidence in purpose for it to be codified in law because it has fragility to it, if you will.

I raise the point with my colleagues, when we have friendly nations like Israel, are we to suggest that their commitment to the United States is any less, that they would refuse to fight alongside any Americans to defend our honor? Is there a reason to deny them the commitment to a homeland that may have a particular uniqueness to them, their family heritage, but yet they are here in the United States and they would not refuse to fight for our honor and dignity?

This amendment seems to be without purpose, and certainly for those countries where the person who is renouncing their citizenship is then given to be allowed to have their name notified at that embassy, what happens to those members or their families left behind?

I think that the gentleman may have good intentions, but, frankly, I do not

think that we have found any, if you will, problem with the existence in the process of the oath of renunciation and allegiance; and I would just offer to say that when you go and see the new citizens not only pledge to the flag of the United States but pledge allegiance, you know that they are committed to the virtues and values of this country.

Mr. Chairman, I reserve my time.

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

First of all, I would like to thank the chairman of the committee for his support and for some of my colleagues who have worked closely on this.

The language in the oath finds its roots way back in the words of our Founders, and the language has existed since 1950. I think it is appropriate. I think we need to protect this language. I urge my colleagues to support this amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I just want to remind my colleagues that we are a Nation of immigrants and a Nation of laws. I think it is important when we pass legislation that we have a basis, a purpose. I do not think the gentleman can document that anyone who has taken this oath and because they have a dual citizenship that they have been any less a citizen. John F. Kennedy said everywhere immigrants have enriched and strengthened the fabric of American life.

I think this oath stands on its own merits, and, frankly, I believe that we jeopardize our friends, those who have come to this country with good intentions, when we cause them to have to be reported to their embassy and jeopardize their families' lives. I would hope we would be sensitive to that, and I would ask my colleagues to consider that as they consider this amendment and vote ''no.''

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

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

The amendment was agreed to.

□ 2100

AMENDMENT NO. 20 OFFERED BY MR. ROYCE

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

The Acting CHAIRMAN (Mr. CULBERSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 printed in House Report 109–350 offered by Mr. ROYCE:

At the end of the bill, add the following:

TITLE IX—ELIMINATION OF CORRUPTION AND PREVENTION OF ACQUISITION OF IMMIGRATION BENEFITS THROUGH FRAUD

SEC. 901. SHORT TITLE.

This title may be cited as the ''Taking Action to Keep Employees Accountable in Immigration Matters Act of 2005'' or the ''TAKE AIM Act of 2005''.

SEC. 902. FINDINGS.

Congress finds the following:

(1) The mission of United States Citizenship and Immigration Services (USCIS) is to faithfully execute the immigration laws enacted by Congress and to ensure that only those aliens who are eligible under such laws and who do not pose a risk to the United States or its citizens or lawful residents are able to obtain permission to remain in the United States.

(2) Only United States citizens have an absolute right to be in the United States; for all others, permission to enter and reside here, either as nonimmigrants or immigrants, is a privilege that is conditioned on following the rules of one's admission and stay.

(3) It is important that United States Citizenship and Immigration Services, like all other Federal agencies that come into close contact with the public their customers.

(4) Immigration benefits fraud has become endemic. It undermines the rule of law and threatens national security, and so must be addressed aggressively and consistently.

(5) Internal corruption also threatens national security and erodes the integrity of the immigration system. In order to restore integrity and credibility to the system, the backlog of complaints against United States Citizenship and Immigration Services employees must be cleared by experienced investigators as expeditiously as possible without compromising the quality of investigations.

(6) In separating customs and border protection and immigration and customs enforcement from United States Citizenship and Immigration Services, Congress did not intend to wholly eliminate all law enforcement functions within the latter, nor is it possible for United States citizenship and immigration services to achieve its mission without a law enforcement function. the attempt to do so has produced the current abysmal results. Thus, it is imperative that United States Citizenship and Immigration Services embrace the critical law enforcement function especially the internal audit function.

SEC. 903. STRUCTURE OF THE OFFICE OF SECURITY AND INVESTIGATIONS.

The Director of the Office of Security and Investigations shall report directly to the Director of United States Citizenship and Immigration Services.

SEC. 904. AUTHORITY OF THE OFFICE OF SECURITY AND INVESTIGATIONS TO INVESTIGATE INTERNAL CORRUPTION.

(a) AUTHORITY.—In addition to the authority otherwise provided by this title, the Director of the Office of Security and Investigations, in carrying out the duties of the Office, has sole authority—

(1) to receive, process, dispose of administratively, and investigate any criminal or noncriminal violations of the Immigration and Nationality Act or title 18, United States Code, that are alleged to have been committed by any officer, agent, employee, or contract worker of United States Citizenship and Immigration Services, and that are referred to United States Citizenship and Immigration Services by the Office of the Inspector General of the Department of Homeland Security;

(2) to ensure that all complaints alleging such violations are handled and stored in the same manner as sensitive but unclassified materials;

(3) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services which relate to programs and operations with respect to which the Director has responsibilities under this title;

(4) to request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Office from any Federal, State, or local governmental agency or unit thereof;

(5) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned to the Office of Security and Investigations, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court (except that procedures other than subpoenas shall be used by the Director to obtain documents and information from Federal agencies);

(6) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned to the Office of Security and Investigations, which oath, affirmation, or affidavit when administered or taken by or before an agent of the Office of Security and Investigations designated by the Director shall have the same force and effect as if administered or taken by or before an officer having a seal;

(7) to have direct and prompt access to the head of United States Citizenship and Immigration Services when necessary for any purpose pertaining to the performance of functions and responsibilities of the Office of Security and Investigations;

(8) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Security and Investigations subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(9) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of title 5, United States Code; and

(10) to the extent and in such amounts as may be provided in advance by immigration fee accounts or appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this title.

(b)(1) Upon request of the Director for information or assistance under subsection (a)(4), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Director, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(3) or (a)(4) is, in the judgment of the Director, unreasonably refused or not provided, the Director shall report the circumstances to the Director of United States Citizenship and Immigration Services without delay.

(c) The Director of United States Citizenship and Immigration Services shall provide the Office of Security and Investigations with appropriate and adequate office space at central and field office locations of United States Citizenship and Immigration Services, together with such equipment, office supplies, and communications facilities and

services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(d)(1) In addition to the authority otherwise provided by this title, the Director, the Deputy Director, the Assistant Director of Security Operations, the Assistant Director of Special Investigations, all 1811-series criminal investigators, certain 1801-series investigative management specialists, and security specialists supervised by such assistant directors may be authorized by the Secretary of Homeland Security to—

(A) carry a firearm while engaged in official duties as authorized under this title or other statute, or as expressly authorized by the Secretary;

(B) make an arrest without a warrant while engaged in official duties as authorized under this title or other statute, or as expressly authorized by the Secretary, for any offense against the United States committed in the presence of such Director, Assistant Director, or designee, or for any felony cognizable under the laws of the United States if such Director, Assistant Director, or designee has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) The Secretary shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

(3)(A) Powers authorized for the Director under paragraph (1) may be rescinded or suspended upon a determination by the Secretary that the exercise of authorized powers by that Director has not complied with the guidelines promulgated by the Secretary under paragraph (2).

(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Secretary that such individual has not complied with guidelines promulgated by the Secretary under paragraph (2).

(4) A determination by the Secretary under paragraph (3) shall not be reviewable in or by any court.

(5) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority.

SEC. 905. AUTHORITY OF THE OFFICE OF SECURITY AND INVESTIGATIONS TO DETECT AND INVESTIGATE IMMIGRATION BENEFITS FRAUD.

The Office of Security and Investigations of United States Citizenship and Immigration Services shall have authority—

(1) to conduct fraud detection operations, including data mining and analysis;

(2) to investigate any criminal or noncriminal allegations of violations of the Immigration and Nationality Act or title 18, United States Code, that Immigration and Customs Enforcement declines to investigate;

(3) to turn over to a United States Attorney for prosecution evidence that tends to establish such violations; and

(4) to engage in information sharing, partnerships, and other collaborative efforts with any—

(A) Federal, State, or local law enforcement entity;

(B) foreign partners; or

(C) entity within the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 906. INCREASE IN FULL-TIME OFFICE OF SECURITY AND INVESTIGATIONS PERSONNEL.

(a) INCREASE IN GS–1811 SERIES CRIMINAL INVESTIGATORS.—(1) In each of fiscal years 2007 through 2010, the Director of the Office of Security and Investigations shall, subject to the availability of security fees described in section 910 of this title, increase by not less than 100 the number of full-time, active-duty GS–1811 series criminal Discussion draft 10 investigators, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during the preceding fiscal year.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the criminal investigators, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining criminal investigators, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

(b) INCREASE IN GS–1801 SERIES INVESTIGATION AND COMPLIANCE OFFICERS.—(1) Subject to the availability of security fees described in section 910 of this title, the Director of the Office of Security and Investigations shall by fiscal year 2008 increase by not less than 150 the number of full-time, active-duty GS–1801 series investigation and compliance officers, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during fiscal year 2006.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

(c) INCREASE IN GS–0132 SERIES INTELLIGENCE RESEARCH SPECIALISTS.—(1) Subject to the availability of security fees described in section 910 of this title, the Director of the Office of Security and Investigations shall by fiscal year 2008 increase by not less than 150 the number of full-time, active-duty GS–0132 series intelligence research specialists, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during fiscal year 2006.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

SEC. 907. ANNUAL REPORT.

The Director of the Office of Security and Investigations shall annually submit to Congress a report detailing the activities of the Office. The report shall include data on the following:

(1) The number of investigations the Office of Security and Investigations began, completed, and turned over to a United States Attorney for prosecution during the past 12 months.

(2) The types of allegations investigated by the Office of Security and Investigations during the past 12 months, including both the allegations of misconduct by employees of United States Citizenship and Immigration Services and allegations of immigration benefits fraud.

(3) The disposition of all investigations conducted by the Office of Security and Investigations during the past 12 months.

(4) The number, if any, of allegations pending at the end of the 12-month period according to the type of allegation, the grade level of the employee, if applicable, along with an assessment of the resources the Office of Security and Investigations would need, if any, to remain current with new allegations received.

SEC. 908. INVESTIGATIONS OF FRAUD TO PRECEDE IMMIGRATION BENEFITS GRANT.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court may not—

''(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence,

''(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

''(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court,

until any suspected or alleged fraud relating to the benefit application has been fully investigated and found to be unsubstantiated.''.

SEC. 909. ELIMINATION OF THE FRAUD DETECTION AND NATIONAL SECURITY OFFICE.

Not later than 30 days following the date of enactment of this title, the Secretary of Homeland Security shall eliminate the Fraud Detection and National Security Office of United States Citizenship and Immigration Services and transfer all authority of such office to the Office of Security and Investigations.

SEC. 910. SECURITY FEE.

Section 286(d) of the Immigration and Nationality Act (8 U.S.C. 1356(d)) is amended by inserting ''(1) '' before ''monies'' and adding at the end the following:

''(2) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge each alien who files an application for adjustment of status or an extension of stay a security fee of $10, which shall be made available to the Office of Security and Investigations to conduct investigations into allegations of internal corruption and benefits fraud.

''(3) In addition to any other fee authorized by law, the Secretary of State shall charge each alien who files an application for an immigrant or nonimmigrant visa a security fee of $10, which shall be made available to the Office of Security and Investigations to conduct investigations into allegations of internal corruption and benefits fraud.

''(4) Any fees collected under paragraphs (2) and (3) that are in excess of the operating budget of the Office of Security and Investigations shall be made available to Immigration and Customs Enforcement for the sole purpose of investigating immigration benefits fraud referred to it by United States Citizenship and Immigration Services.''.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from California (Mr. ROYCE) and the

gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, I am urging my colleagues to support this amendment. We need only look at a new study done by a staff member of the 9/11 Commission to see why we need to ensure that the U.S. Citizenship & Immigration Service has a strong law enforcement component, which this amendment guarantees, and why we need to have stronger measures to fight fraud.

In this study, they looked at 94 terrorists, including six of the 9/11 hijackers, who have operated on the U.S. soil between the early 1990s and 2004, and here is what they found: Two-thirds, 59 of them, two-thirds of the foreign-born terrorists studied committed immigration benefits fraud prior to or in conjunction with taking part in terrorist activity. In 47 of these instances, immigration benefits sought or acquired prior to 9/11 enabled the terrorists to stay in the United States after 9/11 and continue their terrorist activities. In two of these instances, terrorists were able to acquire immigration benefits after 9/11. There were 11 cases of passport fraud and 12 instances of visa fraud amongst these 94 terrorists. In total, 34 individuals were charged with making false statements to an immigration official.

Fraud was used not only to gain entry into the U.S. but also to remain in the country. And once they were in the United States, 23 terrorists applied for lawful permanent residence. Sixteen of those were approved by the INS. Twenty-one terrorists applied for naturalization, and 20 of them were approved and became citizens.

We need this amendment to ensure the U.S. Citizenship & Immigration Service focuses on a law enforcement component to act as a backstop to interior and Customs enforcement, and we fund it by providing that aliens using our immigration system pay a modest security fee to provide USCIS the resources and personnel it needs to fully investigate and prosecute immigration benefits fraud and corruption. And just as importantly, it stops potential fraud by prohibiting the granting of any immigration benefits that are in question until a thorough investigation has been conducted.

Mr. Chairman, I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

The amendment acknowledges that immigration fraud has become endemic and, even more seriously, that internal corruption at U. S. Citizenship and Immigration Services threatens the national security and erodes the integrity of our immigration system.

The extent and seriousness of the problem was brought to light in a closed bipartisan session of the Subcommittee on Immigration, Border Security and Claims of the Judiciary Committee earlier this year. Although the serious allegations and investigations discussed there cannot be discussed in the open, I urge my colleagues in the strongest terms to pass this important amendment.

The ease with which unscrupulous immigration officials can be tempted to issue visas or benefits in return for money, goods, or favors was brought to light a month ago with the issuance of a Government Accountability Office report on consular malfeasance. In that report, it was revealed that the Diplomatic Security Service had investigated 28 cases of visa selling by State Department employees in the last few years. Those were only the cases that were discovered in the some 200 consular sections located abroad. U.S. Citizenship and Immigration Services conducts its application processing in the United States, and yet thousands of allegations of misconduct, some involving criminal acts and foreign influence, have yet to be investigated because of lack of focus, resources, and confusion of sub-agency jurisdiction.

This amendment would ensure that an internal law enforcement division within U.S. Citizenship and Immigration Services would receive, process, and investigate allegations of misconduct and internal corruption in a timely manner. To fund this office, a $10 fee will be charged to all visa applicants.

The amendment would also provide that the Director of the division would have the authority to subpoena documents, reports, and data, and to appoint such officers as necessary to carry out the internal affairs functions.

I urge my colleagues to support this very important amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentleman's intent on trying to fix a problem that clearly needs to be fixed. We do not dispute the idea that individuals applying for and receiving an immigration benefit should be properly vetted and screened and that any and all allegations of fraud should be thoroughly investigated, as I indicated earlier when I thanked Mr. SENSENBRENNER for joining me in an amendment that would create a single database for fraudulent documents and have reports made back to Congress on the trends.

I believe that individuals should be vetted and screened and that any and all allegations of fraud should be thoroughly investigated, but the problem is various agencies involved have been incredibly negligent in ensuring that the checks and investigations are performed in a timely fashion. Moreover, their respective databases are ripe with erroneous information, and for the most part, they are still inoperable.

That speaks to the increasing need of resources to improve our technology and to encourage and push the Federal Government to do its job. This amendment, however, seeks to address the problem from the wrong angle. Penalizing aliens by keeping them in limbo is no solution to the problem. Indeed, our national security is further compromised by the government's failure to timely vet these individuals.

I would like to work with the gentleman on increasing the resources and giving a protracted time frame for these issues to be worked out. Background checks are important, and the attendant investigations are important to enable our government to identify and pursue the tiny handful of immigrants and visitors who wish to do us harm. We want to keep those who want to do us harm out; and those who are in, we want to catch them and prosecute them and penalize them. We want to separate them from the overwhelming majority who wish only to contribute to this country, who come here for economic reasons and to support themselves and their families.

So I would just suggest to the gentleman, if he wants to reform the process, the solution is to require that the multiple agencies involved put in place a workable system for conducting background checks and fraud investigations in a manner that is timely, accurate and secure and to provide them with the necessary resources to do so.

The gentleman's amendment has good intentions, and I support generally the amendment, but it has a number of problems, and so I would ask the gentleman to reconsider it.

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

Mr. ROYCE. Mr. Chairman, we do not want these agencies to waive instances where they have not had time to do the criminal background checks or to check the terrorist watch list. And in order to make it timely, in the amendment, we provide the revenue by having aliens who use our immigration system pay a modest security fee. That provides the very resources necessary here.

What do those resources go to besides to ensure this is done in a timely manner? Well, this amendment also consolidates the data-gathering function of the Office of Fraud Detection and National Security in a law-enforcement focused division whose mission is to detect, investigate and prosecute fraud and corruption, whether internal or external to USCIS, and to serve as a centralized security-related information clearinghouse for USCIS. So this information is shared, and it encourages the criminal investigators responsible for rooting out corruption and preventing immigration benefits fraud to partner with the adjudications officers so that fraud may be detected and prevented early in the application process.

For all of these reasons, I think this answers the very concerns raised by the gentlewoman's objection, and it certainly provides the additional resources to do it. Thus, I urge adoption of the amendment, and I would just close by pointing out the one inescapable fact of the 94 terrorists studied in this country since 9/11: Two-thirds of

these foreign-born terrorists committed fraud, got past our immigration system prior to taking part in attempted terrorist operations in our country.

It only makes sense to tighten the system and ensure that we have the proper investigations to catch the flags which had we caught prior to 9/11 might have prevented a terrorist attack. This amendment addresses precisely that problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope that we will be able to join with the gentleman on his purpose to vet and to ensure that those who are receiving immigration benefits are vetted and screened properly and that any allegations of fraud be investigated. I do not think anyone has come to this floor to divide on the question of ensuring that the homeland is protected. That means that we are screening more carefully the visas as individuals are requesting to come into the country.

We have implemented a number of new efforts to ensure that we are in fact keeping terrorists away from the United States. But, again, the concerns that I have are clearly that the resources are not there in order to do the vetting that the gentleman is speaking of. And the question is whether or not benefits will be held up while we are attempting to vet without the necessary resources.

I would hope as this amendment makes its way through the Congress that we will find a way to also push the Department of Homeland Security, push the Federal Government to comply with the recommendations of the 9/11 Commission and put in place the procedures and the dollars that it takes to make the system work. As I indicated to you, background checks and the attendant investigations are important. It is important for the government to identify and pursue the tiny handful of individuals who really come to do us harm. But we have to separate the overwhelming majority who wish only to contribute to this country.

We want reform. We have to reform the process. But the solution is to require the multiple agencies involved to put in place a workable system. That is my concern with the gentleman's amendment. But I would simply hope that, as we look for solutions, we can work together for a workable solution and a working system to make his plan work.

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

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

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109–350 on which further proceedings were postponed, in the following order:

Amendment No. 15 by Mr. WESTMORELAND of Georgia.

Amendment No. 16 by Mr. GONZALEZ of Texas.

Amendment No. 18 by Mr. SULLIVAN of Oklahoma.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 15 OFFERED BY MR. WESTMORELAND

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 170, answered ''present'' 1, not voting 15, as follows:

[Roll No. 657]

AYES—247

Aderholt	Cuellar	Hefley
Akin	Culberson	Hensarling
Alexander	Davis (AL)	Herger
Bachus	Davis (KY)	Higgins
Baker	Davis (TN)	Hobson
Bartlett (MD)	Davis, Tom	Hoekstra
Bass	Deal (GA)	Hostettler
Beauprez	DeLay	Hulshof
Berkley	Dent	Hunter
Berry	Diaz-Balart, L.	Inglis (SC)
Biggert	Doolittle	Issa
Bilirakis	Drake	Jenkins
Bishop (GA)	Dreier	Jindal
Bishop (UT)	Duncan	Johnson (CT)
Blackburn	Edwards	Johnson (IL)
Blunt	Ehlers	Johnson, Sam
Boehlert	Emerson	Jones (NC)
Boehner	English (PA)	Keller
Bonilla	Etheridge	Kelly
Bonner	Everett	Kennedy (MN)
Bono	Feeney	Kind
Boozman	Ferguson	King (IA)
Boren	Fitzpatrick (PA)	King (NY)
Boswell	Flake	Kingston
Boustany	Foley	Kirk
Boyd	Forbes	Kline
Bradley (NH)	Ford	Knollenberg
Brady (TX)	Fortenberry	Kuhl (NY)
Brown (SC)	Fossella	Latham
Brown-Waite, Ginny	Foxx	LaTourette
Burgess	Franks (AZ)	Leach
Burton (IN)	Frelinghuysen	Lewis (CA)
Buyer	Gallegly	Lewis (KY)
Calvert	Garrett (NJ)	Linder
Camp (MI)	Gerlach	LoBiondo
Campbell (CA)	Gibbons	Lucas
Cannon	Gilchrest	Lungren, Daniel E.
Cantor	Gillmor	Mack
Capito	Gingrey	Manzullo
Carter	Gohmert	Marchant
Castle	Goode	Marshall
Chabot	Goodlatte	Matheson
Chandler	Gordon	McCaul (TX)
Chocola	Granger	McCotter
Coble	Graves	McCrery
Cole (OK)	Green (WI)	McHenry
Conaway	Gutknecht	McHugh
Cooper	Hall	McIntyre
Costello	Harman	McKeon
Cramer	Harris	McMorris
Crenshaw	Hart	Mica
Cubin	Hastings (WA)	Miller (FL)
Miller (MI)	Ramstad	Smith (TX)
Miller, Gary	Regula	Sodrel
Moran (KS)	Rehberg	Spratt
Murphy	Reichert	Stearns
Musgrave	Renzi	Sullivan
Myrick	Reynolds	Sweeney
Neugebauer	Rogers (AL)	Tancredo
Ney	Rogers (KY)	Tanner
Northup	Rogers (MI)	Taylor (MS)
Norwood	Rohrabacher	Taylor (NC)
Nunes	Ros-Lehtinen	Terry
Nussle	Royce	Thomas
Osborne	Ryan (WI)	Thornberry
Otter	Ryun (KS)	Tiahrt
Oxley	Salazar	Tiberi
Paul	Saxton	Turner
Pearce	Schmidt	Upton
Pence	Schwarz (MI)	Walden (OR)
Peterson (MN)	Scott (GA)	Walsh
Peterson (PA)	Sensenbrenner	Wamp
Petri	Sessions	Weldon (FL)
Pickering	Shadegg	Weldon (PA)
Pitts	Shaw	Weller
Platts	Shays	Westmoreland
Poe	Sherwood	Whitfield
Pombo	Shimkus	Wicker
Porter	Shuster	Wilson (NM)
Pryce (OH)	Simmons	Wilson (SC)
Putnam	Simpson	Wolf
Radanovich	Smith (NJ)	Wynn

NOES—170

Abercrombie	Herseth	Obey
Ackerman	Hinchey	Olver
Allen	Hinojosa	Ortiz
Andrews	Holden	Owens
Baca	Holt	Pallone
Baird	Honda	Pascrell
Baldwin	Hooley	Pastor
Barrow	Hoyer	Pelosi
Bean	Inslee	Price (GA)
Becerra	Israel	Price (NC)
Berman	Jackson (IL)	Rahall
Bishop (NY)	Jackson-Lee (TX)	Rangel
Blumenauer	Jefferson	Reyes
Boucher	Johnson, E. B.	Ross
Brady (PA)	Jones (OH)	Rothman
Brown (OH)	Kanjorski	Roybal-Allard
Brown, Corrine	Kaptur	Ruppersberger
Butterfield	Kennedy (RI)	Rush
Capps	Kildee	Ryan (OH)
Capuano	Kilpatrick (MI)	Sabo
Cardin	Kucinich	Sánchez, Linda T.
Cardoza	Langevin	Sanchez, Loretta
Carnahan	Lantos	Sanders
Carson	Larsen (WA)	Schakowsky
Case	Larson (CT)	Schiff
Clay	Lee	Schwartz (PA)
Cleaver	Levin	Scott (VA)
Clyburn	Lewis (GA)	Serrano
Conyers	Lipinski	Sherman
Costa	Lofgren, Zoe	Skelton
Crowley	Lowey	Slaughter
Cummings	Lynch	Smith (WA)
Davis (CA)	Maloney	Snyder
Davis (FL)	Markey	Solis
Davis (IL)	Matsui	Stark
DeFazio	McCollum (MN)	Strickland
DeGette	McDermott	Stupak
Delahunt	McGovern	Tauscher
DeLauro	McKinney	Thompson (CA)
Dicks	McNulty	Thompson (MS)
Dingell	Meehan	Tierney
Doggett	Meek (FL)	Towns
Doyle	Meeks (NY)	Udall (CO)
Emanuel	Melancon	Udall (NM)
Engel	Menendez	Van Hollen
Eshoo	Michaud	Velázquez
Evans	Millender-McDonald	Visclosky
Farr	Miller (NC)	Wasserman Schultz
Fattah	Miller, George	Waters
Filner	Mollohan	Watson
Frank (MA)	Moore (KS)	Watt
Gonzalez	Moore (WI)	Waxman
Green, Al	Murtha	Weiner
Green, Gene	Nadler	Wexler
Grijalva	Neal (MA)	Woolsey
Gutierrez	Oberstar	Wu
Hastings (FL)		
Hayworth		

ANSWERED ''PRESENT''—1

Souder

NOT VOTING—15

Barrett (SC)	Diaz-Balart, M.	Kolbe
Barton (TX)	Hyde	LaHood
Davis, Jo Ann	Istook	McCarthy

Moran (VA) Payne Young (AK)
Napolitano Pomeroy Young (FL)

□ 2138

Ms. BEAN, Messrs. SMITH of Washington, BRADY of Pennsylvania, DINGELL and STRICKLAND changed their vote from ''aye'' to ''no''.

Ms. HART, Messrs. OTTER, BOSWELL, BISHOP of Georgia, DAVIS of Alabama, KING of Iowa and CHANDLER changed their vote from ''no'' to ''aye''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against.

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 657 on 12/16/05 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 16 OFFERED BY MR. GONZALEZ

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GONZALEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 332, not voting 14, as follows:

[Roll No. 658]

AYES—87

Ackerman Green, Al Pallone
Andrews Green, Gene Pascrell
Becerra Herseth Pelosi
Berman Honda Pomeroy
Bishop (NY) Hooley Rahall
Boucher Israel Reyes
Brady (PA) Jackson (IL) Roybal-Allard
Brown (OH) Jackson-Lee (TX) Rush
Capps Ryan (OH)
Capuano Johnson, E. B. Sánchez, Linda T.
Carnahan Kilpatrick (MI) Sanders
Case Kucinich Schiff
Clay Lantos Schwartz (PA)
Cleaver Larson (CT) Smith (WA)
Clyburn Lipinski Stark
Conyers Lofgren, Zoe Tanner
Cooper Maloney Thompson (CA)
Costello Markey Thompson (MS)
Crowley Marshall Tierney
Cummings Matsui Towns
Davis (CA) McCollum (MN) Udall (NM)
DeFazio McDermott Van Hollen
DeGette McGovern Velázquez
DeLauro McKinney Waters
Emanuel Melancon Watson
Engel Menendez Waxman
Eshoo Miller (NC) Wexler
Evans Obey Wu
Fattah Ortiz
Gonzalez Owens

NOES—332

Abercrombie Baldwin Bilirakis
Aderholt Barrow Bishop (GA)
Akin Bartlett (MD) Bishop (UT)
Alexander Bass Blackburn
Allen Bean Blumenauer
Baca Beauprez Blunt
Bachus Berkley Boehlert
Baird Berry Boehner
Baker Biggert Bonilla
Bonner Harris Ney
Bono Hart Northup
Boozman Hastings (FL) Norwood
Boren Hastings (WA) Nunes
Boswell Hayes Nussle
Boustany Hayworth Oberstar
Boyd Hefley Olver
Bradley (NH) Hensarling Osborne
Brady (TX) Herger Otter
Brown (SC) Higgins Oxley
Brown, Corrine Hinchey Pastor
Brown-Waite, Ginny Hinojosa Paul
Burgess Hobson Pearce
Burton (IN) Hoekstra Pence
Butterfield Holden Peterson (MN)
Buyer Holt Peterson (PA)
Calvert Hostettler Petri
Camp (MI) Hoyer Pickering
Campbell (CA) Hulshof Pitts
Cannon Hunter Platts
Cantor Inglis (SC) Poe
Capito Inslee Pombo
Cardin Issa Porter
Cardoza Jefferson Price (GA)
Carson Jenkins Price (NC)
Carter Jindal Pryce (OH)
Castle Johnson (CT) Putnam
Chabot Johnson (IL) Radanovich
Chandler Johnson, Sam Ramstad
Chocola Jones (NC) Rangel
Coble Jones (OH) Regula
Cole (OK) Kanjorski Rehberg
Conaway Kaptur Reichert
Costa Keller Renzi
Cramer Kelly Rogers (AL)
Crenshaw Kennedy (MN) Rogers (KY)
Cubin Kennedy (RI) Rogers (MI)
Cuellar Kildee Rohrabacher
Culberson Kind Ros-Lehtinen
Davis (AL) King (IA) Ross
Davis (FL) King (NY) Rothman
Davis (IL) Kingston Royce
Davis (KY) Kirk Ruppersberger
Davis (TN) Kline Ryan (WI)
Davis, Tom Knollenberg Ryun (KS)
Deal (GA) Kuhl (NY) Sabo
Delahunt Langevin Salazar
DeLay Larsen (WA) Sanchez, Loretta
Dent Latham Saxton
Diaz-Balart, L. LaTourette Schakowsky
Dicks Leach Schmidt
Dingell Lee Schwarz (MI)
Doggett Levin Scott (GA)
Doolittle Lewis (CA) Scott (VA)
Doyle Lewis (GA) Sensenbrenner
Drake Lewis (KY) Serrano
Dreier Linder Sessions
Duncan LoBiondo Shadegg
Edwards Lowey Shaw
Ehlers Lucas Shays
Emerson Lungren, Daniel E. Sherman
English (PA) Lynch Sherwood
Etheridge Mack Shimkus
Everett Manzullo Shuster
Farr Marchant Simmons
Feeney Matheson Simpson
Ferguson McCaul (TX) Skelton
Filner McCotter Slaughter
Fitzpatrick (PA) McCrery Smith (NJ)
Flake McHenry Smith (TX)
Foley McHugh Snyder
Forbes McIntyre Sodrel
Ford McKeon Solis
Fortenberry McMorris Souder
Fossella McNulty Spratt
Foxx Meehan Stearns
Frank (MA) Meek (FL) Strickland
Franks (AZ) Meeks (NY) Stupak
Frelinghuysen Mica Sullivan
Gallegly Michaud Sweeney
Garrett (NJ) Millender-McDonald Tancredo
Gerlach Miller (FL) Tauscher
Gibbons Miller (MI) Taylor (MS)
Gilchrest Miller, Gary Taylor (NC)
Gillmor Miller, George Terry
Gingrey Mollohan Thomas
Gohmert Moore (KS) Thornberry
Goode Moore (WI) Tiahrt
Goodlatte Moran (KS) Tiberi
Gordon Moran (VA) Turner
Granger Murphy Udall (CO)
Graves Murtha Upton
Green (WI) Musgrave Visclosky
Grijalva Myrick Walden (OR)
Gutierrez Nadler Walsh
Gutknecht Neal (MA) Wamp
Hall Neugebauer Wasserman Schultz
Harman Weiner Watt
Weldon (FL) Westmoreland Wilson (SC)
Weldon (PA) Whitfield Wolf
Weller Wicker Woolsey
Wilson (NM) Wynn

NOT VOTING—14

Barrett (SC) Istook Payne
Barton (TX) Kolbe Reynolds
Davis, Jo Ann LaHood Young (AK)
Diaz-Balart, M. McCarthy Young (FL)
Hyde Napolitano

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2147

Ms. HARMAN, Messrs. ETHERIDGE, KENNEDY of Rhode Island, DELAHUNT, GEORGE MILLER of California, SPRATT, BACA, OLVER, and MEEHAN changed their vote from ''aye'' to ''no.''

Mr. CUMMINGS, Mr. CONYERS, and Ms. HOOLEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. REYNOLDS. Mr. Speaker, on Friday, December 16, 2005, I was unavoidably absent during rollcall vote No. 658.

Had I been present, I would have voted "nay" on rollcall vote No. 658.

AMENDMENT NO. 18 OFFERED BY MR. SULLIVAN

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 251, answered ''present'' 1, not voting 18, as follows:

[Roll No. 659]

AYES—163

Aderholt Brown-Waite, Ginny Drake
Alexander Buyer Duncan
Bachus Calvert Edwards
Baker Campbell (CA) Emerson
Barrow Cantor English (PA)
Bartlett (MD) Capito Everett
Beauprez Case Forbes
Berry Chabot Ford
Bilirakis Chandler Fortenberry
Bishop (UT) Chocola Franks (AZ)
Blackburn Coble Gallegly
Blunt Conaway Garrett (NJ)
Boehner Cooper Gibbons
Bonner Cramer Gingrey
Bono Crenshaw Gohmert
Boozman Cubin Goode
Boren Culberson Goodlatte
Boswell Davis (KY) Gordon
Boyd Davis (TN) Graves
Bradley (NH) Deal (GA) Gutknecht
Brady (TX) Dent Hall
Brown (SC) Doolittle Harris
Hart

Hayes
Hayworth
Hefley
Herger
Herseth
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Latham
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Osborne
Otter
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryun (KS)
Saxton
Schmidt
Sessions
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Tiberi
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—251

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Boucher
Boustany
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Camp (MI)
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hensarling
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Petri
Pomeroy
Price (NC)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
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Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

McCotter

NOT VOTING—18

Barrett (SC)
Barton (TX)
Cole (OK)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kennedy (RI)
Kolbe
LaHood
Lewis (CA)
McCarthy
McHugh
Napolitano
Payne
Rothman
Young (AK)
Young (FL)

□ 2155

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ORTIZ. Mr. Chairman, I thank the gentleman from Wisconsin for his effort at pulling together this bill. Reforming immigration in this Nation—and reinforcing the borders, as I have advocated for over a year and a half—is a difficult proposition.

However, the gentleman from Wisconsin and those that are in support of this bill do not seem to understand the complexities of border and immigration policy. The bill before us today would do little to solve the immigration problem, and it is not what we need to reform immigration policy and to reinforce our borders.

Any effort by Congress to truly reform immigration and protect our borders must address the root causes of illegal immigration. As President Bush has stated, people come to the country to do the jobs Americans do not want to do. We must understand that it is our labor market that draws them to the U.S., and we must address how the U.S. could absorb the economic blow of losing this part of our labor market that keeps prices artificially low for consumers. Are businesses ready to pay high wages to agriculture workers? Are Americans ready to absorb that cost and pay higher prices for their produce?

An honest policy discussion is needed to address the complete problem—our broken immigration system and the needs of our labor market.

Although my colleagues on the other side of the aisle claim this bill will secure our borders, it does nothing of the sort. Nothing in this bill guarantees funding for detention facilities, Border Patrol agents, immigration judges or prosecutors.

The single most important thing we can do in Congress is invest in homeland security. However, our experience has been this: Numerous Members of Congress put forth ideas about how to fix border security, but funding these ideas has been impossible.

Let's use 2005 as an example. One year ago, the 9/11 Commission did what Congress's current majority could not do: It investigated the events leading up to the attacks on the United States, and made solid suggestions to the Nation about how the Government could prevent similar attacks in the future.

On the issues of Border Patrol agents and detention beds, the 9/11 Commission said the very least the United States needed to do was add 2,000 agents annually—for 10 years—and 8,000 detention beds annually. Congress agreed, and passed the bill overwhelmingly.

How did the President and Congress react when it came time to pay for it all? The President's budget proposed funding 200 Border Patrol agents this year—that's 1,800 short of the least we should do—and 1,900 detention beds—that's 6,100 short of the least we should do.

Congress acted a little better, passing an emergency spending bill and a spending bill for homeland security that netted us a total of 1,500 Border Patrol agents—still 500 short of 9/11 Commission recommendations—and 4,250 detention beds—still 3,750 short of 9/11 Commission recommendations.

We are playing a shell game with our border security and, by extension, our national security. On the one hand, every single elected official is for more border security. Yet, the leadership in Congress does not have the political courage to pay for it.

This is what always hangs us up. There's no money and no political will to change the equation.

The American people deserve an honest debate on how to protect our homeland. All of us in Congress understand the world changed after September 11. For that reason, we must put forth a solution to bring out of the shadows the 8 to 11 million people who are in this country now, paying taxes and doing hard labor and have an honest discussion, absent the politics.

Mr. VAN HOLLEN. Mr. Chairman, the Congress has been negligent in dealing with the challenge of border security, homeland security and immigration policy reform. We must do what is necessary to protect our homeland and implement comprehensive immigration reform. It is time to address these issues in a meaningful way.

Unfortunately, this legislation fails to meet the test. This bill does contain some important provisions that will enhance border security. Indeed, the bill that emerged from the Homeland Security Committee was one that I could basically support. Unfortunately, the Judiciary Committee put politics over policy and added a number of highly objectionable provisions. Some of these provisions will turn a number of well-intentioned and law abiding citizens into criminals and felons. Other provisions penalize many individuals who have come to this country lawfully but have, through no fault of their own, become ensnared in a bureaucratic snafu with the Citizenship and Immigration Services where if someone misses a deadline by a day in changing their visa category they can be prosecuted for unlawful presence. Moreover, visitors from other countries who are here on tourist visas but cannot return to their country within the visa timeframe because of a natural disaster or the outbreak of civil war will be made into criminals.

This bill is also flawed in a number of other respects. First, it creates the dangerous illusion that we are addressing the most pressing homeland security issues, when we are not. The 9/11 Commission recently released its assessment of the progress being made by the

Bush administration and this Congress on the adoption of its recommendations. More than half of the grades issued by the commission were Ds or Fs. This bill does not address any of the shortcomings identified by the 9/11 Commission. As such, it is a fraud on the American people to pretend that this bill significantly enhances homeland security. We are missing an important opportunity to remedy the homeland security failures identified by the 9/11 Commission.

Finally, this bill contains another gaping hole—the failure to address the issue of the approximately 11 million undocumented persons that are currently in the United States. President Bush has repeatedly stated that any immigration reform effort must find a way to bring these individuals out of the shadows of our communities. A number of thoughtful bills have been introduced to address that issue, including one introduced by two of our Republican colleagues, Representatives FLAKE and KOLBE. On the Senate side, the McCain-Kennedy legislation contains a number of ideas to address this issue. By refusing to allow a vote on these proposals, we do a disservice to our Nation. Once again, the House is abdicating its responsibility by failing to squarely meet the challenge we face.

Let me also say a word about the amendment offered to this bill to construct a partial fence along our southwest border. I support the construction of a fence to better secure our border and supported its funding in the Homeland Security Appropriations Act. However, the amendment offered by Mr. DUNCAN doesn't simply provide for a fence. In a typical example of congressional over-reaching and micromanagement, the amendment specifies exactly how such a fence will be built and the precise location of each segment of the fence. We are neither engineers nor construction managers nor do we know the best alignment of such a fence. We should simply direct the experts to construct a fence that accomplishes the objective of limiting illegal immigration and allow it to be built in the most cost-effective manner.

Mr. Chairman, I believe that this bill contains some positive changes that enhance border security at the same time it leaves a number of gaping holes and includes a number of provisions that take us in the wrong direction. On balance, I believe this is a flawed bill. I hope the Senate will address the serious shortcomings in this bill so we can adopt a meaningful bill that meets the challenges that we face.

Mr. MENENDEZ. Mr. Chairman, from the congressional district that I have had the honor of representing over the past 13 years, one can see the Statue of Liberty. Ellis Island is a place that has been the gateway to opportunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success. Like millions of Americans, my own parents came to this country fleeing tyranny and searching for freedom. Because of this, the debate that we started yesterday and continue today is of special and personal interest to me.

So, America has a proud tradition as a nation of immigrants and a nation of laws. But unfortunately, our current immigration laws and system have failed us.

As a predicate for labor to grow, and for the country to achieve all the things it needs to, we need tough, smart, and comprehensive immigration reform that reflects current economic realities, that respects the core values of family unity and fundamental fairness, and that upholds our proud tradition as a nation of immigrants.

We need to aggressively seek to curtail crossings at the border and we need smart enforcement measures that prevent illegal immigration, so that our immigration system is safe, legal, orderly, and fair to all. Our goal should be neither open borders nor closed borders, but smart borders.

Now, tough enforcement laws may make us feel good, but they do not do the job all by themselves. Since 1986, we have tripled the number of Border Patrol agents and increased the enforcement budget 10 times over, but we haven't made a dent in the number of undocumented workers who make it here.

Mr. Chairman, 1 year ago tomorrow, President Bush signed into law the Intelligence Reform and Terrorism Prevention Act. As one of the conferees on that bill, I want to remind Members that it contained 43 sections and 100 pages of immigration-related provisions. These tough, but smart new measures include, among others, adding thousands of additional Border Patrol agents, Immigration and Customs investigators and detention beds, and criminalizing the smuggling of immigrants, just as the 9/11 Commission recommended.

I am sure that the American people assume that their government has not only implemented, but also fully funded these tough measures to ensure our Nation's safety. Unfortunately, the President's budget and the Republican Congress have chosen not to do so. In fact, as part of the fiscal year 2006 appropriations process, the Republican Congress has provided a shortfall of: 500 Border Patrol agents of the 2,000 new Border Patrol agents called for this year by that law; 482 investigators of the 800 immigration enforcement investigators; and 4,130 detention beds of the 8,000 additional detention beds required.

So much for being tough. And so much for fully funding what is called for in the bill we are currently debating. I mean, who truly believes that we will fully fund and build the fence along the southwest border of the United States that so many of my colleagues voted for last night?

So we are not only passing a variety of provisions that will most likely never be fully funded or enforced, but we are also criminalizing not only millions of undocumented workers in the United States, but also citizens of this country.

Under the guise of a much broader definition of smuggling, this bill could allow the Government to prosecute almost any American who has regular contact with undocumented immigrants. Certainly alien smuggling and trafficking for profit are activities that need to be sanctioned, and current law, part of last year's intelligence reform bill, provides for harsh penalties.

However, under the broad language contained in this bill:

A soccer mom who drives her neighbor to the grocery store, or has a live-in nanny could be penalized for "transporting";

The church group that provides food aid, shelter, or other assistance to members of its community could be penalized for "assisting or encouraging";

An aid worker who finds an illegal entrant suffering from dehydration in the desert and drives that person to a hospital could be penalized for "transporting";

A counselor who assists a victim of domestic violence and her children could be penalized for "assisting or encouraging";

The landscaper who drives his workers to jobs could be penalized for "transporting";

A U.S. citizen living with an undocumented spouse could be considered to be "assisting or encouraging" her spouse's presence; and

Last, but certainly not least, our district caseworkers could be penalized for either "assisting or encouraging" or even "transporting" as part of their official congressional duties.

I urge my colleagues on both sides of the aisle to vote against the underlying bill. By doing so, we then could work not as Democrats and Republicans, or Congressmen and Senators, but as Americans to bring our policies in line with our Nation's ideals and values.

Mr. HOLT. Mr. Chairman, I rise today to oppose the so called Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. I am deeply concerned by this bill's enforcement-only focus and the simple fact that it fails to seriously address our Nation's true immigration problems.

Our Nation's immigration system is broken. It does not work. Our legal immigration system does not meet the needs of American employers, lawful immigrants seeking residence in the U.S., and families seeking to reunite and pursue the American dream.

And yet that does not need to be the case.

One of the main reasons we have a huge illegal immigration problem is that our legal immigration system just does not work. We could be talking today about the widely recognized problems and debate comprehensive immigration reform. But we will not do that today.

I am deeply troubled that this bill, which would drastically alter our Nation's immigration laws, was rushed to the House floor just a little more than a week after it was introduced and after only one committee hearing it was voted out on party lines. On this key issue we should be able to work together.

Immigration is not a Republican or Democratic issue. It is truly an American issue.

The history of America is a history of immigration and immigrants. From the first Europeans to settle on our shores in places like Jamestown and Plymouth, to the millions who were greeted by the Statue of Liberty and Ellis Island trying to flee hunger and poverty in the Old World in search of a new life and a new start in America, legal immigrants continue to this day to be a vital part of our social fabric and our economic growth.

I firmly believe in the necessity of legal immigration. Our country was founded on the principle of immigration, and we are fortunate to have millions of hardworking, law-abiding immigrants living in this country. Studies show that, far from being a tax burden on us, immigrants add billions of dollars to the

U.S. economy. Statistics also reveal that immigrants are likely to set up their own businesses, which creates jobs for workers and sales opportunities for American companies. It is important to recognize the many benefits—economic and otherwise—that legal immigrants provide to our country.

However, like many Americans, I am concerned about the influx of illegal immigrants into our country. I believe the best answer to this problem is to comprehensively address our Nation's legal immigration system and to also fully and effectively enforce our immigration laws on the books.

But this bill focuses almost solely on new enforcement actions. It is a piecemeal attempt to solve a much larger problem and it will end up jailing foreign citizens who come illegally into the United States and make all employers in the country deputy immigration officials. These are not sensible solutions to the immigration problems that exist. I strongly believe that we need to secure both our southern and northern borders. It is also imperative to secure our seaports and airports. But we also need to acknowledge and deal with the fact that an estimated 11 million illegal immigrants hide in the shadows of our country. This bill simply ignores them and tries to fool the public into thinking that real changes are being made to secure our borders.

Over the last 20 years, Congress has passed into law 17 different immigration-related pieces of legislation. But a clear problem still remains. Rather than seriously doing something about immigration, the Congress has passed politically expedient but not policy-based legislation. It is clear that the Immigration and Nationality Act, INA, needs dramatic changes and the American people have continually called for such changes. The INA needs to be updated to meet the labor shortages that American employers face. It needs also to be fundamentally altered in how it handles foreign-born workers. Too often the INA is more complex and arcane than even the IRS Tax Code. This leaves businesses, citizens and prospective immigrants confused and unsure of what to do.

In my central New Jersey district alone this means that I have more than one full-time employee to help the citizens and residents of my district navigate these laws and the out-of-control bureaucracy they have created.

This bill is extreme and will not fix these arcane rules and procedures. And it will certainly fail to do what it promises. This bill requires the Department of Homeland Security to detain all illegal immigrants who enter the United States until they can be returned to their country of origin. Yet the bill does nothing to provide DHS with facilities or capacity to do just that. DHS will not be able to meet this flawed expectation and it will prove to be an untenable burden on an already over-extended detention system.

The bill also creates a new Employment Eligibility Verification System, EEVS, based on a small previously existing pilot program. This would require all employers to check their employees' work status. This essentially deputizes employers as immigration officers and forces an undue burden on them to do the Government's work. Currently, employers are already required to check the work documents of all of their employees. The GAO has estimated that this new provision alone will push an unfunded mandate on employers of close to $12 billion a year. This simply is not a practical solution.

This bill is strongly opposed by a broad range of organizations such as U.S. Chamber of Commerce, American Immigration Lawyers Association, American Nursery & Landscape Association, Catholic Charities USA, Associated Builders and Contractors, United Auto Workers, and even the U.N. High Commissioner for Refugees. This broad coalition of organizations and interest groups understands that this is not a solution to our existing immigration problem and in fact may exacerbate the problem.

I urge my colleagues to oppose this bill and to seriously and comprehensively address the important issue of immigration.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to express my strong opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

While I believe that immigration reform is urgently needed and must include strong and effective enforcement provisions, this legislation will not solve our Nation's immigration problems. It fails to address many of the most important elements of immigration reform, including backlogs in family visas, regulation of the future flow of immigrants, and the presence of a sizable undocumented community in the United States. Instead it harms American families, businesses, and communities. Its impact on the Latino and immigrant communities would also be devastating.

Among the many anti-immigrant measures in H.R. 4437 are provisions that would: (1) strip citizenship opportunities that are currently available to legal immigrants; (2) curtail crucial due process rights in immigration proceedings; (3) make it a criminal offense to remain in the country illegally after entering legally; and (4) deputize local law enforcement officials to enforce Federal immigration laws over the objections of many such officials, who believe that this authority undercuts their ability to protect the public safety.

This enforcement-only approach has not worked in the past and will not work in the future if it is not combined with measures that address the 11 million undocumented immigrants already in the country. That is why I support and have cosponsored H.R. 2330, the bipartisan comprehensive immigration reform bill sponsored by Representatives JIM KOLBE, JEFF FLAKE, and LUIS GUTIERREZ. This bill combines tough enforcement with realistic admission policies, has bipartisan support, and is workable.

All Americans want effective reforms of the Nation's immigration laws, not shortsighted measures that appear tough on immigration but do not resolve the underlying problems. Only a comprehensive approach that provides a path to citizenship for current undocumented immigrants, creates new legal channels for future flows of needed immigrants, reduces family immigration backlogs, and protects worker rights will reduce undocumented immigration and bring order to our immigration system. H.R. 4437 does not take us down the path of real immigration reform.

I stand should-to-shoulder with groups like the AFL–CIO, ACLU, Anti-Defamation League, U.S. Chamber of Commerce, Human Rights Watch, Leadership Conference on Civil Rights, MALDEF, and National Council of La Raza.

I ask that all my colleagues join me in my opposition to this flawed immigration bill.

Mr. CROWLEY. Mr. Chairman. I rise in opposition to H.R. 4437.

Immigrants—who are likely counted among the families of most members of this body—work, pay taxes, serve in our military, and contribute in a resoundingly positive way.

And our burdensome, inefficient immigration system is not working for immigrants and it is not working for our country.

Unfortunately, this bill lets down immigrants, those who depend on them, and our Nation on the whole.

There is a lot that is troubling in this bill, but also troubling is what is not in this bill.

Real immigration reform and security improvements cannot end with a discussion on enforcement anymore than you can make a peanut butter and jelly sandwich without peanut butter.

Immigration is about so much more. Immigration is also about bringing families together, and supplying a pathway to citizenship for those who come here and contribute.

Moreover, it is foolish to pretend that we have somehow solved our immigration or security concerns by simply making it harder for people to come or stay here. That is simply increasing the incentive for immigrants to immigrate, live and work in the shadows.

And that is a loss for immigrants, their families, society, and national security.

Make no mistake—our immigration system needs reform. And it is appropriate to discuss how to best enforce our laws and secure our borders. Certainly none of my constituents in New York City are interested in making things easier on terrorists who use our immigration system to harm America.

But let's make sure the enforcement tactics we're talking about make sense. And let's make sure our tactics actually make us safer. And let's make sure that immigration reform does not end with enforcement. Because at the end of the day, immigration is too important to just take the most simplistic response and label it a solution.

Fortunately, there is a better bill—a bipartisan bill offered by Congressmen KOLBE, FLAKE, and GUTIERREZ. A bill that reduces immigration backlogs and helps family reunification. A bill that recognizes that comprehensive immigration reform—as opposed to strictly discussing enforcement—is the only way to protect both the security and the ideals of the U.S.

And this is certainly not that bill.

Mr. DINGELL. I rise in opposition to H.R. 4437. Like many of my colleagues, I believe we should enforce our immigration laws and ensure we stem the tide of illegal immigration. However, this bill goes too far.

It is a heavy handed approach to immigration. But you may say, ''DINGELL, we have a problem, we must do something.'' I say to that: Read the fine print. This bill not only penalizes illegal immigrants, but families, asylum seekers, good Samaritans, and most importantly, law abiding, U.S. citizens. This bill goes too far.

First, this bill harshly penalizes families, in particular family unity. For instance, under Title VI of the bill, millions of immigrants would be barred from gaining lawful resident status, even those whose spouses or children are

U.S. citizens. Without lawful resident status, those immigrants would be sent to their country of origin, forced to leave their loved ones behind. This bill goes too far.

Next, good Samaritans would be harshly penalized. If a person finds an illegal immigrant injured, and takes that person to a hospital, the law would label the Samaritan a felon. This bill goes too far.

Mr. Speaker, asylum seekers would be unduly penalized. This bill redefines the status of many asylum seekers, making them felons under the law, and would disallow many from having a hearing before they are deported back to the country from which they are seeking asylum. This bill goes too far.

Most importantly, U.S. citizens would be penalized. This bill mandates that employers use the Employment Verification System. According to the GAO, building the type of database to verify employment envisioned by this bill will cost at least $11.7 billion per year. Furthermore, the GAO identified other problems within this flawed system that threaten to deny employment for many able bodied Americans. This bill goes too far.

I would note that a wide array of groups is opposed to this legislation from the United Auto Workers, to the United States Conference of Catholic Bishops, to the United States Chamber of Commerce, Americans for Tax Reform, and the American Immigration Lawyers Association. During these very polarized times, when these vastly different groups are opposed, it raises a few eyebrows. And it does so for good reason. I urge my colleagues to vote against this bill. Let's craft a well rounded bill that enforces our immigrant laws, allows for avenues for citizenship, and that does not drive illegal immigration further underground.

Mr. CARDIN. Mr. Speaker, it is absolutely critical that Congress pass meaningful and effective border security and immigration reform. Since the 9/11 terrorist attacks, Congress has taken significant steps to secure our border and prevent another terrorist attack on our soil. Congress created the Department of Homeland Security, DHS, and a strong Director of National Intelligence, which constituted the largest reorganization of our law enforcement and intelligence services since World War II.

I supported the bipartisan version of the homeland security and immigration reform bill that passed the House Homeland Security Committee last month. As a former member of the committee, I agree that the United States must: move rapidly to establish operation control of all borders and ports; end our ''catch and release'' practice of aliens apprehended crossing the border illegally; effectively organize the border security agencies within the Department of Homeland Security; and promote international policies to deter illegal immigration.

I also agree with the former 9/11 Commissioners, who recently issued a report which concluded that Congress and the administration have much more work to do to make America safer, and gave our Government fair to poor grades for our current level of border security. I agree that Congress and the administration should take immediate action to: produce a terrorist travel strategy to intercept and disrupt their operations; create a comprehensive screening system for travelers; create a biometric entry-exit screening system for all land borders; improve international collaboration on borders and document security; and standardize secure identifications.

I am disappointed, therefore, that the leadership of the House of Representatives has failed to allow the House to take up a comprehensive homeland security and immigration reform bill that addresses the pressing vulnerabilities in our border security. The bill before the House, passed on a party-line vote in the Judiciary Committee, is not a balanced, thoughtful approach to the issue. This bill is a punitive bill which is neither enforceable nor workable. This bill has little chance of enactment. Border security is too important and should be included in legislation that can be quickly enacted.

This legislation is opposed by a vast number of groups from across the political spectrum, including businesses, labor unions, faith-based organizations, civil rights organizations, human rights organizations, and immigrant advocacy organizations.

I therefore ask my colleagues to reject this legislation.

Mr. CANNON. Mr. Chairman, I rise today to commend Chairmen SENSENBRENNER and KING for their work on the manager's amendment to H.R. 4437.

The manager's amendment amends Title VII of H.R. 4437 by including language that I authored that prevents the mandatory construction of day labor facilities by private businesses in order for them to conduct business.

An increasing number of local governmental entities are requiring businesses to undertake new, onerous obligations with regard to day laborers as a condition of getting a use permit necessary to conduct business. Examples include requirements that businesses build structures with toilets and water fountains at or near their private property to house day laborers, while they wait for employment opportunities with contractors or customers of the business. The local ordinances typically require that a business maintain the structures, including providing security and janitorial services.

These obligations are costly and represent an unwarranted interference by governmental entities with the rights of businesses to use and operate their private property. Worse, these local ordinances are unreasonable because they go beyond safety issues. They force businesses to use their property to facilitate employment through the creation of a de facto hiring hall.

These ordinances expose the businesses to potential liability on a number of fronts.

I offered language that amends the existing preemption of the employer sanctions provisions of the INA (8 U.S.C. §1324a) as they relate to State and local governments.

Enacted in 1986, this section preempts State and local governments from applying the employer sanctions provisions of the INA.

The language of Section 708 included in the manager's amendment adds an additional preemption paragraph that preempts any State or local law that requires a private business to build and maintain what is essentially a hiring hall as the price of doing business in that city.

I understand and empathize with the State and local governments as they grapple with illegal immigration, but immigration is a national problem that must be addressed by Congress.

Piecemeal and patchwork local ordinances only add to the confusion surrounding this issue.

I thank the Chairmen for working with me to resolve this issue.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the Border Protection, Antiterrorism, and Illegal Immigration Control Act.

This bill is fundamentally flawed. By taking an approach that implements only enforcement measures, and does not look comprehensively at the problem, we will only worsen our current situation and do nothing to solve our immigration problems.

I support border enforcement.

In my State of Arizona, we have increased the number of Border Patrol agents by tenfold, quintupled the immigration enforcement budget, and overhauled the arsenal of high-tech equipment along the border.

But we have learned a hard lesson in Arizona: No matter how much we increase our enforcement, still the illegal migrants kept coming, at the same rate or faster than they had come in previous years. In fact, during that period, the probability of catching illegal immigrants along the U.S.-Mexico border actually fell to an all-time low of 5 percent in 2002. The border buildup did not stop the flow; it merely shifted it to more dangerous areas, where apprehensions are more difficult and death more likely.

This bill would continue that failed policy, by seeking only enforcement provisions, without creating a realistic, legal channel for workers to come here and help grow our economy.

The only way to truly solve the problem is to include a legal channel for willing American employers to connect with willing foreign workers where no U.S. citizens are available or willing to fill the job. Otherwise, immigrants will continue to pour over our borders in search of jobs and a better way of life.

At the same time, we must also create a tough but workable way to bring out of the shadows the millions of people who currently live in our country without documentation. We must say to those who break our laws that they will pay a stiff fine and they must go behind everyone else that wants to become a proud citizen of this country. Anything less than this will undermine our national security at a time when Americans are demanding to know who is living within our borders. Some have called the payment of large fines and other penalties ''amnesty.'' But I say that it is this bill's unrealistic, unworkable approach that amounts to amnesty. That's true because under this bill undocumented people living here will remain in the country with nothing happening to them. This bill ignores the problem. I think most members know this. But we are going to continue this charade, continue trying to fool the American people, continue pretending we are doing something to prevent illegal immigration.

Without real, workable provisions, the American people will rightly be even more angry over our duplicitous shell game.

Enhanced enforcement is an integral part of improving our Nation's security. But, enforcement alone without other reforms has not and will not secure the border.

Mr. Chairman, simply stated, we should defeat this bad bill and bring back to the House a real bill, a comprehensive bill that tackles all the pieces of the immigration puzzle.

Mr. BLUMENAUER. Mr. Chairman, the Border Security Act of 2005 will not mend our broken immigration system. This legislation is narrowly focused on interior security and enforcement while it falls far short of providing

the workable solution that we desperately need. With more than 11 million undocumented immigrants living and working in our country, simply increasing the already harsh penalties for immigration violations and placing a larger burden on employers is an inadequate approach to our immigration crisis.

By not containing a guest worker program, this legislation fails to address the presence of the sizable undocumented community in the United States. It's widely recognized that agribusiness, manufacturing, hospitality and restaurant industries depend on millions of undocumented workers. Without a practical approach to this issue, real reform remains out of reach.

American taxpayers have invested billions of dollars to secure our borders and end illegal immigration, yet the number of undocumented immigrants in the U.S. has increased more in the past five years than ever before in our Nation's history.

In order to secure our borders, legalize our workforce, and advance our economy we must develop true comprehensive immigration reform.

Mr. FARR. Mr. Chairman, I rise in opposition to H.R. 4437. It is so egregious I do not even know where to begin.

H.R. 4437 does not address the heart of the immigration problem—what to do with those 11 million undocumented people who already reside in this country. This bill is ready, however, to intimidate and criminalize any immigrant who believes in the American Dream and acts on it. H.R. 4437 contains border and law enforcement provisions that give this bill the facade of substance but in reality, this legislation is hollow. It's like having the framework of an army tank, but no engine. Just as an army tank will not work without an engine, America's immigration problem will remain unresolved without addressing a guestworker program.

This legislation only offers a false promise of protection. Real protection would come from identifying those undocumented aliens already residing in this country. Real protection would come from assimilating and welcoming immigrants into our society, as we have done in the 230 years before today. Real protection would not automatically condemn the bus boy at your local favorite restaurant, your house keeper, or farmworkers who ensure you can eat fresh vegetables year round. Creating an ''us verses them'' attitude will not foster true homeland security.

I urge you to reject H.R. 4437.

Miss MCMORRIS. Mr. Chairman, what has made America great have been the opportunities given to everyone in this country. Since our founding, individuals and families have come to America to seek freedom, opportunity and the choice for a better life.

Everywhere I travel throughout Eastern Washington, I hear from people demanding we do a better job of controlling our borders and reducing illegal immigration. This past year, my office helped with nearly 150 immigration cases. It has become increasingly difficult for those who would like to enter our country legally and choose to obey the law to do so. For example, one family went through a 17-year process before they were allowed to come over legally. We must find a way to have responsive and legal immigration for those who desire to come.

In Congress my priorities include growing our economy and keeping our Nation and community safe. In my opinion, this includes a comprehensive immigration policy that addresses the growing problems related to illegal immigration but also ensures that our efforts do not unduly hurt our local and national economy.

The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 will bolster our border security, increase interior enforcement efforts, crack down on human trafficking, and reestablish respect for current immigration laws.

While this is an important component, any comprehensive immigration bill must take into account our national and regional economy, which must have the workforce to meet the demands in agriculture and other service industries. Agriculture is the number one industry in Washington State, producing thousands of jobs and over $1 billion in revenue for Eastern Washington. Our farmers help supply the country with a safe and stable food supply and they must have enough workers.

The agriculture industry in Washington is currently experiencing overall labor shortages. When I visited Crane and Crane Orchards last month in Brewster, I learned that labor shortages are hurting their business. This year alone, over 80,000 boxes worth of apples were left on the trees because they didn't have enough labor; they needed over 300 pickers. They are experiencing labor shortages despite the fact that they pay between 10 to 12 dollars an hour and provide housing to their workers. They couldn't find workers anywhere.

As Congress proceeds with immigration reform, Eastern Washington's agriculture and service related industries need to address the impact of these policy changes on their workforce. We need to keep our economy and workforce competitive in the 21st century by establishing a legal workforce. A comprehensive immigration bill must take into account potential impacts on our workers, their families and the overall economy.

Immigration is a complex problem, with no easy solution or quick fix. Controlling our borders is an important first step, but we cannot stop there. Immigration reform will not be complete until we can adequately resolve the labor needs of our agriculture community. As we continue to update and improve our immigration laws, it is important that we retain our compassionate and welcoming system that defines who we are as Americans.

Mr. STEARNS. Mr. Chairman, obviously our immigration system is broken. Recent reports have revealed that there are approximately 10–12 million illegal immigrants within the United States. Unless we act quickly, this number is estimated to grow by 400,000 each year.

The problem of illegal immigration has legal, economic and national security ramifications.

As Peggy Noonan recently observed in the Wall Street Journal, ''what does it mean that your first act on entering a country—your first act on that soil—is the breaking of that country's laws? What does it suggest to you when that country does nothing about your lawbreaking because it cannot, or chooses not to? What does that tell you? Will that make you a better future citizen, or worse? More respecting of the rule of law in your new home, or less?''

We are a nation of immigrants, but we are also a nation of laws. The fact of the matter is that illegal immigration violates our laws, and goes against our Nation's dedication to the rule of law. It is wrong, both legally and morally, and must be stopped.

From an economic perspective, illegal immigrants fill jobs that would otherwise be filled by American citizens or legal residents. Public funds are being used to provide social welfare benefits and services to those here illegally at the expense of the American taxpayer. And our border patrols are using precious resources to track down these scofflaws, when they can be focusing instead on preventing terrorists from entering our country.

And in the aftermath of 9/11, we learned that illegal immigration endangers our national security. It is self-evident that we must secure our borders. Even if it were true that terrorists are not necessarily sneaking over the Mexican or Canadian borders, a proposition which I am certainly not prepared to admit, the fact is that the millions of illegal aliens in our country are creating an overwhelming demand for false identity documents and smuggling networks that could also be used to assist those with less than pure motives.

That's why I have cosponsored this legislation. As it stands now, it contains the reforms needed to remedy these problems. And I hope it will include my amendment to close a loophole in existing immigration law to ensure that criminal and security checks are completely finished before offering immigrants any sort of benefits.

I would also caution against including any sort of language in this legislation providing a green-light to legitimizing the millions of illegal ''guest workers'' here already.

Mr. Chairman, it is a shame that those of us who support this legislation have been accused of being anti-immigrant or worse, when nothing can be further from the truth. We all understand why foreigners, the vast majority whom are well-meaning and in search of a better life for themselves and their families, would want to come to America. We are the land of opportunity, but as I said before, we are also a nation of laws. Speaking for myself, I know that over the course of my career in Congress, my staff and I have helped hundreds, perhaps thousands of these aspiring Americans become citizens. I am sure that many of the supporters of this bill have done the same.

If we allow illegal immigration to continue on its present course, not only does it hurt our commitment to the rule of law, our economy, and our national security, but it also hurts these legal immigrants. Why should they obey the law and wait their turn? What do they think when they go through the whole process, but then see our government and our employers look the other way with millions of illegal aliens?

This bill will not only uphold the rule of law, protect American tax dollars and enhance our national security, it will also restore a sense of dignity and pride to those immigrants who come here legally.

I urge my colleagues to support this legislation.

Mr. HASTINGS of Washington. Mr. Chairman, a primary duty of our government is to protect and defend our Nation—and that includes controlling our borders.

This bill aims to strengthen our border control through increased manpower, new technology and smarter law enforcement coordination. These critical components to border control have my full support.

However, by leaving out a reformed guestworker program, this bill is not the comprehensive solution that we need.

If we fail to address why many people from other countries seek to enter our country illegally, we make the job of securing our Nation more difficult.

I cannot fault anyone for wanting to come here to work for a better life for themselves and their families—most of us have family members who came to America for that very reason. That is the American way—and it's a tradition deeply rooted in our Nation's history.

Central Washington is the top producer of labor intensive agriculture products like apples, pears, cherries and grapes and is heavily dependent upon immigrant labor.

To stop illegal immigration and fix our broken immigration system, we must strengthen our borders and create a legal channel for workers to come here and fill jobs that Americans are not.

The existing H2A guestworker program is unworkable—as evidenced by chronic labor shortages in many agricultural areas. There simply is not a ready pool of American workers to fill most of the jobs currently held by immigrant farmworkers.

Without a legal channel for hardworking individuals to fill these jobs, many American industries would be left with no labor force. Our entire economy would feel the punch. The United States would be at serious risk of losing our fresh fruit and vegetable farms to foreign countries. And, the cost of construction and basic services would increase—raising prices for every American.

A functional guestworker program means our government decides who enters our country, where they are, when they must leave, and what rules they must follow. A guestworker program makes certain that the Federal Government is in control of immigration. Providing a legal way for honest, willing workers to fill these jobs reduces the number of people trying to enter our country illegally.

A reformed guestworker program is critical to our Nation's security, to our economy and to preventing illegal immigration. Without a guestworker plan, I must withhold my support for H.R. 4437 and continue working for the comprehensive solution we need.

Mr. ISSA. Mr. Chairman, I rise today in support of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. The passage of this legislation is fundamental to the security of our citizens and to reducing the flow of illegal immigrants into the United States.

The number one issue that my constituents contact me about is securing our borders and fighting illegal immigration. This bill does both. Among the bill's provisions are greater cooperation between border sheriffs and Federal law enforcement, increased penalties for human smugglers, elimination of ''catch and release'' policies, and a requirement that employers screen for illegal applicants.

This legislation is the outgrowth of a movement within Congress to address enforcement of our immigration laws prior to looking at any need for temporary worker provisions. I, along with dozens of my colleagues, signed the letter to President George Bush stressing the importance of addressing enforcement first. Today we accomplish that goal.

I want to thank House Judiciary Committee Chairman JIM SENSENBRENNER and House Homeland Security Committee Chairman PETER KING for their hard work in bringing this legislation before the House, but I want to especially thank Chairman SENSENBRENNER for incorporating my bill, the Criminal Alien Accountability Act, into the broader bill. Providing a strong disincentive to criminal aliens and human smugglers is integral to protecting our communities, and by strengthening penalties for these groups, the legislation effects such an end.

We have a great deal of work left to do with regard to strengthening our borders and enforcing our workplace immigration laws, but this legislation is a strong start. I look forward to working with my fellow members of the Judiciary Committee and my constituents as we continue to improve our Nation's immigration enforcement policies.

Mr. CANNON. Mr. Chairman, as we conclude the debate on H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act, I wanted to share with my colleagues a thoughtful letter I received outlining Republican philosophy and the need for comprehensive immigration reform.

DECEMBER 16, 2005.

DEAR MEMBER OF CONGRESS: Watching the action in the House of Representatives this week, we feel compelled to write and express our disappointment with the direction of the debate about immigration.

There can be no question: we as a nation need to retake control of our borders and restore the rule of law in our communities. But enforcement alone—without more realistic, more enforceable laws in line with our need for foreign workers to do jobs Americans no longer want to do—will not solve the problem of illegal immigration.

The restrictionist wing of the Republican Party—those who would revoke birthright citizenship for immigrants and build a fence from the Pacific to the Gulf of Mexico—has been getting most of the air time this week. These members have seized on an emotional issue, and party leaders have humored them—at the expense of more reasonable Republicans advocating broader, more realistic reform.

But make no mistake: the reform-minded wing of the party is alive and well—and standing ready for the next phase of the battle, in the Senate and beyond.

Who makes up the reform wing? There are political operatives like Ken Mehlman concerned about how immigration plays with Latino voters. There are business-friendly Republicans at the Wall Street Journal, the Cato Institute and elsewhere who know that immigration is good for the economy: not just good for individual employers—in agriculture, food-processing, hospitality, health care, construction and other sectors—who depend on these workers to keep their businesses open and growing, but also for native-born workers employed by these companies and others that trade with them.

There are security-minded Republicans like Homeland Security Secretary Michael Chertoff and his predecessor Tom Ridge who know that creating a system for immigrant laborers to enter the country legally is the best way to free up border agents whose real job is protecting us from terrorists. And then there are Republicans like Ronald Reagan and now George W. Bush who understand in a more general way that immigrants are good for the country: that they bring entrepreneurial energy and family values and fresh patriotism—and that, as Reagan emphasized, the nation must remain a beacon to the world.

None of these Republicans think enforcement or legality are unimportant. But they are convinced that the best way to restore the rule of law is to start with more honest, more enforceable immigration quotas—a temporary worker program more in line with the reality of our labor needs—and then make those realistic limits stick with all the means at our disposal. This is the approach that the Senate will almost certainly pursue when it turns to immigration in January or February, and it is the approach the President hopes to sign into law, perhaps as soon as next spring.

House Republican leaders face a difficult challenge—precisely because of the way the issue divides us from one other. But we remain convinced that reason—and the party's traditional values—will prevail in the end. Instead of trying punitively to enforce unrealistic law, the majority of the GOP will eventually come together around an immigration policy worthy of the label Republican—one that encourages the American Dream and rewards work, even as it restores the rule of law and enhances national security.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Border Protection, Antiterrorism, and Illegal Immigration Control Act because border security without immigration reform is no more effective than an umbrella in a hurricane.

Our immigration system is flooded with undocumented workers because there is a fundamental mismatch between the number of non-citizen workers needed in our economy and the number of visas available. In 2004, only 359 people were admitted in the category of ''unskilled shortage workers,'' and yet thousands of illegal immigrants can find enough work to warrant the dangerous border crossing. The solution is obvious: bring legal immigration in line with the supply of jobs not taken by U.S. citizens and there would be little incentive to break the law.

There is bipartisan legislation—which I have co-sponsored—to do just that, and even though everyone from the ACLU to the Chamber of Commerce agrees that it is the best solution, it won't get a vote today because the Republican Party wants some red meat to throw to the xenophobic fringe. So they will tell you that they're fixing the system and protecting America by turning millions of workers into criminals and telling the Border Patrol that there's no difference between a student who drops a class in violation of his student visa and a known terrorist. They're both ''aggravated felons'' according to this bill. The Department of Homeland Security has no control over the border, and this bill suggests that expanding the mission will somehow solve the problem.

It also contradicts American values and numerous international treaties by:

Allowing immigration officials, without judicial review, to return asylum applicants on the next plane home if they find their story to be unconvincing;

Requiring low-level immigration officials to expel, without a hearing, anyone found within 100 miles of the border believed to be a recently arrived undocumented immigrant; and

Permitting indefinite detention of non-citizens who have not even been convicted of a crime, including those who have fled persecution or who cannot be deported because they would be tortured if returned.

Saying that this policy will stop illegal immigration or meet our employment needs or fix the immigration bureaucracy is patently ridiculous. This is a political game that I refuse to play. I vote ''no''.

Mr. LANGEVIN. Mr. Chairman, today I rise in strong opposition to H.R. 4437, the Border Security, Antiterrorism, and Illegal Immigration Control Act. This bill is not about border security or terrorism prevention, as the name implies. H.R. 4437 is a one-sided, mean-spirited approach that will not solve our nation's immigration problems. The Republicans are so fearful of real reform that they did not even allow a vote on the President's own guestworker program or a bipartisan comprehensive border security and immigration plan, such as the Kolbe-Gutierrez bill. Instead, we are stuck voting on a bill that is opposed by almost every reasonable business, labor, civil liberties, and religious advocacy group in the country, and which has no chance of passage in the Senate.

For our own security, it is of vital importance to know who is entering our country and who is here. Our current border policy of ''catch and release'' is not working. We need real security, but we also need to address the eight to fourteen million undocumented immigrants currently in our country.

I am disappointed that this bill veers away from the bipartisan approach that we took in the Homeland Security Committee. While our bill was not perfect, Chairman KING and Ranking Member THOMPSON were able to draft a proposal the entire Committee could support. During markup, I was pleased the Committee accepted my amendment to require radiation portal monitors to be installed at ports of entry within one year. This is an example of a common-sense measure that protects all Americans from the risk of terrorists smuggling nuclear weapons across our border. While this provision is included in H.R. 4437, the bill before us today also includes several egregious provisions that do very little to keep us safe from terrorists.

Should this bill become law, millions of undocumented immigrants, including young children, already in our country will automatically become felons, subject to imprisonment. Aside from the cost of tracking down these newly charged felons, who will be entitled to a government funded public defender, and jailing them, we must also consider the economic and social costs to our country.

Many undocumented immigrants play an important role in certain industries that depend on temporary or seasonal work. Their vital role in the economy explains why this bill is opposed by every major business group. For this reason, Democrats and the President support a temporary guestworker proposal, but this bill contains no such acknowledgement of our country's economic needs.

Instead, under H.R. 4437, these immigrants would never be eligible for any guestworker program like the one requested by the President. People who have been living, working, paying taxes, and raising families in our country for 20 years, will now be pushed into a new underclass. Many of these families have children who are U.S. Citizens. Not only will this bill tear families apart, but by defining illegal immigrants as felons, this legislation could also create a backlash against anyone who appears to be of foreign origin, most of whom are here legally.

In addition, the bill criminalizes assistance to undocumented immigrants, even if provided by church or non-profit volunteers. Now, if a person shows up at a church's doorstep hungry, the church will provide that person something to eat. However, under the terms of this bill, if that person happens to be an undocumented immigrant, the person who provided the food will be subject to up to 5 years in prison, and the church would have its property seized and sold to the highest bidder. These kinds of punitive responses do not represent the values of the American people.

We need comprehensive immigration reform in the mold of H.R. 2330, the Secure America and Orderly Immigration Act, which I am proud to support. This bill would secure our borders, require immigration status verification by employers, and create a path to citizenship for currently undocumented workers, while not penalizing those who are patiently waiting for legal entry to our country. This type of reform addresses the fact that it is unrealistic to track down and deport every undocumented immigrant, but it others from entering our country illegally in the future. Unfortunately, the House leadership did not permit so much as a vote on this measure, as they knew it would likely pass, and their conservative base would be upset by real reform.

This bill before us today is a farce. The leaders of the House know that this bill will never see the light of day in the Senate. They have given us an unrealistic proposal to gain favor with their most vocal supporters. Their bill is so outlandish that it is opposed by nearly every advocacy group in the country: from the AFL-CIO to the U.S. Chamber of Commerce, and ACLU to Americans for Tax Reform. I cannot think of another measure where these groups were united. I urge my colleagues to join me in opposing H.R. 4437 and instead support comprehensive immigration reform.

Mr. ISTOOK. Mr. Chairman, although I cannot be present for the final vote, I support and have co-sponsored H.R. 4437, to improve America's border security dramatically.

I am absent so that I can be at my daughter's wedding. It was scheduled long ago, when nobody expected that the House would be in session at this time.

As the grandson of immigrants, I have a deep and personal appreciation for the desire and courage it takes to leave your home in search of a new and better life. My father's parents were born in Hungary and they came to America legally through Ellis Island. I welcome and embrace those who come here and who do so legally.

But entering our country illegally is different—very different. It is difficult to obey the laws of this country when your very first act is to break them. Illegal immigration is an affront to those who wait patiently for the chance to come here legally. Illegal immigration drains the resources of our schools and of our social support network. It encourages disrespect for the laws which are necessary for a good and orderly society.

This bill represents the first serious effort in decades to address this immense problem which has constantly worsened due to a lack of resources, a lack of resolve and a lack of enforcement of our laws. When our borders are not secure against illegal immigration, it means they also are not secure against drug-smuggling or against terrorists. This bill adopts a unified approach to border security that protects us against all those threats. It also deters illegal entry by helping us to detect the millions who are already here wrongfully. It enlists employers in the common-sense effort to deny work to Illegals, thus motivating them to return to their own country.

Everyone sympathizes with those who lack opportunity in their home country and who hope to find it here. But the long-term solution is not to have the whole world arrive at our doorstep. If other nations would adopt America's principles—including free-enterprise, constitutionally-protected freedoms, and government by the people—they could create prosperity in their own lands. Those countries need hard-working citizens who will change their societies, and we should help them with policies that encourage reforms in their countries. Meantime, the American people expect and deserve that we will protect our Nation by passing this bill.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIRK) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, pursuant to House Resolution 621, he reported the bill, as amended pursuant to House Resolution 610, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. REYES

Mr. REYES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. REYES. Yes, I am, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Reyes moves to recommit the bill, H.R. 4437, to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Border Security and Terrorism Prevention Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) STATE.—The term ''State'' has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

TITLE I—SECURING UNITED STATES BORDERS

SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers; and

(3) increasing deployment of United States Customs and Border Protection personnel to areas along the international land and maritime borders of the United States where there are high levels of unlawful entry by aliens and other areas likely to be impacted by such increased deployment.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term ''operational control'' means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) SURVEILLANCE PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) The identification of any obstacles that may impede full implementation of such deployment.

(6) A detailed estimate of all costs associated with the implementation of such deployment and continued maintenance of such technologies.

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(b) NATIONAL STRATEGY FOR BORDER SECURITY.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a National Strategy for Border Security to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States. The Secretary shall update the Strategy as needed and shall submit to the Committee, not later than 30 days after each such update, the updated Strategy. The National Strategy for Border Security shall include the following:

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

(A) preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) protecting critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(6) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations with respect to how the Department of Homeland Security can improve coordination with such authorities, to enable border security enforcement to be carried out in an efficient and effective manner.

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of legitimate travel and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States in accordance with the National Strategy for Border Security required under this subsection .

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) CONSULTATION.—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

(1) State, local, and tribal authorities along the international land and maritime borders of the United States; and

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security described in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

(e) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States pursuant to section 101 of this Act or any other provision of law.

(f) REPORTING OF IMPLEMENTING LEGISLATION.—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY AGREEMENTS.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

(b) UPDATES.—The Secretary shall regularly update the Committee concerning such implementation.

SEC. 104. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

SEC. 105. ONE FACE AT THE BORDER INITIATIVE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

(4) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 106. SECURE COMMUNICATION.

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications, as the Secretary determines necessary; and

(4) between all appropriate Department of Homeland Security border security agencies and State, local, and tribal law enforcement agencies.

SEC. 107. BORDER PATROL AGENTS.

(a) INCREASE IN BORDER PATROL AGENTS.—To provide the Department of Homeland Security with the resources it needs to carry out its mission and responsibility to secure United States ports of entry and the international land and maritime borders of the United States and the Secretary of Homeland Security shall increase by not less than 3,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty border patrol agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

(b) ASSOCIATED COSTS.—There are authorized to be appropriated to the Secretary of Homeland Security such funds for fiscal years 2007 through 2010 as may be necessary to pay the costs associated with—

(1) the number of mission or operational support staff needed;

(2) associated relocation costs;

(3) required information technology enhancements; and

(4) costs to train such new hires.

SEC. 108. COAST GUARD ENFORCEMENT PERSONNEL.

The Secretary of Homeland Security shall increase by not less than 2,500 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty Coast Guard personnel, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 109. IMMIGRATION ENFORCEMENT AGENTS.

The Secretary of Homeland Security shall increase by not less than 2,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty immigration enforcement agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 110. PORT OF ENTRY INSPECTION PERSONNEL.

There are authorized to be appropriated to the Secretary of Homeland Security—

(1) $107,000,000 for fiscal year 2007 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2006;

(2) $154,000,000 for fiscal year 2008 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2007;

(3) $198,000,000 for fiscal year 2009 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2008; and

(4) $242,000,000 for fiscal year 2010 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2009.

SEC. 111. CANINE DETECTION TEAMS.

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

SEC. 112. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) REPORT BY INSPECTOR GENERAL.—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) REPORT BY SECRETARY.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

SEC. 113. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Department of Homeland Security to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how the curriculum has changed since September 11, 2001.

(2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year and reducing the per agent costs of basic training; and

(B) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 114. AIRSPACE SECURITY MISSION IMPACT REVIEW.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the ''NCR'') will have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

SEC. 115. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.

(a) IN GENERAL.—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

(1) the result of unlawful entry of aliens; and

(2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

(b) VALUE OF REIMBURSEMENTS.—Reimbursements for submitted damages as outlined in subsection (a) shall not exceed the value of the private infrastructure prior to damage.

(c) REPORTS.—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated an initial $50,000 for each fiscal year to carry out this section.

SEC. 116. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2006, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 117. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

SEC. 118. COLLECTION OF DATA.

Beginning on October 1, 2006, the Secretary of Homeland Security shall annually compile data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and subsequently are admitted into the United States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

SEC. 119. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.

(a) DEPLOYMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall deploy radiation portal monitors at all United States ports of entry and facilities as determined by the Secretary to facilitate the screening of all inbound cargo for nuclear and radiological material.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary for each of fiscal years 2006 and 2007.

SEC. 120. SENSE OF CONGRESS REGARDING THE SECURE BORDER INITIATIVE.

It is the sense of Congress that—

(1) as the Secretary of Homeland Security develops and implements the Secure Border Initiative and other initiatives to strengthen security along the Nation's borders, the Secretary shall conduct extensive outreach to the private sector, including small, minority-owned, women-owned, and disadvantaged businesses; and

(2) the Secretary also shall consult with firms that are practitioners of mission effectiveness at the Department of Homeland Security, homeland security business councils, and associations to identify existing and emerging technologies and best practices and business processes, to maximize economies of scale, cost-effectiveness, systems integration, and resource allocation, and to identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

SEC. 121. REPORT REGARDING ENFORCEMENT OF CURRENT EMPLOYMENT VERIFICATION LAWS.

The Secretary of Homeland Security shall issue a biannual report regarding the Federal employment verification laws that were enacted in 1986, as amended, the efforts of the Department of Homeland Security to sanction employers for knowingly hiring unauthorized workers, and an assessment of the impact of enhanced removal authorities sought by the Department.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES BORDER SURVEILLANCE AND SUPPORT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Defense shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

(2) the joint strategic plan developed pursuant to subsection (a);

(3) a description of the types of equipment and other support to be provided by the Department of Defense under the joint strategic plan during the one-year period beginning after submission of the report under this subsection; and

(4) a description of how the Department of Homeland Security and the Department of Defense are working with the Department of Transportation on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 202. BORDER SECURITY ON PROTECTED LAND.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

(2) testing and evaluating the capacity of the United States to anticipate, detect, and disrupt threats to the integrity of United States borders; and

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee to be known as the Border Security Advisory Committee (in this section referred to as the ''Committee'').

(b) DUTIES.—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

(c) MEMBERSHIP.—The Secretary shall appoint members to the Committee from the following:

(1) State and local government representatives from States located along the international land and maritime borders of the United States.

(2) Community representatives from such States.

(3) Tribal authorities in such States.

SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECURITY.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) ACTIVITIES OF THE CENTER.—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION WITH INDIAN NATIONS.

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

(2) as the Department of Homeland Security develops a National Strategy for Border Security, it should take into account the needs and missions of each agency that has a stake in border security and strive to ensure that these agencies work together cooperatively on issues involving Tribal lands.

TITLE III—DETENTION AND REMOVAL

SEC. 301. ENHANCED DETENTION CAPACITY.

To avoid a return to the ''catch and release'' policy and to address long-standing

shortages of available detention beds, and to further authorize the provisions of section 5204 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108–458), there are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for each of fiscal years 2007 through 2010 to increase by 25,000 for each fiscal year the number of funded detention bed spaces.

SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFICERS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to add 250 detention and removal officers for each of fiscal years 2007 through 2010.

SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention.

SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR UNLAWFUL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) CRITERIA FOR SELECTION.—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRIATION.

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

SEC. 306. TRAINING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

(1) review and evaluate the training provided to Border Patrol agents and port of entry inspectors regarding the inspection of aliens to determine whether an alien is referred for an interview by an asylum officer for a determination of credible fear;

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

SEC. 307. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States, within 6 months after the date of the enactment of this Act, shall submit to Congress a report on the deaths in custody of detainees held on immigration violations by the Secretary of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

(4) Whether such practice and procedures are sufficient to protect the health and safety of such detainees.

(5) Whether reports of such deaths were made under the Deaths in Custody Act.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

SEC. 401. ENHANCED BORDER SECURITY COORDINATION AND MANAGEMENT.

The Secretary of Homeland Security shall ensure full coordination of border security efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

(3) establish Department of Homeland Security task forces (to include other Federal, State, Tribal and local law enforcement agencies as appropriate) as necessary to better coordinate border enforcement and the disruption and dismantling of criminal organizations engaged in cross-border smuggling, money laundering, and immigration violations;

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

SEC. 402. MAKING OUR BORDER AGENCIES WORK.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(1) in subtitle A, by amending the heading to read as follows: ''**Bureau of Border Security and Customs**'';

(2) by striking section 401 and inserting the following section:

''SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.

''(a) ESTABLISHMENT.—There shall be in the Department of Homeland Security a Bureau of Border Security and Customs (in this section referred to as the 'Bureau').

''(b) COMMISSIONER.—

''(1) IN GENERAL.—The head of the Bureau shall be the Commissioner of Border Security and Customs (in this section referred to as the 'Commissioner'). The Commissioner shall report directly to the Secretary.

''(2) APPOINTMENT.—The Commissioner shall be appointed—

''(A) by the President, by and with the advice and consent of the Senate; and

''(B) from individuals who have—

''(i) a minimum of ten years professional experience in law enforcement; and

''(ii) a minimum of ten years of management experience.

''(c) COORDINATION.—Among other duties, the Commissioner shall develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

''(1) coordinating all Federal border security activities;

''(2) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

''(3) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

''(d) ORGANIZATION.—The Bureau shall include five primary divisions. The head of each division shall be an Assistant Commissioner of Border Security and Customs who shall be appointed by the Secretary of Homeland Security. The five divisions and their responsibilities are as follows:

''(1) OFFICE OF IMMIGRATION ENFORCEMENT.—It shall be the responsibility of the Office of Immigration Enforcement to enforce the immigration laws of the United States.

''(2) OFFICE OF CUSTOMS ENFORCEMENT.—It shall be the responsibility of the Office of Customs Enforcement to enforce the customs laws of the United States.

''(3) OFFICE OF INSPECTION.—It shall be the responsibility of the Office of Inspection to conduct inspections at official United States ports of entry and to maintain specialized immigration, customs, and agriculture secondary inspection functions.

''(4) OFFICE OF BORDER PATROL.—It shall be the responsibility of the Office of Border Patrol to secure the international land and maritime borders of the United States between ports of entry.

''(5) OFFICE OF MISSION SUPPORT.—It shall be the responsibility of the Office of Mission Support to provide assistance to the Bureau, including all offices of the Bureau, and additional agencies as determined appropriate by the Secretary. The Office shall include, at a minimum, detention and removal functions, intelligence functions, and air and marine support.

''(e) REORGANIZATION.—The reorganization authority described in section 872 shall not apply to this section.'';

(3) in section 402, in the matter preceding paragraph (1), by striking ''acting through the Under Secretary for Border and Transportation Security,'' and inserting ''acting through the Commissioner of Border Security and Customs,''; and

(4) by inserting after section 403 the following new section:

''SEC. 404. TRANSFER.

''The Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, created pursuant to the 'Reorganization Plan Modification for the Department of Homeland Security' submitted to Congress as required under section 1502, is hereby transferred into the Bureau of Border Security and Customs, established pursuant to section 401.''.

(b) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the item related to section 401 and inserting the following item:

''Sec. 401. Bureau of Border Security and Customs.''

; and

(2) by inserting after the item relating to section 403 the following new item:

''Sec. 404. Transfer.''.

(c) SHADOW WOLVES TRANSFER.—

(1) TRANSFER OF EXISTING UNIT.—In conjunction with the creation of the Bureau of Border Security and Customs under section 401 of the Homeland Security Act of 2002, as amended by section 201(a) of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (commonly known as the ''Shadow Wolves'' unit).

(2) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish Shadow Wolves units within both the Office of Immigration Enforcement and Office of Customs Enforcement in the Bureau of Border Security and Customs.

(3) DUTIES.—The Customs Patrol Officer unit transferred pursuant to paragraph (1), and additional units established pursuant to paragraph (2), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(4) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this subsection shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security's Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(5) SUPERVISORS.—The Shadow Wolves unit created within the Office of Immigration Enforcement shall be supervised by a Chief Immigration Patrol Officer. The Shadow Wolves unit created within the Office of Customs Enforcement shall be supervised by a Chief Customs Patrol Officer. Each such Officer shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) TRANSPORTATION SECURITY ADMINISTRATION.—Section 424(a) of the Homeland Security Act of 2002 (6 U.S.C. 234(a)) is amended by striking ''under the Under Secretary for Border Transportation and Security''.

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430 of such Act (6 U.S.C. 238) is amended—

(A) in subsection (a), by striking ''The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.'' and inserting ''There shall be in the Department an Office for Domestic Preparedness.''; and

(B) in subsection (b), in the second sentence, by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Secretary of Homeland Security''.

(3) BUREAU OF BORDER SECURITY.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 402 (6 U.S.C. 202)—

(i) in the matter preceding paragraph (1), by striking '', acting through the Under Secretary for Border and Transportation Security,'';

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

''(8) Administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and using such information to carry out the enforcement functions of the Bureau.'';

(B) by inserting after section 404 (as added by section 102(a)(4) of this Act) the following new sections:

''SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.

''(a) IN GENERAL.—There shall be a position of Chief of Immigration Policy and Strategy for the Bureau of Border Security and Customs.

''(b) FUNCTIONS.—In consultation with Bureau of Border Security and Customs personnel in local offices, the Chief of Immigration Policy and Strategy shall be responsible for—

''(1) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

''(2) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services (established under subtitle E), as appropriate.

''SEC. 406. IMMIGRATION LEGAL ADVISOR.

''There shall be a principal immigration legal advisor to the Commissioner of the Bureau of Border Security and Customs. The immigration legal advisor shall provide specialized legal advice to the Commissioner of the Bureau of Border Security and Customs and shall represent the Bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.''; and

(C) by striking section 442 (6 U.S.C. 252) and redesignating sections 443 through 446 as sections 442 through 445, respectively.

(4) CONFORMING AMENDMENTS.—

(A) BUREAU OF BORDER SECURITY AND CUSTOMS.—Each of the following sections of the Homeland Security Act of 2002 is amended by inserting ''and Customs'' after ''Border Security'' each place it appears:

(i) Section 442, as redesignated by subsection (c)(3).

(ii) Section 443, as redesignated by subsection (c)(3).

(iii) Section 444, as redesignated by subsection (c)(3).

(iv) Section 451 (6 U.S.C. 271).

(v) Section 459, (6 U.S.C. 276).

(vi) Section 462 (6 U.S.C. 279).

(vii) Section 471 (6 U.S.C. 291).

(viii) Section 472 (6 U.S.C. 292).

(ix) Section 474 (6 U.S.C. 294).

(x) Section 475 (6 U.S.C. 295).

(xi) Section 476 (6 U.S.C. 296).

(xii) Section 477 (6 U.S.C. 297).

(B) COMMISSIONER OF THE BUREAU OF BORDER SECURITY AND CUSTOMS.—The Homeland Security Act of 2002 is amended—

(i) in section 442, as redesignated by subsection (c)(3), in the matter preceding paragraph (1), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Commissioner of Border Security and Customs'';

(ii) in section 443, as redesignated by subsection (c)(3), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Commissioner of Border Security and Customs'';

(iii) in section 451(a)(2)(C) (6 U.S.C. 271(a)(2)(C)), by striking ''Assistant Secretary'' and inserting ''Commissioner'';

(iv) in section 459(c) (6 U.S.C. 276(c)), by striking ''Assistant Secretary'' and inserting ''Commissioner''; and

(v) in section 462(b)(2)(A) (6 U.S.C. 279(b)(2)(A)), by striking ''Assistant Secretary'' and inserting ''Commissioner''.

(5) REFERENCE.—Any reference to the Bureau of Border Security in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Bureau is deemed to refer to the Bureau of Border Security and Customs.

(6) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting after the item relating to section 404 (as added by section 102(b)(2) of this Act) the following new items:

''Sec. 405. Chief of Policy and Strategy.
''Sec. 406. Legal advisor.'';

(B) by striking the item related to section 442; and

(C) by redesignating the items relating to sections 443 through 446 as items relating to sections 442 through 445, respectively.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

SEC. 501. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 502. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than

100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 503. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a ''panic button'' and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. 504. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 505. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all Federal law enforcement personnel working in every area in which United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times.

SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued, when on patrol, a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 507. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and regularly maintained to enable each United States Border Patrol agent patrolling during the hours of darkness to be equipped with a portable night vision device.

SEC. 508. BODY ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. All body armor shall be replaced at least once every five years.

SEC. 509. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the policies of the Department of Homeland Security allow all such officers to carry weapons selected from a Department approved list that are suited to the potential threats that such officers face.

Subtitle B—Human Capital Enhancements To Improve the Recruitment and Retention of Border Security Personnel

SEC. 511. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

''(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

''(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

''(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.''.

SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(A) Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking ''and'' at the end of subparagraph (C), and by adding at the end the following:

''(E) an employee (not otherwise covered by this paragraph)—

''(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

''(ii) who is authorized to carry a firearm; and

''(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;''.

(B) CONFORMING AMENDMENT.—Section 8401(17)(C) of title 5, United States Code, is amended by striking ''(A) and (B)'' and inserting ''(A), (B), (E), and (F)''.

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after ''position.'' (in the matter before subparagraph (A)) the following: ''For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).''.

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) LAW ENFORCEMENT OFFICER AND SERVICE DESCRIBED.—

(A) LAW ENFORCEMENT OFFICER.—Any reference to a law enforcement officer described in this paragraph refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by subsection (a).

(B) SERVICE.—Any reference to service described in this paragraph refers to service performed as a law enforcement officer (as described in this paragraph).

(2) INCUMBENT DEFINED.—For purposes of this subsection, the term ''incumbent'' means an individual who—

(A) is first appointed as a law enforcement officer (as described in paragraph (1)) before the date of the enactment of this Act; and

(B) is serving as such a law enforcement officer on such date.

(3) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—Service described in paragraph (1) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which subparagraph (B) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under subparagraph (B).

(B) RETIREMENT.—Service described in paragraph (1) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—An individual who makes an election under paragraph (3)(B) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by subsection (a) had then been in effect.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(C) PRIOR SERVICE DEFINED.—For purposes of this subsection, the term ''prior service'' means, with respect to any individual who makes an election under paragraph (3)(B), service (described in paragraph (1)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(5) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (3)(B), the agency in or under which that individual was serving at the time of any prior service (referred to in paragraph (4)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to such service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had then been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in paragraph (4)(C).

(6) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in paragraph (1)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(7) REGULATIONS.—The Office shall prescribe regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (4) or (5) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) satisfies subparagraph (A) (but not subparagraph (B)) of paragraph (2); and

(II) serves as a law enforcement officer (as described in paragraph (1)) after the date of the enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under clause (i), who dies before making an election under paragraph (3)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to apply in the case of a reemployed annuitant.

SEC. 514. INCREASE UNITED STATES BORDER PATROL AGENT AND INSPECTOR PAY.

Effective as of the first day of the first applicable pay period beginning on the date that is one year after the date of the enactment of this Act, the highest basic rate of pay for a journey level United States Border Patrol agent or immigration, customs, or agriculture inspector within the Department of Homeland Security whose primary duties consist of enforcing the immigration, customs, or agriculture laws of the United States shall increase from the annual rate of basic pay for positions at GS–11 of the General Schedule to the annual rate of basic pay for positions at GS–12 of the General Schedule.

SEC. 515. COMPENSATION FOR TRAINING AT FEDERAL LAW ENFORCEMENT TRAINING CENTER.

Official training, including training provided at the Federal Law Enforcement Training Center, that is provided to a customs officer or canine enforcement officer (as defined in subsection (e)(1) of section 5 of the Act of February 13, 1911 (19 U.S.C. 267), or to a customs and border protection officer shall be deemed work for purposes of such section. If such training results in the officer performing work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day, the officer shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer, in accordance with subsection (a)(1) of such section. Such compensation shall apply with respect to such training provided to such officers on or after January 1, 2002. Not later than 60 days after the date of the enactment of this Act, such compensation shall be provided to such officers, together with any applicable interest, calculated in accordance with section 5596(b)(2) of title 5, United States Code.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

SEC. 531. INCREASE IN FULL TIME UNITED STATES CUSTOMS AND BORDER PROTECTION IMPORT SPECIALISTS.

(a) IN GENERAL.—The number of full time United States Customs and Border Protection non-supervisory import specialists in the Department of Homeland Security shall be not less than 1,080 in fiscal year 2007.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to fund these positions and related expenses including training and support.

SEC. 532. CERTIFICATIONS RELATING TO FUNCTIONS AND IMPORT SPECIALISTS OF UNITED STATES CUSTOM AND BORDER PROTECTION.

(a) FUNCTIONS.—The Secretary of Homeland Security shall annually certify to Congress, that, pursuant to paragraph (1) of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) the Secretary has not consolidated, discontinued, or diminished those functions described in paragraph (2) of such section that were performed by the United States Customs Service, or reduced the staffing level or reduced resources attributable to such functions.

(b) NUMBER OF IMPORT SPECIALISTS.—The Secretary of Homeland Security shall annually certify to Congress that, in accordance with the requirement described in section 302(a), the number of full time non-supervisory import specialists employed by United States Customs and Border Protection is at least 1,080.

SEC. 533. EXPEDITED TRAVELER PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expedited travel programs of the Department of Homeland Security should be expanded to all major United States ports of entry and participation in the pre-enrollment programs should be strongly encouraged. These programs assist frontline officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks. This will permit border control officers to focus more closely on unknown travelers, potential criminals, and terrorists.

(b) MONITORING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall monitor usage levels of all expedited travel lanes at United States land border ports of entry.

(2) FUNDING FOR STAFF AND INFRASTRUCTURE.—If the Secretary determines that the usage levels referred to in paragraph (1) exceed the capacity of border facilities to provide expedited entry and exit, the Secretary shall submit to Congress a request for additional funding for increases in staff and improvements in infrastructure, as appropriate, to enhance the capacity of such facilities.

(c) EXPANSION OF EXPEDITED TRAVELER SERVICES.—The Secretary of Homeland Security shall—

(1) open new enrollment centers in States that do not share an international land border with Canada or Mexico but where the Secretary has determined that a large demand for expedited traveler programs exist;

(2) reduce fee levels for the expedited traveler programs to encourage greater participation; and

(3) cooperate with the Secretary of State in the public promotion of benefits of the expedited traveler programs of the Department of Homeland Security.

(d) REPORT ON EXPEDITED TRAVELER PROGRAMS.—The Secretary of Homeland Security shall, on biannually in 2006, 2007, and 2008, submit to Congress a report on participation in the expedited traveler programs of the Department of Homeland Security.

(e) INTEGRATION AND INTEROPERABILITY OF EXPEDITED TRAVELER PROGRAM DATABASES.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a plan to full integrate and make interoperable the databases of all of the expedited traveler programs of the Department of Homeland Security, including NEXUS, AIR NEXUS, SENTRI, FAST, and *Register Traveler*.

TITLE VI—ENSURING PROPER SCREENING

SEC. 601. US-VISIT OVERSIGHT TASK FORCE.

(a) IN GENERAL.—In order to assist the Secretary of Homeland Security to complete the planning and expedited deployment of US-VISIT, as described in section 7208 of such Act, and consistent with the findings of the National Commission on Terrorist Attacks upon the United States, the Secretary shall convene a task force.

(b) COMPOSITION.—The task force shall be composed of representatives from private sector groups with an interest in immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, the environment, and other affected industries and areas of interest. Members of the task force shall be appointed by the Secretary for the life of the task force.

(c) DUTIES.—The task force shall advise and assist the Secretary regarding ways to make US-VISIT a secure and complete system to track visitors to the United States.

(d) REPORT.—Not later than December 31, 2006, and annually thereafter that the task force is in existence, the task force shall submit to the House Committee on Homeland Security and the Committee on Homeland Security and Government Reform of the Senate a report containing the findings, conclusions, and recommendations of the task force with respect to making US-VISIT a secure and complete system, in accordance with paragraph (3). The report shall also measure and evaluate the progress the task force has made in providing a framework for completion of the US-VISIT program, an estimation of how long any remaining work will take to complete, and an estimation of the cost to complete such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subsection.

SEC. 602. VERIFICATION OF SECURITY MEASURES UNDER THE CUSTOMS–TRADE PARTNERSHIP AGAINST TERRORISM (C–TPAT) PROGRAM AND THE FREE AND SECURE TRADE (FAST) PROGRAM.

(a) GENERAL VERIFICATION.—Not later than one year after the date of the enactment of this Act, and on a biannual basis thereafter,

the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall verify on-site the security measures of each individual and entity that is participating in the Customs–Trade Partnership Against Terrorism (C–TPAT) program and the Free And Secure Trade (FAST) program.

(b) POLICIES FOR NONCOMPLIANCE WITH C–TPAT PROGRAM REQUIREMENTS.—The Commissioner shall establish policies for noncompliance with the requirements of the C–TPAT program by individuals and entities participating in the program, including probation or expulsion from the program, as appropriate.

SEC. 603. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term ''passenger'' includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, or computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

SEC. 701. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 702. REESTABLISHMENT OF THE UNITED STATES BORDER PATROL ANTI-SMUGGLING UNIT.

The Secretary of Homeland Security shall reestablish the Anti-Smuggling Unit within the Office of United States Border Patrol, and shall immediately staff such office with a minimum of 500 criminal investigators selected from within the ranks of the United States Border Patrol. Staffing levels shall be adjusted upward periodically in accordance with workload requirements.

SEC. 703. NEW NONIMMIGRANT VISA CLASSIFICATION TO ENABLE INFORMANTS TO ENTER THE UNITED STATES AND REMAIN TEMPORARILY.

(a) IN GENERAL.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the comma at the end and inserting ''; or'';

(3) by inserting after clause (ii) the following:

''(iii) who the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines—

''(I) is in possession of critical reliable information concerning a commercial alien smuggling organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully;

''(II) is willing to supply or has supplied such information to a Federal or State court; or

''(III) whose presence in the United States the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines is essential to the success of an authorized criminal investigation, the successful prosecution of an individual involved in the commercial alien smuggling organization or enterprise, or the disruption of such organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully.'';

(4) by inserting '', or with respect to clause (iii), the Secretary of Homeland Security, the Secretary of State, or the Attorney General'' after ''jointly''; and

(5) by striking ''(i) or (ii)'' and inserting ''(i), (ii), or (iii)''.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(k) (8 U.S.C. 1184(k)) is amended

(1) by adding at the end of paragraph (1) the following: ''The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(iii) in any fiscal year may not exceed 400.''; and

(2) by adding at the end the following:

''(5) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a nonimmigrant described in clause (iii) of section 101(a)(15)(S), or that of any family member of such a nonimmigrant who is provided nonimmigrant status pursuant to such section, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.''.

SEC. 704. ADJUSTMENT OF STATUS WHEN NEEDED TO PROTECT INFORMANTS.

Section 245(j) (8 U.S.C. 1255(j)) is amended—

(1) in paragraph (3), by striking ''(1) or (2),'' and inserting ''(1), (2), (3), or (4),'';

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

''(3) if, in the opinion of the Secretary of Homeland Security, the Secretary of State, or the Attorney General—

''(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) has supplied information described in subclause (I) of such section; and

''(B) the provision of such information has substantially contributed to the success of a commercial alien smuggling investigation or an investigation of the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully, the disruption of such an enterprise, or the prosecution of an individual described in subclause (III) of that section,

the Secretary of Homeland Security may adjust the status of the alien (and the spouse, children, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(4) The Secretary of Homeland Security may adjust the status of a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) (and the spouse, children, married and unmarried sons and daughters, and parents of the nonimmigrant if admitted under that section) to that of an alien lawfully admitted for permanent residence on the basis of a recommendation of the Secretary of State or the Attorney General.''; and

(4) by adding at the end the following:

''(6) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a person whose status is adjusted under this subsection must be protected, such official may take such lawful action as the official considers necessary to effect such protection.''.

SEC. 705. REWARDS PROGRAM.

(a) REWARDS PROGRAM.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

''(e) REWARDS PROGRAM.—

''(1) IN GENERAL.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

''(2) PURPOSE.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

''(3) ADMINISTRATION.—The rewards program shall be administered by the Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

''(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

''(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

''(B) the arrest or conviction of any individual committing such an act;

''(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

''(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

''(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

''(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

''(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

''(8) LIMITATIONS AND CERTIFICATION.—

''(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed $100,000, except as personally authorized by the Secretary of Homeland Security.

''(B) APPROVAL.—Any reward under this subsection exceeding $50,000 shall be personally approved by the Secretary of Homeland Security.

''(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.''.

SEC. 706. OUTREACH PROGRAM.

Section 274 (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

''(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about—

''(1) the penalties for—

''(A) bringing in and harboring aliens in violation of this section; and

''(B) participating in a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully; and

''(2) the financial rewards and other incentives available for assisting in the investigation, disruption, or prosecution of a commercial smuggling operation or a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully.''.

SEC. 707. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.

(a) In General.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

(3) Convert the information into reports that will provide guidance for government officials on identifying fraudulent documents being used to enter or to remain in the United States unlawfully.

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

SEC. 711. SHORT TITLE.

This Act may be cited as the ''Northern Border Prosecution Initiative Reimbursement Act''.

SEC. 712. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible northern border entity'' means—

(A) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term ''federally initiated'' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term ''federally declined-referred'' means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term ''case disposition'', for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

SEC. 713. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years after fiscal year 2006.

Subtitle C—Criminal Aliens

SEC. 721. REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Department of Homeland Security shall locate

and remove all criminal aliens who have been ordered deported as of such enactment date.

(b) CONTINUATION AND EXPANSION OF INSTITUTIONAL REMOVAL PROGRAM.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, under section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)), which identifies removable criminal aliens serving sentences in Federal and State correctional facilities for crimes set forth in section 238(a)(1) of such Act , ensures such aliens are not released into the community, and removes such aliens from the United States upon completion of their sentences. The Institutional Removal Program shall be designed in accordance with section 238(a)(3) of such Act such that removal proceedings may be initiated and, to the extent possible, completed before completion of a criminal sentence.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States. The Attorney General and Secretary of Homeland Security shall increase the personnel for such program by 750 full-time equivalent personnel for fiscal years 2007 through 2010.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide training and technical assistance to State and local correctional officers about the Institutional Removal Program, the roles and responsibilities of Federal immigration authorities in identifying and removing criminal aliens pursuant to section 238(a)(3) of the Immigration and Nationality Act, and methods for communicating between State and local correctional facilities and the Federal immigration agents responsible for removals.

(4) COOPERATION, IDENTIFICATION, AND NOTIFICATION .—Any State that receives federal funds pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) shall—

(A) cooperate with Federal Institutional Removal Program officials in carrying out criminal alien removals pursuant to section 238(a)(1) of such Act ;

(B) permit Federal agents to expeditiously and systematically identify such aliens designated under such section serving criminal sentences in State and local correctional facilities; and

(C) facilitate the transfer of such aliens to Federal custody as a condition for receiving such funds.

(5) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the extent necessary in order to make the Institutional Removal Program available to facilities in remote locations. The purpose of such technology shall be to ensure inmate access to consular officials, and to permit federal officials to screen inmates for deportability pursuant to section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)). Use of technology should in no way impede or interfere with an individual's right to access to legal counsel, full and fair immigration proceedings, and due process.

(6) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress on the participation of States in the Institutional Removal Program. The report should also evaluate the extent to which States and localities submit qualified requests for reimbursement pursuant to section 241(i) of the Immigration and National Act, but do not receive compensatory funding for lack of appropriations.

(7) AUTHORIZATION OF APPROPRIATIONS .—There are authorized to be appropriated to carry out the institutional removal program—

(A) $100,000,000 for fiscal year 2007;

(B) $115,000,000 for fiscal year 2008;

(C) $130,000,000 for fiscal year 2000; and

(D) $145,000,000 for fiscal year 2010.

SEC. 722. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

(a) IN GENERAL.—Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON USE OF FUNDS.—Section 241(i) of such Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) There are authorized to be appropriated to carry out this subsection $500,000,000 for fiscal year 2006 and $1,000,000,000 for each of the succeeding ten fiscal years.

''(6) Amounts appropriated pursuant to paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

SEC. 723. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

(2) by striking subsections (c) through (e) and inserting the following:

''(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

''(d) DEFINITIONS.—As used in this section:

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).''.

SEC. 724. ICE STRATEGY AND STAFFING ASSESSMENT.

(a) IN GENERAL.—Not later than December 31 of each year, the Secretary of Homeland Security shall submit to the Government Accountability Office and the appropriate congressional committees (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written report describing its strategy for deploying human resources (including investigators and support personnel) to accomplish its border security mission.

(b) REVIEW.—Not later than 90 days after receiving any report under subsection (a), the Government Accountability Office shall submit to each appropriate congressional committee (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written evaluation of such report, including recommendations pertaining to how U.S. Immigration and Customs Enforcement could better deploy human resources to achieve its border security mission through legislative or administrative action.

SEC. 725. CONGRESSIONAL MANDATE REGARDING PROCESSING OF CRIMINAL ALIENS WHILE INCARCERATED.

The Secretary of Homeland Security shall work with prisons in which criminal aliens are incarcerated to complete their removal or deportation proceeding before such aliens are released from prison and sent to Federal detention.

SEC. 726. INCREASE IN PROSECUTORS AND IMMIGRATION JUDGES AND UNITED STATES MARSHALS.

(a) IMMIGRATION JUDGE INCREASE.—The Executive Office for Immigration Review in the Department of Justice shall increase the number of immigration judges by not less than 75 judges for each of fiscal years 2007 through 2010.

(b) US ATTORNEY OFFICE INCREASE.—The Department of Justice shall dedicate an additional 100 attorney positions at offices of the United States Attorney in the States of Arizona, New Mexico, and Texas for the enforcement of immigration law and create a supervisory staff position to coordinate the enforcement activities in each of fiscal years 2007 through 2010.

(c) US MARSHALL INCREASE.—The Department of Justice shall provide for an increase of 250 United States Marshals to provide support for border patrol agents in each of fiscal years 2007 through 2010.

Subtitle D—Operation Predator

SEC. 731. DIRECT FUNDING FOR OPERATION PREDATOR.

(a) IN GENERAL.—The Operation Predator initiative of the Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security is responsible for identifying child predators and removing them from the United States if they are subject to deportation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Operation Predator initiative such funds as may be necessary for fiscal year 2006 through fiscal year 2010.

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

SEC. 801. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

In addition to such other sums as are authorized under law, to carry out section 4011(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $20,000,000 for fiscal year 2007 for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

SEC. 802. BIOMETRIC CENTER OF EXCELLENCE.

In addition to such other sums as are authorized under law, to carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated $1,000,000 for fiscal year 2007 for the establishment of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 803. PORTAL DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 44925 of title 49, United States Code, there is authorized to be appropriated to the Secretary

of Homeland Security for the use of the Transportation Security Administration $250,000,000 for fiscal year 2007 for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

SEC. 804. IN-LINE CHECKED BAGGAGE SCREENING.

In addition to such other sums as are authorized under law, to carry out section 4019 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3721), there is authorized to be appropriated for fiscal year 2007 $400,000,000 to carry out the in-line checked baggage screening system installations required by section 44901 of title 49, United States Code.

SEC. 805. CHECKED BAGGAGE SCREENING AREA MONITORING.

In addition to such other sums as are authorized under law, to carry out section 4020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3722), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Under Secretary for Border and Transportation Security such sums as may be necessary for fiscal year 2007 to provide assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view, in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

SEC. 806. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 4024 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44913 note; 118 Stat. 3724), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $100,000,000 for fiscal year 2007 for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.

SEC. 807. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

In addition to such other sums as are authorized under law, to carry out section 4026 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2751 note; 118 Stat. 3724), there is authorized to be appropriated such sums as may be necessary for fiscal year 2007.

SEC. 808. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

In addition to such other sums as are authorized under law, to carry out subsections (a) and (b) of section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated $2,000,000 for fiscal year 2007. Such sums shall remain available until expended.

SEC. 809. AIR CARGO SECURITY.

In addition to such other sums as are authorized under law, to carry out section 4052(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated to the Secretary $100,000,000 for fiscal year 2007 for research and development related to enhanced air cargo security technology, as well as for deployment and installation of enhanced air cargo security technology. Such sums shall remain available until expended.

SEC. 810. FEDERAL AIR MARSHALS.

In addition to such other sums as are authorized under law, to carry out section 4016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note; 118 Stat. 3720), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement $83,000,000 for fiscal year 2007 for the deployment of Federal air marshals under section 44917 of title 49, United States Code. Such sums shall remain available until expended.

SEC. 811. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

In addition to such other sums as are authorized under law, to carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated $25,000,000 for fiscal year 2007 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

SEC. 812. IMMIGRATION SECURITY INITIATIVE.

In addition to such other sums as are authorized under law, to carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a) $40,000,000 for fiscal year 2007.

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

SEC. 821. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on Preventing Terrorist Attacks Upon the United States (in this subtitle referred to as the ''Commission'').

SEC. 822. PURPOSES.

The purposes of the Commission are to examine and report on the changes taken since the terrorist attacks of September 11, 2001 to structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to future terrorist attacks on the United States.

SEC. 823. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before January 30, 2006.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) SENSE OF CONGRESS REGARDING APPOINTMENTS.—It is the Sense of Congress that each individual responsible for appointing a member of the Commission should select one of the individuals who previously served as a member of the National Commission on Terrorist Attacks Upon the United States authorized by Public Law 107–306.

SEC. 824. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with

any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610(a) and (b).

(i) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 825. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 826. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 827. REPORTS OF COMMISSION.

Not later than December 31 of each year after the year of enactment of this Act, the Commission shall make a report to Congress containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 828. FUNDING.

To fulfill the purposes of this subtitle, $10,000,000 is authorized for each fiscal year.

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

SEC. 901. SHORT TITLE.

This title may be cited as the ''Fairness for America's Heros Act''.

SEC. 902. NATURALIZATION THROUGH COMBAT ZONE SERVICE IN ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c)(1) Any person eligible under paragraph (3) who, while an alien or a noncitizen national of the United States, performs active duty in the Armed Forces of the United States in a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c))) shall be admitted to citizenship upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death..

''(2) The executive department issuing the order for the service described in paragraph (1) shall, at the time of such issuance, inform the person of the benefits available under this subsection and of the procedure established by such department for satisfying the requirement of paragraph (3).

''(3) In order to be eligible for naturalization under this subsection, a person shall inform the executive department issuing the order for the service described in paragraph (1) that the person desires to be admitted to citizenship in accordance with this subsection upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

''(4) The appropriate executive department shall notify the Secretary of Homeland Security when a person has been naturalized in accordance with this subsection and of the effective date of such naturalization. The Secretary of Homeland Security, not later than 30 days after receipt of such notification, shall issue to the person a certificate of naturalization reflecting such date and any other information the Secretary determines to be appropriate.''.

SEC. 903. IMMIGRATION BENEFITS FOR SURVIVORS OF PERSONS GRANTED POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE.

Section 329A(e) of the Immigration and Nationality Act (8 U.S.C. 1440–1(e)) is amended to read as follows:

''(e) BENEFITS FOR SURVIVORS.—

''(1) IN GENERAL.—Subject to this subsection, any immigration benefit available under Federal law to a spouse, child, or parent of a citizen of the United States shall be available to a spouse, child, or parent of a person granted posthumous citizenship under this section as if the person's death had not occurred.

''(2) SPOUSE.—For purposes of this Act, a person shall be considered a spouse of a person granted posthumous citizenship under this section if the person was not legally separated from the citizen at the time of the citizen's death.

''(3) CHILDREN.—For purposes of this Act, a person shall be considered a child of a person granted posthumous citizenship under this section if the person would have been considered a child (as defined in section 101(b)(1)) at the time of the citizen's death.

''(4) PARENTS.—For purposes of section 201(b)(2)(A)(i), the requirement that the citizen be at least 21 years of age shall not apply in the case of a parent of a person granted posthumous citizenship under this section.

''(5) SELF-PETITIONS.—For purposes of petitions and applications for immigration benefits required to be filed under this Act on behalf of a spouse, child, or parent by a citizen of the United States, the spouse, child, or parent shall be permitted to self-petition for such benefits as if filed by the person granted posthumous citizenship under this section. Any requirement under this Act for an affidavit of support pursuant to such a petition or application shall be waived.

''(6) NO BENEFITS FOR OTHER RELATIVES.—Nothing in this section or section 319(d) shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection.''.

SEC. 904. EFFECTIVE DATE.

The amendments made by this title shall take effect as if enacted on September 11, 2001.

TITLE X—NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

SEC. 1001. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This title may be cited as the ''Northern Mariana Islands Covenant Implementation Act''.

(b) STATEMENT OF PURPOSE.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intent of Congress in enacting this legislation—

(1) to ensure effective immigration control by extending the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) in full to the Commonwealth of the Northern Mariana Islands, with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth of the Northern Mariana Islands; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands; and

(2) to minimize, to the maximum extent practicable, potential adverse effects the orderly phase-out might have on the economy

of the Commonwealth of the Northern Mariana Islands by—

(A) encouraging diversification and growth of the economy of the Commonwealth of the Northern Mariana Islands, consistent with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the ''Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America'' through consultation with the Governor and other elected officials of the Government of the Commonwealth of the Northern Mariana Islands by Federal agencies and by considering the views and recommendations of those officials in the implementation and enforcement of Federal law by Federal agencies;

(C) assisting the Commonwealth of the Northern Mariana Islands to achieve a progressively higher standard of living for its citizens through the provision of technical and other assistance;

(D) providing opportunities for persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor; and

(E) ensuring the ability of the locally elected officials of the Commonwealth of the Northern Mariana Islands to make fundamental policy decisions regarding the direction and pace of the economic development and growth of the Commonwealth of the Northern Mariana Islands, consistent with the fundamental national values underlying Federal immigration policy.

SEC. 1002. IMMIGRATION REFORM FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) AMENDMENTS TO JOINT RESOLUTION APPROVING THE COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA.—Public Law 94–241 (48 U.S.C. 1801 note; 90 Stat. 263) is amended by adding at the end the following:

''SEC. 6. IMMIGRATION AND TRANSITION.

''(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

''(1) IN GENERAL.—Subject to paragraph (2), effective on the first day of the first full month beginning 1 year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act (referred to in this section as the 'transition program effective date'), the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands.

''(2) TRANSITION PERIOD.—

''(A) IN GENERAL.—There shall be a transition period ending December 31, 2014 (except for subsection (d)(3)(D)), following the transition program effective date, during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program for immigration to the Commonwealth of the Northern Mariana Islands provided in subsections (b), (c), (d), (e), (f), and (i) (referred to in this section as the 'transition program').

''(B) IMPLEMENTATION.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by each agency having responsibilities under the transition program.

''(b) EXEMPTION FROM NUMERICAL LIMITATIONS FOR H–2B TEMPORARY WORKERS.—An alien, if otherwise qualified, may seek admission to the Commonwealth of the Northern Mariana Islands as a temporary worker under section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)) without counting against the numerical limitations established in section 214(g) of that Act (8 U.S.C. 1184(g)).

''(c) TEMPORARY ALIEN WORKERS.—With respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the Immigration and Nationality Act, the transition program shall conform to the following requirements:

''(1) TREATED AS NONIMMIGRANTS.—Aliens admitted under this subsection shall be treated as nonimmigrants under subparagraph (A), (C), (D), (G), (J), (K), or (S) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of that Act (8 U.S.C. 1258), or adjustment of status, if eligible, under this section and section 245 of that Act (8 U.S.C. 1255).

''(2) PERMIT SYSTEM.—

''(A) IN GENERAL.—The Secretary of Labor shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each temporary alien worker who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(B) REDUCTION IN ALLOCATION OF PERMITS.—The permit system shall—

''(i) provide for a reduction in the allocation of permits for workers described in subparagraph (A) on an annual basis, to zero, over a period not to extend beyond December 31, 2014; and

''(ii) take into account the number of petitions granted under subsection (i).

''(C) VALIDITY OF PERMIT.—A permit shall not be valid beyond the expiration of the transition period.

''(D) BASIS OF PERMIT SYSTEM.—The permit system may be based on any reasonable method and criteria determined by the Secretary of Labor to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, taking into consideration the objective of providing as smooth a transition as possible to the full application of Federal law.

''(E) USER FEES.—

''(i) IN GENERAL.—The Secretary of Labor may establish and collect appropriate user fees for the purposes of this section.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected pursuant to this section shall—

''(I) be deposited in a special fund of the Treasury;

''(II) be available, to the extent and in the amounts provided in advance in appropriations Acts, for the purposes of administering this section; and

''(III) remain available until expended.

''(3) VISAS FOR NONIMMIGRANT TEMPORARY ALIEN WORKERS.—

''(A) IN GENERAL.—Subject to subparagraph (B)—

''(i) the Secretary of Homeland Security shall set the conditions for admission of nonimmigrant temporary alien workers under the transition program; and

''(ii) the Secretary of State shall authorize the issuance of nonimmigrant visas for aliens to engage in employment only as authorized in this subsection.

''(B) LIMITATION.—Visas described in subparagraph (A) shall not be valid for admission to the United States (as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38))), except the Commonwealth of the Northern Mariana Islands.

''(C) EMPLOYMENT.—An alien admitted to the Commonwealth of the Northern Mariana Islands on the basis of such a nonimmigrant visa may engage in employment only as authorized pursuant to the transition program.

''(D) PROHIBITION.—No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under paragraph (2) have been met.

''(4) TRANSFER BETWEEN EMPLOYERS.—An alien admitted as a nonimmigrant pursuant to this subsection shall be permitted to transfer between employers in the Commonwealth of the Northern Mariana Islands during the period of the authorized stay of the alien in the Commonwealth, without advance permission of the current or prior employer of the employee, to the extent that the transfer is authorized by the Secretary of Homeland Security in accordance with criteria established by the Secretary and the Secretary of Labor.

''(d) IMMIGRANTS.—

''(1) IN GENERAL.—With the exception of immediate relatives (as defined in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)) and persons granted an immigrant visa under paragraph (2) or (3), aliens shall not be granted initial admission as lawful permanent residents of the United States at a port-of-entry in the Commonwealth of the Northern Mariana Islands or a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands.

''(2) FAMILY-SPONSORED IMMIGRANT VISAS.—For any fiscal year during which the transition program will be in effect, the Secretary of Homeland Security, after consultation with the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, and in consultation with appropriate Federal agencies, may establish a specific number of additional initial admissions as a family-sponsored immigrant at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as authorized by sections 202 and 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(a)).

''(3) EMPLOYMENT-BASED IMMIGRANT VISAS.—

''(A) EXCEPTIONAL CIRCUMSTANCES.—

''(i) IN GENERAL.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor and the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, finds that exceptional circumstances exist with respect to the inability of employers in the Commonwealth of the Northern Mariana Islands to obtain sufficient work-authorized labor, the Secretary of Homeland Security may establish a specific number of employment-based immigrant visas that will not count against the numerical limitations under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

''(ii) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this paragraph.

''(B) ADMISSION AS LAWFUL PERMANENT RESIDENTS.—

''(i) IN GENERAL.—Persons granted employment-based immigrant visas under the transition program may be admitted initially at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-

entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as lawful permanent residents of the United States.

''(ii) ADJUSTMENT OF STATUS.—Persons who would otherwise be eligible for lawful permanent residence under the transition program, and who would otherwise be eligible for an adjustment of status, may have their status adjusted within the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence.

''(C) NO PRECLUSION ON OTHER APPLICATIONS.—Nothing in this paragraph precludes an alien who has obtained lawful permanent resident status pursuant to this paragraph from applying, if otherwise eligible, under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for an immigrant visa or admission as a lawful permanent resident under that Act.

''(D) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT IN THE TOURISM INDUSTRY AFTER THE TRANSITION PERIOD ENDS.—

''(i) IN GENERAL.—During 2013, and in 2019 if a 5-year extension is granted, the Secretary of Homeland Security and the Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands and tourism businesses in the Commonwealth of the Northern Mariana Islands to determine—

''(I) the current and future labor needs of the tourism industry in the Commonwealth of the Northern Mariana Islands; and

''(II) whether a 5-year extension of the provisions of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry.

''(ii) LEGITIMATE BUSINESS.—

''(I) IN GENERAL.—For the purpose of this paragraph, a business shall not be considered legitimate if the business engages directly or indirectly in prostitution or any activity that is illegal under Federal or local law.

''(II) DETERMINATION.—The determination of whether a business is legitimate and whether the business is sufficiently related to the tourism industry shall be made by the Secretary of Homeland Security and shall not be reviewable.

''(iii) NOTICE OF EXTENSION.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor, determines that an extension of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry, the Secretary of Homeland Security shall provide notice by publication in the Federal Register that the provisions of this paragraph will be extended for a 5-year period with respect to the tourism industry only.

''(iv) FURTHER EXTENSION.—The Secretary of Homeland Security may authorize 1 further extension of this paragraph with respect to the tourism industry in the Commonwealth of the Northern Mariana Islands if, after the Secretary of Homeland Security consults with the Secretary of Labor, the Governor of the Commonwealth of the Northern Mariana Islands, and local tourism businesses, the Secretary of Homeland Security determines that a further extension is required to ensure an adequate number of workers for legitimate businesses in the tourism industry in the Commonwealth of the Northern Mariana Islands.

''(v) EXTENSION FOR CERTAIN LEGITIMATE BUSINESSES.—The Secretary of Homeland Security, after consultation with the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Labor and the Secretary of Commerce, may extend the provisions of this paragraph to legitimate businesses in industries outside the tourism industry for a single 5-year period if the Secretary of Homeland Security determines that—

''(I) the extension is necessary to ensure an adequate number of workers in that industry; and

''(II) the industry is important to growth or diversification of the local economy.

''(vi) CONSIDERATIONS.—In making a determination for the tourism industry or for industries outside the tourism industry, the Secretary of Homeland Security shall take into consideration the extent to which a training and recruitment program has been implemented to hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in the industry.

''(vii) PROHIBITION ON ADDITIONAL EXTENSIONS.—No additional extension beyond the initial 5-year period may be granted for any industry outside the tourism industry or for the tourism industry beyond a second extension.

''(viii) REPORT.—If an extension is granted, the Secretary of Homeland Security shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report describing—

''(I) the reasons for the extension; and

''(II) whether the Secretary believes authority for additional extensions should be enacted.

''(e) NONIMMIGRANT INVESTOR VISAS.—

''(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), the Secretary of Homeland Security may, upon the application of the alien, classify an alien as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

''(A) has been admitted to the Commonwealth of the Northern Mariana Islands in long-term investor status under the immigration laws of the Commonwealth of the Northern Mariana Islands before the transition program effective date;

''(B) has continuously maintained residence in the Commonwealth of the Northern Mariana Islands under long-term investor status;

''(C) is otherwise admissible; and

''(D) maintains the investment or investments that formed the basis for such long-term investor status.

''(2) REGULATIONS.—Not later than 180 days after the transition program effective date, the Secretary of Homeland Security and the Secretary of State shall jointly publish regulations in the Federal Register to implement this subsection.

''(3) INTERIM TREATMENT OF ALIENS.—The Secretary of Homeland Security shall treat an alien who meets the requirements of paragraph (1) as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) until the regulations implementing this subsection are published.

''(f) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IMMIGRATION LAW.—

''(1) REMOVAL.—No alien who is lawfully present in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be removed from the United States on the ground that the presence of the alien in the Commonwealth of the Northern Mariana Islands is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of—

''(A) the completion of the period of the admission of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

''(B) the second anniversary of the transition program effective date.

''(2) EMPLOYMENT AUTHORIZATION.—Any alien who is lawfully present and authorized to be employed in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth of the Northern Mariana Islands until the earlier of—

''(A) the expiration of the employment authorization of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

''(B) the second anniversary of the transition program effective date.

''(3) NO LIMITATION.—Nothing in this subsection prevents or limits the removal under section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of an alien described in paragraph (1) or (2) at any time, if—

''(A) the alien entered the Commonwealth of the Northern Mariana Islands after the date of enactment of the Northern Mariana Islands Covenant Implementation Act; and

''(B) the Secretary of Homeland Security has determined that the Government of the Commonwealth of the Northern Mariana Islands violated section 2(f) of that Act.

''(g) EFFECT ON OTHER LAWS.—The provisions of this section and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by the Northern Mariana Islands Covenant Implementation Act, shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mariana Islands relating to the admission of aliens and the removal of aliens from the Commonwealth of the Northern Mariana Islands.

''(h) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in violation of the immigration laws of the Commonwealth of the Northern Mariana Islands shall, by reason of the violation be counted for purposes of the ground of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

''(i) 1-TIME GRANDFATHER PROVISION FOR CERTAIN LONG-TERM EMPLOYEES.—

''(1) IN GENERAL.—An alien may be granted an immigrant visa, or have the status of the alien adjusted in the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence, without counting against the numerical limitations set forth in sections 202 and 203(b) of the Immigration and Nationality Act (8 U.S.C. 1152, 1153(b)), and subject to the limiting terms and conditions of an alien's permanent residence set forth in paragraphs (B) and (C) of subsection (d)(3), if—

''(A) the alien is employed directly by an employer in a business that the Secretary of Homeland Security has determined is legitimate;

''(B) not later than 180 days after the transition program effective date, the employer has filed a petition for classification of the alien as an employment-based immigrant with the Secretary of Homeland Security pursuant to section 204 of the Immigration and Nationality Act (8 U.S.C. 1154);

''(C) the alien has been lawfully present in the Commonwealth of the Northern Mariana Islands and is authorized to be employed in the Commonwealth of the Northern Mariana Islands for the 4-year period immediately preceding the filing of the petition;

''(D) the alien has been employed continuously in that business by the petitioning employer for the 4-year period immediately preceding the filing of the petition;

''(E) the alien continues to be employed in that business by the petitioning employer as of the date on which—

''(i) the immigrant visa is granted; or

''(ii) the status of the alien is adjusted to permanent resident;

''(F) the business of the petitioner has a reasonable expectation of generating sufficient revenue to continue to employ the alien in that business for the succeeding 4 years; and

''(G) the alien is otherwise eligible for admission to the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(2) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

''(3) NONIMMIGRANT STATUS.—The fact that an alien is the beneficiary of an application for a preference status that was filed with the Secretary of Homeland Security under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) for the purpose of obtaining benefits under this subsection, or has otherwise sought permanent residence pursuant to this subsection, shall not render the alien ineligible to obtain or maintain the status of a nonimmigrant under this Joint Resolution or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), if the alien is otherwise eligible for that nonimmigrant status.

''(j) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to count the issuance of any visa to an alien, or the grant of any admission of an alien, under this section toward any numerical limitation contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(A) in paragraph (36), by striking ''and the Virgin Islands of the United States.'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.''; and

(B) in paragraph (38), by striking ''and the Virgin Islands of the United States.'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.''.

(2) INADMISSIBLE ALIENS.—Section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)) is amended—

(A) in paragraph (1)—

(i) by striking ''stay on Guam'', and inserting ''stay on Guam or the Commonwealth of the Northern Mariana Islands'';

(ii) by inserting ''a total of '' after ''exceed'';

(iii) by striking ''after consultation with the Governor of Guam,'' and inserting ''after respective consultation with the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands,''; and

(iv) in subparagraph (A), by striking ''on Guam'', and inserting ''on Guam or the Commonwealth of the Northern Mariana Islands, respectively,'';

(B) in paragraph (2)(A), by striking ''into Guam'', and inserting ''into Guam or the Commonwealth of the Northern Mariana Islands, respectively,''; and

(C) in paragraph (3), by striking ''Government of Guam'' and inserting ''Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first full month beginning 1 year after the date of enactment of this Act.

(c) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Labor, in consultation with the Governor of the Commonwealth of the Northern Mariana Islands, shall develop a program of technical assistance, including recruitment and training, to aid employers in the Commonwealth of the Northern Mariana Islands in securing employees from among United States authorized labor, including lawfully admissible freely associated state citizen labor.

(2) FUNDING.—For each of the first 5 fiscal years beginning after the date of enactment of this Act, $500,000 shall be made available from funds appropriated to the Secretary of the Interior pursuant to Public Law 104–134 for the Federal-CNMI Immigration, Labor and Law Enforcement Initiative, of which—

(A) $200,000 shall be available to reimburse the Secretary of Commerce for providing additional technical assistance and other support to the Commonwealth of the Northern Mariana Islands to identify opportunities for and encourage diversification and growth of the Commonwealth economy; and

(B) $300,000 shall be available to reimburse the Secretary of Labor for providing additional technical and other support to the Commonwealth of the Northern Mariana Islands to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, to fill employment vacancies in the Commonwealth of the Northern Mariana Islands.

(3) ECONOMIC GROWTH AND DIVERSIFICATION.—

(A) IN GENERAL.—The Secretary of Commerce shall—

(i) consult with the Government of the Commonwealth of the Northern Mariana Islands, local businesses, the Secretary of the Interior, regional banks, and other experts in the local economy; and

(ii) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the Commonwealth economy.

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(A), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Commerce shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Commerce—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary decides will encourage diversification and growth of the Commonwealth economy.

(E) ADDITIONAL WORKERS.—If the Secretary of Commerce concludes that additional workers may be needed to achieve diversification and growth of the Commonwealth economy, the Secretary shall promptly notify the Secretary of Homeland Security, the Secretary of Labor, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the conclusion of the Secretary with an explanation of—

(i) how many workers may be needed;

(ii) over what period of time the workers will be needed; and

(iii) what efforts are being carried out to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such businesses.

(4) RECRUITMENT.—

(A) IN GENERAL.—The Secretary of Labor shall—

(i) consult with the Governor of the Commonwealth of the Northern Mariana Islands, local businesses, the College of the Northern Marianas, the Secretary of the Interior, and the Secretary of Commerce; and

(ii) assist in the development and implementation of a training program described in paragraph (2)(B).

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(B), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Labor shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Labor—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary determines will assist in such a training program in the Commonwealth of the Northern Mariana Islands.

(d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF LABOR OPERATIONS.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Labor may establish and maintain Immigration and Naturalization Service, Executive Office for Immigration Review, and Department of Labor operations in the Commonwealth of the Northern Mariana Islands for the purpose of performing the responsibilities of the Secretaries under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and the transition program established under section 6 of Public Law 94–241, as added by this Act.

(2) RECRUITMENT OF RESIDENTS.—To the extent practicable and consistent with the satisfactory performance of their assigned responsibilities under applicable law, the Secretary of Homeland Security and the Secretary of Labor shall recruit and hire from among qualified applicants resident in the Commonwealth of the Northern Mariana Islands for staffing operations described in paragraph (1).

(e) REPORT TO CONGRESS.—Not later than 66 months after the date of enactment of this Act, and subsequently, as the President considers appropriate, the President shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, a report that—

(1) evaluates the overall effect of the transition program and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth of the Northern Mariana Islands; and

(2) describes what efforts have been undertaken to diversify and strengthen the local economy, including efforts to promote the Commonwealth of the Northern Mariana Islands as a tourist destination.

(f) LIMITATION ON NUMBER OF ALIEN WORKERS PRIOR TO APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT, AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—During the period between the date of enactment of this Act and the effective date of the transition program established under section 6 of Public Law 94–241, as added by this title, the Government of the Commonwealth of the Northern Mariana Islands shall not permit an increase in the total number of alien workers who are present in the Commonwealth of the Northern Mariana Islands on the date of enactment of this Act.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. LOCATION AND DEPORTATION OF CRIMINAL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security shall locate and deport all aliens in the United States who are deportable under section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2), relating to criminal aliens), including such aliens who under a ''catch and release'' policy have been apprehended and released by Border Patrol agents or other immigration officers pending review of their cases.

(b) INCREASE IN PROSECUTORS AND OTHER PERSONNEL.—There are authorized to be appropriated such sums as may be necessary to provide for additional prosecutors and other personnel to effect the deportation of aliens under subsection (a).

SEC. 1102. AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND TRANSFER TO FEDERAL CUSTODY CRIMINAL ALIENS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into written agreements under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with States and political subdivisions of States to train and deputize jail and prison custodial officials—

(1) to identify each individual in their custody who is a alien and who appears to be deportable under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

(2) to contact the Department of Homeland Security concerning each alien so identified; and

(3) to transfer each such identified alien to a Federal law enforcement official for deportation proceedings.

SEC. 1103. DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.

Subsection (d) of section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended to read as follows:

''(d) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed from the United States, the Secretary, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who has received a nonimmigrant visa pursuant to subparagraphs (A) or (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless such denial of admission violates an international treaty in force between the United States and that country.''.

SEC. 1104. BORDER PATROL TRAINING FACILITY.

The Secretary of Homeland Security shall establish a Border Patrol training facility at a location that is centrally and geographically located at United States-Mexico border to assist in the training of additional Border Patrol agents authorized under this Act or any other provision of law.

Mr. REYES (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes on his motion.

Mr. REYES. Mr. Speaker, the bipartisan 9/11 Commission recently released a report grading our government's response to its recommendations of a year ago, and that report is sadly filled with failing marks.

Now, more than 4 years after the terrorist attacks of September 11, 2001, this House is finally getting around to considering legislation that is supposed to address illegal immigration and border security. The only problem is that the bill offered by my Republican colleagues is completely inadequate to do the vitally important job and would surely earn yet another failing grade by the 9/11 Commission.

Mr. Speaker, as the Members may know, before being elected to Congress, I served for 26½ years in the United States Border Patrol, including 13 of those years as sector chief in McAllen and El Paso.

□ 2200

I have years of experience patrolling the tough terrain of the U.S.-Mexico border region, supervising thousands of dedicated Border Patrol agents and doing everything within our power to strengthen our borders and reduce illegal immigration. Unfortunately, Mr. Speaker, it is clear to me that there are some Members of this House who either have no idea of what Congress really needs to do to help keep Americans safe, or they are more interested in scoring political points with voters back home than protecting our country.

This is a bad bill. This bill is being motivated more, in my opinion, by partisan politics than by sound policy. I personally believe that the underlying legislation betrays our heritage as a Nation of immigrants whose rich history has been enhanced by those who have come to this country to share our American dream.

While we can disagree about the motives behind the bill, what is absolutely indisputable is that it fails to provide the Department of Homeland Security with the tools to protect the American people. That is why I am offering this motion to recommit with the support of my colleagues, Mr. CONYERS and Mr. THOMPSON, who are the ranking members of the Judiciary and Homeland Security Committees.

Under this motion, we require DHS to develop a comprehensive border security strategy to establish control of all of our borders and ports. Unlike the base bill, we also provide significant personnel and equipment necessary to apprehend, to process and deport illegal immigrants: 12,000 additional Border Patrol agents are provided for in this motion; 8,000 more immigration and Customs enforcement inspectors; 4,000 additional inspectors at our ports-of-entry; 1,000 additional U.S. Marshals; 1,000 more detention officers; and 300 additional immigration judges.

You see, Mr. Speaker, the effective control of our borders involves a little bit more than proposals for fences or mandatory sentencing. In fact, it is more about listening to and understanding the challenges that are faced by hardworking Federal officers and officials in every phase of the process. That includes Border Patrol agents, detention officers, Customs inspectors, U.S. Marshals, immigration judges and Federal prosecutors.

In this motion, we also provide 100,000 new detention beds to ensure that DHS has the space to detain illegal immigrants so that we can put an end to that absurd policy of catch and release once and for all. Furthermore, we instruct DHS to locate and deal with the 110,000 undocumented immigrants who have already been released so that we can apprehend them and deport them back to their home countries.

In short, Mr. Speaker, this motion to recommit would fulfill and even surpass the recommendations of the 9/11 Commission.

Mr. Speaker, it has been over 4 years since the September 11 attacks. We need real action, not rhetoric. The American people are counting on us, and we cannot continue to fail them. Vote in favor of the motion to recommit and against this terribly misguided underlying underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. KIRK). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, securing our Nation's borders is an imperative, and this bill does it. Turning off the magnet that brings people into the United States to work illegally is an imperative. This bill does it.

This 149-page motion to recommit, which we received a couple of minutes before the author made his motion, we have been able to look at enough of this 150 pages to see that it does not provide one bit of enhancement to the employment verification system. That is the big hole in this bill. So there is no way that employers will be able. There are no enhancements to employer verification.

Mr. Speaker, throughout this debate, both yesterday and today, my friends on the minority side have been doing their best to try to make this bill unworkable, one of which was their almost unanimous support for keeping the penalties for illegal presence in the United States as a felony. Let me tell you that even though my amendment to reduce those penalties was voted down largely by people on the other

side of the aisle, when this bill gets to conference, those penalties will be made workable. You can count on that.

Keep immigration reform on track. To secure our borders and to have a secure employer verification system, pass this bill. Vote against the motion to recommit.

Mr. Speaker, I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding. I thank him for his close cooperation and his staff and members of the Judiciary Committee.

Mr. Speaker, I speak out strongly against the motion to recommit. In many ways, it copies what we did in the Homeland Security Committee except it leaves out the most important sections.

There was nothing in the motion to recommit about mandatory detention, expedited removal, and it dramatically weakens the repatriation sanctioning authority. By doing that, it takes away the entire strength of the underlying bill. The bill that came out of the Homeland Security Committee by unanimous vote, unfortunately, the motion to recommit dramatically weakens that.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, I strongly urge defeat of the motion to recommit and passage of the bill.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and suspending the rules and agreeing to H. Res. 598.

The vote was taken by electronic device, and there were—ayes 198, noes 221, not voting 14, as follows:

[Roll No. 660]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—14

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Jefferson
Kolbe
LaHood
McCarthy
Napolitano
Nussle
Young (AK)
Young (FL)

□ 2224

Mr. TOM DAVIS of Virginia and Mr. JOHNSON of Illinois changed their vote from ''aye'' to ''no''.

Mr. BAIRD and Mr. GORDON changed their vote from ''no'' to ''aye''.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KIRK). The question is on the passage of the bill.

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

RECORDED VOTE

Ms. ZOE LOFGREN of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 182, not voting 13, as follows:

[Roll No. 661]

AYES—239

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Conaway
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert

Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hinchey
Hinojosa
Hobson
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—13

Barrett (SC)
Barton (TX)
Cole (OK)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Young (AK)
Young (FL)

□ 2233

Mr. RYAN of Ohio changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 4437, the Clerk be authorized to make technical and clerical changes to reflect the actions of the House.

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

There was no objection.

HOUR OF MEETING ON TOMORROW

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

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

There was no objection.

CONDEMNING ACTIONS BY SYRIA REGARDING THE ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 598, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 598, as amended, 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 404, nays 5, answered ''present'' 1, not voting 23, as follows:

[Roll No. 662]

YEAS—404

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

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

NAYS—5

Kaptur	McDermott	Paul
Lantos	McKinney	

ANSWERED ''PRESENT''—1

Abercrombie

NOT VOTING—23

Baker	Hyde	Napolitano
Barrett (SC)	Istook	Nussle
Barton (TX)	Kilpatrick (MI)	Oxley
Berman	Kolbe	Radanovich
Davis, Jo Ann	LaHood	Walden (OR)
Diaz-Balart, M.	Markey	Young (AK)
Farr	McCarthy	Young (FL)
Ford	Murtha	

□ 2243

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT submitted the following conference report and statement on the Senate bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010:

CONFERENCE REPORT (H. REPT. 109–354)

The Committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1281), to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term ''ISS'' means the International Space Station.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

TITLE I—GENERAL PRINCIPLES AND REPORTS

SEC. 101. RESPONSIBILITIES, POLICIES, AND PLANS.

(a) GENERAL RESPONSIBILITIES.—

(1) PROGRAMS.—The Administrator shall ensure that NASA carries out a balanced set of programs that shall include, at a minimum, programs in—

(A) human space flight, in accordance with subsection (b);

(B) aeronautics research and development; and

(C) scientific research, which shall include, at a minimum—

(i) robotic missions to study the Moon and other planets and their moons, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(ii) earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(iii) support of university research in space science, earth science, and microgravity science; and

(iv) research on microgravity, including research that is not directly related to human exploration.

(2) CONSULTATION AND COORDINATION.—In carrying out the programs of NASA, the Administrator shall—

(A) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(B) work closely with the private sector, including by—

(i) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(ii) contracting with the private sector for crew and cargo services, including to the International Space Station, to the extent practicable;

(iii) using commercially available products (including software) and services to the extent practicable to support all NASA activities; and

(iv) encouraging commercial use and development of space to the greatest extent practicable; and

(C) involve other nations to the extent appropriate.

(b) VISION FOR SPACE EXPLORATION.—

(1) IN GENERAL.—The Administrator shall establish a program to develop a sustained human presence on the Moon, including a robust precursor program, to promote exploration, science, commerce, and United States preeminence in space, and as a stepping-stone to future exploration of Mars and other destinations. The Administrator is further authorized to develop and conduct appropriate international collaborations in pursuit of these goals.

(2) MILESTONES.—The Administrator shall manage human space flight programs to strive to achieve the following milestones (in conformity with section 503)—

(A) Returning Americans to the Moon no later than 2020.

(B) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(C) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available, including the ISS.

(D) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

(c) AERONAUTICS.—

(1) IN GENERAL.—The President of the United States, through an official the President shall designate, and in consultation with appropriate Federal agencies, shall develop a national policy to guide the aeronautics research and development programs of the United States through 2020. The policy shall include national goals for aeronautics research and development and shall describe the role and responsibilities of each Federal agency that will carry out the policy. The development of the policy shall utilize external studies that have been conducted on the state of United States aeronautics and aviation research and development and have suggested policies to ensure continued competitiveness.

(2) CONTENT.—(A) At a minimum, the national aeronautics research and development policy shall describe for NASA—

(i) the priority areas of research for aeronautics through fiscal year 2011;

(ii) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(iii) the facilities and personnel needed to carry out the aeronautics program through fiscal year 2011; and

(iv) the budget assumptions on which the policy is based, which for fiscal years 2007 and 2008 shall be the authorized level for aeronautics provided in title II of this Act.

(B) The policy shall be based on the premises that—

(i) the Federal Government has an established interest in conducting research and development programs for improving the usefulness, performance, speed, safety, and efficiency of aeronautical vehicles, as described in section 102(d)(2) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(2)); and

(ii) the Federal Government has an established interest in conducting research and development programs that help preserve the role of the United States as a global leader in aeronautical technologies and in their application, as described in section 102(d)(5) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(5)).

(3) CONSIDERATIONS.—In developing the national aeronautics research and development policy, the President shall consider the following issues, which shall be discussed in the transmittal under paragraph (5):

(A) The extent to which NASA should focus on long-term, high-risk research or more incremental research, and the expected impact of that decision on the United States economy, and the ability to achieve environmental and other public goals related to aeronautics.

(B) The extent to which NASA should address military and commercial needs.

(C) How NASA will coordinate its aeronautics program with other Federal agencies.

(D) The extent to which NASA will conduct research in-house, fund university research, and collaborate on industry research, and the expected impact of that mix of funding on the supply of United States workers for the aeronautics industry.

(E) The extent to which the priority areas of research listed pursuant to paragraph (2)(A) should include the activities authorized by title IV of this Act, the discussion of which shall include a priority ranking of all of the activities authorized in title IV and an explanation for that ranking.

(4) CONSULTATION.—In the development of the national aeronautics research and development policy, the President shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the policy.

(5) SCHEDULE.—(A) Not later than 1 year after the date of enactment of this Act, the President shall transmit the national aeronautics research and development policy to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(B) Not later than 60 days after the transmittal of the policy under subparagraph (A), the Administrator shall transmit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report describing how NASA will carry out the policy.

(C) At the time the President's fiscal year 2007 budget is transmitted to the Congress, the Administrator shall transmit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the proposed NASA aeronautics budget describing—

(i) the rationale for the budget levels and activities in the proposed fiscal year 2007 NASA aeronautics budget;

(ii) the extent to which the program directions proposed for fiscal year 2007 are likely to be consistent with the national policy being prepared under this section; and

(iii) the extent to which the proposed programs for fiscal year 2007 are consistent with past reports and current studies of the National Academy of Sciences, and other relevant reports and studies.

(d) SCIENCE.—

(1) IN GENERAL.—The Administrator shall develop a plan to guide the science programs of NASA through 2016.

(2) CONTENT.—At a minimum, the plan developed under paragraph (1) shall be designed to ensure that NASA has a rich and vigorous set of science activities, and shall describe—

(A) the missions NASA will initiate, design, develop, launch, or operate in space science and earth science through fiscal year 2016, including launch dates;

(B) a priority ranking of all of the missions listed under subparagraph (A), and the rationale for the ranking; and

(C) the budget assumptions on which the policy is based, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act.

(3) CONSIDERATIONS.—In developing the science plan under this subsection, the Administrator shall consider the following issues, which shall be discussed in the transmittal under paragraph (6):

(A) What the most important scientific questions in space science and earth science are.

(B) How to best benefit from the relationship between NASA's space and earth science activities and those of other Federal agencies.

(C) Whether the Magnetospheric Multiscale Mission, SIM-Planet Quest, and missions under the Future Explorers Programs can be expedited to meet previous schedules.

(D) Whether any NASA Earth observing missions that have been delayed or cancelled can be restored.

(E) How to ensure the long-term vitality of Earth observation programs at NASA, including their satellite, science, and data system components.

(F) Whether current and currently planned Earth observation missions should be supplemented or replaced with new satellite architectures and instruments that enable global coverage, and all-weather, day and night imaging of the Earth's surface features.

(G) How to integrate NASA earth science missions with the Global Earth Observing System of Systems.

(4) CONSULTATION.—In developing the plan under this subsection, the Administrator shall draw on decadal surveys and other reports in planetary science, astronomy, solar and space physics, earth science, and any other relevant fields developed by the National Academy of Sciences. The Administrator shall also consult widely with academic and industry experts and with other Federal agencies.

(5) HUBBLE SPACE TELESCOPE.—The plan developed under this subsection shall address plans for a human mission to repair the Hubble Space Telescope consistent with section 302 of this Act.

(6) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the plan.

(e) FACILITIES.—

(1) IN GENERAL.—The Administrator shall develop a plan for managing NASA's facilities through fiscal year 2015. The plan shall be consistent with the policies and plans developed pursuant to this section.

(2) CONTENT.—At a minimum, the plan developed under paragraph (1) shall describe—

(A) any new facilities NASA intends to acquire, whether through construction, purchase, or lease, and the expected dates for doing so;

(B) any facilities NASA intends to significantly modify, refurbish, or upgrade, and the expected dates for doing so;

(C) any facilities NASA intends to close, and the expected dates for doing so;

(D) any transactions NASA intends to conduct to sell, lease, or otherwise transfer the ownership of a facility, and the expected dates for doing so;

(E) how each of the actions described in subparagraphs (A), (B), (C), and (D) will enhance the ability of NASA to carry out its programs;

(F) the expected costs or savings expected from each of the actions described in subparagraphs (A), (B), (C), and (D);

(G) the priority order of the actions described in subparagraphs (A), (B), (C), and (D);

(H) the budget assumptions of the plan, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act, including the funding levels for maintenance and repairs; and

(I) how facilities were evaluated in developing the plan.

(3) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2008 to the Congress.

(f) WORKFORCE.—

(1) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. Under the strategy, NASA shall utilize current personnel, to the maximum extent feasible, in implementing the vision for space exploration and NASA's other programs. The strategy shall cover the period through fiscal year 2011.

(2) CONTENT.—The strategy developed under paragraph (1) shall describe, at a minimum—

(A) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(B) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(C) the steps NASA will use to retain needed employees; and

(D) the budget assumptions of the strategy, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act, and any expected additional costs or savings from the strategy by fiscal year.

(3) SCHEDULE.—The Administrator shall transmit the strategy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal employee unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the unions.

(4) LIMITATION.—NASA may not implement any Reduction in Force or other involuntary separations (except for cause) prior to March 16, 2007.

(g) CENTER MANAGEMENT.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine whether any of NASA's centers should be operated by or with the private sector by converting a center to a Federally Funded Research and Development Center or through any other mechanism.

(2) CONTENT.—The study conducted under paragraph (1) shall, at a minimum—

(A) make a recommendation for the operation of each center and provide reasons for that recommendation; and

(B) describe the advantages and disadvantages of each mode of operation considered in the study.

(3) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration the experiences of other relevant Federal agencies in operating laboratories and centers, and any reports that have reviewed the mode of operation of those laboratories and centers, as well as any reports that have reviewed NASA's centers.

(4) SCHEDULE.—The Administrator shall transmit the study conducted under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than May 31, 2006.

(h) BUDGETS.—

(1) CATEGORIES.—The proposed budget for NASA submitted by the President for each fiscal year shall be accompanied by documents showing—

(A) by program—

(i) the budget for space operations, including the ISS and the Space Shuttle;

(ii) the budget for exploration systems;

(iii) the budget for aeronautics;

(iv) the budget for space science;

(v) the budget for earth science;

(vi) the budget for microgravity science;

(vii) the budget for education;

(viii) the budget for safety oversight; and

(ix) the budget for public relations;

(B) the budget for technology transfer programs;

(C) the budget for the Integrated Enterprise Management Program, by individual element;

(D) the budget for the Independent Technical Authority, both total and by center;

(E) the total budget for the prize program under section 104, and the administrative budget for that program; and

(F) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget.

(2) SENSE OF CONGRESS REGARDING EVALUATION CRITERIA FOR BUDGET REQUESTS.—It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

(i) ADDITIONAL BUDGET INFORMATION.—NASA shall make available, upon request from the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate—

(1) information on corporate and center general and administrative costs and service pool costs, including—

(A) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;

(B) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and

(C) the major activities included in each cost category; and

(2) the figures on the amount of unobligated funds and unexpended funds, by appropriations account—

(A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;

(B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and

(C) that are estimated will remain at the end of the fiscal year for which the budget is being presented.

(j) NASA AERONAUTICS TEST FACILITIES AND SIMULATORS.—

(1) REVIEW.—The Director of the Office of Science and Technology Policy shall commission an independent review of the Nation's long-term strategic needs for aeronautics test facilities and shall submit the review to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The review shall include an evaluation of the facility needs described pursuant to subsection (c)(2)(A)(iii). The review shall take into consideration the results of the study conducted pursuant to the instructions on page 582 of the conference report (H. Rept. 108–767) to accompany the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108–375).

(2) LIMITATION.—The Administrator shall not close or mothball any aeronautics test facilities identified in the 2003 independent assessment by the RAND Corporation titled ''Wind Tunnel and Propulsion Test Facilities: An Assessment of NASA's Capabilities to Serve National Needs'' as being part of the minimum set of those facilities necessary to retain and manage to serve national needs, or any aeronautics simulators, that were in use as of January 1, 2004, with the exception of the already closed 16-foot transonic tunnel, until—

(A) the review conducted under paragraph (1) has been transmitted to the Congress; and

(B) 60 days after the Administrator has transmitted to the Committee on Appropriations and the Committee on Science of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate a written certification that the proposed closure will not have an adverse impact on NASA's ability to execute the national policy developed under subsection (c) and to achieve the goals described in that policy.

Subparagraph (B) shall cease to be effective five years after the date the study required by this section has been transmitted to the Congress.

SEC. 102. REPORTS.

(a) NATIONAL AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Administrator shall implement, beginning not later than May 1, 2006,

a national awareness campaign through various media, including print, radio, television, and the Internet, to articulate missions, publicize recent accomplishments, and facilitate efforts to encourage young Americans to enter the fields of science, mathematics, and engineering to help maintain United States leadership in those fields.

(2) REPORTS.—(A) Not later than April 1, 2006, the Administrator shall transmit a plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the activities that will be undertaken as part of the national awareness campaign required by paragraph (1) and the expected cost of those activities. NASA may undertake activities as part of the national awareness campaign prior to the transmittal of the plan required by this subparagraph, but the plan shall include a description of any activities undertaken prior to the transmittal and the estimated cost of those activities.

(B) Not later than three years after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the impact of the national awareness campaign.

(b) BUDGET INFORMATION.—Not later than April 30, 2006, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the expected cost of the Crew Exploration Vehicle through fiscal year 2020, based on the public specifications for that development contract; and

(2) the expected budgets for each fiscal year through 2020 for human spaceflight, aeronautics, space science, and earth science—

(A) first assuming inflationary growth for the budget of NASA as a whole and including costs for the Crew Exploration Vehicle as projected under paragraph (1); and

(B) then assuming inflationary growth for the budget of NASA as a whole and including at least two cost estimates for the Crew Exploration Vehicle that are higher than those projected under paragraph (1), based on NASA's past experience with cost increases for similar programs, along with a description of the reasons for selecting the cost estimates used for the calculations under this subparagraph and the confidence level for each of the cost estimates used in this section.

(c) SPACE COMMUNICATIONS PLAN.—

(1) PLAN.—The Administrator shall develop a plan, in consultation with relevant Federal agencies, for updating NASA's space communications architecture for both low-Earth orbital operations and deep space exploration so that it is capable of meeting NASA's needs over the next 20 years. The plan shall include life-cycle cost estimates, milestones, estimated performance capabilities, and 5-year funding profiles. The plan shall also include an estimate of the amounts of any reimbursements NASA is likely to receive from other Federal agencies during the expected life of the upgrades described in the plan. At a minimum, the plan shall include a description of the following:

(A) Projected Deep Space Network requirements for the next 20 years, including those in support of human space exploration missions.

(B) Upgrades needed to support Deep Space Network requirements.

(C) Cost estimates for the maintenance of existing Deep Space Network capabilities.

(D) Cost estimates and schedules for the upgrades described in subparagraph (B).

(E) Projected Tracking and Data Relay Satellite System requirements for the next 20 years, including those in support of other relevant Federal agencies.

(F) Cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet projected requirements.

(2) CONSULTATIONS.—The Administrator shall consult with other relevant Federal agencies in developing the plan under this subsection.

(3) SCHEDULE.—The Administrator shall transmit the plan under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 17, 2007.

(d) JOINT DARK ENERGY MISSION.—The Administrator and the Director of the Department of Energy Office of Science shall jointly transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than July 15, 2006, a report on plans for a Joint Dark Energy Mission. The report shall include the amount of funds each agency intends to expend on the Joint Dark Energy Mission for each of the fiscal years 2007 through 2011, and any specific milestones for the development and launch of the Mission.

(e) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—

(1) STUDY.—As part of ongoing efforts to coordinate research and development across the Federal agencies, the Director of the Office of Science and Technology Policy shall conduct a study to determine—

(A) if any research and development programs of NASA are unnecessarily duplicating aspects of programs of other Federal agencies; and

(B) if any research and development programs of NASA are neglecting any topics of national interest that are related to the mission of NASA.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(A) describes the results of the study under paragraph (1);

(B) lists the research and development programs of Federal agencies other than NASA that were reviewed as part of the study, which shall include any program supporting research and development in an area related to the programs of NASA, and the most recent budget figures for those programs of other agencies;

(C) recommends any changes to the research and development programs of NASA that should be made in response to the findings of the study required by paragraph (1); and

(D) describes mechanisms the Office of Science and Technology Policy will use to ensure adequate coordination between NASA and Federal agencies that operate related programs.

(3) CONTRACT.—The Director of the Office of Science and Technology Policy may contract with a nongovernmental entity to conduct the study required by paragraph (1).

SEC. 103. BASELINES AND COST CONTROLS.

(a) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—NASA shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(B) the program complies with all relevant policies, regulations, and directives of NASA.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Annually, at the same time as the President's annual budget submission to the Congress, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which NASA proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay, or the actions described under subparagraph (B), will have on any other program within NASA; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

NASA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) THIRTY PERCENT THRESHOLD.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term ''development'' means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(2) the term ''development cost'' means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term ''life-cycle cost'' means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term ''major program'' means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000.

SEC. 104. PRIZE AUTHORITY.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451, et seq.) is amended by inserting after section 313 the following new section:

''PRIZE AUTHORITY

''SEC. 314. (a) IN GENERAL.—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a program to award prizes only in conformity with this section.

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

''(c) ADVERTISING.—The Administrator shall widely advertise prize competitions to encourage participation.

''(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

''(e) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

''(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

''(2) shall have complied with all the requirements under this section;

''(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

''(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

''(f) LIABILITY.—(1) Registered participants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this paragraph, the term 'related entity' means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(2) Participants must obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Administrator, for claims by—

''(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

''(B) the Federal Government for damage or loss to Government property resulting from such an activity.

''(g) JUDGES.—For each competition, the Administration, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from outside the Administration, including from the private sector. A judge may not—

''(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

''(2) have a familial or financial relationship with an individual who is a registered participant.

''(h) ADMINISTERING THE COMPETITION.—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

''(i) FUNDING.—(1) Prizes under this section may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The Administrator may accept funds from other Federal agencies for such cash prizes. The Administrator may not give any special consideration to any private sector entity in return for a donation.

''(2) Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

''(3) No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source. The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

''(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

''(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

''(4) No prize competition under this section may offer a prize in an amount greater than $10,000,000 unless 30 days have elapsed after written notice has been transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(5) No prize competition under this section may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator.

''(j) USE OF NASA NAME AND INSIGNIA.—A registered participant in a competition under this section may use the Administration's name, initials, or insignia only after prior review and written approval by the Administration.

''(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.''.

SEC. 105. FOREIGN LAUNCH VEHICLES.

(a) ACCORD WITH SPACE TRANSPORTATION POLICY.—NASA shall not launch a payload on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004. This subsection shall not be construed to prevent the President from waiving the Space Transportation Policy.

(b) INTERAGENCY COORDINATION.—NASA shall not launch a payload on a foreign launch vehicle unless NASA commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the payload.

(c) APPLICATION.—This section shall not apply to any payload for which development has begun prior to the date of enactment of this Act, including the James Webb Space Telescope.

SEC. 106. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There'';

(2) by striking ''to it'' and inserting ''to it, including evaluating NASA's compliance with the

return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,'';

(3) by inserting ''and the Congress'' after ''advise the Administrator'';

(4) by striking ''and with respect to the adequacy of proposed or existing safety standards and shall'' and inserting ''with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture related to safety. The Panel shall also''; and

(5) by adding at the end the following:

''(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's management and culture related to safety. Each annual report shall include an evaluation of the Administration's compliance with the recommendations of the Columbia Accident Investigation Board through retirement of the Space Shuttle.''.

SEC. 107. LESSONS LEARNED AND BEST PRACTICES.

(a) IN GENERAL.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 108. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support low-Earth orbit activities and earth science missions and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in conducting research and the development of technologies and services. The plan shall include provisions for developing and funding sustained university and industry partnerships to conduct commercial research and technology development, to proactively translate results of space research to Earth benefits, to advance United States economic interests, and to support the vision for exploration. The plan shall also emphasize the utilization by NASA of advancements made by the private sector in space launch and orbital hardware, and shall include opportunities for innovative collaborations between NASA and the private sector under existing authorities of NASA for reimbursable and nonreimbursable agreements under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 109. STUDY ON THE FEASIBILITY OF USE OF GROUND SOURCE HEAT PUMPS.

(a) IN GENERAL.—The Administrator shall conduct a feasibility study on the use of ground source heat pumps in future NASA facilities or substantial renovation of existing NASA facilities involving the installation of heating, ventilating, and air conditioning systems. Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit the study to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS.—The study shall examine—

(1) the life-cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;

(2) barriers to installation, such as availability and suitability of terrain; and

(3) such other issues as the Administrator considers appropriate.

(c) DEFINITION.—In this section, the term ''ground source heat pump'' means an electric-powered system that uses the Earth's relatively constant temperature to provide heating, cooling, or hot water.

SEC. 110. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing steps to be taken by NASA to protect from retaliation NASA employees who raise concerns about substantial and specific dangers to public health and safety or about substantial and specific factors that could threaten the success of a mission. The plan shall be designed to ensure that NASA employees have the full protection required by law. The Administrator shall implement the plan not more than 1 year after its transmittal.

(b) GOAL.—The Administrator shall ensure that the plan describes a system that will protect employees who wish to raise or have raised concerns described in subsection (a).

(c) PLAN.—At a minimum, the plan shall include, consistent with Federal law—

(1) a reporting structure that ensures that the officials who are the subject of a whistleblower's complaint will not learn the identity of the whistleblower;

(2) a single point to which all complaints can be made without fear of retribution;

(3) procedures to enable the whistleblower to track the status of the case;

(4) activities to educate employees about their rights as whistleblowers and how they are protected by law;

(5) activities to educate employees about their obligations to report concerns and their accountability before and after receiving the results of the investigations into their concerns; and

(6) activities to educate all appropriate NASA Human Resources professionals, and all NASA managers and supervisors, regarding personnel laws, rules, and regulations.

(d) REPORT.—Not later than February 15 of each year beginning with the year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the concerns described in subsection (a) that were raised during the previous fiscal year. At a minimum, the report shall provide—

(1) the number of concerns that were raised, divided into the categories of safety and health, mission assurance, and mismanagement, and the disposition of those concerns, including whether any employee was disciplined as a result of a concern having been raised; and

(2) any recommendations for reforms to further prevent retribution against employees who raise concerns.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. STRUCTURE OF BUDGET ACCOUNTS.

Section 313 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f) is amended—

(1) by amending subsection (a) to read as follows:

''(a) (1) Appropriations for the Administration for fiscal year 2007 and thereafter shall be made in three accounts, 'Science, Aeronautics, and Education', 'Exploration Systems and Space Operations', and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General.

''(2) Within the Exploration Systems and Space Operations account, no more than 10 percent of the funds for a fiscal year for Exploration Systems may be reprogrammed for Space Operations, and no more than 10 percent of the funds for a fiscal year for Space Operations may be reprogrammed for Exploration Systems. This paragraph shall not apply to reprogramming for the purposes described in subsection (b)(2).

''(3) Appropriations shall remain available for two fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.''; and

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''To ensure''; and

(B) by adding at the end the following new paragraph:

''(2) The Administration may also transfer amounts among accounts for the immediate costs of recovering from damage caused by a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or by an act of terrorism, or for the immediate costs associated with an emergency rescue of astronauts.''.

SEC. 202. FISCAL YEAR 2007.

There are authorized to be appropriated to NASA for fiscal year 2007 $17,932,000,000, as follows:

(1) For Science, Aeronautics, and Education (including amounts for construction of facilities), $7,136,800,000, of which $962,000,000 shall be for Aeronautics.

(2) For Exploration Systems and Space Operations (including amounts for construction of facilities), $10,761,700,000, of which $6,618,600,000 shall be for Space Operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 203. FISCAL YEAR 2008.

There are authorized to be appropriated to NASA for fiscal year 2008 $18,686,300,000 as follows:

(1) For Science, Aeronautics, and Education (including amounts for construction of facilities), $7,747,800,000, of which $990,000,000 shall be for Aeronautics.

(2) For Exploration Systems and Space Operations (including amounts for construction of facilities), $10,903,900,000, of which $6,546,600,000 shall be for Space Operations

(3) For the Office of Inspector General, $34,600,000.

SEC. 204. ISS RESEARCH.

Beginning with fiscal year 2006, the Administrator shall allocate at least 15 percent of the funds budgeted for ISS research to ground-based, free-flyer, and ISS life and microgravity science research that is not directly related to supporting the human exploration program, consistent with section 305.

SEC. 205. TEST FACILITIES.

(a) CHARGES.—The Administrator shall establish a policy of charging users of NASA's test facilities for the costs associated with their tests at

a level that is competitive with alternative test facilities. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) FUNDING ACCOUNT.—In planning and budgeting, the Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

SEC. 206. OFFICIAL REPRESENTATION FUND.

Amounts appropriated pursuant to this Act may be used, but not to exceed a total of $70,000 in any fiscal year, for official reception and representation expenses.

SEC. 207. ISS COST CAP.

(a) REPORT.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report providing the current expected development costs of the ISS and describing any changes to those costs that have occurred because of the grounding of the Space Shuttle after the loss of the Space Shuttle Columbia and because of the implementation of full-cost accounting.

(b) REPEAL.—Thirty days after the transmittal of the report described in subsection (a), section 202 of the National Aeronautics and Space Administration Act of 2000 (42 U.S.C. 2451 note) is repealed.

TITLE III—SCIENCE

Subtitle A—General Provisions

SEC. 301. PERFORMANCE ASSESSMENTS.

(a) IN GENERAL.—The performance of each division in the Science directorate of NASA shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) TIMING.—Beginning with the first fiscal year following the date of enactment of this Act, the Administrator shall select at least one division for review under this section. The Administrator shall select divisions so that all disciplines will have received their first review within six fiscal years of the date of enactment of this Act.

(c) REPORTS.—Not later than March 1 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by NASA in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external reviews of NASA's science mission priorities and programs.

SEC. 302. STATUS ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

It is the sense of the Congress that the Hubble Space Telescope is an extraordinary instrument that has provided, and should continue to provide, answers to profound scientific questions. In accordance with the recommendations of the National Academy of Sciences study titled ''Assessment of Options for Extending the Life of the Hubble Space Telescope'', all appropriate efforts should be expended to complete the Space Shuttle servicing mission. Upon successful completion of the planned return-to-flight schedule of the Space Shuttle, the Administrator shall determine the schedule for a Space Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut safety. Not later than 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a status report on plans for a Hubble Space Telescope servicing mission.

SEC. 303. INDEPENDENT ASSESSMENT OF LANDSAT-NPOESS INTEGRATED MISSION.

(a) ASSESSMENT.—In view of the importance of ensuring continuity of Landsat data and in view of the challenges facing the National Polar-Orbiting Operational Environmental Satellite System program, the Administrator shall seek an independent assessment of the costs as well as the technical, cost, and schedule risks associated with incorporating the Landsat instrument on the first National Polar-Orbiting Operational Environmental Satellite System spacecraft compared with undertaking various alternatives, including a dedicated Landsat data ''gap-filler'' mission followed by the incorporation of the Landsat instrument on the second National Polar-Orbiting Operational Environmental Satellite System spacecraft. The assessment shall also include an evaluation of the budgetary requirements of each of the options under consideration.

(b) REPORT.—

(1) DEADLINE.—The Administrator shall transmit the independent assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act unless, prior to that date, NASA cancels plans to fly the Landsat instrument on the first National Polar-Orbiting Operational Environmental Satellite System spacecraft.

(2) CANCELLATION.—If NASA cancels such plans, the Administrator shall—

(A) not later than 7 days after a cancellation decision, inform the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, in writing, of the cancellation; and

(B) not later than 90 days after the transmittal of the cancellation notice, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for undertaking a dedicated gap filler mission or alternative means for ensuring the continuity of Landsat data, which shall include consideration of a low-cost constellation of small satellites.

SEC. 304. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

(a) ASSESSMENT.—The Administrator shall carry out biennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that have exceeded their planned mission lifetime. In addition—

(1) not later than 60 days after the date of enactment of this Act, the Administrator shall carry out such an assessment for at least the following missions: FAST, TIMED, Cluster, Wind, Geotail, Polar, TRACE, Ulysses, and Voyager; and

(2) for those missions that have an operational component, the National Oceanic and Atmospheric Administration or any other affected agency shall be consulted and the potential benefits of instruments on missions that are beyond their planned mission lifetime taken into account.

(b) REPORT.—Not later than 30 days after completing each assessment required by subsection (a)(1), the Administrator shall transmit a report on the assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 305. MICROGRAVITY RESEARCH.

The Administrator shall—

(1) transmit the report required by section 506;

(2) ensure the capacity to support ground-based research leading to space-based basic and applied scientific research in a variety of disciplines with potential direct national benefits and applications that can be advanced significantly from the uniqueness of microgravity and the space environment; and

(3) carry out, to the maximum extent practicable, basic, applied, and commercial ISS research in fields such as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low-temperature physics, and cellular research at a level that will sustain the existing United States scientific expertise and research capability in microgravity research.

SEC. 306. COORDINATION WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) JOINT WORKING GROUP.—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall appoint a Joint Working Group, which shall review and monitor missions of the two agencies to ensure maximum coordination in the design, operation, and transition of missions where appropriate. The Joint Working Group shall also prepare the plans required by subsection (c).

(b) COORDINATION REPORT.—Not later than February 15 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall jointly transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on how the earth science programs of the National Oceanic and Atmospheric Administration and NASA will be coordinated during the fiscal year following the fiscal year in which the report is transmitted.

(c) COORDINATION OF TRANSITION PLANNING AND REPORTING.—The Administrator, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration and in consultation with other relevant agencies, shall evaluate relevant NASA science missions for their potential operational capabilities and shall prepare transition plans for the existing and future Earth observing systems found to have potential operational capabilities.

(d) LIMITATION.—The Administrator shall not transfer any NASA earth science mission or Earth observing system to the National Oceanic and Atmospheric Administration until the plan required under subsection (c) has been approved by the Administrator and the Administrator of the National Oceanic and Atmospheric Administration and until financial resources have been identified to support the transition or transfer in the President's budget request for the National Oceanic and Atmospheric Administration.

SEC. 307. REVIEW AND REPORT ON HEADQUARTERS EARTH-SUN SYSTEM APPLIED SCIENCES PROGRAM.

(a) REVIEW.—The Administrator shall review the policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Headquarters Earth-Sun System Applied Sciences Program and former Earth Science Applications Program. This review shall include—

(1) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes to the process within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(2) the peer review process including, but not limited to—

(A) membership selection, determination of qualifications, and use of NASA and non-NASA reviewers;

(B) management of conflicts of interest, including reviewers funded by the program with a significant consulting or contractual relationship with NASA, and individuals who both review proposals and participate in the submission

of proposals under the same solicitation announcement; and

(C) compensation of non-NASA proposal reviewers;

(3) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(4) alternative models for NASA planning and management of applied science and applications research, including an evaluation of the relevance for NASA of—

(A) National Institutes of Health intramural and extramural research program structure, peer review process, management of conflicts of interests, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(B) Department of Agriculture Cooperative State Research Education and Extension Service program and structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(C) National Institutes of Health and Department of Agriculture best practices in the planning, selection, and management of applied sciences research and development; and

(D) any other relevant models.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the results of the review conducted under subsection (a). The report shall include a plan to ensure that the peer review process is transparent and selects proposals in a manner that instills public and stakeholder confidence.

Subtitle B—Remote Sensing

SEC. 311. DEFINITIONS.

In this subtitle—

(1) the term ''geospatial information'' means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data;

(2) the term ''high resolution'' means resolution better than five meters; and

(3) the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 312. GENERAL RESPONSIBILITIES.

The Administrator shall—

(1) develop a sustained relationship with the United States commercial remote sensing industry and, consistent with applicable policies and law, to the maximum practicable, rely on their services; and

(2) in conjunction with United States industry and universities, research, develop, and demonstrate prototype earth science applications to enhance Federal, State, local, and tribal governments' use of government and commercial remote sensing data, technologies, and other sources of geospatial information for improved decision support to address their needs.

SEC. 313. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) IN GENERAL.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of commercial data sets, including high resolution commercial satellite imagery and derived satellite data products, existing public data sets where commercial data sets are not available or applicable, or the fusion of such data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) REPORT.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) WORKSHOP.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) REGULATIONS.—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 314. PROGRAM EVALUATION.

(a) ADVISORY COMMITTEE.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industries, to monitor the program established under section 313. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 313.

(b) EFFECTIVENESS EVALUATION.—Not later than December 31, 2009, the Administrator shall transmit to the Congress an evaluation of the effectiveness of the program established under section 313 in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

SEC. 315. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 313 shall be retrievable through an electronic, Internet-accessible database.

SEC. 316. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information and awareness of the need for geospatial workforce development.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

SEC. 321. GEORGE E. BROWN, JR. NEAR-EARTH OBJECT SURVEY.

(a) SHORT TITLE.—This section may be cited as the ''George E. Brown, Jr. Near-Earth Object Survey Act''.

(b) FINDINGS.—The Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Similar objects have struck the Earth or passed through the Earth's atmosphere several times in the Earth's history and pose a similar threat in the future.

(3) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth, and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(4) The efforts taken to date by NASA for detecting and characterizing the hazards of near-Earth objects are not sufficient to fully determine the threat posed by such objects to cause widespread destruction and loss of life.

(c) DEFINITIONS.—For purposes of this section the term ''near-Earth object'' means an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

(d) NEAR-EARTH OBJECT SURVEY.—

(1) SURVEY PROGRAM.—The Administrator shall plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter in order to assess the threat of such near-Earth objects to the Earth. It shall be the goal of the Survey program to achieve 90 percent completion of its near-Earth object catalogue (based on statistically predicted populations of near-Earth objects) within 15 years after the date of enactment of this Act.

(2) AMENDMENTS.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(A) by redesignating subsection (g) as subsection (h);

(B) by inserting after subsection (f) the following new subsection:

''(g) The Congress declares that the general welfare and security of the United States require that the unique competence of the National Aeronautics and Space Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth.''; and

(C) in subsection (h), as so redesignated by subparagraph (A) of this paragraph, by striking ''and (f)'' and inserting ''(f), and (g)''.

(3) FIFTH-YEAR REPORT.—The Administrator shall transmit to the Congress, not later than February 28 of the fifth year after the date of enactment of this Act, a report that provides the following:

(A) A summary of all activities taken pursuant to paragraph (1) since the date of enactment of this Act.

(B) A summary of expenditures for all activities pursuant to paragraph (1) since the date of enactment of this Act.

(4) INITIAL REPORT.—The Administrator shall transmit to Congress not later than 1 year after the date of enactment of this Act an initial report that provides the following:

(A) An analysis of possible alternatives that NASA may employ to carry out the Survey program, including ground-based and space-based alternatives with technical descriptions.

(B) A recommended option and proposed budget to carry out the Survey program pursuant to the recommended option.

(C) Analysis of possible alternatives that NASA could employ to divert an object on a likely collision course with Earth.

TITLE IV—AERONAUTICS

SEC. 401. DEFINITION.

For purposes of this title, the term ''institution of higher education'' has the meaning

given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

Subtitle A—Governmental Interest in Aeronautics Research and Development

SEC. 411. GOVERNMENTAL INTEREST.

Congress reaffirms the national commitment to aeronautics research made in the National Aeronautics and Space Act of 1958. Aeronautics research and development remains a core mission of NASA. NASA is the lead agency for civil aeronautics research. Further, the government of the United States shall promote aeronautics research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation's air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

Subtitle B—High Priority Aeronautics Research and Development Programs

SEC. 421. FUNDAMENTAL RESEARCH PROGRAM.

(a) OBJECTIVE.—In order to ensure that the Nation maintains needed capabilities in fundamental areas of aeronautics research, the Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects.

(b) OPERATION.—The Administrator shall conduct the program under this section, in part by awarding grants to institutions of higher education. The Administrator shall encourage the participation of institutions of higher education located in States that participate in the Experimental Program to Stimulate Competitive Research. All grants to institutions of higher education under this section shall be awarded through merit review.

(c) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of the Nation's future requirements for fundamental aeronautics research and whether the Nation will have a skilled research workforce and research facilities commensurate with those requirements. The assessment shall include an identification of any projected gaps, and recommendations for what steps should be taken by the Federal Government to eliminate those gaps.

(d) REPORT.—The Administrator shall transmit the assessment, along with NASA's response to the assessment, to Congress not later than 2 years after the date of enactment of this Act.

SEC. 422. RESEARCH AND TECHNOLOGY PROGRAMS.

(a) ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT.—The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(1) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) ENERGY CONSUMPTION.—Twenty-five percent reduction in the energy required for medium- to long-range flights, compared to aircraft in commercial service as of the date of enactment of this Act.

(3) EMISSIONS.—Nitrogen oxides on take-off and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of the date of enactment of this Act.

(b) SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT.—The Administrator may establish an initiative with the objective of developing and demonstrating, in a relevant environment, airframe and propulsion technologies to enable efficient, economical overland flight of supersonic civil transport aircraft with no significant impact on the environment.

(c) ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES.—The Administrator may establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating improved safety, noise, and environmental impact in a relevant environment.

(d) HYPERSONICS RESEARCH.—The Administrator may establish a hypersonics research program with the objective of exploring the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles. The program may also include the transition to the hypersonic range of Mach 3 to Mach 5.

(e) REVOLUTIONARY AERONAUTICAL CONCEPTS.—The Administrator may establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing engines, hybrid engines, and fuel cells.

(f) FUEL CELL-POWERED AIRCRAFT RESEARCH.—

(1) OBJECTIVE.—The Administrator may establish a fuel-cell powered aircraft research program whose objective shall be to develop and test concepts to enable a hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions into the environment.

(2) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

(g) MARS AIRCRAFT RESEARCH.—

(1) OBJECTIVE.—The Administrator may establish a Mars Aircraft project whose objective shall be to develop and test concepts for an uncrewed aircraft that could operate for sustained periods in the atmosphere of Mars.

(2) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 423. AIRSPACE SYSTEMS RESEARCH.

(a) OBJECTIVE.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace System, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system.

(b) ALIGNMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 424. AVIATION SAFETY AND SECURITY RESEARCH.

(a) OBJECTIVE.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it. The program shall develop prevention, intervention, and mitigation technologies aimed at causal, contributory, or circumstantial factors of aviation accidents.

(b) ALIGNMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall align the projects of the Aviation Safety and Security Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 425. AVIATION WEATHER RESEARCH.

The Administrator may carry out a program of collaborative research with the National Oceanic and Atmospheric Administration on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 426. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of Federal wake turbulence research and development programs. The assessment shall address at least the following questions:

(1) Are the Federal research and development goals and objectives well defined?

(2) Are there any deficiencies in the Federal research and development goals and objectives?

(3) What roles should be played by each of the relevant Federal agencies, such as NASA, the Federal Aviation Administration, and the National Oceanic and Atmospheric Administration, in wake turbulence research and development?

(b) REPORT.—A report containing the results of the assessment conducted pursuant to subsection (a) shall be provided to Congress not later than 2 years after the date of enactment of this Act.

SEC. 427. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

(a) IN GENERAL.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more Centers for Research on Aviation Training under cooperative agreements with appropriate NASA Centers.

(b) PURPOSE.—The purpose of the Centers shall be to investigate the impact of new technologies and procedures, particularly those related to the aircraft flight deck and to the air traffic management functions, on training requirements for pilots and air traffic controllers.

(c) APPLICATION.—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

(d) AWARD DURATION.—An award made by the Administrator under this section shall be for a period of 5 years and may be renewed on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed by the Center in its application under subsection (c); and

(2) other requirements as specified by the Administrator.

Subtitle C—Scholarships

SEC. 431. NASA AERONAUTICS SCHOLARSHIPS.

(a) ESTABLISHMENT.—The Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering or equivalent programs at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish regulations governing the scholarship program under this section.

(c) COOPERATIVE TRAINING OPPORTUNITIES.—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the NASA Centers engaged in aeronautics research and development during the summer prior to the first year of the student's Masters program, and between the first and second year, if applicable.

Subtitle D—Data Requests

SEC. 441. AVIATION DATA REQUESTS.

The Administrator shall make available upon request satellite imagery and aerial photography

of remote terrain that NASA owns at the time of the request to the Administrator of the Federal Aviation Administration, or the Director of the Five Star Medallion Program, to assist and train pilots in navigating challenging topographical features of such terrain.

TITLE V—HUMAN SPACE FLIGHT

SEC. 501. SPACE SHUTTLE FOLLOW-ON.

(a) POLICY STATEMENT.—It is the policy of the United States to possess the capability for human access to space on a continuous basis.

(b) PROGRESS REPORT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle and the estimated time before they will demonstrate crewed, orbital spaceflight.

(c) COMPLIANCE REPORT.—If, 1 year before the final planned flight of the Space Shuttle orbiter, the United States has not demonstrated a replacement human space flight system, and the United States cannot uphold the policy described in subsection (a), the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing—

(1) strategic risks to the United States associated with the failure to uphold the policy described in subsection (a);

(2) the estimated length of time during which the United States will not have its own human access to space;

(3) what steps will be taken to shorten that length of time; and

(4) what other means will be used to allow human access to space during that time.

SEC. 502. TRANSITION.

(a) IN GENERAL.—The Administrator shall, to the fullest extent possible consistent with a successful development program, use the personnel, capabilities, assets, and infrastructure of the Space Shuttle program in developing the Crew Exploration Vehicle, Crew Launch Vehicle, and a heavy-lift launch vehicle.

(b) PLAN.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing how NASA will proceed with its human space flight programs, which, at a minimum, shall describe—

(1) how NASA will deploy personnel from, and use the facilities of, the Space Shuttle program to ensure that the Space Shuttle operates as safely as possible through its final flight and to ensure that personnel and facilities from the Space Shuttle program are used in NASA's exploration programs in accordance with subsection (a);

(2) the planned number of flights the Space Shuttle will make before its retirement;

(3) the means, other than the Space Shuttle and the Crew Exploration Vehicle, including commercial vehicles, that may be used to ferry crew and cargo to and from the ISS;

(4) the intended purpose of lunar missions and the architecture for those missions; and

(5) the extent to which the Crew Exploration Vehicle will allow for the escape of the crew in an emergency.

(c) PERSONNEL.—The Administrator shall consult with other appropriate Federal agencies and with NASA contractors and employees to develop a transition plan for any Federal and contractor personnel engaged in the Space Shuttle program who can no longer be retained because of the retirement of the Space Shuttle. The plan shall include actions to assist Federal and contractor personnel in taking advantage of training, retraining, job placement and relocation programs, and any other actions that NASA will take to assist the employees. The plan shall also describe how the Administrator will ensure that NASA and its contractors will have an appropriate complement of employees to allow for the safest possible use of the Space Shuttle through its final flight. The Administrator shall transmit the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than March 31, 2006.

SEC. 503. REQUIREMENTS.

The Administrator shall—

(1) construct an architecture and implementation plan for NASA's human exploration program that is not critically dependent on the achievement of milestones by fixed dates;

(2) implement an exploration technology development program to enable lunar human and robotic operations consistent with section 101(b)(2), including surface power to use on the Moon and other locations;

(3) conduct an in-situ resource utilization technology program to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit; and

(4) pursue aggressively automated rendezvous and docking capabilities that can support the ISS and other mission requirements.

SEC. 504. GROUND-BASED ANALOG CAPABILITIES.

(a) IN GENERAL.—The Administrator may establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) ENVIRONMENTAL CHARACTERISTICS.—The Administrator shall select locations for the activities described in subsection (a) that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, or other potential resources).

(c) INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 505. ISS COMPLETION.

(a) POLICY.—It is the policy of the United States to achieve diverse and growing utilization of, and benefits from, the ISS.

(b) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will—

(1) be assembled and operated in a manner that fulfills international partner agreements, as long as the Administrator determines that the Shuttle can safely enable the United States to do so;

(1) be used for a diverse range of microgravity research, including fundamental, applied, and commercial research, consistent with section 305;

(2) have an ability to support a crew size of at least 6 persons, unless the Administrator transmits to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after the date of enactment of this Act, a report explaining why such a requirement should not be met, the impact of not meeting the requirement on the ISS research agenda and operations and international partner agreements, and what additional funding or other steps would be required to have an ability to support crew size of at least 6 persons;

(3) support Crew Exploration Vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles;

(4) support any diagnostic human research, on-orbit characterization of molecular crystal growth, cellular research, and other research that NASA believes is necessary to conduct, but for which NASA lacks the capacity to return the materials that need to be analyzed to Earth; and

(5) be operated at an appropriate risk level.

(c) CONTINGENCIES.—

(1) POLICY.—The Administrator shall ensure that the ISS can have available, if needed, sufficient logistics and on-orbit capabilities to support any potential period during which the Space Shuttle or its follow-on crew and cargo systems are unavailable, and can have available, if needed, sufficient surge delivery capability or prepositioning of spares and other supplies needed to accommodate any such hiatus.

(2) PLAN.—Not later than 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to carry out the policy described in paragraph (1).

SEC. 506. ISS RESEARCH.

The Administrator shall—

(1) carry out a program of microgravity research consistent with section 305;

(2) consider the need for a life sciences centrifuge and any associated holding facilities; and

(3) not later than 90 days after the date of enactment of this Act, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the research plan for NASA utilization of the ISS and the proposed final configuration of the ISS, which shall include an identification of microgravity research that can be performed in ground-based facilities and then validated in space and an assessment of the impact of having or not having a life science centrifuge aboard the ISS.

SEC. 507. NATIONAL LABORATORY DESIGNATION.

(a) DESIGNATION.—To further the policy described in section 501(a), the United States segment of the ISS is hereby designated a national laboratory.

(b) MANAGEMENT.—

(1) PARTNERSHIPS.—The Administrator shall seek to increase the utilization of the ISS by other Federal entities and the private sector through partnerships, cost-sharing agreements, and other arrangements that would supplement NASA funding of the ISS.

(2) CONTRACTING.—The Administrator may enter into a contract with a nongovernmental entity to operate the ISS national laboratory, subject to all applicable Federal laws and regulations.

(c) PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing how the national laboratory will be operated. At a minimum, the plan shall describe—

(1) any changes in the research plan transmitted under section 506(3) and any other changes in the operation of the ISS resulting from the designation;

(2) any ground-based NASA operations or buildings that will be considered part of the national laboratory;

(3) the management structure for the laboratory, including the rationale for contracting or not contracting with a nongovernmental entity to operate the ISS national laboratory;

(4) the workforce that will be considered employees of the national laboratory;

(5) how NASA will seek the participation of other parties described in subsection (b)(1); and

(6) a schedule for implementing any changes in ISS operations, utilization, or management described in the plan.

(d) UNITED STATES SEGMENT DEFINED.—In this section the term ''United States segment of the ISS'' means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

SEC. 601. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 602. SECONDARY PAYLOAD CAPABILITY.

(a) IN GENERAL.—In order to provide more routine and affordable access to space for a broad range of scientific payloads, the Administrator is encouraged to provide the capabilities to support secondary payload flight opportunities on United States launch vehicles, or free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

(b) FEASIBILITY STUDY.—The Administrator shall initiate a feasibility study for designating a National Free Flyer Launch Coordination Center as a means of coordinating, consolidating, and integrating secondary launch capabilities, launch opportunities, and payloads.

(c) ASSESSMENT.—The feasibility study required by subsection (b) shall include an assessment of the feasibility of integrating a National Free Flyer Launch Coordination Center within the operations and facilities of an existing nonprofit organization such as the Inland Northwest Space Alliance in Missoula, Montana, or a similar entity, and shall include an assessment of the potential utilization of existing launch and launch support facilities and capabilities, including but not limited to those in the States of Montana and New Mexico and their respective contiguous States, and the State of Alaska, for the integration and launch of secondary payloads, including an assessment of the feasibility of establishing cooperative agreements among such facilities, existing or future commercial launch providers, payload developers, and the designated Coordination Center.

Subtitle B—Education

SEC. 611. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, SMALL AND DISADVANTAGED BUSINESS'' in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking ''Historically Black Colleges and Universities and'' and inserting ''Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and''.

SEC. 612. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs, including Challenger Learning Centers—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 613. CHARLES "PETE" CONRAD ASTRONOMY AWARDS.

(a) SHORT TITLE.—This section may be cited as the ''Charles 'Pete' Conrad Astronomy Awards Act''.

(b) DEFINITIONS.—For the purposes of this section—

(1) the term ''amateur astronomer'' means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(2) the term ''Minor Planet Center'' means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(3) the term ''near-Earth asteroid'' means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(4) the term ''Program'' means the Charles ''Pete'' Conrad Astronomy Awards Program established under subsection (c).

(c) PETE CONRAD ASTRONOMY AWARD PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish the Charles ''Pete'' Conrad Astronomy Awards Program.

(2) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(4) AWARD AMOUNT.—An award under the Program shall be in the amount of $3,000.

(5) GUIDELINES.—(A) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this section.

(B) The decisions of the Administrator in making awards under this section are final.

SEC. 614. REVIEW OF EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a review and evaluation of NASA's precollege science, technology, and mathematics education program. The review and evaluation shall be documented in a report to the Administrator and shall include such recommendations as the National Research Council determines will improve the effectiveness of the program.

(b) REVIEW.—The review and evaluation under subsection (a) shall include—

(1) an evaluation of the effectiveness of the overall program in meeting its defined goals and objectives;

(2) an assessment of the quality and educational effectiveness of the major components of the program, including an evaluation of the adequacy of assessment metrics and data collection requirements available for determining the effectiveness of individual projects;

(3) an evaluation of the funding priorities in the program, including a review of the funding level and funding trend for each major component of the program and an assessment of whether the resources made available are consistent with meeting identified goals and priorities; and

(4) a determination of the extent and the effectiveness of coordination and collaboration between NASA and other Federal agencies that sponsor science, technology, and mathematics education activities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the review and evaluation required under subsection (a).

SEC. 615. EQUAL ACCESS TO NASA'S EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to NASA's education programs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts by the Administrator to ensure equal access for minority and economically disadvantaged students under this section and the results of such efforts. As part of the report, the Administrator shall provide—

(1) data on minority participation in NASA's education programs, at a minimum in the following categories: elementary and secondary education, undergraduate education, and graduate education; and

(2) the total value of grants NASA made to Historically Black Colleges and Universities and to Hispanic Serving Institutions through education programs during the period covered by the report.

(c) PROGRAM.—The Administrator shall establish the Dr. Mae C. Jemison Grant Program to work with Minority Serving Institutions to bring more women of color into the field of space and aeronautics.

SEC. 616. MUSEUMS.

The Administrator may provide grants to, and enter into cooperative agreements with, museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, earth science, or microgravity.

SEC. 617. REVIEW OF MUST PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit a report to Congress on the legal status of the Motivating Undergraduates in Science and Technology program. If the report concludes that the program is in compliance with the laws of the United States, NASA shall implement the program, as planned in the July 5, 2005, NASA Research Announcement.

SEC. 618. CONTINUATION OF CERTAIN EDUCATION PROGRAMS.

From amounts appropriated to NASA for education programs, the Administrator shall ensure the continuation of the Space Grant Program, the Experimental Program to Stimulate Competitive Research, and, consistent with the results of the review under section 614, the NASA Explorer School program, to motivate and develop the next generation of explorers.

SEC. 619. IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS.

(a) GAO REPORT.—Not more than 180 days after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee of Commerce, Science, and Transportation of the Senate a report describing action taken by NASA to implement the recommendations contained in the Government Accountability Office's Report No. 04–639.

(b) COMPLIANCE.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Administrator shall conduct compliance reviews of at least 2 grantees annually.

Subtitle C—Technology Transfer

SEC. 621. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange of services, products, and intellectual property between NASA and the private sector. This program shall place at least as much emphasis on encouraging the transfer of NASA technology to the private sector (''spinning out'') as on encouraging use of private sector technology by NASA. This program shall be maintained in a manner that provides clear benefits for the agency, the domestic economy, and the research community.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the Administrator shall provide program participants with at least 45 days notice of any proposed changes to the structure of NASA's technology transfer and commercialization organizations that is in effect as of the date of enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—National Aeronautics and Space Administration

SEC. 701. RETROCESSION OF JURISDICTION.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end of title III the following new section:

''RETROCESSION OF JURISDICTION

''SEC. 316. (a) Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

''(b) For purposes of this section, the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.''.

SEC. 702. EXTENSION OF INDEMNIFICATION.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended in subsection (f)(1) by striking ''December 31, 2002'' and all that follows and inserting ''December 31, 2010.''.

SEC. 703. NASA SCHOLARSHIPS.

(a) AMENDMENTS.—Section 9809 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking ''Act.'' and inserting ''Act (42 U.S.C. 1885a or 1885b).'';

(2) in subsection (c) by striking ''require.'' and inserting ''require to carry out this section.'';

(3) in subsection (f)(1) by striking the last sentence; and

(4) in subsection (g)(2) by striking ''Treasurer of the'' and all that follows through ''by 3'' and inserting ''Treasurer of the United States''.

(b) REPEAL.—The Vision 100-Century of Aviation Reauthorization Act is amended by striking section 703 (42 U.S.C. 2473e).

SEC. 704. INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) is amended—

(1) by striking ''Phase B'' in subsection (a) and inserting ''implementation'';

(2) by striking ''$150,000,000'' and inserting ''$250,000,000'';

(3) by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

(4) by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

(5) by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis, and communication of the results.''.

SEC. 705. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 701 of this Act, is further amended by adding at the end the following:

''SEC. 317. RECOVERY AND DISPOSITION AUTHORITY.

''(a) IN GENERAL.—

''(1) CONTROL OF REMAINS.—Subject to paragraphs (2) and (3), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

''(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

''(3) CONSTRUCTION.—This section shall not be construed to permit the Administrator to interfere with any Federal investigation of a mishap or accident.

''(b) DEFINITIONS.—In this section:

''(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

''(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that

''(A) is intended to transport 1 or more persons;

''(B) is designed to operate in outer space; and

''(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.''.

SEC. 706. CHANGES TO EXISTING LAWS ON REPORTS.

(a) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note) is amended—

(1) by striking ''and not later than the first day of every second month thereafter until October 1, 2006'' and inserting ''and semiannually thereafter until December 31, 2011''; and

(2) by adding at the end the following: ''Each such report shall also identify each Russian entity or person to whom NASA has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in-kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto. Each report shall include the specific purpose of each payment made to each entity or person identified in the report.''.

(b) Section 304(b) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note) is amended by striking ''2000'' and inserting ''2010''.

(c) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000 is amended by striking subsection (a).

SEC. 707. SMALL BUSINESS CONTRACTING.

(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) and to meet established contracting goals for such concerns.

(b) PRIORITY.—The Administrator shall establish as a priority meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by NASA to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 708. NASA HEALTHCARE PROGRAM.

The Administrator shall develop a plan to better understand the longitudinal health effects of space flight on humans. In the development of the plan, the Administrator shall consider the need for the establishment of a lifetime healthcare program for NASA astronauts and their families or other methods to obtain needed health data from astronauts and retired astronauts.

SEC. 709. OFFSHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year beginning with the first fiscal year after the date of enactment of this Act, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by NASA from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

SEC. 710. STUDY ON ENHANCED USE LEASING.

Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of NASA's enhanced use leasing pilot program established by section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j). At a minimum the review shall analyze—

(1) the financial impact of the program, taking into account revenue foregone by the United States, whether such revenue would have been realized in the absence of the program, and any revenue that accrued to NASA because of the program;

(2) the use and effectiveness of the program; and

(3) whether the arrangements made under the program would have been made in the absence of the program.

Subtitle B—National Science Foundation

SEC. 721. DATA ON SPECIFIC FIELDS OF STUDY.

The National Science Foundation shall continue to collect statistically reliable data on the field of degree of college-educated individuals to fulfill obligations under section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) and the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et. seq.). If the Director of the Foundation determines that there is a legal impediment to the continued collection of this data, he shall inform the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 722. NATIONAL SCIENCE FOUNDATION MAJOR RESEARCH EQUIPMENT AND FACILITIES.

(a) ASTRONOMICAL SCIENCES SENIOR REVIEW.—

(1) REVIEW.—The Director of the National Science Foundation shall charge the Mathematical and Physical Sciences Advisory Committee with conducting a review of the astronomical facilities supported by the Foundation to determine the appropriate balance between supporting the operation of existing facilities and supporting the design, development, and eventual operation of new facilities. The review shall recommend actions that would enable the Foundation to support priorities recommended in the National Academy of Sciences reports ''Astronomy and Astrophysics in the New Millennium'' and ''Connecting Quarks with the Cosmos''.

(2) TRANSMITTAL.—The Director shall transmit the review, along with a schedule for implementing any recommendations the Director accepts and an explanation for rejecting any recommendations, to the Committee on Science of the House of Representatives and the Committee of Commerce, Science, and Transportation of the Senate no later than June 30, 2006.

(b) PLAN FOR FUNDING DESIGN AND DEVELOPMENT FOR MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION PROJECTS.—

(1) IN GENERAL.—The Director of the National Science Foundation shall develop a plan to facilitate more thorough design and development of facilities that can be considered for funding through the Major Research Equipment and Facilities Construction account.

(2) CONSIDERATIONS.—In developing the plan, the Director shall consider—

(A) steps to encourage and ease cross-directorate collaboration;

(B) ways to ensure that a Directorate that will eventually support the operation of a facility is fully committed to that facility from the outset;

(C) providing funding for the design and development of facilities from new sources within the Foundation; and

(D) ways to enable and encourage entities proposing facilities projects to receive design and development funding from nongovernmental sources.

(3) TRANSMITTAL.—No later than June 30, 2006, the Director of the National Science Foundation shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan, along with a statement from the Director describing how the plan addresses the considerations described in paragraph (2).

TITLE VIII—TASK FORCE AND COMMISSION

Subtitle A—International Space Station Independent Safety Task Force

SEC. 801. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Administrator shall establish an independent task force to review the International Space Station program with the objective of discovering and assessing any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

(b) DEADLINE FOR ESTABLISHMENT.—The Administrator shall establish the independent task force within 60 days after the date of enactment of this Act.

SEC. 802. TASKS OF THE TASK FORCE.

The independent task force established under section 801 shall, to the extent possible, undertake the following tasks:

(1) Catalogue threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

(2) Make recommendations for corrective actions.

(3) Provide any additional findings or recommendations related to ISS safety.

(4) Prepare a report to the Administrator, Congress, and the public.

SEC. 803. COMPOSITION OF THE TASK FORCE.

(a) EXTERNAL ORGANIZATIONS.—The independent task force shall include at least one representative from each of the following external organizations:

(1) The Aerospace Safety Advisory Panel.

(2) The Task Force on International Space Station Operational Readiness of the NASA Advisory Council, or its successor.

(3) The Aeronautics and Space Engineering Board of the National Research Council.

(c) INDEPENDENT ORGANIZATIONS WITHIN NASA.—The independent task force shall also include at least the following individuals from within NASA:

(1) NASA's Chief Engineer.

(2) The head of the Independent Technical Authority.

(3) The head of the Safety and Mission Assurance Office.

(4) The head of the NASA Engineering and Safety Center.

SEC. 804. REPORTING REQUIREMENTS.

(a) INTERIM REPORTS.—The independent task force may transmit to the Administrator and Congress, and make concurrently available to the public, interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of the task force members.

(b) FINAL REPORT.—The task force shall transmit to the Administrator and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of task force members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) APPROVAL.—The independent task force shall not be required to seek the approval of the contents of any of the reports submitted under subsection (a) or (b) by the Administrator or by any person designated by the Administrator prior to the submission of the reports to the Administrator and Congress and to their being made concurrently available to the public.

SEC. 805. SUNSET.

The independent task force established under this subtitle shall transmit its final report to the Administrator and to Congress and make it available to the public not later than 1 year after the independent task force is established and shall cease to exist after the transmittal.

Subtitle B—Human Space Flight Independent Investigation Commission

SEC. 821. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''Commission'' means a Commission established under this title; and

(2) the term ''incident'' means either an accident or a deliberate act.

SEC. 822. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an independent, nonpartisan Commission within the executive branch to investigate any incident that results in the loss of—

(1) a Space Shuttle;

(2) the International Space Station or its operational viability;

(3) any other United States space vehicle carrying humans that is owned by the Federal Government or that is being used pursuant to a contract with the Federal Government; or

(4) a crew member or passenger of any space vehicle described in this subsection.

(b) DEADLINE FOR ESTABLISHMENT.—The President shall establish a Commission within 7 days after an incident specified in subsection (a).

SEC. 823. TASKS OF THE COMMISSION.

A Commission established pursuant to this subtitle shall, to the extent possible, undertake the following tasks:

(1) Investigate the incident.

(2) Determine the cause of the incident.

(3) Identify all contributing factors to the cause of the incident.

(4) Make recommendations for corrective actions.

(5) Provide any additional findings or recommendations deemed by the Commission to be important, whether or not they are related to the specific incident under investigation.

(6) Prepare a report to Congress, the President, and the public.

SEC. 824. COMPOSITION OF COMMISSION.

(a) NUMBER OF COMMISSIONERS.—A Commission established pursuant to this subtitle shall consist of 15 members.

(b) SELECTION.—The members of a Commission shall be chosen in the following manner:

(1) The President shall appoint the members, and shall designate the Chairman and Vice Chairman of the Commission from among its members.

(2) The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of candidates for membership on the Commission. The President may select one of the candidates from each of the 4 lists for membership on the Commission.

(3) No officer or employee of the Federal Government or Member of Congress shall serve as a member of the Commission.

(4) No member of the Commission shall have, or have pending, a contractual relationship with NASA.

(5) The President shall not appoint any individual as a member of a Commission under this section who has a current or former relationship with the Administrator that the President determines would constitute a conflict of interest.

(6) To the extent practicable, the President shall ensure that the members of the Commission include some individuals with experience relative to human carrying spacecraft, as well as some individuals with investigative experience and some individuals with legal experience.

(7) To the extent practicable, the President shall seek diversity in the membership of the Commission.

(c) DEADLINE FOR APPOINTMENT.—All members of a Commission established under this subtitle shall be appointed no later than 30 days after the incident.

(d) INITIAL MEETING.—A Commission shall meet and begin operations as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, a Commission shall meet upon the call of the Chairman or a majority of its members. Eight members of a Commission shall constitute a quorum. Any vacancy in a Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 825. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—A Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(b) CONTRACTING.—A Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—A Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) NASA ENGINEERING AND SAFETY CENTER.—The NASA Engineering and Safety Center shall provide data and technical support as requested by the Commission.

SEC. 826. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.

(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this subtitle.

(b) PUBLIC HEARINGS.—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 827. STAFF OF COMMISSION.

(a) APPOINTMENT AND COMPENSATION.—The Chairman, in consultation with Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILEES.—Any Federal Government employee, except for an employee of NASA, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any consultant or expert whose services are procured under this subsection shall disclose any contract or association it has with NASA or any NASA contractor.

SEC. 828. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of a Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 829. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with a Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 830. REPORTING REQUIREMENTS AND TERMINATION.

(a) INTERIM REPORTS.—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) TERMINATION.—

(1) IN GENERAL.—A Commission, and all the authorities of this subtitle with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

And the House agree to the same.

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
KEN CALVERT,
RALPH M. HALL,
LAMAR SMITH,
BART GORDON,
MARK UDALL,
MICHAEL M. HONDA,

Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Honda for consideration of secs. 111 and 615 of the House amendment, and modifications committed to conference.

SHEILA JACKSON-LEE,

For consideration of the Senate bill and House amendment, and modifications committed to conference:

TOM DELAY,
Managers on the Part of the House.

TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
BILL NELSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, and the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

This legislation authorizes the appropriations of funds for the National Aeronautics and Space Administration (NASA), for the fiscal years 2007 and 2008. In addition, it sets forth a framework of policy guidance, program management authorities and requirements, and means for ensuring accountability in program management and oversight.

U.S. CIVIL SPACE GOALS/VISION FOR SPACE EXPLORATION

The conferees endorse the President's Vision for Space Exploration and outline the rationale for it in section 101(b) of the Conference Report. The conferees believe that the Conference Report provides a strong legislative foundation for the pursuit of the nation's continued exploration of space in a manner that both preserves the important legacy of accomplishments in science, aeronautics and human space flight and provides NASA with the authority to move its new program of exploration forward.

SCIENCE

In an increasingly technological age, scientific and technical excellence is fundamental to securing the nation's economic and security interests and to inspiring and educating the next generation of scientists, engineers, astronauts, and entrepreneurs. The conferees agree that a continued strong and diverse array of programs in the areas of space science, earth science and education is essential, and the Conference Report combines important elements of the Senate- and House-passed legislation in order to ensure that such activities continue to represent a major portion of NASA's programs and priorities and that such activities are judged on their own merits.

HUMAN SPACE FLIGHT AND SPACE TRANSPORTATION

The conferees agree that it is important for the United States to have continuing, safe and reliable human access to space. The conferees further acknowledge the need to provide the smoothest possible transition between the eventual retirement of the space shuttle and the development of the new Crew Exploration Vehicle (CEV) and Crew Launch Vehicle (CLV). Section 502 of the Conference Report lays out an approach for an effective transition. At the same time, the Conference Report provides important oversight guidance, in terms of planning, funding projections and accountability, designed to ensure the success of these new systems' development.

The conferees also recognize the importance of the International Space Station

(ISS) in sections 505 and 506 of the Conference Report. The conferees recognize the research potential of the ISS beyond its contribution to long-duration human spaceflight in support of the Vision for Space Exploration in several sections, including section 305. The conferees adopt language that requires a minimum percentage of ISS research to be directed toward a range of science disciplines not directly related to supporting the Vision for Space Exploration. Furthermore, the conferees agree to provisions based on the Senate-passed bill that designate the U.S. segment of the ISS as a National Laboratory, paving the way for the addition of non-NASA resources and non-Government resources to support space station-based research.

AERONAUTICS POLICY

The conferees agree to provisions included in both Senate- and House-passed bills that require the development of a national aeronautics research policy to guide future investments in this important segment of NASA's mission. A healthy and vibrant aeronautics research capability and aerospace industry are vital to the nation's economic security. The plans and priorities required and highlighted by the Conference Report should serve to ensure the vitality of aeronautics research within the framework of a clear set of national policy objectives to be developed under the provisions of the Conference Report.

ADDITIONAL SIGNIFICANT PROVISIONS

In addition to the major policy areas noted above, the conferees agree to a number of significant provisions contained in both the House- and Senate-passed bills. Among these are provisions for workforce management, the encouragement and authorization of significant commercial participation in a full range of science, aeronautics, and exploration activities, enhanced program fiscal and management accountability, and significant measures providing for independent oversight of NASA programs and management. A number of these provisions are further described in the balance of the explanatory statement.

EXPLANATION OF SELECTED PROVISIONS

Sec. 101(d). Science

Section 101(d) directs the Administrator to develop a plan to guide the space science and earth science programs of NASA through 2016. The priority ranking required by this subsection is a single ranking of all the missions that NASA lists pursuant to paragraph (2)(A), not a ranking categorized by theme or any other category.

The conferees understand that NASA will have to update and revise the plans and priorities periodically. The conferees do not intend that NASA be bound by this plan until 2016. But the plan should be based on the best possible current assessment of what NASA will be able to do between now and 2016.

The conferees are aware that the National Academy of Sciences is continuing to work on an Earth Science and Applications from Space Decadal Survey which is due to be completed in 2006. In preparing the science plan, NASA should, to the greatest extent possible, take into consideration information available from the Decadal Survey. The conferees expect NASA to notify the authorizing committees if the completed Decadal Survey would change any of the information provided in the science plan.

Sec. 101(e). Facilities

Section 101(e) directs the Administrator to develop a facilities plan through fiscal year 2015. While the facilities plan does not have to be transmitted to the Committees until the date on which the President submits the fiscal year 2008 budget to the Congress, the conferees urge NASA to provide notification to the authorizing committees prior to mothballing or closing any significant facilities before the transmittal of the facilities plan.

The budget assumptions used to develop the facilities plan and descriptions of the costs and the type of work that are planned to maintain, modify or upgrade each facility, must be described in the plan.

Sec. 101(h). Budgets

The conferees support the views expressed in the House report that accompanied H.R. 3070 (House Report 109–173) and in the Senate Report that accompanied S.1281 (Senate Report 109–108) regarding the lack of detail provided by NASA in the fiscal year 2006 budget justification and previous inconsistency in identifying major program budget requests. As required by subparagraph 101(h)(1)(A) NASA is to provide proposed budgets for each of the areas (i) through (ix) ''by program''. For the purposes of this section a program is a major activity proposed in the budget that is contained within each of the categories (i) through (ix). For example, programs within the budget for Space Operations would include the Space Shuttle and the International Space Station. However, nothing in this section should be construed as allowing NASA to provide less detail than was contained in the fiscal year 2006 budget justification.

Sec. 101(j). Aeronautics test facilities and simulators

The aeronautics simulators to be reviewed under section 101(j) include at least the following:

- Research Aircraft Simulation Facility at the Dryden Flight Research Center
- Cockpit Motion Facility at the Langley Research Center
- Differential Maneuvering Simulator at the Langley Research Center
- Visual Motion Simulator at the Langley Research Center
- Vertical Motion Simulator at the Ames Research Center
- Crew Vehicle Systems Research Facility at the Ames Research Center
- Future Flight Central at the Ames Research Center
- Virtual Airspace Simulation Tool at the Ames Research Center
- Arc Jet facilities at the Ames Research Center.

Sec. 102(b). Budget information

Congress needs to understand fully the implications of building the CEV before NASA commits to this major project. This is a recognition of how central CEV development will be to NASA's activities and budget in the coming years and the need to ensure that adequate resources likely will be available for this development.

For that reason, absolutely no later than April 1, 2006, NASA must report the expected development cost to the authorizing committees. This is not a transmittal of the development contract itself or a detailed description of a yet-to-be-signed contract. What the committees are seeking is a realistic estimate for the total cost of the program that includes contract costs, government costs, and reserves.

Along with the estimate of expected costs, the Conference Report requires NASA to calculate two other cost estimates for the CEV based on historic experience with cost growth in relevant programs. NASA should consult the September 2004 Congressional Budget Office report, *A Budgetary Analysis of NASA's New Vision for Space Exploration*, in developing the cost estimates.

The Conference Report then requires NASA to prepare new 'sand charts' covering the period through 2020 that show the expected figures for NASA's primary program areas using each of the CEV cost estimates required by this subsection. All three sand charts should assume inflationary growth for NASA's total funding throughout the period.

Sec. 102(e). Office of Science and Technology Policy

The study required by section 102(e) is designed to provide Congress with additional information in reviewing NASA's programs. Therefore, in carrying out the study, the Office of Science and Technology Policy should give deference to Congressional directives, and should assume that any program mandated by Congress is intended to be carried out as authorized. Also, the study should not be used to make any changes in program directions, funding or locations without further consultation with the Congress.

Sec. 103. Baselines and cost controls

The conferees support the views expressed in the House report that accompanied H.R. 3070 (House Report 109–173) on Baselines and Cost Controls. The conferees have amended the House language to consolidate the reports into a single document to be provided at the time of the President's annual budget submission and have raised the threshold for the definition of a major program to $250 million. The conferees do not want NASA to lump separate development programs together into a single program for reporting purposes under this provision. For example, NASA may not aggregate the various programs and projects for the mission to return humans to the Moon as a single program. The conferees expect that the CEV, CLV, and other elements of the initiative will be reported as separate activities with their own baselines and annual updates. The conferees also expect the same treatment be provided in reporting major program activities within the Science, Aeronautics, and Education budget account.

For programs in the development phase at the time this Conference Report is enacted, reports shall reflect the current baseline for cost, schedule and technical content, not the baseline that may have existed at the time the program was approved to proceed to the development phase.

Sec. 104. Prize authority

The Conference Report is silent on how intellectual property should be handled as part of the prize program in section 104. NASA should announce the intellectual property policy for each prize in the notice required by subsection (d). The policy should be designed to ensure that the government gets the greatest benefit possible from the prize program, meaning that it should enable the prize program to attract as many contestants as possible and that it should enable the government to make use of any winning ideas. In developing the policy, NASA should review the advantages and disadvantages of all options including having all intellectual property reside with the contestants and the option of requiring the prize winner to give NASA a royalty-free license as a condition of receiving prize money. If NASA informs Congress of the intent to award a very large prize under subsection (i)(4), the written notice should include a description of how NASA will handle intellectual property in the contest.

Sec. 105. Foreign launch vehicles

This section should not be construed to prevent a consolidated approval of the planned ISS logistical and utilization flights; that is, the section does not require that each planned launch to the ISS trigger a separate interagency review. Additionally, this section is intended to support Presidential policy and timely notification, not

inhibit the use of foreign launch vehicles where the Agency feels it helps to meet program goals.

Sec. 110. Whistleblower protection

Given that concerns have been expressed about the reporting systems available within NASA and the potential for retaliation against whistleblowers, the conferees want to ensure that NASA develops and implements a plan, consistent with existing law, that provides for the protection of the rights of its employees and prevents retaliation against its employees who raise concerns (1) about substantial and specific dangers to public health or safety or (2) about substantial and specific factors that could threaten the success of a mission. The conferees intend for the phrase ''public health or safety'' to include matters that would affect the health or safety of NASA employees, but not the larger public.

Sec. 201. Budget structure

Section 201 establishes a budgetary structure for NASA for fiscal year 2007 and thereafter that consists of the following three appropriation accounts: ''Science, Aeronautics, and Education'', ''Exploration Systems and Space Operations'', and ''Inspector General''.

The Science, Aeronautics, and Education appropriation account shall include all of the programs in the current Science (including both space science and earth science), Aeronautics, and Education lines proposed in the fiscal year 2006 request, except that the Robotic Lunar Exploration Program shall be transferred to the Exploration Systems and Space Operations appropriation account, as NASA has proposed.

The Exploration Systems and Space Operations appropriation account shall include all programs currently in the Exploration Systems and the Space Operations budgets in the fiscal year 2006 budget request. In addition, the ISS Crew and Cargo Services and the Robotic Lunar Exploration Program shall be included in the Exploration Systems budget, as NASA has proposed. The Space Operations budget shall include the International Space Station and Space Shuttle programs and the Space and Flight Support line.

The conferees encourage synergy between the Exploration and Space Operations programs to take advantage of common resources and capabilities, when appropriate. Taking advantage of such synergies between the programs should not require the reprogramming of funds because such synergies would merely require charging work related to exploration to the exploration budget and charging work related to space operations to the space operations budget.

The conferees have included additional funding above the request for the Space Shuttle program in the Space Operations budget to address funding shortfalls in previous projections for Space Shuttle funding.

While the conferees did not include authorization levels for fiscal year 2009, the conferees believe that NASA should continue to receive in fiscal year 2009 funding sufficient to allow it to pursue robust science, aeronautics and human space flight programs, including sufficient funding to enable the Space Shuttle to operate safely, to complete the assembly of the International Space Station, and to ensure a smooth transition to the CEV and CLV programs. The conferees note that the fiscal year 2006 Budget Request outyear projections did not adequately address Space Shuttle requirements.

The conferees understand that NASA may not be able to adapt its internal accounting systems to the new appropriation account structure before submitting its fiscal year 2007 budget request. NASA should adapt its systems to the new appropriation accounts as swiftly as possible. NASA must have completed the transition by the start of fiscal year 2007. The conferees expect that the Authorizing Committees will work with the Appropriations Committees to ensure that NASA has clear and uniform guidance from the Congress on which to base its transition.

The conferees have granted limited transfer authority to NASA so that it will have the wherewithal to address the immediate costs to the agency of major disasters, acts of terrorism, or emergency rescues of astronauts. It is intended that such transfer authority be used sparingly, and that the affected accounts be restored to the maximum extent practicable by subsequent supplementary funding. The conferees wish to emphasize that the provision of such transfer authority should not be construed as obviating the need to have supplementary funding provided to the agency once the immediate crisis has passed.

The conferees expect that if any funds authorized by this Act are subject to a reprogramming action (within an account) that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

In addition, the conferees wish to discourage reprogramming actions that would further reduce the funding available to those programs for which the amount appropriated is less than the amount authorized in this Act. At a minimum, the conferees expect that notice will be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that contains a full and complete statement of the proposed action, its rationale, and the expected impact of such an action.

In view of the importance of fundamental research both to the education of the next generation of scientists and engineers as well as to the advancement of knowledge, the conferees urge the Administrator, when reprogramming funds to cover cost growth within a program, to protect funds intended for fundamental and applied research and analysis activities to the maximum extent practicable.

Sec. 304. Assessment of science mission extensions

The assessments performed under this section may be provided as a single report. The conferees encourage NASA to include all missions within the Sun-Earth Connections division that have exceeded their planned mission lifetime as part of the assessment required in section 304(a)(1), not just the minimum mandatory set of missions identified in that paragraph.

Sec. 305. Microgravity research

The conferees believe the United States needs to sustain a viable life and microgravity sciences research capability.

Sec. 316. Education

The conferees agree that NASA's education and public outreach programs can contribute to the availability of trained scientists, technologists, engineers, and educators to support U.S. technical geospatial workforce needs in the 21st century.

Title IV. Aeronautics

Title IV outlines NASA's aeronautics research program. In recent years, this program has been recast several times. The authorization provided, in concert with the national aeronautics policy developed under section 101(c), should help NASA engage in an aeronautics program that is not radically reformed each fiscal year.

The conferees recognize that over the past several years technological and operational breakthroughs in Unmanned Aerial Vehicles (UAVs) have greatly advanced the capabilities and utility of this class of aircraft. The conferees further note that integrating long endurance UAVs into regulated U.S. airspace safely, seamlessly and securely, will be beneficial to our future in aviation, security, and commerce. The conferees urge NASA to share its data and policy recommendations from NASA's UAVs in the National Airspace System project to other relevant, federal agencies that ask for them. The conferees assume NASA will continue to fund this project in fiscal year 2006 and direct NASA to provide a report to the Committee on Science of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, not later than February 15, 2006, on the results and policy recommendations to date of the UAVs in the National Airspace System project.

The conferees consider NASA's aeronautics research and development capabilities to be an important national asset that, when appropriate, can be employed effectively to address challenges facing the nation in ensuring the security of the homeland. However, nothing in section 424 should be construed as requiring NASA to duplicate efforts underway at other agencies of the government. Rather, the conferees assume that any NASA activities in this area will be properly aligned with national requirements.

Sec. 503. Requirements

The conferees are concerned about the individuals and organizations who in good faith entered into contracts with NASA for Exploration Systems Research and Technology (ESR&T) and Human Systems Research and Technology (HSR&T) projects that NASA is now terminating in order to redirect funding to activities that it believes are of higher priority in its implementation of the new Exploration Systems Architecture. The conferees believe that NASA should work with the affected contractors to determine the extent to which the scope of the existing work plans might be altered to better comport with the goals of the new Exploration Systems Architecture, with emphasis on applications of enabling technologies to enhance exploration mission success. The conferees would urge NASA to notify affected contractors of the new Exploration Systems Architecture, and as part of the planned contract termination activities, provide them with a timetable and appropriate NASA technical assistance to determine whether an appropriate modification of their contract scope would enable them to conform to the new priorities resulting from the Exploration Systems Architecture.

Sec. 616. Museums

The conferees recognize the important role that informal science education can play in capturing the imagination of the young and inspiring future scientists, mathematicians and engineers. The conferees encourage NASA to continue to look for opportunities to help science museums improve their offerings, particularly their programs to educate students and to attract more students from under-represented groups into scientific fields. As with other education programs, NASA should ensure that it is evaluating the impact of any grants it provides to help museums reach more students through new exhibits or programs.

Sec. 618. Continuation of certain educational programs

The National Space Grant College and Fellowship Program is a highly successful national network of colleges and universities

that is supporting and enhancing science, technology, and mathematics education, research, and public outreach programs. The network includes over 850 affiliates in academia, business, museums and science centers, as well as state and local agencies. The Space Grant program provides scholarship and fellowship opportunities to students in every state, Puerto Rico, and the District of Columbia. Space Grant is an established and demonstrably effective national mechanism for attracting and retaining students in science, technology, and mathematics. The conferees strongly support its continuation at robust levels within NASA's education program.

The Experimental Program to Stimulate Competitive Research (EPSCoR) provides States of modest research infrastructure with funding to develop a more competitive research base within their State and member academic institutions. A total of seven Federal agencies conduct EPSCoR programs which build infrastructure and broaden the participation of states in the Federal research enterprise. The conferees strongly support its continuation at robust levels within NASA's education program.

Sec. 703. NASA scholarships

Current law has two slightly different versions of law providing NASA with the authority to provide scholarships. Section 703 corrects this disparity.

ADDITIONAL CONCERNS

The conferees are aware of the issues surrounding NASA's use of its Mission Management aircraft. Therefore, the conferees request that NASA transmit a report to the authorizing committees by April 1, 2006, describing current policies concerning the use of NASA aircraft, the source of those policies, the extent of any adverse impact to the Agency and its ability to fulfill its mandates as prescribed in the Space Act, as amended, and any recommended changes to those policies that would assist NASA in carrying out its operations in fulfillment of those mandates.

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
KEN CALVERT,
RALPH M. HALL,
LAMAR SMITH,
BART GORDON,
MARK UDALL,
MICHAEL M. HONDA,

Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Honda for consideration of secs. 111 and 615 of the House amendment, and modifications committed to conference.

SHEILA JACKSON-LEE

For consideration of the Senate bill and House amendment, and modifications committed to conference:

TOM DELAY,
Managers on the Part of the House.

TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
BILL NELSON,
Managers on the Part of the Senate.

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IN SUPPORT OF MOTION TO INSTRUCT ON DOD AUTHORIZATION BILL

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

Mr. SCHIFF. Mr. Speaker, I rise today to express my support for the motion to instruct conferees on H.R. 1815, the DOD authorization bill that was offered earlier today by the distinguished ranking member of the Armed Services Committee (Mr. SKELTON).

Mr. Speaker, for over 3 years now, the Congress has failed to oversee the administration's policy regarding the detention of enemy combatants. We know very little about the criteria used to designate an American as an enemy combatant, even less about the due process afforded foreign nationals in Guantanamo and almost nothing about the reported existence of clandestine detention facilities operated by the U.S. Government.

The motion that passed the House overwhelmingly today instructs the conferees to insist on a Senate-passed provision that would require the DNI to submit to Congress a report on any clandestine prison or detention prison currently or formerly operated by the U.S. Government, regardless of location, where the detainees in the global war on terrorism are or were being held.

The conferees should retain this important provision in the Defense Authorization Bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–355) on the resolution (H. Res. 623) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF CONFEREE AND APPOINTMENT OF CONFEREE ON S. 1932, DEFICIT REDUCTION ACT OF 2005

The SPEAKER pro tempore (Mr. KIRK). Without objection and pursuant to clause 11 of rule I, the Chair removes the gentleman from Michigan (Mr. UPTON) as a conferee on S. 1932 and appoints the gentleman from Texas (Mr. BARTON) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

GUIDELINES AND REQUIREMENTS IN SUPPORT OF THE INFORMATION SHARING ENVIRONMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–76)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Permanent Select Committee on Intelligence and ordered to be printed:

To the Congress of the United States:

The robust and effective sharing of terrorism information is vital to protecting Americans and the Homeland from terrorist attacks. To ensure that we succeed in this mission, my Administration is working to implement the Information Sharing Environment (ISE) called for by section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The ISE is intended to enable the Federal Government and our State, local, tribal, and private sector partners to share appropriate information relating to terrorists, their threats, plans, networks, supporters, and capabilities while, at the same time, respecting the information privacy and other legal rights of all Americans.

Today, I issued a set of guidelines and requirements that represent a significant step in the establishment of the ISE. These guidelines and requirements, which are consistent with the provisions of section 1016(d) of IRTPA, are set forth in a memorandum to the heads of executive departments and agencies. The guidelines and requirements also address collateral issues that are essential to any meaningful progress on information sharing. In sum, these guidelines will:

Clarify roles and authorities across executive departments and agencies;

Implement common standards and architectures to further facilitate timely and effective information sharing;

Improve the Federal Government's terrorism information sharing relationships with State, local, and tribal governments, the private sector, and foreign allies;

Revamp antiquated classification and marking systems, as they relate to sensitive but unclassified information;

Ensure that information privacy and other legal rights of Americans are protected in the development and implementation of the ISE; and

Ensure that departments and agencies promote a culture of information sharing by assigning personnel and dedicating resources to terrorism information sharing.

The guidelines build on the strong commitment that my Administration and the Congress have already made to strengthening information sharing, as evidenced by Executive Orders 13311 of July 27, 2003, and 13388 of October 25, 2005, section 892 of the Homeland Security Act of 2002, the USA PATRIOT Act, and sections 1011 and 1016 of the IRTPA. While much work has been done by executive departments and agencies, more is required to fully develop and implement the ISE.

To lead this national effort, I designated the Program Manager (PM) responsible for information sharing across the Federal Government, and directed that the PM and his office be part of the Office of the Director of National Intelligence (DNI), and that the

DNI exercise authority, direction, and control over the PM and ensure that the PM carries out his responsibilities under section 1016 of IRTPA. I fully support the efforts of the PM and the Information Sharing Council to transform our current capabilities into the desired ISE, and I have directed all heads of executive departments and agencies to support the PM and the DNI to meet our stated objectives.

Creating the ISE is a difficult and complex task that will require a sustained effort and strong partnership with the Congress. I know that you share my commitment to achieve the goal of providing decision makers and the men and women on the front lines in the War on Terror with the best possible information to protect our Nation. I appreciate your support to date and look forward to working with you in the months ahead on this critical initiative.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 16, 2005*.

DISINTEGRATION OF IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, in the glow after the election, I come to the floor really to caution this House with the words of an old colleague of mine who says it is always too soon to congratulate yourself.

The New York Times on the 11th of December carried an editorial which is entitled Present at the Disintegration.

What he says, and he is an Iraqi, is that the government that has been established by the constitution and has now been elected is fatally flawed in three ways, and what we are going to get is continued civil war in that country because it is not possible to resolve the problems, given the people who have been elected.

The first is, we have created a parliament that can override the executive. We, secondly, created an executive that is divided between a president and a council of ministers, so there will be constant tension between the two factions that will control the government, the Shia and the Kurds. The Sunnis, everybody knows, are not going to be one of the controlling parties.

Finally, it encourages local governments to break off and become sovereign. What we are watching is the disintegration of Iraq.

[From the New York Times, Dec. 11, 2005]

PRESENT AT THE DISINTEGRATION

(By Kanan Makiya)

Washington and Baghdad will be tempted, with the adoption of a new Constitution and the election on Thursday for a four-year government, to declare victory in Iraq. In one sense, they are right to do so. The emerging Iraqi polity undoubtedly represents a radical break not only with the country's past but also with the whole Arab state system established by Britain and France after the collapse of the Ottoman Empire.

But in the larger sense, such optimism is misguided, for none of the problems associated with Iraq's monumental change have been sorted out. Worse, profound tensions and contradictions have been enshrined in the Constitution of the new Iraq, and they threaten the very existence of the state.

How did we get here? Much has been said about American failures in Iraq. And rightly so. But, as I've seen as a participant in political discussions both before and after the war, we Iraqis have also failed to lay the ground for a new order. For the new political elite cast into power by the elections last January has been unable even to begin to create a stable and strong Iraqi state to replace the one overthrown in April 2003. The increasing daily casualty rate for Iraqis, from 26 in early 2004 to an average of 64 in this fall, is only the most glaring sign that something has gone terribly wrong, and not for lack of any American effort to turn the situation around.

Unfortunately, we cannot expect the situation to change following Thursday's election. There is little chance that the winner will command the authority inside Parliament to reverse the decline, for a simple reason: the Constitution.

All signs suggest that this Constitution, if it is not radically amended, will further weaken the already failing central Iraqi state. In spite of all the rhetoric in that document about the unity of the ''homeland of the apostles and prophets'' and the ''values and ideals of the heavenly messages and findings of science'' that have played a role in ''preserving for Iraq its free union,'' it is disunity, diminished sovereignty and years of future discord that lie in store for Iraq if the Constitution is not overhauled.

Any government that emerges from the coming elections will be fatally undermined in at least three ways.

First, the Constitution establishes a supremely powerful Parliament, which can ride roughshod over the executive. While that Parliament, as it is designed in the Constitution, looks like a democratic institution, it doesn't work like one. Rather, it is an artificially constructed collection of ethnic and sectarian voting blocs. If the experience of the interim government is any guide, the few people who control those blocs are the ones who will wield real power, and they will do so largely through handpicked committees and backroom wheeling and dealing. Because this cabal of powerbrokers also chooses the president and the prime minister and can dismiss them with a simple majority, there will be no check on the tyranny of majorities operating under the aegis of the legislature.

Second, executive power is divided between the president and the council of ministers, guaranteeing that major decisions will be met with the same tension and paralysis that have plagued the present government. Both the president and the prime minister (it is assumed, though not explicitly stated, that these two posts will be apportioned out to a Kurd and a Shiite Arab, as they are at present) can separately present bills to Parliament—a sure recipe for conflict. And both the president and the prime minister can be fired after a no-confidence motion endorsed by a parliamentary majority. At a time of civil war and pervasive violence, in other words, no one person or institution can be said to be in charge of the executive branch of the federal government.

Third, the Constitution encourages the transformation of governorates and local administrations into powerful, nearly sovereign regions that, with the exception of Kurdistan, have no underlying basis for unity. And while the articles dealing with the functioning of the federal government are poorly worded and intended to dissipate executive power, the 10 articles of Section 5, on the powers and manner of formation of new regions, are a model of clarity and have been drafted with the sole purpose of encouraging new regions to be created at the expense of the federal union.

This guarantees that the more Iraqi provinces opt for regional status, and get it, the more the federal state will shrivel up and die. Moreover, with the exception of those who reside in provinces without oil (or in Baghdad, which cannot join a region), it is in the interest of every populist demagogue to press for regional status, because it is at that level that the lawmaking that truly affects day-to-day life will take place.

The powers of the new regions will be enormous. Not even the Iraqi Army can travel through one without the permission of the regional Parliament. And should there be any doubt about where the whip hand will lie on any issue not explicitly addressed in the Constitution, Article 122 states: ''Articles of the Constitution may not be amended if such amendment takes away from the power of the regions . . . except by the consent of the legislative authority of the concerned region and the approval of the majority of its citizens.''

An Iraqi wit known only as Shalash al-Iraqi has lampooned this devolution of power in an imaginary constitution, called ''The Federalism of the city of Thawra and its Environs,'' posted on the Internet. Its preamble reads:

Congruent with the wave of federalisms that is sweeping Iraq, the city of Thawra and its surrounding neighborhoods have decided to constitute themselves as a federal region . . . For this purpose a Constituent Assembly of the representatives of the most important and influential tribes in the City has been established . . . [and it] has noted that the City of Thawra [is well suited to become a region because it] floats on a lake of oil, and possesses a huge labor force along with an independent army and police force . . . In addition the city is bounded by a canal, which is its water link to the cities of the adjoining sisterly Republic of Iraq . . .

''We, people of the valley east of the canal, . . . have of our own volition and free will decided to separate from the people of Baghdad and all the other irritating governorates like Ramadi, Diwaniya, Tikrit, Darbandikhan, Samawa and all the rest . . . The adoption of this, our constitution, will free us from all the headaches and problems of Iraq.''

There is nothing wrong with having strong regions within a federal union. Unfortunately the new Iraqi Constitution fails to inject the glue that would hold such a union together: the federal government. It sets up a regional system with big short-term winners (Shiite Arabs and Kurds) and big short-term losers (Sunni Arabs). It even allocates extra oil and gas revenues to the regions that generate them, on the implicit assumption that because of the political inequities of the past, the state owes the Sunnis of the resource-poor western provinces less than it does the Shiites and Kurds. But these provinces are not significantly better off than other parts of Iraq.

Iraq's Sunni Arabs voted solidly against the Constitution not because they are Saddam Hussein loyalists, nor because they hate the Kurds and Shiites (as some of the insurgents do); they voted against it because by doing away with the central state, which they had championed during the previous 80 years, and penalizing them for living in regions without oil, the Constitution became a punitive document—one that began to seem as if it was written to punish them for the sins of the Baath.

What is wrong with pursuing the Constitution to its logical conclusion: the breakup of

Iraq? Nothing, if that breakup is consensual and does not entail an escalation in the violence tearing the country apart. But such is not the case. The debate in Parliament over the Constitution was extremely polarized and artificially cut short by the majority. Moreover, if a mere 83,283 people in the province of Nineveh had voted no instead of yes, the draft constitution would have been defeated.

Sunni opposition to the new order will continue. Crushing it by force, as some Shiite hotheads in the Parliament's majority bloc are calling for, will be an extremely bloody business. Even if the long-term outcome of an all-out Iraqi civil war is not in doubt, the body count and destruction would make Lebanon's war look like a picnic. No moral person can condone the parliamentary majority that makes this happen.

The 2003 Iraq war has indeed brought about an irreversible transformation of politics and society in Iraq. But this transformation has not consolidated power, as the great revolutions of the past have tended to do (in France, Russia and even Iran), nor is it distributing power on an agreed upon and equitable basis, as happened after the American Revolution and as Iraqi liberal democrats like myself had hoped would happen after the fall of Saddam Hussein. Rather, it is dissipating it. And that is a terrifying prospect for a population whose primary legacy from the Saddam Hussein era is a profound mistrust of government in all its forms.

By ceding and dismissing centralized power, Iraqis may end by ceding all their power. Iran in the short run, and the Arab world in the long run, will fill the vacuum with proxies, turning the dream of a democratic and reborn Iraq into a dystopia of warring militias and rampant hopelessness.

The reaction against tyranny in Iraq was always going to take the form of a new kind of state in the Middle East, one that in the minds of those who struggled against the regime of Saddam Hussein had to be profoundly decentralized. And federalism did not have to entail the dissipation of power. As it was first envisioned, a federal Iraq promised to safeguard against despotism while furnishing a framework both strong and flexible enough to reconcile the competing demands of its citizens.

Federalism first entered the lexicon of the Iraqi opposition in 1992, when the newly created Kurdish Parliament voted in favor of it as a way of governing the relation of Kurdistan to the rest of the country. That vote was ratified a few months later by a conference of the Iraqi opposition in Salahuldin, in northern Iraq.

Remarkably, the idea of federalism survived the bitter infighting among Iraqi exiles in months before the 2003 war, becoming one of the few common denominators in the discourse of the opposition about the future of Iraq. The fact that there was no literature in Arabic on federalism to speak of, and that Iraqi parties and organizations did not know or agree upon what federalism meant, and that Iraqi politicians did not bother themselves with thinking about what it might mean, did not deter individuals, parties and organizations from continuing to advocate it.

I was one of the idea's most ardent Arab advocates. In Salahuldin, I delivered the keynote speech on the subject, not only endorsing the Kurdish Parliament's decision, but presenting federalism as a general solution to the problems of the Iraqi state. A federalism based on Iraq's existing 18 governorates broke the rotten mold of Iraqi and Arab politics, I argued. No Iraqi political organization could afford not to be for it, especially not one that called itself democratic. Without a system of government in which real power devolved away from Baghdad, the autonomous, predominantly Kurdish north must sooner or later opt for separation. And how could any Iraqi expect otherwise, after all the terrible things that had been done to the Kurds in the name of Arabism?

Some Arabs argued that one must concede federalism in the interest of getting rid of Saddam Hussein and because the Kurds are in a position to force it upon us. And we must accept federalism, some Kurds said, not because we really want it, but because the regional situation does not allow us to secede. But utilitarian calculation did not lie behind the democratic argument.

Federalism in Iraq would both separate and divide powers. Painstakingly negotiated arrangements would distinguish the powers of the parts from those of the center, taking care to leave important functions in the hands of the federal government.

We thought it wise to define regions territorially, according to the relative distribution of the population, and to include in the constitution the claim that the country's resources (in particular oil revenues, the only real source of income for the foreseeable future), would belong to all Iraqis equally and would be managed by the federal government. Different ethnicities and sects would almost certainly form majorities in particular regions. The point was not to change such distributions, but to emphasize the equality of citizenship.

Such a federalism, Iraqi democrats said, was the logical extension of the principle of human rights. It was based on the notion that the rights of the part—whether that part was a single person or a group—should not be sacrificed to the will of the majority. What people like myself failed to appreciate, or understand, before 2003, were the powerful forces driving toward purely ethnic and sectarian criteria for the definition of the ''parts'' of the new federal idea. The consequence of those forces has been a tremendous weakening of the political idea of Iraq, which the new Constitution has converted into hostility toward central government per se.

A decentralized, federal state system that devolves power to the regions is not the same as a dysfunctional one in which power at the federal level has been eviscerated. The former preserves power while distributing it; the latter destroys it. At the moment Iraqis have a dysfunctional and powerless state. The Constitution does not fix this; it makes it worse.

What began as an American problem is today an Iraqi one. To steer the country away from anarchy and manage the furies that have been unleashed, the following measures need to be undertaken by the new Iraqi Parliament the moment it reconvenes after the elections:

Recognize that at the moment only Kurdistan fulfills the conditions for being a region. Using the Kurdish experience as a model, the Constitution must define the minimum conditions that need to be met by any group of provinces that desire to form themselves into a region. Then set a moratorium of 10 years on the establishment of new regions, this being the time necessary to crush the insurgency, establish properly accountable institutions of law and order and ensure that those applying for such status have met the criteria.

Limit the size of any new region formed after the 10-year period to a maximum of three governorates and fix the existing unmodified boundaries of the 18 governorates of Iraq as the basis for the establishment of new regions.

Delete Article 109, which allocates extra oil revenues to the regions that generate them. There is no defensible case for imposing special reparations on the Sunni populace for the crimes of Iraq's former leaders.

Appoint a committee of expert constitutional lawyers to make the necessary amendments reconciling the legislature with the executive and the different parts of the executive with each other. This is not a matter that can be resolved by the politicians alone.

Democracy is not reducible to placing an Iraqi seal of approval upon a situation that is manifestly worsening by the day. The 79 percent of people who voted in favor of a constitution that promotes ethnic and sectarian divisions are unwittingly paving the way for a civil war that will cost hundreds of thousands of Iraqi lives. Nothing is worth that.

Without the return of real power to the center, the ascent of sectarian and ethnic politics in Iraq to the point of complete societal breakdown cannot be checked. We cannot fight the insurgency, rebuild Iraq and live in any meaningful sense as part of the modern world without a state. There are no human rights, no law, and no democracy without the state; there is only anarchy and a state of insecurity potentially much worse than what Iraqis are experiencing today. For democracy to emerge out of the current chaos in Iraq, the state must be saved from the irresponsibility of the Iraqi parties and voting blocs that are today killing it.

SPECIAL ORDERS

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

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

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

HONORING MAJOR GENERAL DAVID E. TANZI

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Pennsylvania (Mr. ENGLISH).

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

There was no objection.

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

Mr. BISHOP of Utah. Mr. Speaker, it is my great pleasure to introduce to this body Major General David Tanzi, the Vice Commander of the United States Air Force Reserve, and to honor him on his forthcoming retirement, which will be January 11, 2006, at Robins Air Force Base in Georgia.

In his duties as Vice Commander, General Tanzi is responsible for the daily operations of the Command, which consists of 76,000 Citizen Airmen, 400 aircraft, guiding 36 wings, three flying groups, one space group, 620 mission support units and two draft

choices to be named later. He manages $20 billion in assets, a $3.9 billion annual budget and has successfully led this command through major transformational changes in force structure and in organization.

General Tanzi is a command pilot with over 4,055 hours in various types of planes. He has been honored with numerous awards and decorations, including two Distinguished Service Medals, two Legion of Merit Awards, the Meritorious Service Medal, and the Air Medal.

General Tanzi is a native of New Hampshire and a graduate of Ohio State University. And although he has been stationed throughout the United States in his tenure in the military, we in Utah claim him and his family as our own. Since the year 1993 through 1999, when he was the Commander of the 419th Fighter Wing at Hill Air Force in Utah, he has maintained a home in Utah only minutes away from that base.

We warmly welcome General Tanzi and his wife Deb and their new son, Anthony, back home to Utah on a permanent basis. For, indeed, the Air Reserve Command's loss will be my State's gain.

General Tanzi's contributions to our Nation's security, his years of sacrifice on behalf of others, his superior leadership have paved the way for Air Force Reserve excellence and innovations for generations to come.

MEAN-SPIRITED CUTS

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

Mr. DEFAZIO. Mr. Speaker, earlier tonight, I was asked by a reporter if perhaps I and other Members were upset that this close to Christmas and on a weekend night that the House was still working and the year was dragging on. And I said, no, that did not bother me a bit; I would be happy to work all night and through the holidays. But what bothered me was the substance of what we are working on and why we are still here.

It can be distilled down to three simple reasons: We are here because the Republicans have a package of mean-spirited cuts they want to make just before Christmas. They want to hack $14 billion out of student financial aid; billions of dollars out of food assistance, school lunch, food stamps; dump the Medicaid burden for underinsured or uninsured people back onto the States; cut foster care; and cut long-term care. And they say they have to do that because of the deficit.

But then they have bated it with tax cuts for the wealthy. That is the present they want to put under the tree before we leave. They want to push through, after the $50 billion in cuts in student financial aid, food assistance, medical assistance, foster care and long-term care, they want to give tax cuts to the wealthiest among us.

Disproportionately, their cuts will go to people who invest for a living and earn over $300,000 a year. They have a theory that values investors over wage and salary earners. It is called trickle-down economics. What they say is, if we enrich those people, those who earn over $300,000 a year, particularly those who earn over $1 million a year, if we give them more tax cuts and if we borrow money to give them tax cuts, they will trickle down on the rest of America and put people to work. They will float their yachts on a sea of red ink, and they will hire people to wash the yachts and cut the lawn, and therefore, America benefits.

Unfortunately, they would increase the deficit even after their mean-spirited cuts. So that is their pre-Christmas agenda: To stick it to the working families and the struggling and the young in America so that the wealthiest among us, who are already doing quite well, will have yet a merrier Christmas.

And then they have one last thing: They want to drill in the Alaska National Wildlife Refuge. The entire Congress is being held captive by one Senator from Alaska. He is going to stick that on one bill or another before he lets Congress go home.

Substitute for a comprehensive energy policy for the United States of America, something that might free us from the oil companies and OPEC, something that might break through into the 21st century in terms of new technologies, they want to push through drilling in the Alaska National Wildlife Refuge.

So that is their troika: Cuts to Americans in need and Americans trying to make better of their lives; tax cuts for those who are already doing phenomenally well; and then, finally, yet another gift to the oil industry, on top of the subsidies they provided in the energy bill.

It is a pretty sad policy, but perhaps they will at least give a lump of coal to every American to put in the fireplace to try to keep warm because they cannot afford their natural gas or electric heat or their oil for their furnace this year.

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

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

UNITED STATES SHOULD NOT BE NATION BUILDING

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Georgia (Mr. PRICE).

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

There was no objection.

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

Mr. DUNCAN. Mr. Speaker, the Pentagon, 3 days ago, issued a directive which should be of great concern to any traditional conservative. The Washington Times on its front page reported it this way: ''The Pentagon yesterday announced a landmark change in the use of combat troops, elevating stability missions, commonly called nation-building, to an equal status with major combat operations.''

Conservatives used to be opposed to world government. Conservatives used to believe in the United States of America rather than the United States of the New World Order. Conservatives used to oppose turning the Department of Defense into the Department of Foreign Aid.

Probably well over half of what we have spent in Iraq is just pure foreign aid, building roads, power plants, water systems, new schools, railroads, ports, new prisons, training their police and military, and giving free medical care, among other things.

President Bush, when he campaigned in 2000, in many speeches came out strongly against nation-building. We have so many needs in this country, especially with our aging clean water and wastewater systems. We also have a national debt that will soon reach $9 trillion. We simply cannot afford to build or rebuild nations all over this world.

Georgie Ann Geyer, the nationally syndicated columnist, wrote a couple years ago: ''Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by a minority in their name, will eventually come to a point where they see they have to have a government that provides services at home or one that seeks empire across the globe.''

But this is not primarily about Iraq. It is about whether we want a Department of Defense or a Department of Foreign Aid. We are not going to be able to pay all of our military pensions, civil service pensions, Social Security, Medicare, Medicaid, the new prescription drug benefit, the 44 million private pensions we have guaranteed through the PBGC, in just a few years with money that means anything if we do not stop all this nation-building around the world.

I have nothing at all against anyone from any other country, but the first obligation of the U.S. Congress should be to the American people. The first thing that is said about anyone who opposes spending mega billions in other countries is that he must be an isolationist. But the isolationist charge means the person who says it is resorting to childish name-calling rather than a discussion on the merits.

Our interventionist foreign policy has caused great resentment and animosity against us all over the world.

There is another way, a better way than intervening in almost every major political, ethnic, religious or military dispute around the world. The middle way between isolation and intervention is to have trade and tourism, cultural and educational exchanges, help out during humanitarian crises, give technical advice by government agencies and try to be friends with all nations but maintain an enlightened neutrality on disputes that really are none of our business.

This new directive is more about money than it is about security. Like any gigantic bureaucracy, the Pentagon and its Defense contractors always want more money. One of the most common ways any government agency uses to get more money is by expanding its mission. You can never satisfy any government's appetite for money or land. They always want more.

President Eisenhower warned us many years ago of what he called the military-industrial complex. I have great respect for anyone who serves in the military. I believe in having a strong national defense. But I do not believe in the U.S. providing international defense, and it is certainly not a traditional conservative position to make those in our military the policemen of the world or take on the defense needs of the whole world.

And it is certainly not conservative, nor is it constitutional, for the U.S. to do nation-building all over the world, whether it is done by the Defense Department or any other department.

□ 2300

A NEW DAY FOR IRAQ

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

Mr. SCHIFF. Mr. Speaker, the initial reports of yesterday's Iraqi election all point to it having been a remarkable day for the Iraqi people. Although Iraq's security situation remains precarious and the country's economy and much of the infrastructure have yet to be repaired, the past year has seen important progress in the country's political development.

More than 11 million Iraqis went to the polls to cast their votes for a new parliament and a new future. Iraq Sunnis who boycotted the polling in January, turned out in force to ensure their voices would be heard in the new legislature. For weeks, Sunni imams had been imploring their congregants to vote and their calls were heeded. Election observers estimated that turnout was in excess of 70 percent nationwide and the turnout was matched by preelection polling that showed a high degree of enthusiasm for and optimism about the elections and what they mean for the future of Iraq.

Perhaps the most remarkable aspect of yesterday's voting was the absence of violence. Across the country, only 52 attacks were recorded, and there were no mass casualty incidents. This stands in marked contrast to the January election when voters in polling stations were hit by more than 300 insurgent attacks.

Yesterday's relative calm was due to the men and women of our Armed Forces. Our troops and their commanders did a magnificent job over the past months to prepare the country for this crucial election. Even as we celebrate the success of the voting, we cannot overlook the incredible sacrifice of our military men and women. They have performed magnificently, but at an enormous cost.

While the election itself was a remarkable achievement, we, our coalition partners and the international community, must move quickly to ensure that Iraq's fragile, nascent democracy is able to flourish.

Two days ago I was invited to the White House, along with a number of my Democratic colleagues, to meet with the President and senior administration officials on preparations for the elections and next steps in Iraq. I appreciated the President's efforts to reach across the aisle for unity, and we had a far-reaching discussion on how best to move forward in Iraq. I hope that the President's recent willingness to engage with Members of Congress, and especially Democrats, augers more consultations with the Hill on Iraq and the broader array of national security challenges that confront us.

Counting the votes will take days and perhaps weeks, given the sheer number of ballots cast for the more than 300 political parties that registered to compete in the election, as well as the bifurcated nature of allocating seats by province and nationwide.

As we move forward, I see a series of five steps as crucial to Iraq's future.

First, Ambassador Zalmay Khalilzad, who has done a remarkable job in Kabul and in Baghdad, must work with the Iraqis to assemble a new government that will include the diverse array of Iraqi voices in order to maximize the legitimacy of the government in the eyes of the Iraqi people while minimizing the prospects for the dissolution of Iraq. The apparently strong showing by the secular Iraqi National List, headed by former interim Prime Minister Iyad Allawi, may be an early indicator that a broad-based government may be possible.

Second, we must work with a new parliament and help them execute the revisions to Iraq's Constitution that were promised in the days leading up to the October referendum. Constitutional changes that strengthen the power of the central government and ensure that the Sunnis are able to share in the nation's oil wealth will do much to allay the concerns of Iraq's Sunnis.

Third, we must ramp up our efforts to train and equip Iraq security forces so that a significant portion of American forces can be redeployed from Iraq with the remainder of American troops adopting a much lower profile. This will allow us to better safeguard the lives of our troops even as we continue to act as the ultimate guarantor for the new Iraqi state.

Fourth, we must fracture the insurgency in order to weaken it. The Iraqi insurgents are made up of three distinctly different groups. The first group, the foreign jihadis, must be destroyed. The second group, which is made up of the hard-core Baathists, is also likely to fight to the bitter end. The third wing of the insurgency is composed of disaffected Sunnis who are motivated primarily by the loss of their status in Iraqi society.

Yesterday's election and the consolidation of a broad-based government should be instrumental in diminishing the threat from this faction.

Finally, we must redouble our efforts to reconstruct Iraq. While there has been some progress in restoring basic services and providing opportunities for Iraqis, there is much work yet to be done. This is an area where we should make a new effort to reach out to the international community and engage them in Iraq's future.

Mr. Speaker, yesterday's voting was a triumph for the Iraqi people, for the cause of democracy in the Arab world, and for our Armed Forces; but now we must act quickly and effectively to solidify these political gains.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3963. An act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4508. An act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

H.J. Res. 38. Joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2520. An act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

H.R. 3402. An act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The message also announced that the Senate concurred on a House Amendment with an amendment to Senate bill:

S. 467. An act to extend the applicability of the Terrorism Risk Insurance Act of 2002.

IRAQ ELECTIONS

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

Mr. FORTENBERRY. Mr. Speaker, we have just witnessed one of the freest elections ever held in the Middle East. It is important to recognize that independent multinational election monitors have confirmed that yesterday's Iraqi elections, in which a remarkably large number of Sunnis turned out to vote, met international standards. It is estimated that 10 to 12 million Iraqis renounced fear and defied those who seek to demoralize them and to undermined U.S. and international support for their noble commitment to rebuilding a civil society.

As we seek to encourage our friends in the Middle East on their journey of self-determination, let us take a moment to recall with an appropriate level of humility that our own democratic journey was neither quick nor easy and no less worthwhile for the difficulties endured.

Mr. Speaker, this historic moment inspires me to highlight an outstanding bipartisan initiative here in the House which is making a significant impact to strengthen fledgling democratic institutions throughout the world.

I want to commend Speaker HASTERT for his foresight in launching the House Democracy Assistance Commission on which I serve along with 15 of my colleagues. I wish to thank my colleague, Congressman DAVID DREIER, for his leadership on this initiative and his dedication to see it through to fruition.

I also wish to acknowledge Representative DAVID PRICE and my predecessor, Congressman Doug Bereuter, for their hard work since 2003 to move this initiative and to make it a reality.

Since the establishment of the commission in March 2005, Members and staff have worked diligently to identify countries and legislative bodies in need of technical assistance. The House Democracy Assistance Commission has established an exemplary framework to help elected legislators develop badly needed parliamentary infrastructures to foster just and thriving civil society based upon democratic principles.

In his second inaugural address, President Bush issued a global call to freedom, the heritage of all mankind. Through the commission, Members of Congress have answered the President's call to move the principles of democracy around the world. And beginning next year, Democratic and Republican Members alike will join together to support and encourage our counterparts in Indonesia, the world's largest Muslim country; in East Timor, the world's newest country which hungered for independence and now hungers for working democratic institutions; in Georgia, where the 2003 Rose Revolution ushered in peaceful change; in Macedonia, which emerged from the brink of civil war to a new day of freedom; and also in Kenya, a regional African power in the forefront of the war on terror.

Through technical assistance missions, material assistance and exchange programs that bring legislators to the U.S. and allow our Members to share their knowledge and experiences with members of parliaments in partner countries, the House of Representatives is working directly with legislators around the world to provide expertise and parliamentary best practices. This assistance will emphasize committee operations, budgetary issues, defense oversight, specialized legislation and oversight, legislative procedures, research services, information services, as well as constituent services.

The commission also plans to support emerging legislative institutions in Iraq, Afghanistan, Ukraine and Lebanon, countries where governments had imposed unspeakable hardships on their own people previously. It is staggering to realize that just a few short years ago the brutal Taliban regime held all of Afghanistan hostage.

On December 19, thanks in great measure to the perseverance and dedication of our men and women in uniform, Afghans are inaugurating their first parliament in over 30 years.

Khalid Farooqi, a legislator in Afghanistan's Lower House of Parliament, was recently quoted as saying, ''We want to build our country, we do not want to destroy it again.''

For the first time since Saddam Hussein began his savage reign, and despite factional tensions and the threats of nihilistic insurgents, an astounding 70 percent of Iraqis courageously rose yesterday to determine their own future and held elections for a new National Assembly and government.

We also look to a new dawn of hope in Lebanon, where, tragically, Gibran Tueni, a publisher and deputy at Lebanon's Parliament, was assassinated this Monday in a bombing by those who fear the freedom that comes from self-determination.

Just as our troops and over 22,000 soldiers from 30 coalitions nations stood strong to help make yesterday's victory possible in Iraq, I am proud of my fellow Democrats and Republicans as we stand together to provide hope, encouragement, and vital technical assistance to the work of the House Democracy Assistance Commission.

FEMA TRAILERS, BUT NOBODY'S HOME

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

Mr. ROSS. Mr. Speaker, on August 29, 2005, Hurricane Katrina slammed the gulf coast as a category 4 storm. Due to the massive damage caused by one of the most costly natural disasters in our Nation's history, thousands of Louisiana and Mississippi residents whose homes were destroyed were forced to relocate to areas such as my home State of Arkansas. Many are still there today.

As a result of Hurricane Katrina, the Federal Emergency Management Agency, commonly referred to as FEMA, purchased at least 20,000 brand-new manufactured homes; and thousands of these homes, nearly 4 months later, have not reached those who need them, citizens of this country who lost their homes and everything that they owned on August 29, 2005.

Instead, these homes are being stored by FEMA in five different so-called staging areas, including staging areas in my congressional district near my hometown at the Hope Municipal Airport in Hope, Arkansas, at Red River Army Depot and Lone Star Army Ammunition Plant near Texarkana, all of these staging areas some 450 miles from where the eye of the storm hit the gulf coast.

Due to the inability of FEMA to provide displaced families with manufactured homes in a timely manner, staging areas are overflowing. For instance, at Hope Airport, the inactive runways and tarmacs are overloaded with manufactured homes, forcing the excess homes to be placed in the surrounding fields and pastures. These pastures and fields were not effectively prepared by FEMA for staging or storage, if you will. When the winter rains hit the inadequately prepared sites, many of the trailers carrying the manufactured homes will sink. This will result in even more unnecessary delays and additional work for a system that is badly flawed.

I have written a letter to the acting FEMA director, David Paulson, requesting that he immediately review the apparently ineffective process of distributing the FEMA-purchased manufactured homes to the Hurricane Katrina evacuees who so desperately need them.

As I drive throughout Arkansas's Fourth Congressional District, and in my very hometown of Prescott, Arkansas, I see these manufactured homes sitting empty; and I am appalled at the waste of taxpayer money and the lack of a timely response on behalf of FEMA and the Federal Government for those who desperately need housing for their families, with many residents literally still living in tents on the gulf coast nearly 4 months after the detrimental hurricane hit our gulf coast.

As winter approaches and deadlines for all displaced residents from Louisiana and Mississippi living in hotel rooms to be moved into temporary housing quickly approaching, this process must be streamlined. It is unacceptable for American citizens who lost their homes and everything they owned in the hurricane to still be sleeping in tents when FEMA has thousands of brand-new empty manufactured homes for occupancy.

Take a look here, Mr. Speaker. This is not in Hope, Arkansas. In fact, this is in my hometown of Prescott, Arkansas, some 16 miles away.

□ 2315

Here is what is going on. They deliver the homes to this staging area in Hope, Arkansas, 450 miles from the gulf coast. And as they deliver them down the interstate, they have got a banner on the back that says, Urgent, FEMA delivery. Urgent for what? To deliver it to a cow pasture?

And a shingle blows off in transit. If one shingle is missing, they will not accept it at the FEMA staging area in Hope, Arkansas. So they turn around, drive back to my home town of Prescott, and they are leasing, literally leasing cow pastures, as you can see here, to store these homes until they can be repaired, while at the same time we have got families, we have got families, as Christmas approaches, as the holidays approach, sleeping in tents in Louisiana and Mississippi.

Dennis Ramsey, the Mayor of Hope, Arkansas, was quoted in the Texarkana Gazette, December 15, saying FEMA estimated that 12,000 mobile homes would be staged at the Hope site while FEMA leases the land at $25,000 a month for the next 2 years.

The Associated Press said a FEMA spokesman said last week that 5,840 mobile homes and 80 travel trailers are at Hope and the Texarkana sites along with more than 4,400 mobile homes and 4,200 travel trailers at the other staging areas.

Mr. Speaker, I am asking this body, I am asking the acting director of FEMA: Please come to my home town, get these mobile homes and get them moved 450 miles down the road to the families who are living in tents and who so desperately need them in Mississippi and Louisiana.

TEXAS ARMY NATIONAL GUARD

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

Mr. POE. Mr. Speaker, a National Guard unit is coming back to Texas, because tomorrow, Saturday, December 17, the First Battalion, 133rd field artillery will be welcomed back to Beaumont, Texas, after serving the past year in Iraq.

In August 2004, the Texas Army National Guard deployed the 56th Brigade Combat Team of the 36th Infantry Division to go to Iraq. They trained for 4 months in Ft. Hood, Texas, and got to Iraq in December of 2004. The 133rd Field Artillery has a longstanding history in this country. This was the first and famous Texas Army National Guard that served in France in World War I.

General John J. Pershing, the commander-in-chief of the American Expeditionary Forces in World War I made this comment about those Texans in World War I: He said, the bearing of the division in this its very first experience in battle showed the mettle of the officers and men and gave promise of what it would become. Members of this division who returned home can be proud of the record of their services.

Mr. Speaker, this was the first American combat unit to land in Europe in World War II. They landed on the beaches of Italy during World War II. They liberated Rome, then they went and landed on the beaches of France, went on to free the hostages of the concentration camps of Dachau, Germany.

Probably the most famous member of the 36th Texas is a person by the name of Audie Murphy. You may remember him, Mr. Speaker; he is from Hunt, Texas. And when he was a youngster, he joined the Army, the Army National Guard of Texas and became the first decorated soldier in the history of the American Army, winning among many other things the Congressional Medal of Honor.

And yet, the Texas 36th has continued that longstanding tradition in Iraq where they conducted offensive operations, deny and destroy operations, combat logistic patrols and civil military affair operations.

They built schools and hospitals and won the hearts of the Iraqi kids that they met along the way. They operated in the Sunni Triangle, Tikrit, Tillal, on the Jordanian border and in Bagdad. It is my pleasure to welcome them back when they come back home tomorrow.

I would like to extend a sincere thank you to all of the members of the 133rd, the men and women of the United States Armed Forces. They honor us with their commitment to Texas and the Nation, and the citizens of America and Iraq owe them a debt of gratitude. They are America's best. They are the sons and daughters of liberty. They are freedom fighters, and they make us proud.

I join the citizens of Texas Congressional District number two in paying the utmost respect for the 1st Battalion, 133rd Field Artillery. Through their service, Iraq has become a free democracy, and America remains the land of the free and the home of the brave.

Mr. Speaker, I had the chance in January of this year to go to Iraq to visit the very first elections, and I, with our military, and saw firsthand the accomplishments in their fight for freedom. You know, Mr. Speaker, freedom does have a price. Our troops are paying that sacrificial price for the Iraqi people and for world freedom. Unfortunately, the 133rd lost six members during their fight for freedom, and I extend my prayers and our condolences to the family and friends. They were making a difference in the world when they gave their lives.

Their bravery and dedication and patriotism shall not be forgotten. That success is evident with the successful election of a new government in Iraq yesterday. President John Kennedy once said: The cost of freedom is always high. But Americans have always paid it. And one path we shall never choose, and that is the path of surrender or submission.

Mr. Speaker, we have chosen the right path. The hard path. The freedom path. We will persevere with the freedom-loving people of Iraq until the journey down this path is successfully completed.

The citizen soldiers of America, the Texas Army National Guard, have been warriors on the long hard sacrificial path of liberty. The world should never underestimate the resolve of America, the resolve and determination and will of the American soldier. Regardless of their mission for freedom, they always get it done. That is just the way it is.

AMERICA'S IMMIGRATION POLICIES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometime ago, Mr. Speaker, President John F. Kennedy, himself the grandson of Irish immigrants, summed up this blend of the old and the new when he called America a society of immigrants, each of whom had begun life anew on an equal footing.

This is the secret of America, a Nation of people with a fresh memory of old traditions who dare to explore new frontiers. He further said: Everywhere immigrants have enriched and strengthened the fabric of American life.

And then Franklin Delano Roosevelt reminded us, remember, remember always, that all of us are descended from immigrants. I had hoped as we began our journey on a very important task, as reflected in the work we have done over the last 2 days, on border security and immigration reform, that we would have returned to our values, recognizing that this Nation is a Nation of immigrants as well as a Nation of laws.

I would have hoped that we would have constructed a piece of legislation that garnered the very essence of the instructions of the 9/11 Commission; that we would have taken this time to move from the Ds and Fs of which this Nation was graded some 10 days by the 9/11 Commission and actually incurred the appreciation of the Nation by doing real border security, real border enforcement and real immigration reform.

But, unfortunately, the legislative initiative that has just passed, the Border Protection Act, really does not answer the question of the need for immigration reform.

In fact, unlike the words of President John F. Kennedy where we recognize that immigration can enrich this country and where we recognize the contributions of immigrants, we seek now to shut the door for a pathway of earned access to legalization. We ignore the fact that immigrants who are working in a variety of jobs have homes and pay taxes, have children in school, and have the hopes and dreams of the immigrants of yesteryear.

I think it is important that we turn back the clock and start immigration reform again; that we remember that we cannot demonize or make criminal every single undocumented immigrant, that we must provide our border patrol resources what they need, the helicopters, power boats, laptop computers, night goggles in order to enforce the border.

We must enforce the laws that are already on the books. For example, it is a criminal act to enter the country without inspection. We have to have the resources to enforce those laws. But it does not make sense to deny those individuals within our borders due process.

And then I would have hoped that a real immigration reform bill would have had a singular piece of protecting American jobs, realizing that the heart of this country's economy and the heart of America is in America's working people.

And we could have taken this particular legislation and provided, as the Save America Comprehensive Legislation H.R. 2092, a vehicle to garner the fees that are paid by immigrants and invest them in the educational training of America and the protecting of American jobs and the securing of American jobs. I believe there should be employer sanctions, but there cannot be effective employer sanctions unless we develop a singular database that is integrated, consistent and accurate.

Many of the amendments would suggest that an employer verify who he or she hired. That is the right thing to do. In fact, I voted for the Gonzalez amendment which would fine certain employers $50,000 so that those dollars could be used to reinvest in our community hospitals and schools to pay for some of the services that are used by those that may not be in status.

But, frankly, we cannot have that verification system without an even database. And so it is important to note that, if we do border enforcement or immigration reform, we must have the dollars and the commitment, and that is not here in the present administration and the present structure that we are in.

This legislation is, I think, falling on its own weight. As it makes its way to the United States Senate, it is clear that other body is not moving on such legislation at this time. And, in fact, there is great conflict between a pathway to legalization and the question of enforcement. We believe in enforcement, but not enforcement only.

And you can ask any American who looks at the question of immigration, Mr. Speaker, and they want comprehensive immigration reform that understands that there are immigrants who come here for economic reasons, but we must keep those out that come here to do us harm.

Find a way for pathways to legalization, and find a way to enforce the Nation's borders.

IRAQ AND AMERICA'S IMMIGRATION POLICIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half the time until midnight as the designee of the majority leader.

Mr. KING of Iowa. Thank you, Mr. Speaker. And again, I appreciate the privilege to address you, Mr. Speaker, and in turn, address the House of Representatives.

This has been a huge week here on the floor of the House of Representatives. We processed a lot of legislation this week. Much of it has been legislation that has been in the works for a number of years. And I think what I will try to do is maybe unravel this coming backwards across the way we passed it and work my way back into the legislation a little bit.

But I want to take up first the immigration reform and point out that in this debate that we heard today in this resolution that came forward, which was H. Res. 612, the continuous message from the other side was about being anti-immigrant, anti-immigrant.

But it confuses the difference between an immigrant and an illegal immigrant. In fact, I know of no one in this Congress that is anti-immigrant. I know of many Members of this Congress that are pro the rule of law.

And that is the distinction that we need to draw the line with. And I take us back to where would be if we went back even 10 years, but say go back 25 years, in a time when we did not have very much illegal immigration. It was a smaller percentage of our overall population; it was smaller in numbers, smaller in percentage, and it was not a very significant problem. It was something that was somewhat manageable back then.

And back in that period of time, if we had been able to control our borders and watched as we needed more employees in certain sectors of the economy, we would have seen a number of things happen that would have resolved this need that we keep hearing from business about labor.

They say that if we deported all of the illegals, our economy would collapse, and we cannot get along without them when perhaps 4 percent of our workforce in America is an illegal workforce. And if we lose 4 percent and retain 96 percent, I cannot believe that this resilient country could not find a way to bounce back from that and accommodate the difference.

So I take us back 25 years and ask, what would we do if we respected the rule of law? What would we do if we had borders that were controlled? How would we adjust to demands in a growing economy if illegal labor, cheap labor that pours in from overseas just were not available?

What if the United States of America, instead of being a large portion of an entire continent, what if we were an island? What if you drew the line on the 49th parallel on the north and our southern border on the south and envisioned the United States sitting out alone where illegal labor does not flow across our borders just because of the jobs magnet but in fact has to find an expensive way of transportation to get across a broad ocean?

□ 2330

Think, for example, of a country like Australia that finds itself in that kind of a circumstance. I take you back to a policy that they had up until 1971. Actually, they did not have a very good name for it. They called it White Australia, and some would be embarrassed about the name for that now. But that was the phrase that they used to describe their immigration policy, which is they were advancing the idea of European descendents populating the continent of Australia.

In fact, I graduated from high school in 1967, and I remember during those years that I was in college, I saw advertisements come from Australia saying this is a great place to move to. We really need you to come down here. There is a wealth of opportunity in Australia. And I thought about it. And so that advertisement that was there was because they needed more people to grow their economy.

In about 1971, they gave up on this mission to some degree, and they changed their policy to allow immigrants to come in from Southeast Asia. Now, how does this work politically? We can learn from these lessons here in the United States of America, and that is that it was big business that wanted the labor to come in, and it was labor unions that wanted to keep the labor out because they understood something in Australia as far as back as 1971 that there was a law of supply and demand.

That law of supply and demand seems to be missing from the rationale of the people who oppose enforcement of our rule of law with regard to immigration. They do not seem to understand that when we have an oversupply of labor, that drives the price down and that labor is a commodity, like where I come from, corn and beans or cattle and hogs, or gold or oil if you come from another part of the world, or currency. It fluctuates in the marketplace according to supply and demand.

So the island, or I should call it the large continent, and it actually is, the large continent of Australia did not have that option of being able to run open borders and let millions come in to drive their wage price down. They actually had to fight the politics out inside Australia and adopt a policy that brought in immigrants from Southeast Asia and other parts of the world to fill their labor supply. The pressure got great enough that they came up with an economic solution.

Well, I submit, Mr. Speaker, that in the United States of America, had we respected the rule of law, had we controlled our borders, the pressure would have been brought politically to do the things necessary to bring in the amount of labor in a legal and a rational fashion.

We would have done some other things, too. Some of these sectors of the economy would have seen their wages go up, and they would have decided they could not afford to pay those kinds of wages; so they would have gotten innovative and they would have used technology. We use robotics today. We use a lot of different techniques to cut down on the amount of labor we need to produce a product. We would do more of that if labor were higher. We would be more innovative. When labor is lower, we are less innovative. In a country where labor is cheap, they do not have much innovation at all. So the pressure of high wages would drive technology, and that would replace some of the labor, and that labor that could be replaced by more technology would then transfer to places where labor could not be replaced as well by technology.

Another thing that happened, and is a little joke here in Congress the last couple of days, is Southern California ran out of Okies that went there to do that hard work from the Dust Bowl. They did. They went over there and they were willing to do the hard work and work in the fields. They were glad to get in anywhere where they could get a job. But they transferred themselves from Oklahoma to California for the opportunity.

I take you to an article that I read in the Des Moine Register maybe 10 or 12 years ago, and it was about a section in Milwaukee that was six blocks by six blocks, 36 square blocks, and in that section for every single dwelling that was there, there was not a single male head of household that had a job and was working. And as I read through the article, I tuned myself to the ear of the writer, who said that it was too bad that they lost their jobs in the breweries in Milwaukee. The automation that came in so they could make beer with a lot less labor caused the good jobs that were there, some of them, to disappear. That caused people to be laid off. And so they went back to their homes and sat inside their homes, and when they went around to do the interviews and to survey, 36 square blocks, not a single working male head of household.

The people had come up from the South, from the gulf coast, from southern Mississippi, Alabama, down in that region, moved up there for those good jobs. They went up to access the good jobs in the breweries and other types of industry that was up there in Milwaukee; and they raised their families there and then, in a matter of a generation or two, found themselves laid off, and their children or their children's children could not get jobs in the breweries the same way that they had. So they sat in their household and did not go somewhere to find a job.

We know why that is. And that is in one of the better States with regard to welfare reform. But it is because the safety net of welfare had become a hammock for everyone in that entire 36-block area. They totally missed the point, though, that the same people's predecessors, that this was the progeny of their predecessors who had transferred themselves all the way from the gulf coast to Milwaukee, Wisconsin for what? For a job, Mr. Speaker.

And now we look at this economy in the United States as if labor cannot be transferred from one region to another to fill the demand. So there is a demand for some 5,000 roughneck workers out in the oil fields in Wyoming, in that area, that I happened to read an article on just yesterday; and we have got 15 to 18 million workforce sitting there unemployed in the United States of America, and we want to do a guest worker/amnesty plan for 11 million illegals in this country. What country in their right mind would pay 15 to 18 million people not to work and then bring in 11 million, or I would say closer to 22 million, people who do want to work at a cheap rate? That does not make economic sense, Mr. Speaker. And that is one of the supply and demand rationales that I would like to point out with regard to the immigration policy.

So if we were a rational Nation, if we were a Nation that did not have this convenience of opening up our borders and allowing the illegals to come in, we would have done these things: we would have transferred labor from one part of the country to another; we would have squeezed down the welfare so that some of the people, and, in fact, I would like it if most of the people, would get up and go to work. That would be two things.

And the third thing we would have done is what Singapore is doing right now. They are advertising to their people, saying have more babies. What is wrong with a fertility plan? That is a natural way to replace labor. Those three things would have happened within our borders, and then within our borders we would have been under political pressure to negotiate a rational immigration policy that was legal.

And, Mr. Speaker, I object to the idea that we would bring in third-class people. People who come to America, I want them to have a path to citizenship. I want them to access the American Dream. I want them to do it the legal way.

So we have addressed this immigration issue, and I actually did not come to the floor to talk about immigration, but it sparked me when I listened to the gentlewoman from Texas.

I came to the floor to talk about another subject matter, and that is the subject matter of Iraq. We have made significant progress there. This is a day of celebration. The reports are continuing to come in from the aftermath of the closing of the polls of their December 15 election. And the ink is fading on my finger and on the fingers of many of us here on this floor of Congress who have in solidarity dipped our fingers in ink. And it helps me, when I see my finger, to look at that and remember what they have all done, risked their lives to go vote, 11 million strong and more. The most people ever to vote in Iraq, the most purple fingers ever maybe anytime in the world.

So today we brought a resolution to the floor of the House of Representatives, Mr. Speaker, H. Res. 612, and that is a resolution to honor the troops, to declare our dedication and our unshaking will to see this through to a final victory in Iraq. And this resolution was written in a clear fashion, in a rational and a logical fashion. And we had a debate on this floor.

And Member after Member from the other side of the aisle came down, and they said, I honor and support our troops and request an open debate on the Iraq war on the House floor. Member after Member after Member: I honor and support our troops and request an open debate on the Iraq war on the House floor. One Member said, In opposition to our policy in Iraq, he also requested an open debate on the House floor.

Well, we had an open debate on the House floor. I do not know why we had 20 or so Members or several more come down and say they honored and respected our troops and requested an open debate on the House floor, because that was what we had scheduled was an open debate on the House floor. We had the debate. The question after I heard that I had was when I saw the vote go up on the board. If I were a soldier in Iraq, if I were in a military uniform, ready to put my life on the line for this country, and I saw this vote, 279 in favor of the resolution dedicated to victory and support of a free Iraqi people, 279 in support; 109, sadly, against, Mr. Speaker. Thirty-four voted present and 12 did not vote at all. So I add those up and come to over 150 who said they did not commit themselves to a full victory in Iraq. For whatever reason, they said they want an honest and open debate. Every of them that came to the microphone said, I honor and support our troops. I wrote the quote down. They were using the same script, I believe.

And I point this out: that you cannot honor and support our troops if you oppose their mission. There was a clear

opportunity here to support their mission in Iraq, to stand with them. This Congress voted to support their mission before the President ever ordered them into battle, and yet they still seek to pull down this effort.

Also, a number of Members in that debate said the Republicans and the President will not define victory. All they want is a deadline, a date certain, by which American troops will be out of Iraq, and accused the Republican side of the aisle of not being willing to define victory.

So, Mr. Speaker, I would submit this: the other side of this argument dare not define victory because if they do, then they will lose their ability to raise the bar and make it harder and harder and harder to meet their standards.

So I will stand here and define victory this evening. And this is a victory that will fit this war and it will fit every war throughout history, every one we know and every one that we will see and every one that our posterity will see. The definition of victory, Mr. Speaker, is when the losing side realizes and acknowledges that they have lost. That is what this effort is about. And if we could have gotten Saddam Hussein to stare into the barrels of a few tanks and decided that he had lost, that would have been the end of the war. We would not have had to send troops into Iraq. But they had to be convinced that they were losing, Mr. Speaker, and that is why we sent troops there is to convince the other side that they had lost.

Yet we have people over on this side of the ocean standing here on the floor of the United States Congress, seeking to convince our enemies that we cannot win and that the enemies cannot lose. That is, Mr. Speaker, undermining our effort and undermining our troops. And yet some of the same people come to this floor and say, I honor and support our troops and request an open debate on the Iraq war on the House floor.

We had an open debate. They voted against the resolution. And I will tell you, you cannot have it both ways. You cannot honor the troops and defy their mission. They go together. You must honor the troops and the mission together. They are integral and they are one and the same.

PERSONAL EXPLANATION

Mr. COLE of Oklahoma (during the Special Order of Mr. KING of Iowa). Mr. Speaker, late tonight I discovered there is a problem with my voting card. After returning home, I became aware that my vote was not recorded on roll call votes 661, 659, and 651.

On each of these votes, I am sure I voted ''yes.'' Indeed, I checked my vote on the card receptacle. It clearly showed that I had voted.

I will work with the Parliamentarian to resolve this issue with my voting card at the earliest possible time.

□ 2345

AMERICAN RESPONSE TO GLOBAL WARMING INADEQUATE

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized until midnight as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, in the last week there has been a collection of relatively extraordinary events in the future of not only our country, but the entire planet, when it comes to our ability to maintain a climate to which we have been accustomed, and in fact that climate is now threatened by global warming, and during the last week some extraordinary things have happened that demand comment here in the House.

I have come here tonight to suggest that the U.S. Congress needs to act with vigor and vision to lead the world in dealing with global warming. What precipitates my comments is a collection of scientific information that has become available to the world in the last week, together with the recently concluded conclave of world leaders in Montreal, Canada, that just concluded without meaningful participation by the executive branch of the United States, which I think is most disappointing to my constituents and I think much of America.

So what I want to do tonight is address some of the new science that has come forward just in the last week about global warming and contrast that with the abject failure, unfortunately, of the executive branch of the United States to fulfill the leadership role of the United States, which has historically been on a bipartisan basis as the technological leader of the world, which this chief executive has abdicated in refusing to lead the world to a resolution of the problem of global warming.

If I can first just briefly summarize some of the things that have happened in the last week regarding global warming.

The Goddard Space Science Center, one of our preeminent scientific institutions, in the next few days will announce that 2005 remains on track to be one, if not the, hottest year in global history since records have been kept, which continues a trend of many of the hottest years in recorded history being in the last decade. British scientists this week announced that their records are similar to the findings of the Goddard Space Laboratory.

We are in an unprecedented period of increases in global temperatures. This is confirmed by a huge majority of the scientific measurements. The Earth is warming, and it is warming faster probably than it has been ever in the last 1,000 years, at least. This is new and appropriately disturbing evidence.

The same week, if we read the Wall Street Journal, a publication not known for its certainly being far out there on environmental issues, reported on December 14 that scientists for the first time have documented multiple deaths of polar bears off Alaska, where they likely drowned after swimming long distances in the ocean amid the melting of the Arctic ice shelf. The bears spend most of the time hunting and raising their young on ice flows, but the problem is the ice flows are disappearing.

That leads to the third bit of information that we have received in the last couple of months, which has found that the Arctic ice shelf has melted to an extent previously never seen before in human history and probably never seen before for thousands of years.

These are an amazing continuation, where one cannot open up a newspaper or a scientific journal in any given week and not see a continued cascade, an avalanche of scientific information, nailing down the coffin of any remaining doubt that we are now facing significant global warming as a result of increased concentrations of carbon dioxide, which we all, Republican and Democrat alike, are putting into the atmosphere. We are experiencing this with our own eyes.

If we take a look at a picture here in Glacier National Park, one of our most treasured jewels of our crown of our national park, we have already lost 30 percent of the glaciers in the last 75 years in Glacier National Park. If we look at the Grinnell Glacier, a picture here in 1938, you will see the glacier coming off this cliff band and extending down into the valley. This is 1938, one lifetime ago. In that one lifetime, the lifetime certainly of my mom and dad, we now see the Grinnell Glacier is probably less than 40 percent of its preexisting size. You see this entire area, it used to be a glacier, is now a lake where the glacier has melted.

The sad fact is that when my mom and dad took me to Glacier National Park in my youth, I got to see these glaciers. If this trend, according to scientific evidence continues, at least my great-grandchildren will not be able to go to Glacier National Park and see glaciers because the glaciers will be gone, extinct, period. I suppose some wag would suggest we will have to rename it as ''the Park Formerly Known as Glacier.''

The fact of the matter is that as we speak, the world and the United States is undergoing a significant change from that which we grew up with. Glaciers, polar bears, fields of wheat that support one of the greatest food baskets in the world, where we are going to have significant change in our ability to produce agriculturally in the Midwest.

With irrigated agriculture, the science shows, we just had a conference of this up in Seattle, Seattle is known for our rain, but in fact we depend on irrigated agriculture for a good part of our agriculture, and that irrigated agriculture depends on snow pack. I just returned from a conference in Seattle

in the last several weeks where the scientists predicted that our irrigated agriculture in the State of Washington, upon which our apple crop, the best apple crop in the world, depends, will be jeopardized because the snow pack is disappearing. It is projected we will have less than half the snow pack we have had historically in the next several decades, which jeopardizes our apple industry in Washington State and many of our irrigated products. So the disturbing fact is that the scientific evidence is becoming overwhelming.

By the way, it is just not Glacier. I will show you a picture of Argentina, one of the large ice sheets. In 1928, this photograph is of this enormous ice sheet down in Patagonia, in the southern tip of South America. You see in the same picture in 2004, and I was there several months ago, where you can see where these glaciers have been. This enormous ice sheet that existed in 1928 is knew essentially gone, replaced by water where the ice sheet has melted.

These are in very blinks of geologic time that we are seeing these changes take place, in one lifetime seeing these changes take place, and this has never happened before at these rates. We have had ice ages and had melts, but scientists will tell you this has never happened before in world history, as far as we know, with this rapidity to have this enormous change.

Very briefly, the reason it is occurring is that we are putting into the atmosphere gasses that trap infrared radiation. Light comes in. As ultraviolet radiation it can pass through the atmosphere. When it bounces back it is at a different spectrum, at infrared frequencies, and carbon dioxide and methane that comes out of our tailpipes and smokestacks trap ultraviolet radiation.

We look at this chart and it shows levels of COG. These are parts per million, the amount of COG in the atmosphere. We go to pre-industrial times in 1000, it was about 240 parts per million. When we started to burn coal and gas in about 1800 it starts to go up, and in the 1800s and 1900s it goes up dramatically. Now in 2000 we see it is going up like a rocket, and it is projected that by the close of this century we will have parts per million in the 780 to 800 range, at least two times higher than it has ever been in human history. It is predicted to continue to skyrocket after that.

This is a fact. No one, no scientist in the world, disputes these conclusions. Global warming is a fact, and it is a fact that we are responsible for and need to act as leading the world to deal with this problem, to adopt energy technological solutions to this problem, which we can do if we have the same vision that John Kennedy had when we had the first Apollo project. I have introduced a bill to do that.

But in light of this science, what has the Bush administration done? In light of this cavalcade of information demanding a response, what has the Bush administration done to fulfill our destiny to be the leader in the world when it comes to technological innovation?

Well, what it did is it sent an emissary named Watson to Montreal last week to basically tell the rest of the world, when the rest of the world is working together to try to find a solution to global warming, to try to come up with a post-Kyoto agreement that is better than Kyoto, that is fairer, that is more effective than Kyoto, what did the President send our emissary to do? The greatest country in the world, the most technologically-oriented country in the world, the country that has led in the growth of democracy, that led in the effort to solve the problem of the ozone layer, which we have done some very good work in on a bipartisan basis, what did the President's emissary do?

He went to Montreal and told the rest of the world essentially to go fish; the United States was not going to participate in any meaningful discussion to come up with a global solution to this global problem. This is most embarrassing for our country, the greatest country on Earth, to refuse to take any meaningful position to advance some global solution to this problem.

In fact, the President sent our emissary to adopt the posture of the ostrich with the head in the sand and the tail feathers in the air. We should be adopting the posture of the American eagle, leading the rest of the world to a solution of this problem by using the technological creativity with which America has been blessed with for centuries. Instead, our emissary went there like this, where over 200 countries agreed to continue discussions about how to deal with this known problem.

Now, I have to admit there was some small success. The President's emissary on the last day of the conference picked up his papers and literally walked out on the rest of the world, literally walked out on the rest of the world, making this comment which no one to this day understands about walking like a duck, and, frankly, it was relatively embarrassing.

The good news is the administration was so embarrassed by the world's reaction to that and by America's reaction to that following an address by President Bill Clinton suggesting that we need to work in a bipartisan fashion on this issue that the next day apparently they got a cable from the White House, I am assuming, and the emissary walked back and said, well, now, we will at least agree to continue some informal talks. Not real talks, not formal talks that could actually lead to an agreement, but something called ''informal talks,'' which would at least not allow the administration to be humiliated.

This is not good enough to fulfill our mandate as the greatest Nation on Earth. This is not good enough. It does not respect the ability of the geniuses in America who are going to adopt the new energy technologies so that we can continue to grow our economy and solve this problem at the same time. It is well below what we should expect of ourselves and it is well below what we should expect of our President.

We are calling on the President of the United States to finally adopt some measure of teamwork with the rest of the world to solve this problem.

Now, why should we do that? Well, one reason is we put 25 percent of all the carbon dioxide on this graph, where we see it is now skyrocketing, we in America put it in the atmosphere. We are a very small percent of the world's population, but 25 percent of all the COG in the atmosphere comes out of our pipes. So that is one reason why we really as a matter of moral responsibility need to be part of this solution, as does China, and we need to demand that China participate in these talks as well.

But as important, we are the country who is going to develop the new energy sources, clean energy, renewable energy, that are going to solve this problem and not destroy the climate of the Earth, because, frankly, we are the great tinkerers. We invented the light bulb, we perfected the Internet, the jet airplane, a man on the moon. The list needs to go on when it comes to clean energy. If we have leadership we will get that done.

So tonight I would like to say the science is clear, the destiny of this Nation is clear. We need to lead the world forward on global warming, rather than hiding from it. This is not a Nation that cowers in fear and from challenges. And this president ought to understand the confidence that this American country has in doing something about global warming. We hope that it will have a new attitude beginning tomorrow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today.

Mr. BARRETT of South Carolina (at the request of Mr. BLUNT) for today on account of personal reasons.

Mr. ISTOOK (at the request of Mr. BLUNT) for today and the balance of the week on account of attending his daughter's wedding.

Mr. YOUNG of Florida (at the request of Mr. BLUNT) for today from 6:00 p.m. until approximately 5:00 p.m. December 17 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.
Mr. ROSS, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
(The following Members (at the request of Mr. BISHOP of Utah) to revise and extend their remarks and include extraneous material:)
Mr. BRADLEY of New Hampshire, for 5 minutes, today.
Mr. BISHOP of Utah, for 5 minutes, today.
Mr. BURTON of Indiana, for 5 minutes, today and December 17 and 18.
Mr. DUNCAN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under this rule, referred as follows:

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4324. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.
H.R. 4340. An act to implement the United States-Bahrain Free Trade Agreement.
H.R. 4436. An act to provide certain authorities for the Department of State, and for other purposes.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until today, Saturday, December 17, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5693. A letter from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule — Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers (RIN: 0580-AA87) Receieved December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5694. A letter from the Chief, Electronic Benefit Transfer Branch, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program, Reauthorization: Electronic Benefit Transfer (EBT) and Retail Food Stores Provisions of the Food Stamp Reauthorization Act of 2002 [Amendment No. 397] (RIN: 0584-AD28) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5695. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products [Docket No. 03-080-8] (RIN: 0579-AB97) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5696. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Flag Smut; Importation of Wheat and Related Products [Docket No. 05-058-3] received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5697. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegtables [Docket No. 03-048-2] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5698. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Addition and Removal of Regulated Areas in Arizona [Docket No. 05-078-1] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5699. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Whole Cuts of Boneless Beef from Japan [Docket No. 05-004-2] (RIN: 0579-AB93) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5700. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation, which would provide that the preparation of certain reports required by the Government Performance and Results Act of 1993 (GPRA), are deemed to fulfill the requirements for similar reports under the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA); to the Committee on Agriculture.

5701. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3 [Docket No. 2004F-0374] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5702. A communication from the President of the United States, transmitting notification of the intention to use funds provided in the Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, FY 2001, for improvements to the White House Situation Room to enhance the capabilities of the White House in the war on terrorism; (H. Doc. No. 109–75); to the Committee on Appropriations and ordered to be printed.

5703. A letter from the Office of Independent Counsel, transmitting a position paper concerning S.A. 2160 which is an amendment to H.R. 3058; to the Committee on Appropriations.

5704. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the National Polar-orbiting Operational Environmental Satellite System (NPOESS) Program Acquisition Unit Cost will exceed the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

5705. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Socioeconomic Programs [DFARS Case 2003-D029] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5706. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Environment, Occupational Safety, and Drug-Free Workplace [DFARS Case 2003-D039] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5707. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Period for Task and Delivery Order Contracts [DFARS Case 2003-D097/2004-D023] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5708. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Austrailia and Morocco [DFARS Case 2004-D013] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5709. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting the Department's report on the implementation of a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractor; to the Committee on Armed Services.

5710. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5711. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the restructuring of the Space Based Infrared System (SBIRS) High Program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5712. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire and Availability of Funds and Collection of Checks [Regulations J and CC; Docket No. R-1226] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5713. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Office of Thrift Supervision [No. 2005-48] (RIN: 1550-AB99) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5714. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured

Home Construction and Safety Standards [Docket No. FR-4886-F-02] (RIN: 2502-AI12) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5715. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Independent Audits and Reporting Requirements (RIN: 3064-AC91) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5716. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — One-Year Post-Employment Restrictions for Senior Examiners (RIN: 3064-AC92) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5717. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Fair Credit Reporting Medical Information Regulations (RIN: 3064-AC81) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5718. A letter from the Director, Supplemental Food Programs Division, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment (RIN: 0584-AD71) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5719. A letter from the Acting Director, OSRV, MSHA, Department of Labor, transmitting the Department's final rule — Fees for Testing, Evaluation, and Approval of Mining Products (RIN: 1219-AB38) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5720. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5721. A letter from the Secretary, Department of Health and Human Services, transmitting Renewal of the Determination of a Public Health Emergency, pursuant to 42 U.S.C. 247d(a) Public Law 107–188, section 144(a); to the Committee on Energy and Commerce.

5722. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Work for Others (RIN: 1991-AB64) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5723. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Assistance Regulations (RIN: 1991-AB72) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5724. A letter from the Deputy Assistant Administrator, Office of Division Control, DEA, Department of Justice, transmitting the Department's final rule — Reports by Registrants of Theft or Significant Loss of Controlled Substances [Docket No. DEA-196F] (RIN: 1117-AA73) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5725. A letter from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45]; Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6]; Rural Health Care Support Mechanism [WC Docket No. 02-60]; Lifeline and Link-Up [WC Docket No. 03-109] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5726. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Emergency Alert System [EB Docket No. 04-296] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5727. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Requirements for Digital Television Receiving Capability [ET Docket No. 05-24] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5728. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cambridge, Newark, St. Michaels, and Stockton, Maryland and Chincoteague, Virginia) [MB Docket No. 04-20; RM-10842; RM-11128; RM-11129; RM-11130] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5729. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments , FM Broadcast Stations. (Connersville, Madison, and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio; and Lebanon, Lebanon Junction, New Haven, and Springfield, Kentucky) [MB Docket No. 05-17; RM-11113; RM-11114] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5730. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eminence, Potosi, Rolla, Lebannon and Linn, Missouri) [MM Docket No. 01-151; RM-10167; RM–10567] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5731. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake City, Chattanooga, Harrogate, and Halls Crossroads, Tennessee) [MB Docket No. 03–120; RM–10591; RM–10839] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5732. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rankin and Sanderson, Texas) [MM Docket No. 02-253; RM-10317; RM-10872] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5733. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hornbeck, Louisiana) [MB Docket No. 05-46; RM-11156]; (Mojave and Trona, California) [MB Docket No. 05-109; RM-11192] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5734. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the report entitled, ''Recommendations of the Federal Energy Regulatory Commission on Technical and Conforming Amendments to Federal Law Necessary to Carry Out the Public Utility Holding Company Act of 2005 and Related Amendments''; to the Committee on Energy and Commerce.

5735. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act 0f 2005 [Docket No. RM05-32-000, Order No. 667] received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5736. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Regulations Implementing Energy Policy Act of 2005; Pre-Filing Procedures for Review of LNG Terminals and Other Natural Gas Facilities [Docket No. RM05-31-000; Order No. 665] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5737. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Investigational New Drugs: Export Requirements for Unapproved New Drug Products [Docket No. 2000N-1663] (RIN: 0910-AA61) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5738. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Environmental Assessment; Categorical Exclusions [Docket No. 2004N-0461] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5739. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5740. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105–261, section 1512; (H. Doc. No. 109–74); to the Committee on International Relations and ordered to be printed.

5741. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Navy's proposed lease of defense articles to the Government of Canada (Transmittal No. 02-05); to the Committee on International Relations.

5742. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National

Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

5743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 052-05); to the Committee on International Relations.

5744. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Memorandum of Justification for a Proposed Presidential Determination under Section 620A of the Foreign Assistance Act of 1961, as Amended, and under Section 113 of Title I of Division J of the Consolidated Appropriations Act, 2005; to the Committee on International Relations.

5745. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification of a proposed license for the manufacture of defense equipment and the proposed license for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 070-05); to the Committee on International Relations.

5746. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of French Guiana (Transmittal No. DDTC 056-05); to the Committee on International Relations.

5747. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the manufacture of military equipment abroad and the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 028-05); to the Committee on International Relations.

5748. A letter from the Chairman, House Democracy Assistance Commission, transmitting the Commission's 2005 annual report and report on proposed activities for 2006; to the Committee on International Relations.

5749. A letter from the Secretary, Department of Education, transmitting the thirty-third Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2005 through September 30, 2005 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5750. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-212, ''District Department of the Environment Establishment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5751. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5752. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's FY 2005 Performance and Accountability Report (PAR); to the Committee on Government Reform.

5753. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's Performance and Accountability report for FY 2005; to the Committee on Government Reform.

5754. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5755. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5756. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2005, pursuant to 31 U.S.C. 331(e)(1); to the Committee on Government Reform.

5757. A letter from the Secretary, Department of Agriculture, transmitting the Department's Annual Performance and Accountability Report for FY 2005 in accordance with the requirements of the Government Performance and Results Act of 1993 and the Office of Management and Budget's Circular A-11; to the Committee on Government Reform.

5758. A letter from the Under Secrtary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the implementation of Pub. L. 106–107, the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Government Reform.

5759. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5760. A letter from the Deputy Assistant Secretary for Federal Contract Compliance, Department of Labor, transmitting the Department's final rule — Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans (RIN: 1215-AB24) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5761. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5762. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5763. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report for fiscal year 2004; to the Committee on Government Reform.

5764. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the combined report for the Inspector General Act of 1978, as amended, and the Federal Fiancial Manager's Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5765. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Reports for FY 2005; to the Committee on Government Reform.

5766. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5767. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's thirty-third report on audit final action, as well as the semiannual report on the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5768. A letter from the Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2005 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

5769. A letter from the Executive Director, Interagency Council on the Homelessness, transmitting The Council's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5770. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report covering fiscal year 2004; to the Committee on Government Reform.

5771. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, ''Reference Checking in Federal Hiring: Making the Call,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

5772. A letter from the Administrator, National Aeronautics and Space Administration, transmitting in accordance with the Reports Consolidation Act of 2000, enclosed is the FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5773. A letter from the Senior Procurement Executive, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-05—August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5774. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105–270) and OMB Circular A-76, Performance of Commercial Activities, the Endowment's FY 2005 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

5775. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2005, as required by OMB Circular Number A-11; to the Committee on Government Reform.

5776. A letter from the Chairman and Acting General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5777. A letter from the Program Manager for Information Sharing Environment, Office of the Director of National Intelligence, transmitting the Office's report entitled, ''Preliminary Report on the Creation of the Information Sharing Environment,'' pursuant to Public Law 108–458, section 1016(c); to the Committee on Government Reform.

5778. A letter from the Administrator, Office of Management and Budget, transmitting the Office's report entitled, ''Validating Regulatory Analysis: 2005 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities,'' pursuant to 31 U.S.C. 1105 note; to the Committee on Government Reform.

5779. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2005 to September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5780. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Central North Carolina Appropriated Fund Wage Area (RIN: 3206-AK83) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5781. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5782. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2005 through September 30, 2005; to the Committee on Government Reform.

5783. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

5784. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — State, District, and Local Party Committee Payment of Certain Salaries and Wages [Notice 2005-27] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5785. A letter from the Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Inclusion of Alligator Snapping Turtle (Macroclemys [=Macrochelys] temminckii) and All Species of Map Turtle (Graptemys spp.) in Appendix III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (RIN: 1018-AF69) received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5786. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sonoma County Distinct Population Segment of the California Tiger Salamander (RIN: 1018-AU23) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 112105A] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5788. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 050112008-5102-02; I.D. 112505B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5789. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317–4364-02; I.D. 112905B-X] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5790. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [I.D. 111505B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5791. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005 Tilefish Commercial Fishery [I.D. 111405B] received Decemebr 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5792. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 and 2006 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 050719189-5286-03; I.D. 071405C] (RIN: 0648-AT33) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5793. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 041110317–4364–02; I.D. 092805B] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5794. A letter from the Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 050927248-5310-02; I.D. 090805C] (RIN: 0648-AT74) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5795. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 112305D] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5796. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's report entitled, ''Federal Procurement After Adarand,'' pursuant to Public Law 103–419; to the Committee on the Judiciary.

5797. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination concerning a petition to add employees of the National Bureau of Standards to the Special Exposure Cohort under the the Energy Employees Occupational Illness Compensation Program Act (EEOICPA); to the Committee on the Judiciary.

5798. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Linde Ceramic Plant in Niagara Falls, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5799. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — Procedures To Promote Compliance With Crime Victims' Rights Obligations [OAG Docket No. 112; AG Order No. 2789-2005] (RIN: 1105-AB11) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5800. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models, and Labor Attestation Requirements for Employers Using Nonimmigrants on H-1B1 Visas in Specialty Occupations; Filing Procedures (RIN: 1205-AB39) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5801. A letter from the CEO, Terrorism and the Prisoner Reentry Agency, transmitting the Agency's proposal to use Faith Based Institutions to provide social services and transition support for inmates released from federal prison; to the Committee on the Judiciary.

5802. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Tennessee, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5803. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5

million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Colorado, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5804. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the General Reevaluation Report and Environmental Assessment of the Turkey Creek Basin, Kansas City, Kansas and Kansas City, Missouri; to the Committee on Transportation and Infrastructure.

5805. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Special Community Disaster Loans Program [DHS-2005-0051] (RIN: 1660-AA44) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5806. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Gulf Opportunity Pilot Loan Program (RIN: 3245-AF43) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5807. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Surety Bond Guarantee Program (RIN: 3245-AE81) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5808. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Texoma Viticultural Area (2003R-110P) [T.D. TTB-38; Re: Notice No. 25] (RIN: 1513-AA77) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5809. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Santa Rita Hills Viticultural Area Name Abbreviation to Sta. Rita Hills (2003R-091P) [T.D. TTB-37; Notice No. 40; Ref: T.D. ATF-454] (RIN: 1513-AA50) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5810. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Ramona Valley Viticultural Area (2003R-375P) [T.D. TTB-39; Re: Notice No. 38] (RIN: 1513-AA94) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5811. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Relating to Taxable Stock Transactions [TD 9230] (RIN: 1545-BF18) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5812. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Hurricane Katrina Relief under sections 101 and 103 of the Katrina Emergency Tax Relief Act of 2005 [Notice 2005-92] received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5813. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-78) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5814. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Transitional Relief Provided for Certain Plan Amendment Deadlines [Notice 2005-95] received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5815. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Suspension of Employer and Payer Reporting and Wage Withholding Requirements With Respect to Deferrals of Compensation Under Section 409A for Calendar Year 2005; No Assertion of Penalties Against Service Providers in Certain Circumstances [Notice 2005-94] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5816. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Valuation of Stock-Based Compensation for Purposes of Qualified Cost Sharing Arrangements [Notice 2005-99] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5817. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9231] (RIN: 1545-BC49) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5818. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments Regarding Procedures for Automatic Changes in Methods of Accounting Contained in Rev. Proc. 2002-9 [Notice 2005-97] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5819. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9232] (RIN: 1545-BD33) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5820. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clean Renewable Energy Bonds [Notice 2005-98] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5821. A letter from the Director, Industry Programs, Office of Policy, Import Administration, International Trade Administration, transmitting the Administration's final rule — Steel Import Monitoring and Analysis System [Docket No. 040305083-5249-03] (RIN: 0625-AA64) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5822. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report on the implementation of section 7213(c)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Ways and Means.

5823. A letter from the Executive Director, U.S.-China Commission, transmitting the U.S.-China Economic and Security Review Commission's Charter, as required by Pub. L. 109–108; to the Committee on Ways and Means.

5824. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Marketing and Sale of Fluid Milk in Schools (RIN: 0584-AD57) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and the Workforce.

5825. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Application of Inherent Reasonableness Payment Policy to Medicare Part B Services (Other Than Physician Services) [CMS-1908-F] (RIN: 0938-AN81) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5826. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Coverage and Payment of Ambulance Services; Inflation Update for CY 2006 [CMS-1294-N] (RIN: 0938-AN99) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5827. A letter from the Chairperson, State Pharmaceutical Assistance Transition Commission, transmitting the Commission's final report, including detailed proposals for addressing the unique transitional issues facing State pharmaceutical assistance programs, and program participants, due to the implementation of the voluntary prescription drug benefit program under part D of title XVIII of the Social Security Act, as added by section 101, and such other recommendations as deemed appropriate, pursuant to 42 U.S.C. 1395w–101 note Public Law 108–173, section 106(d); jointly to the Committees on Energy and Commerce and Ways and Means.

5828. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended,and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108–447, notification that implementation of the FY 2005 International Military Education and Training (IMET) program, as approved by the Department of State, requires revisions to the levels justified in the FY 2005 Congressional Budget Justification for Foreign Operations for the enclosed list of countries; jointly to the Committees on International Relations and Appropriations.

5829. A letter from the General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104–1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

5830. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Second Interim Report on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration: Final Report on Phase I,'' pursuant to Public Law 105–33, section 4207; jointly to the Committees on Ways and Means and Energy and Commerce.

5831. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to assist the Department in the development of a National Natural Resources Conservation Foundation; jointly to the Committees on Agriculture, Government Reform, and Ways and Means.

5832. A letter from the Board Members, Railroad Retirement Board, transmitting

the Board's budget request for fiscal year 2007, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

5833. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

5834. A letter from the Director, Office of Management and Budget, transmitting a legislative proposal entitled, ''the Federal and District of Columbia Government Real Property Act of 2005''; jointly to the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure.

5835. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2007 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

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:

[Filed on December 16, 2005]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes; with an amendment (Rept. 109–316 Pt. 2). Ordered to be printed.

Mr. HYDE: Committee on International Relations. House Resolution 549. Resolution requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address; with an amendment (Rept. 109–351). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. The Methamphetamine Epidemic: International Roots of the Problem, and Recommended Solutions (Rept. 109–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAXTON: Report of the Joint Economic Committee on the 2005 Economic Report of the President (Rept. 109–353). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee of Conference. Conference report on S. 1281. An act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010 (Rept. 109–354). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 623. Resolution providing for consideration of motions to suspend the rules (Rept. 109–355). 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. DEFAZIO:

H.R. 4567. A bill to prohibit the manufacture, processing, possession, or distribution in commerce of the poison sodium flouroacetate (known as ''Compound 1080''), to provide for the collection and destruction of remaining stocks of sodium flouroacetate, to compensate persons who turn in sodium flouroacetate to the Secretary of Agriculture for destruction, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. PRICE of Georgia, Mrs. MYRICK, and Mr. BROWN of Ohio):

H.R. 4568. A bill to improve proficiency testing of clinical laboratories; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4569. A bill to require certain analog conversion devices to preserve digital content security measures; to the Committee on the Judiciary.

By Ms. HARMAN (for herself, Mr. HASTINGS of Florida, Mr. REYES, Mr. BOSWELL, Mr. CRAMER, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, Mr. TIERNEY, and Mr. BERMAN):

H.R. 4570. A bill to require the approval of a Foreign Intelligence Surveillance Court judge or designated United States Magistrate Judge for the issuance of a national security letter, to require the Attorney General to submit semiannual reports on national security letters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 4571. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Motor Rail project, California; to the Committee on Transportation and Infrastructure.

By Mr. HYDE:

H.R. 4572. A bill to revise and extend the Export Administration Act of 1979; to the Committee on International Relations.

By Mr. WELLER:

H.R. 4573. A bill to increase the renewable fuel content of gasoline sold in the United States by the year 2025 to 25 billion gallons, to require Federal agencies to use ethanol and biodiesel in government vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Ways and Means, and 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. ISSA (for himself, Mr. FILNER, Mr. HUNTER, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. BURTON of Indiana, Mr. HONDA, Mr. POMBO, Mr. SCOTT of Virginia, Mrs. DRAKE, and Mr. BERMAN):

H.R. 4574. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SHAYS:

H.R. 4575. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Standards of Official Conduct, Rules, 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. PICKERING (for himself, Mr. PITTS, Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, and Mr. WELDON of Florida):

H.R. 4576. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Ten Commandments, the Pledge of Allegiance, and the National Motto; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. PORTER, Mr. BISHOP of Utah, Mr. GIBBONS, and Ms. BERKLEY):

H.R. 4577. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, and for other purposes; to the Committee on Resources.

By Ms. MCCOLLUM of Minnesota:

H.R. 4578. A bill to amend the Elementary and Secondary Education Act of 1965 to clarify Federal requirements under such Act; to the Committee on Education and the Workforce.

By Mr. BOEHNER:

H.R. 4579. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and 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 Ms. FOXX (for herself, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. GARY G. MILLER of California, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. WAMP, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. BURGESS, Mr. TANCREDO, Mr. FRANKS of Arizona, Mr. CANTOR, Mr. KLINE, Mr. DANIEL E. LUNGREN of California, Mr.

FEENEY, Mr. SODREL, Mr. COBLE, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4580. A bill to prohibit loans by Federal agencies to aliens who are unlawfully present in the United States; to the Committee on Financial Services.

By Mr. AKIN (for himself, Mr. CARNAHAN, and Mrs. EMERSON):

H.R. 4581. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4582. A bill to amend title 49, United States Code, to require employment investigations for employees of aircraft repair stations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN (for herself and Ms. SCHAKOWSKY):

H.R. 4583. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Energy and Commerce.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN):

H.R. 4584. A bill to require rate intergration for wireless interstate toll charges; to the Committee on Energy and Commerce.

By Mr. BOUSTANY (for himself and Mr. SPRATT):

H.R. 4585. A bill to amend title XVIII of the Social Security Act to remove the cap on disproportionate share adjustment percentages for certain rural hospitals; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4586. A bill to extend the authorization of the Benjamin Franklin Tercentenary Commission; to the Committee on Government Reform.

By Ms. DEGETTE:

H.R. 4587. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 4588. A bill to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 4589. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 4590. A bill to amend title 11 of the United States Code to provide fair treatment of employee benefits; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 4591. A bill to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Energy and Commerce.

By Mr. GOHMERT:

H.R. 4592. A bill to provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. GORDON:

H.R. 4593. A bill to advance the deadline for energy use metering in Federal buildings, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GORDON:

H.R. 4594. A bill to require certain reports with respect to the energy efficiency design performance of new Federal buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4595. A bill to clarify that buildings administered by the Architect of the Capitol are covered by certain Federal building energy management requirements and energy efficiency standards; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4596. A bill to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; to the Committee on Science, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BOSWELL, Mr. CASE, Mrs. CUBIN, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HALL, Mr. HASTINGS of Florida, Mr. HAYWORTH, Ms. HERSETH, Mr. INSLEE, Mrs. JONES of Ohio, Mr. JEFFERSON, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. LEWIS of California, Mr. MCCOTTER, Mr. MANZULLO, Ms. MILLENDER-MCDONALD, Mr. NEY, Ms. NORTON, Mr. PALLONE, Mr. RANGEL, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. TOWNS, Mr. WEXLER, and Mr. WOLF):

H.R. 4597. A bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 4598. A bill to provide for an awareness program, and a study, on a rare form of breast cancer; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 4599. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 4600. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to 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 Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 4601. A bill to prohibit the operation of nuclear power plants unless there exists a State- and county-certified radiological emergency response plan; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 4602. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. EMANUEL, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. SPRATT, Mr. DINGELL, Mr. OBEY, Mr. WAXMAN, Mr. LANTOS, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. MARKEY, Mr. PALLONE, Mr. BROWN of Ohio, Ms. DEGETTE, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, Ms. BORDALLO, Ms. SOLIS, Mr. LEWIS of Georgia, Mr. OWENS, Mr. MCGOVERN, Ms. MATSUI, Mr. MCNULTY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mrs. MALONEY, Mr. MORAN of Virginia, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. CASE, Mr. KILDEE, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. GRIJALVA, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. LEVIN, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. SCHIFF):

H.R. 4603. A bill to amend the Public Health Service Act with respect to pandemic influenza, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, Agriculture, International Relations, Education and the Workforce, Science, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. HIGGINS, Mr. HOLT, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. LYNCH, Mr. CLAY, Mrs. MCCARTHY, Mr. WEINER, and Ms. WASSERMAN SCHULTZ):

H.R. 4604. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. OBERSTAR, and Mr. PETERSON of Minnesota):

H.R. 4605. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of that Act; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. CUELLAR, and Mr. LATOURETTE):

H.R. 4606. A bill to amend title XIX of the Social Security Act to provide for an ongoing cost-of-living increase in the Medicaid disproportionate share hospital (DSH) allotments for States; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself and Mr. DICKS):

H.R. 4607. A bill to ensure passenger safety at airports; to the Committee on Homeland Security.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. BOSWELL, and Mr. CALVERT):

H.R. 4608. A bill to amend the Internal Revenue Code of 1986 to modernize the rules governing the treatment of qualifying continuing care facilities; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. SERRANO, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. PALLONE, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. KUCINICH, Mr. MCDERMOTT, Mr. PAYNE, Mr. GRIJALVA, Mr. CARNAHAN, Mr. HOLT, Mr. INSLEE, Mr. NADLER, Mr. WEXLER, Mr. BAIRD, Mr. GEORGE MILLER of California, and Mrs. CAPPS):

H.R. 4609. A bill to increase the use and research of sustainable building design technology, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4610. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, 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. THOMPSON of Mississippi:

H.R. 4611. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to strengthen the participation of small businesses in recovery efforts following a major disaster, emergency, or terrorist event; to the Committee on Transportation and Infrastructure.

By Mr. TURNER (for himself, Mr. HOBSON, Mr. BOEHNER, and Mr. OXLEY):

H.R. 4612. A bill to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as ''Wright Brothers-Dunbar National Historic Park,'' and for other purposes; to the Committee on Resources.

By Ms. VELÁZQUEZ (for herself, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, and Ms. KAPTUR):

H.R. 4613. A bill to amend the Fair Labor Standards Act of 1938 to provide access to information about sweatshop conditions in the garment industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. BOEHLERT, Mr. GORDON, Mr. SMITH of Texas, Mr. BERMAN, Mr. EHLERS, Mr. WU, Mr. COBLE, Ms. ZOE LOFGREN of California, Mr. GREEN of Wisconsin, Mr. CANNON, Mr. JENKINS, Mr. FEENEY, Ms. BALDWIN, Mr. HONDA, Mr. MILLER of North Carolina, and Mr. INGLIS of South Carolina):

H. Con. Res. 319. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were enacted in 1980 (Public Law 96-517; commonly known as the ''Bayh-Dole Act''), on the occasion of the 25th anniversary of its enactment; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. ROYCE):

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Mr. PAUL, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. OWENS, Mr. RAHALL, Mr. RYAN of Ohio, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WATSON, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 321. Concurrent resolution providing that the new permanent Council of Representatives of Iraq is encouraged to debate and vote on whether or not a continued United States military presence in Iraq is desired by the Government of Iraq; to the Committee on International Relations.

By Mr. MILLER of Florida (for himself and Mr. REYES):

H. Con. Res. 322. Concurrent resolution expressing the Sense of Congress regarding the contribution of the USO to the morale and welfare of our servicemen and women of our armed forces and their families; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. MEEK of Florida, Mr. UDALL of Colorado, Mr. GONZALEZ, Mr. TERRY, Mr. GENE GREEN of Texas, Mr. SALAZAR, Mr. ENGEL, Mr. NEUGEBAUER, Mrs. MCCARTHY, Mr. SNYDER, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. HINOJOSA, Mr. PASTOR, Mr. FORTUÑO, Mr. DENT, Mr. POMBO, Mr. FILNER, Mr. RENZI, and Mr. BONILLA):

H. Con. Res. 323. Concurrent resolution honoring the Hispanic Americans who have served in the Armed Forces, such as Captain Felix Sosa-Camejo, United States Army; to the Committee on Armed Services.

By Mr. ISSA (for himself, Mr. FILNER, Mr. BERMAN, Ms. BORDALLO, and Mr. HUNTER):

H. Res. 622. A resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. CROWLEY, Ms. WATSON, Mr. WEXLER, Ms. LEE, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mr. ENGEL, Mr. DELAHUNT, Mr. BERMAN, and Mr. PAYNE):

H. Res. 624. A resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to United States policies under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions; to the Committee on International Relations.

By Mr. CAPUANO:

H. Res. 625. A resolution providing that the House of Representatives should consider policy options regarding United States policy in Iraq; to the Committee on International Relations.

By Mr. CARNAHAN (for himself, Mr. BLUNT, Mr. CLAY, Mr. AKIN, Mr. COSTELLO, Mr. SHIMKUS, Mr. SKELTON, Mr. HULSHOF, Mr. GRAVES, Mrs. EMERSON, Mr. CLEAVER, Mr. JOHNSON of Illinois, Ms. WATERS, Mr. TANNER, and Mr. MCINTYRE):

H. Res. 626. A resolution congratulating Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season; to the Committee on Government Reform.

By Mr. CARNAHAN (for himself, Mr. BLUNT, Mr. CLAY, Mr. AKIN, Mr. COSTELLO, Mr. SHIMKUS, Mr. SKELTON, Mr. HULSHOF, Mr. GRAVES, Mrs. EMERSON, Mr. CLEAVER, Mr. JOHNSON of Illinois, Ms. WATERS, Mr. TANNER, and Mr. MCINTYRE):

H. Res. 627. A resolution congratulating Chris Carpenter on being named the Cy Young Award winner for the National League for the 2005 Major League Baseball season; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Mr. PASCRELL, Mr. FERGUSON, Mr. ROTHMAN, Mr. MENENDEZ, and Mr. HOLT):

H. Res. 628. A resolution congratulating Bruce Springsteen of New Jersey on the 30th anniversary of his masterpiece record album ''Born to Run,'' and commending him on a career that has touched the lives of millions of Americans; to the Committee on Education and the Workforce.

By Mr. PRICE of Georgia (for himself, Mr. WESTMORELAND, Mr. GINGREY, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. BISHOP of Georgia, Mr. BARROW, Mr. KINGSTON, and Mr. LINDER):

H. Res. 629. A resolution supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes; to the Committee on Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Ms. BERKLEY):

H. Res. 630. A resolution expressing the sense of the House of Representatives that the holiday symbols and traditions of all Americans being observed this winter should be protected, for those who celebrate these holidays; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. INGLIS of South Carolina:

H.R. 4614. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4615. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4616. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4617. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 14: Mr. STEARNS.
H.R. 19: Mr. CAMPBELL of California.
H.R. 23: Mr. BEAUPREZ, Mrs. SCHMIDT, and Mr. MILLER of North Carolina.
H.R. 226: Mr. GRIJALVA.
H.R. 269: Mr. MCCOTTER.
H.R. 283: Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. EVANS.
H.R. 297: Mr. MEEHAN.
H.R. 328: Ms. SOLIS.
H.R. 373: Mr. MEEHAN.
H.R. 501: Mr. CONYERS.
H.R. 551: Mr. VAN HOLLEN.
H.R. 552: Mr. MURPHY.
H.R. 567: Mr. MEEHAN.
H.R. 582: Ms. LINDA T. SÁNCHEZ of California and Mr. MICHAUD.
H.R. 601: Mr. MOORE of Kansas.
H.R. 615: Mr. CLAY, Mr. SMITH of New Jersey, and Mr. ENGEL.
H.R. 651: Mr. HEFLEY.
H.R. 697: Mr. MARSHALL.
H.R. 698: Mr. CAMPBELL of California.
H.R. 747: Mr. CARNAHAN.
H.R. 759: Mr. BAIRD and Mr. ENGEL.
H.R. 772: Mr. MARKEY, Mr. DEAL of Georgia, Mr. HINCHEY, and Mr. LEWIS of Georgia.
H.R. 817: Mr. LEVIN, Mr. OBERSTAR, Mr. GONZALEZ, Mr. CARNAHAN, Mr. BECERRA, Mr. MARKEY, Mr. DAVIS of Florida, and Mr. SCOTT of Georgia.
H.R. 857: Mr. ROYCE.
H.R. 864: Mr. LIPINSKI and Ms. WOOLSEY.
H.R. 870: Ms. SOLIS.
H.R. 885: Mr. LINCOLN DIAZ-BALART of Florida and Mr. DAVIS of Illinois.
H.R. 952: Mr. UDALL of Colorado.
H.R. 964: Mr. DELAHUNT.
H.R. 986: Ms. MATSUI.
H.R. 994: Mrs. BLACKBURN and Ms. BERKLEY.
H.R. 997: Mr. CAMPBELL of California.
H.R. 998: Mr. CLAY.
H.R. 1020: Mr. LANTOS.
H.R. 1053: Mr. ENGEL, Mr. UDALL of Colorado, and Mr. BROWN of Ohio.
H.R. 1059: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1105: Mr. NUNES.
H.R. 1219: Mr. STEARNS.
H.R. 1241: Mr. GERLACH.
H.R. 1259: Mr. HOLT, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. PALLONE, Mr. ETHERIDGE, Mr. STARK, Mr. BISHOP of New York, Mr. DOGGETT, Mr. HOLDEN, Mr. BROWN of Ohio, Mr. THOMPSON of California, Ms. SLAUGHTER, Mr. CARDIN, Mr. REYES, Mr. ALLEN, Ms. BEAN, Mr. MATHESON, Ms. MATSUI, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. ESHOO, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. MARSHALL, Mr. DELAHUNT, Mr. OBERSTAR, Mr. SABO, Mr. MEEHAN, Mr. DINGELL, Ms. VELÁZQUEZ, Mr. TAYLOR of Mississippi, Ms. BERKLEY, Mr. EDWARDS, Mr. ORTIZ, Mr. DICKS, Mr. CARNAHAN, Mr. MARKEY, Mr. HINOJOSA, Mr. GORDON, Mr. KING of New York, Mr. COBLE, Mr. HOEKSTRA, Mr. COSTA, Mr. MELANCON, Mr. SALAZAR, Mr. KANJORSKI, Mr. MCINTYRE, Mr. STRICKLAND, Ms. MCCOLLUM of Minnesota, Mr. MILLER of North Carolina, Mr. HOYER, Ms. SCHWARTZ of Pennsylvania, Mr. ANDREWS, Mr. BERRY, Mr. ROTHMAN, and Mr. MICHAUD.
H.R. 1273: Mr. STEARNS.
H.R. 1290: Mr. BRADY of Pennsylvania.
H.R. 1323: Ms. SCHWARTZ of Pennsylvania.
H.R. 1426: Mr. WATT.
H.R. 1578: Mr. PRICE of Georgia, Mr. CHOCOLA, Ms. GINNY BROWN-WAITE of Florida, Mr. FITZPATRICK of Pennsylvania, Mr. MENENDEZ, Mr. REICHERT, Mr. HOEKSTRA, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. MEEKS of New York, Mr. ROGERS of Michigan, Mr. BARROW, Mr. TIBERI, Mr. PICKERING, Mr. PETRI, and Mr. ACKERMAN.
H.R. 1595: Ms. MCKINNEY, Mr. SAXTON, and Mr. GOHMERT.
H.R. 1642: Mr. CASE.
H.R. 1646: Mr. EVANS and Mr. CLEAVER.
H.R. 1696: Mr. FITZPATRICK of Pennsylvania.
H.R. 1707: Ms. SCHAKOWSKY.
H.R. 1709: Mr. WYNN, Mr. DOGGETT, and Mr. LANTOS.
H.R. 1864: Ms. SCHAKOWSKY.
H.R. 1898: Mr. WESTMORELAND and Mr. LOBIONDO.
H.R. 1951: Mr. SAM JOHNSON of Texas and Mr. NEY.
H.R. 2072: Mr. WEINER.
H.R. 2090: Mr. WEXLER, Mr. CONYERS, and Mr. KUCINICH.
H.R. 2134: Ms. HERSETH.
H.R. 2206: Mr. BASS.
H.R. 2216: Mr. MCCOTTER, Mr. BURTON of Indiana, and Mr. SIMMONS.
H.R. 2234: Mr. CARNAHAN.
H.R. 2238: Mr. LUCAS.
H.R. 2323: Mr. RANGEL.
H.R. 2356: Mr. GENE GREEN of Texas and Mr. CRAMER.
H.R. 2369: Mr. RAHALL.
H.R. 2378: Mr. KUHL of New York.
H.R. 2410: Mr. VAN HOLLEN, Mr. MEEHAN, and Mr. TIERNEY.
H.R. 2412: Mr. CARDIN.
H.R. 2421: Mr. FATTAH, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. ANDREWS, and Mr. KING of New York.
H.R. 2470: Mr. CAMP of Michigan, Mr. JONES of North Carolina, Mr. NORWOOD, Mr. ROGERS of Alabama, and Mr. STEARNS.
H.R. 2521: Mr. OWENS, Mr. ENGLISH of Pennsylvania, and Mr. RUSH.
H.R. 2553: Ms. MATSUI.
H.R. 2592: Mr. ANDREWS.
H.R. 2629: Mr. PRICE of North Carolina.
H.R. 2669: Mr. LATOURETTE, Mr. WU, Mr. LEWIS of Georgia, Mr. BOEHLERT, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. RUPPERSBERGER, Mr. GONZALEZ, Mr. BECERRA, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. ZOE LOFGREN of California, Mr. DOYLE, Mr. DAVIS of Florida, Mr. SPRATT, Ms. MILLENDER-MCDONALD, Mrs. MCCARTHY, Mr. OBERSTAR, Mr. MARKEY, and Mr. CARDOZA.
H.R. 2671: Mr. CAPUANO, Mr. NEY, and Mr. TERRY.
H.R. 2682: Mr. BOUCHER.
H.R. 2717: Mr. WEINER.
H.R. 2742: Mr. AL GREEN of Texas, Mr. MCCOTTER, and Mr. ANDREWS.
H.R. 2835: Ms. MATSUI.
H.R. 2841: Ms. ESHOO.
H.R. 2861: Mr. PRICE of North Carolina, Mr. YOUNG of Alaska, Ms. BERKLEY, and Mr. MCDERMOTT.
H.R. 2872: Ms. HERSETH, Mr. RUSH, Mr. LARSEN of Washington, Ms. PELOSI, Mr. DAVIS of Illinois, Mr. BECERRA, Ms. VELÁZQUEZ, Mr. NEUGEBAUER, Mr. NADLER, Mr. CRAMER, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mrs. BIGGERT, Mr. DAVIS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ADERHOLT, Mr. WATT, Mr. AL GREEN of Texas, Mr. HOYER, Mr. THOMPSON of California, Mr. LYNCH, Ms. SCHWARTZ of Pennsylvania, Ms. MOORE of Wisconsin, Mr. BRADY of Pennsylvania, Mr. BACA, Mr. CARNAHAN, Mr. HINOJOSA, Mrs. KELLY, Mr. WEINER, Mr. SNYDER, and Mr. HINCHEY.
H.R. 2923: Mr. EHLERS and Mr. KENNEDY of Rhode Island.
H.R. 2926: Mr. CRAMER.
H.R. 2939: Mr. MOORE of Kansas.
H.R. 2943: Mr. WU.
H.R. 2989: Ms. MATSUI, Mr. BOSWELL, and Mr. MCINTYRE.
H.R. 3049: Mr. CONYERS.
H.R. 3096: Mr. ROTHMAN.
H.R. 3137: Ms. FOXX and Mr. CAMPBELL of California.
H.R. 3145: Mr. PALLONE.
H.R. 3150: Mr. CAMPBELL of California.
H.R. 3174: Mr. MEEKS of New York.
H.R. 3195: Mr. MOORE of Kansas.
H.R. 3248: Mr. KUCINICH and Mr. SCHIFF.
H.R. 3313: Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. MARKEY, and Mr. GUTIERREZ.
H.R. 3326: Mr. DOGGETT.
H.R. 3334: Mr. BACA and Mr. MOORE of Kansas.
H.R. 3373: Mr. BOREN, Ms. SOLIS, and Ms. MCCOLLUM of Minnesota.
H.R. 3385: Mr. CARTER and Mr. SMITH of Texas.
H.R. 3478: Mr. LIPINSKI and Mr. SMITH of New Jersey.
H.R. 3479: Mr. RENZI.
H.R. 3546: Mr. MCDERMOTT.
H.R. 3561: Mr. WEINER, Ms. ZOE LOFGREN of California, and Mr. KUCINICH.
H.R. 3598: Mr. KUHL of New York and Mr. PALLONE.
H.R. 3612: Mr. GORDON.
H.R. 3640: Mr. ALLEN and Ms. WATSON.
H.R. 3641: Ms. WATSON, Mr. DOGGETT, Mr. CLEAVER, Mrs. JONES of Ohio, and Mr. KUCINICH.
H.R. 3642: Mr. BOOZMAN and Mr. KUCINICH.
H.R. 3657: Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mrs. MCCARTHY, Ms. LINDA T. SÁNCHEZ of California, and Mr. KENNEDY of Minnesota.
H.R. 3731: Mr. CAPUANO.
H.R. 3754: Mr. PETERSON of Minnesota.
H.R. 3778: Mr. HEFLEY.
H.R. 3858: Ms. NORTON and Mr. DEFAZIO.
H.R. 3883: Mr. TIBERI, Mr. POMBO, and Mr. SCOTT of Georgia.
H.R. 3908: Mrs. EMERSON.
H.R. 3925: Mr. SCHIFF.
H.R. 3931: Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. BOEHLERT, Mr. CAPUANO, Mr. RUPPERSBERGER, Mr. BECERRA, Mr. CONYERS, Mr. DOYLE, and Mr. WU.
H.R. 3936: Mr. OWENS.
H.R. 3941: Mr. KUHL of New York and Mr. ENGLISH of Pennsylvania.
H.R. 3968: Ms. WOOLSEY and Mr. WU.
H.R. 3973: Ms. MCCOLLUM of Minnesota.
H.R. 3985: Mr. BRADY of Pennsylvania.
H.R. 4011: Mrs. JO ANN DAVIS of Virginia.
H.R. 4015: Ms. MCCOLLUM of Minnesota.
H.R. 4025: Mr. LIPINSKI.
H.R. 4028: Mr. GOODE.
H.R. 4042: Mr. WU.
H.R. 4049: Mr. GARY G. MILLER of California.
H.R. 4055: Ms. KILPATRICK of Michigan.
H.R. 4063: Mr. TOM DAVIS of Virginia.
H.R. 4089: Ms. FOXX.
H.R. 4129: Ms. FOXX.
H.R. 4147: Mr. MORAN of Virginia.
H.R. 4180: Mrs. DRAKE, Ms. HART, and Mrs. CAPITO.
H.R. 4188: Mr. KIRK.
H.R. 4196: Mr. MOORE of Kansas.
H.R. 4197: Mr. BARROW.
H.R. 4200: Mr. GARY G. MILLER of California, Mr. MCHENRY, and Mr. KOLBE.
H.R. 4217: Mr. HENSARLING and Mr. LEWIS of Kentucky.
H.R. 4222: Mr. SMITH of Washington.
H.R. 4229: Mr. SMITH of Washington, Mr. CARNAHAN, and Mr. PASTOR.
H.R. 4236: Mr. OTTER and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4258: Mr. LEWIS of Georgia.
H.R. 4259: Mr. MORAN of Kansas.
H.R. 4264: Mrs. MCCARTHY.
H.R. 4268: Mr. LATHAM and Mr. KILDEE.
H.R. 4291: Mr. GUTIERREZ, Mr. SANDERS, Ms. LEE, Mr. DEFAZIO, Mr. OWENS, Mr. BROWN of Ohio, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. MCGOVERN, Ms. SOLIS, Mr. LANTOS, and Mr. STRICKLAND.

H.R. 4299: Mr. LUCAS.

H.R. 4300: Mr. BUTTERFIELD and Mr. LEWIS of Georgia.

H.R. 4315: Mr. WALSH, Mr. BROWN of South Carolina, Mr. PETRI, Mr. GILCHREST, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. MARSHALL, Mr. LEACH, Mr. EHLERS, Mr. CUELLAR, Mr. LATHAM, Mr. FOLEY, Mr. BOEHLERT, Mr. PICKERING, Mr. PETERSON of Pennsylvania, Mr. DAVIS of Alabama, Mr. BASS, Mr. TERRY, Mr. FOSSELLA, and Mr. ROSS.

H.R. 4318: Mr. ADERHOLT, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. JINDAL, Mr. LARSON of Connecticut, Mr. NEY, Mr. OXLEY, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Ms. GRANGER, Ms. FOXX, Mr. COLE of Oklahoma, Mr. SHIMKUS, Mr. SHERWOOD, Mr. PETERSON of Minnesota, Mr. HUNTER, Mr. BLUNT, Mr. MCCRERY, Mr. MURTHA, Mr. HOLDEN, Mr. HOLDEN, Mr. SOUDER, Mr. KUHL of New York, Mr. FORD, Mr. BAKER, Mr. OBERSTAR, Mr. TERRY, Mr. SULLIVAN, Mr. MARSHALL, Mr. BOOZMAN, Mr. LATHAM, Mr. PENCE, Mr. HENSARLING, Mr. KLINE, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. JENKINS, Mr. ROGERS of Kentucky, Mr. TIBERI, Mr. KING of New York, Mr. HEFLEY, Mr. HOBSON, Mr. BURGESS, Mr. BONILLA, Mr. GOODLATTE, Mr. MCHUGH, Mr. DAVIS of Kentucky, Mr. HAYWORTH, Mr. ALEXANDER, Mr. HOSTETTLER, Mr. CARTER, Mr. BOREN, Mr. HERGER, and Mr. MEEHAN.

H.R. 4341: Mr. BEAUPREZ.

H.R. 4343: Mr. MCGOVERN and Mr. LANTOS.

H.R. 4347: Ms. MCKINNEY and Ms. MOORE of Wisconsin.

H.R. 4381: Mr. GENE GREEN of Texas.

H.R. 4392: Mr. EMANUEL and Mr. KUCINICH.

H.R. 4394: Mr. BUTTERFIELD and Mr. UDALL of Colorado.

H.R. 4399: Mr. STARK and Mr. SAXTON.

H.R. 4403: Mr. BROWN of Ohio.

H.R. 4409: Mrs. MILLER of Michigan Mr. GERLACH, Mr. WYNN, Mr. WEXLER, Ms. BERKLEY, Mr. CARDOZA, and Mr. LANTOS.

H.R. 4412: Mr. MCHUGH.

H.R. 4418: Mr. CANNON and Mr. CARDOZA.

H.R. 4424: Mr. EMANUEL.

H.R. 4427: Mr. ROGERS of Alabama.

H.R. 4452: Mr. ANDREWS, Mr. PASTOR, Mr. HIGGINS, Mr. FOLEY, Mrs. MCCARTHY, and Mr. BISHOP of New York.

H.R. 4463: Ms. SOLIS and Mr. PRICE of North Carolina.

H.R. 4465: Mr. FILNER, Mr. AL GREEN of Texas, Mrs. DAVIS of California, and Mr. CARNAHAN.

H.R. 4474: Ms. CARSON.

H.R. 4476: Mr. KUCINICH.

H.R. 4479: Mr. EVANS, Mr. STUPAK, Mr. ALLEN, Mr. MCDERMOTT, Mr. CARNAHAN, and Mr. VAN HOLLEN.

H.R. 4510: Mr. JENKINS, Mr. LEWIS of Kentucky, Mr. MOORE of Kansas, Mr. COOPER, Ms. HARMAN, Mr. KUCINICH, Ms. ESHOO, Mr. KIND, Mr. BERMAN, Mr. HOYER, Mr. REYES, Mrs. BONO, Mr. FARR, Mr. RANGEL, Ms. ROS-LEHTINEN, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. SCHIFF, Ms. WATERS, Mr. CUELLAR, Ms. HOOLEY, Mr. SHUSTER, Mr. TOWNS, Mr. OXLEY, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. BISHOP of Utah, Mr. CULBERSON, Mr. FORD, Mr. ROHRABACHER, Mr. GUTKNECHT, Mrs. MYRICK, Mr. ROYCE, Ms. DEGETTE, Mr. HAYWORTH, Mr. RENZI, Ms. PELOSI, Mr. DOGGETT, Mr. WATT, Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Mr. MCGOVERN, Mr. SPRATT, Mr. CARDIN, Mr. STARK, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. WU, Mr. ANDREWS, Mr. ROTHMAN, Mr. MCNULTY, Mr. PASTOR, Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Mr. RAMSTAD, Mrs. KELLY, Mr. CAPUANO, Mr. STRICKLAND, Mr. LANTOS, Mr. PETRI, Mr. MOLLOHAN, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. ROSS, and Mr. MATHESON.

H.R. 519: Mr. TOWNS.

H.R. 4520: Mr. GENE GREEN of Texas and Mr. KUCINICH.

H.R. 4524: Mrs. DAVIS of California and Mr. TAYLOR of Mississippi.

H.R. 4534: Mr. MCCRERY.

H.R. 4535: Mr. SULLIVAN, Mr. MCCOTTER, Mr. HAYWORTH, Mr. LOBIONDO, Mr. WELDON of Florida, Mr. BOUSTANY, and Mr. MORAN of Kansas.

H.R. 4542: Ms. MCCOLLUM of Minnesota, Mr. SHIMKUS, Mr. DOYLE, Mr. THOMPSON of California, Mr. BISHOP of Georgia, Mr. GEORGE MILLER of California, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Illinois, Mr. LANTOS, Mr. HOYER, Mr. KUCINICH, Mrs. CAPITO, Mr. TIERNEY, Mr. BOEHLERT, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. CLEAVER, Mr. WYNN, Ms. LINDA T. SÁNCHEZ of California, Mr. GORDON, Mr. KIND, Mrs. EMERSON, and Ms. DEGETTE.

H.R. 4546: Mr. CHABOT, Mr. COBLE, Mr. FRANKS of Arizona, Mr. GERLACH, Ms. HART, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. PLATTS, Mr. PORTER, Mr. SULLIVAN, and Mr. WELDON of Florida.

H.R. 4558: Mrs. BLACKBURN.

H.J. Res. 3: Ms. HERSETH.

H.J. Res. 39: Mr. MCCOTTER.

H.J. Res. 56: Mr. SANDERS, Mr. PAYNE, Mr. KUCINICH, Mr. MCGOVERN, Mr. MICHAUD, Mr. BLUMENAUER, Mr. HINCHEY, and Ms. WOOLSEY.

H.J. Res. 73: Mr. SABO and Mr. HONDA.

H. Con. Res. 23: Mr. MCINTYRE.

H. Con. Res. 137: Mr. HINCHEY.

H. Con. Res. 138: Mrs. MALONEY.

H. Con. Res. 177: Mr. WEXLER and Mr. BUTTERFIELD.

H. Con. Res. 197: Mr. MICHAUD.

H. Con. Res. 231: Ms. SOLIS.

H. Con. Res. 278: Ms. SOLIS.

H. Con. Res. 287: Mr. ABERCROMBIE and Mr. WU.

H. Con. Res. 301: Mr. INGLIS of South Carolina.

H. Con. Res. 302: Mr. GOODE.

H. Res. 85: Mr. SHERMAN.

H. Res. 411: Mr. ROYCE.

H. Res. 517: Ms. CARSON.

H. Res. 521: Mr. NADLER, Ms. SOLIS, Ms. NORTON, Mr. SHAYS, Ms. BERKLEY, Mr. FRELINGHUYSEN, Mrs. LOWEY, Mr. MEEHAN, Mr. HINCHEY, Mr. LANGEVIN, Mr. BROWN of Ohio, Mr. LEVIN, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mr. ROTHMAN, Mr. JACKSON of Illinois, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mr. SCHIFF, Mr. VAN HOLLEN, and Mr. HOLT.

H. Res. 526: Ms. SOLIS.

H. Res. 561: Mrs. JOHNSON of Connecticut.

H. Res. 573: Mr. KUCINICH.

H. Res. 589: Mr. RENZI.

H. Res. 597: Mr. CASE and Mr. SOUDER.

H. Res. 600: Mr. GRIJALVA.

H. Res. 601: Mr. DOOLITTLE, Mr. FITZPATRICK of Pennsylvania, Mr. CLAY, Mr. AL GREEN of Texas, Mr. KIRK, Mr. MENENDEZ, Mr. SHAYS, Mr. LUCAS, Mr. HOLT, and Mr. WALSH.

H. Res. 604: Mr. KUHL of New York, Mr. SWEENEY, Mr. SERRANO, Mrs. MCCARTHY, and Mrs. MALONEY.

H. Res. 605: Mr. MEEKS of New York and Mr. BOEHLERT.

H. Res. 612: Mr. KING of Iowa, Mrs. DRAKE, and Mrs. MILLER of Michigan.

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Eternal spirit, by whose power people are moved to work for the common good of humanity, keep us aware of Your presence. Strengthen us by the memory of people who invested their lives to serve Your purposes. Teach us that You can bring order from chaos.

Empower our Senators today to do Your will. Touch them with Your presence and embrace them with Your love. Make them content to sow good seeds in the knowledge that the harvest is certain.

Help each of us to be led by You beyond the portals of selfishness to the spaciousness of service. Love us until we can live and love as we have been loved by You. We pray this in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The 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 minority leader or his designee and the second half of the time under the control of the majority leader or his designee.

NOTICE

If the 109th Congress, 1st Session, adjourns sine die on or before December 20, 2005, a final issue of the Congressional Record for the 109th Congress, 1st Session, will be published on Friday, December 30, 2005, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 29. The final issue will be dated Friday, December 30, 2005, and will be delivered on Tuesday, January 3, 2006. Both offices will be closed Monday, December 26, 2005.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, after 30 minutes of morning business, the Senate will resume consideration of the PATRIOT Act conference report. At approximately 11 a.m, the Senate will vote on the motion to invoke cloture on the PATRIOT Act. It is my hope cloture will be invoked and that we could then adopt the conference report during today's session. Senators should anticipate additional votes on legislative and executive items we must complete action on before breaking for the holidays, including a number of judges and other nominations. As all of our colleagues know, we have a lot of work to do and a lot to accomplish over the next several days before we break for the holidays.

I thank our colleagues for their patience and their hard work. We are working in a bicameral way. As our colleagues know, much of this legislation has to originate now and pass through the House before coming to us. We are working with the House to get that legislation appropriately.

THE PATRIOT ACT

Mr. FRIST. Mr. President, later this morning the Senate will vote on the issue of whether to limit debate on the USA PATRIOT Act. I urge my colleagues to support the cloture motion. The PATRIOT Act passed with near unanimous support 4 years ago. Since its passage, this commonsense law has proved to be one of the most useful, important tools we have in our antiterror arsenal. If we can take ourselves back to that morning on September 11, many people were at work, many others on the way to work when we all heard and soon saw that shocking news that 19 young men had hijacked four passenger planes and slammed them into the World Trade Center and into the Pentagon, 3 or 4 miles away. A fourth plane was en route, and its fate was unknown.

The oceans separating us from them suddenly vanished and America was struck with a horrific force we had never seen before. Three thousand innocent Americans lost their lives, and we learned on that dark day that out there, hiding in the shadows, is a patient and brutal enemy, determined to inflict colossal violence on our shores.

This enemy does not wear a uniform or march under a national banner. It hides among us as neighbors and coworkers, at subway shops and at cyber cafes. It hides in plain sight, plotting and planning until the moment comes to inflict its massive and terrible cruelty.

On 9/11, our enemy declared war on the American people, and war is what they got. We toppled the Taliban in Afghanistan. We brought down Saddam Hussein and dismantled his tyranny. Yesterday, under the protection of brave American and Iraqi soldiers, 11 million Iraqi people streamed to the polls to freely choose, for the first time in the country's modern history, a permanent, democratically elected government of and by the people. It was a historic milestone for the Iraqi people. It was a historic milestone for freedom. It proved once again that every day we are making progress.

We are fighting the terrorist enemy at home and in the mountains of Afghanistan, on the worldwide Web and in the streets of Baghdad. We are coordinating our efforts both inside and outside our borders so that we never have to suffer another terrorist attack.

In the days following 9/11, we learned that the enemy had been able to elude law enforcement, in part because our agencies were not able to share key investigative information. Once we understood this awful reality, we swiftly took action. Within 6 weeks of the attacks on America, the Congress passed the USA PATRIOT Act with overwhelming bipartisan support. The Senate vote was near unanimous, with 98 Senators voting in favor. The PATRIOT Act went to work tearing down the information wall between agencies and allowed the intelligence community and law enforcement to work more closely in pursuit of terrorist suspects.

Since then, it has been highly effective in tracking down terrorists and making our country safer. Because of the PATRIOT Act, the United States has charged over 400 suspected terrorists. More than half of them have already been convicted. Because of the PATRIOT Act, law enforcement has broken up terrorist cells all across the country, from New York to California, Oregon, Virginia, and Florida.

In San Diego, officials were able to use the PATRIOT Act to investigate and prosecute several suspects in an al-Qaida drug-for-weapons plot. The investigation led to several guilty pleas.

The PATRIOT Act also allowed prosecutors and investigators to crack the Virginia Jihad case, involving 11 men who had trained for Jihad in northern Virginia, Pakistan, and Afghanistan. It specifically encourages information sharing among the many branches of Government so that our crime-fighting officials can adapt and respond more effectively to the terrorist threat. It also levels the playing field, so that law enforcement utilizes the tools they already have in other kinds of criminal cases, such as drug trafficking and mob activity. It is now easier for law enforcement at all levels to appropriately investigate and track suspected terrorists already in the United States.

The conference report to reauthorize the PATRIOT Act includes all of these provisions and goes further to strengthen and improve America's security. It enhances vital safeguards to protect our civil liberties and privacy, and it contains new provisions to combat terrorist financing and money laundering, to protect our mass transportation systems and railways from attacks such as the ones on the London subway last summer, secure our seaports, and fight methamphetamine drug abuse, America's No. 1 drug problem.

The clock is ticking. We do need to take action now. In just 15 days—December 31—nearly all of the provisions of the PATRIOT Act expire. If they do, we are right back to where we were pre-9/11. The information walls go right back up. We cannot let this happen. We cannot lose ground.

The House, as we all know, acted last week. They passed a conference report with a bipartisan vote of 251 to 174. Now is the time for the Senate to follow suit.

The choice is clear. Should we take a step forward in making America safer or should we go back to the pre-9/11 days when terrorists slipped through the cracks? I believe the answer is clear, and I believe we have only one choice.

I ask my colleagues who are threatening to filibuster to take a closer look at that PATRIOT Act conference report. This reasonable compromise reached by Senate and House negotiators may not contain everything that each and every Member in this body would like, but it is much closer to the Senate bill that passed unanimously than it is to the House bill. It includes 4-year sunsets on the most controversial provisions, just as in the Senate version. And like the Senate version, it includes extensive privacy and civil liberty safeguards, as well as enhanced congressional oversight.

As we prepare to vote on cloture later this morning, I urge my colleagues to join in support of this essential legislation.

The FBI, the intelligence community, and our law enforcement need us to act. The American people want us to act. American national security demands that we act. A nation in fear cannot be a nation that is free.

I urge my colleagues to stand up for freedom and security for the United States of America.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MARTINEZ). The minority leader is recognized.

THE PATRIOT ACT

Mr. REID. Mr. President, in approximately an hour and a half, there will be a vote on the motion to invoke cloture on the PATRIOT Act conference report. Rather than terminate debate on this flawed piece of legislation, the Senate should work harder to achieve a strong, bipartisan PATRIOT Act that

strengthens national security while protecting the privacy of innocent Americans.

Earlier this year, after negotiations that went late into the night, the Senate Judiciary Committee unanimously approved a bill to reauthorize and improve the PATRIOT Act. Soon after, the full Senate passed this bill by unanimous consent. Every Senator, Democrat and Republican, approved this reauthorization of the PATRIOT Act. Every Democrat and every Republican in the Senate—every one of us—is firmly on record in support of giving law enforcement the appropriate tools to fight terrorism.

We all know the House of Representatives is in shambles. Leadership is in a state of disarray.

The spirit of bipartisanship that led to passage of the Senate bill, because of the problems in the House of Representatives, did not prevail in the conference. Not long after the House appointed conferees, Democratic negotiators were shut out of discussions. In fact, Senator LEAHY's staff was directed by the chairman of the Judiciary Committee in the House to leave the room.

The final bill was written by Republican-only conferees working behind closed doors with Justice Department lawyers. The result was an imbalanced conference report that departed significantly from the bipartisan Senate bill.

Chairman SPECTER, to his credit, joined other conferees in refusing to sign the conference report. Over the next few weeks, he and Senator LEAHY worked hard to improve it and succeeded in eliminating some of the worst provisions.

I commend and applaud the efforts of the chairman and our ranking member to work to improve this conference report.

But I am sorry to say, in my view—and in the view of many of my colleagues on both sides of the aisle—the conference report still does not contain enough checks on the expanded powers granted to the Government by the PATRIOT Act. It simply is not acceptable.

I supported the passage of the original PATRIOT Act in 2001. This was enacted in the days immediately following the vicious attacks on September 11, 2001. I do not regret my vote. Much of the original act consisted of noncontroversial efforts to update and strengthen basic law enforcement authorities. More than 90 percent of the 2001 act is already part of permanent law and will not expire at the end of this year.

We are currently considering renewal of these provisions that were considered so expansive and so vulnerable to abuse that Congress wisely decided to subject them to 4-year sunsets, meaning that after 4 years they had to be renewed or they would fall. The authors of the act wanted Congress to reassess these in a more deliberative manner with the benefit of experience.

The act of 2001 came, as I mentioned, when the country was feeling the devastation of the terrorist attacks of 2001. I, frankly, don't think we took enough time at that time to do it the right way. That is why a number of us demanded the sunset provisions.

Now, more than 4 years later, we are presented with the opportunity to do it right.

While the conference report before us makes certain improvements over the original PATRIOT Act, it still does not strike the right balance.

We can provide the Government with the powers it needs to investigate potential terrorists and terrorist activity and at the same time protect the freedom of innocent Americans.

Liberty and security are not contradictory. Additional congressional and judicial oversight of the Government's surveillance and investigative authorities need not hamper the Government's ability to fight terrorism.

I say to the Presiding Officer, someone whose heritage is from the island of Cuba, where there is very little liberty and very little security, we are in the United States of America. We are not a dictatorship like Cuba. We can have liberty and we can have security.

As I said, additional congressional and judicial oversight of the Government's surveillance and investigative authorities need not hamper the Government's ability to fight terrorism. These checks are needed to ensure that the Government does not overreach or violate the privacy of ordinary American citizens who have nothing to do with terrorism.

Is there any reason to be concerned? Yes. There is a reason to be concerned.

For example, the need for such checks is based on a number of things, not the least of which is the story that ran in the Washington Post in early November of this year after the Senate passed the bill. The story reported that the FBI issues more than 30,000 national security letters a year—30,000. These letters go to businesses. And they say: I want you to tell everything you know about Ron Weich, Gary Myrick, Russ Feingold, Herb Kohl. It doesn't matter who it is. And that person—the names I have mentioned—does not know that they have had this request to give all information about them or any information about them. The person who has been requested to give the information can't tell them. It is against the law to tell them.

These national security letters are issued by FBI agents without any judicial supervision. The third party recipients of these orders, such as banks, phone companies, and Internet service providers, are prohibited, as I have said, from telling anyone that they have been served. The customers whose records are seized will never know that the FBI has gathered their personal information.

For example, the article described an incident at the end of 2003 in which the Department of Homeland Security compiled information of hundreds of thousands of New Year's visitors to Las Vegas. They obtained the records of everyone who had rented a hotel room, car, or storage unit, and every airplane passenger who landed in the city of Las Vegas. They obtained records, how much they paid for their hotel room, did they order any X-rated movies. I don't know what other information they got.

When Las Vegas businesses objected to this effort to gather unprecedented amounts of information on their customers, the FBI responded by serving them with national security letters. According to one law enforcement source quoted in this piece, agents encouraged voluntary disclosure of information by threatening to demand further records, further profiles from the casinos about their guests.

Perhaps worst of all, what happened in Las Vegas did not stay in Las Vegas, but, instead, stayed in Federal databanks. It is still in the Federal databanks. None of the information gathered in that investigation has been purged to this date. The rental and travel records of hundreds of thousands of innocent Americans remain in Government hands.

Las Vegas first; was there any place else? Did they go to the New Year's Eve celebration at Times Square in New York? Did they go to the warm beaches of Florida snooping and spying?

I have three major concerns about this conference report. First, I am disturbed the conference report provides neither meaningful judicial review nor a sunset provision for those provisions regarding national security letters. Instead of protections, this conference report effectively turns these NSLs, as they are referred to, national security letters, into administrative subpoenas. For the first time, the report authorizes the Government to seek a court order to compel compliance with one of these letters. Recipients who do not comply could be found in contempt, fined, or even sent to jail.

A third-party recipient, such as one of the Las Vegas hotels, could theoretically challenge an NSL in court in order to protect the privacy of its customers, but the conference report makes it unlikely such judicial review will matter because the court is not required to find any individualized suspicion that the records sought are connected to a terrorist.

Second, I have significant concerns about section 215, often referred to as the library provision. Under a key provision in the Senate compromise reached this summer, the Government would have been required to show that the records sought under this provision had some connection to a suspected terrorist or spy. But under the conference report we have now before the Senate, the Government may demand sensitive personal information of innocent Americans merely upon a showing that the records are ''relevant'' to a terrorism investigation.

For example, the Government may be broadly suspicious of individuals in a

particular immigrant community. Under section 215, the Government could go to the library in that community and demand the records of library cardholders to see which individuals are reading what. What about someone reading scientific texts, maybe even Smithsonian or one of the magazines people read dealing with automobiles, or Scientific American? Are these people considered terrorist threats?

A court challenge to a section 215 order must be conducted in secret. At the Government's request, the recipient is not permitted to review Government submissions regardless of whether the Government has any national security concerns in that particular case. Moreover, the conference report does not permit any challenge to the automatic permanent gag order under section 215.

Third, the conference report contains sections not included in either the House or Senate bills limiting the right of habeas corpus in cases that have nothing to do with terrorism. These provisions have not been passed by the Senate or the House. One provision would eliminate judicial review of whether a State has an effective system in providing competent lawyers in death penalty cases. That does not belong in this. Such a far-reaching change should not be inserted in an unrelated conference report.

There are many other problems with the conference report that leaves largely in place a definition of domestic terrorism so broad it could be read to cover acts of civil disobedience. For example, a few days ago we had members of the clergy who, believing that the budget before the House and the Senate is immoral, were protesting, saying it is a bad budget. There were a number of arrests. Are these individuals to be deemed domestic terrorists? They could be under the conference report.

The conference report still contains a catchall provision that authorizes a government to conduct a sneak-and-peek search upon a showing that notice would seriously jeopardize an investigation. Sneak and peek, what does it mean? It means they can go into your home, look around, see if there is anything that is incriminating, and then come back out and seek permission to use what they have obtained all without telling you—which I believe is un-American.

As many critics of the bill have observed, a good prosecutor could fit about any search under this provision. I say ''good'' prosecutor any prosecutor. He wouldn't even have to be good.

The Justice Department reported 90 percent of the searches that have taken place under sneak and peek under this act have nothing to do with terrorism. For these and other reasons, this conference report does not meet the American standard. It certainly should not merit Senate approval.

Fortunately, we do not face the choice of accepting this conference report or allowing the 16 PATRIOT Act provisions to expire. I am a cosponsor of S. 2082, introduced by Senator SUNUNU, to enact a 3-month extension of the expiring PATRIOT Act so we can take the time we need to produce a good bipartisan bill that will have the confidence of the American people.

The majority leader said previously he won't accept such a 3-month extension. I hope, if we fail in invoking cloture, he would reconsider this. I am confident in the end that it would be so much better that we extend this for 3 months to see if we can reach an acceptable goal.

Based on that, I ask unanimous consent the cloture vote be vitiated, the Judiciary Committee be discharged from further consideration of Senator SUNUNU's bill, S. 2082, the 3-month extension of the PATRIOT Act, the Senate proceed to its immediate consideration, the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there an objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, with regard to the unanimous consent request, I need to be clear once again, and I have over the last couple of days, that I absolutely oppose a short-term extension of the PATRIOT Act. The House of Representatives opposes such an extension and the President will not sign such an extension. Extending the PATRIOT Act does not go far enough.

It is time to bring this to a vote this morning. We will see what the outcome of that vote is in terms of ending debate. I don't understand why opponents of the PATRIOT Act want to extend legislation at this juncture that has been fully debated, that has been the product of reasonable compromise and in a bipartisan way over the last several weeks and months.

With an extension, if that were to be the case, we would not be able to take advantage of the civil liberty safeguards that have been placed in the conference report, the additional provisions on protecting our ports, on addressing money laundering by terrorists, protection of our railways and mass transit systems, fighting methamphetamine abuse.

The PATRIOT Act represents a historic choice, a clear choice: Should we take a step forward or should we take a step backward in keeping America safe?

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I will continue to work to reauthorize the PATRIOT Act in a way that gives the Government needed tools to protect national security while placing sensible checks on those expanded powers.

I apologize to all my colleagues. I am sorry I took more time than I should have. I know there is a lot to do. I appreciate everyone's courtesy.

The PRESIDING OFFICER (Mr. ISAKSON). Under the previous order, the next 15 minutes is supposed to be controlled by the minority leader or his designee.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent that I be able to proceed to a piece of legislation before we go to morning business. I think we have it agreed to and worked out.

The PRESIDING OFFICER. Is there objection to proceeding?

Hearing none, the Senator is recognized.

UNANIMOUS-CONSENT REQUEST—H.R. 4440

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 328, H.R. 4440.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, through the Chair to the distinguished junior Senator from Mississippi, it is my understanding this is the Katrina matter we spoke about last night.

Mr. LOTT. It is, Mr. President.

Mr. REID. Mr. President, I would say to my friend, we are very close to being able to have that cleared on this side. In fact, I have been very busy since early this morning. I have not had a chance to check with even my staff on this yet. But I think we are close to being able to do something very quickly. So, therefore, I object.

Mr. LOTT. Mr. President, let me say to Senator REID, I have been working with the Senator and both sides of the aisle, and we are trying to make sure everybody understands what we are doing here. This is very critical legislation to aid the Katrina victims in all the affected States, including Texas, Louisiana, Mississippi, and Alabama.

I hope we can get this agreed to shortly before we get into the extended debate with regard to the other legislation, the PATRIOT Act. So as soon as we could get notification from the Democratic leader, we are ready to proceed. I will be standing by waiting for that opportunity because there are thousands of people waiting for this help, and they need it now.

I thank Senator REID. And since he has objected, I will withhold at this time but will be on standby ready to go momentarily.

I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, what is the regular order now? Are we in morning business for 15 minutes to the minority and 15 minutes to the majority?

The PRESIDING OFFICER. The first 15 minutes of morning business is to be controlled by the minority, the second 15 minutes by the majority.

Mr. GREGG. Mr. President, therefore, ask that at the end of the minority's time I be recognized for 5 minutes. I ask unanimous consent to be recognized for 5 minutes of the period that the majority has.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

FORMER SENATOR WILLIAM PROXMIRE

Mr. KOHL. Mr. President, I rise today to mourn the passing and celebrate the life of William Proxmire—a great Senator, a great Wisconsinite, and a great man. It is particularly fitting that we pay tribute to Senator Proxmire during this first part of morning business—time he virtually always controlled during his over 30 years in the Senate. He was a giant in the Senate in a time when this Chamber was filled with giants. He followed his conscience, lived his principles, said what he thought, and thought more actively and deeply than most.

Senator Proxmire came to the Senate in 1957, winning a special election to fill the seat of Joseph McCarthy. Overjoyed at a Democratic pickup in a narrowly divided Senate, Majority Leader Lyndon Johnson met Proxmire at the airport to shake his hand. Two years later, Senator Proxmire was on the floor of the Senate calling LBJ a ''dictator'' in a speech dubbed by the press as ''Proxmire's farewell address.''

But that was Prox: independent, outspoken, and not at all afraid to challenge conventions or conventional wisdom. In fact, there was very little that was conventional about William Proxmire.

He was a Democrat but not a reliable vote for the Democrats—or the Republicans, for that matter. He was fiercely protective of consumer rights, civil liberties, and oppressed minorities all over the world—a true liberal Democrat on social issues. But he also had a legendary frugal streak, perhaps a product of his Harvard business school background. He believed in the free market and business competition, and hated to see money wasted. His Golden Fleece awards and relentless scrutiny of Department of Defense procurement were renowned—and shamed the powers-that-be into saving many hundreds of millions of taxpayer dollars.

He did not accept sloppiness or waste in Government or in the conduct of his own business and personal affairs. He started each day with hundreds of push-ups and a 5-mile run. He demanded of his office the same sort of efficiencies he demanded from the rest of Government and returned one-third of his office budget to the Treasury every year.

He was as disciplined as he was determined. He still holds the record for most consecutive rollcall votes: 10,252 between April of 1966 and October of 1988. And there are colleagues still serving today who remember his daily morning business speeches on the Senate floor.

Most of these speeches were on the Convention on the Prevention and Punishment of the Crime of Genocide. This convention languished in the Senate for over 20 years, viewed as a lost cause by its few supporters. But not William Proxmire. He gave a speech about the convention every day the Senate was in session from 1967 to 1986, when the convention was ratified by the U.S. Senate by a vote of 83 to 11—3,211 speeches in all. One former staff member remembers that Senator Proxmire was often the only Member on the floor during his speeches, so he concentrated on the Presiding Officer. So one by one, he reasoned and cajoled his captive colleagues into supporting this seminal human rights measure.

William Proxmire didn't only fight for his principles, he lived them. He was the last of the true populist politicians, who took no campaign contributions, spent virtually nothing on his campaigns, and shook the hand of almost everyone in the State of Wisconsin—whether they supported him or not. Though he broke every rule of modern campaign strategy, he won his reelections in landslides and was beloved by the people of Wisconsin.

Senator Proxmire leaves behind his wife Ellen, five children, and nine grandchildren. He also is mourned by his Senate family, both those Senators who served with him and the members of his staff renowned for their professionalism, intelligence and loyalty. Neither Wisconsin nor the Senate will see his equal again, and both are the poorer for his passing.

Mr. President, I yield the floor to my colleague from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the senior Senator from Wisconsin, my friend.

Mr. President, anybody who grew up in Wisconsin in the second half of the 20th century regarded William Proxmire as a consummate Wisconsin political figure.

I rise, too, with great sadness to pay tribute to one of Wisconsin's and the Nation's great public servants. Senator Proxmire passed away early yesterday morning at the age of 90. He was, simply put, a legend in Wisconsin, a man who represented the very best of our State, and who will be remembered as one of the greatest advocates for a better government, and a healthier democracy, to ever serve in this body.

On this very floor he railed against Government waste, and against corruption. I think the American people can be grateful to Bill Proxmire for so many things. But, perhaps most of all, we owe him a debt of gratitude for his work to change the culture in Congress when it comes to wasteful spending.

He didn't buy into a culture that treats Government spending like a tab that someone else will pick up, that tucks pork-barrel spending into bills late at night, or lets boondoggles slip by unnoticed. He knew that sunlight was the best disinfectant, and he wasn't afraid to tear down the drapes, throw open the windows, and let the sun shine in on the legislative process. He didn't shy away from public outrage about what was wrong with the system—he brought that outrage to bear as he fought to change the system for the better. Anyone who comes to the floor today to try to put the brakes on a wasteful project, or to try to push for budget discipline, can thank Bill Proxmire for the example he set, and for the way he challenged the status quo.

I am not just grateful for what Bill Proxmire did for our State, and our country, but, frankly, for the many things that he taught me. He was a tireless representative for our State. Watching Proxmire, you couldn't help but learn how important it was to listen—really listen—to the people you represent, and how much you can learn from that genuine exchange of ideas. When Bill Proxmire hit the campaign trail, it wasn't about a barrage of expensive ads. It was about connecting with voters and giving them a chance to have their say—even when they said something you didn't agree with. As he once joked, ''The biggest danger for a politician is to shake hands with a man who is physically stronger, has been drinking and is voting for the other guy.'' And he knew that from experience because nobody—nobody ever in the history of American politics, I believe—shook more hands than Bill Proxmire.

And the people of Wisconsin loved him for it. After an early career of some tough defeats, once he won, he just kept on winning, with reelection margins of 71 percent of the vote in 1970, 73 percent in 1976, and 65 percent in 1982, when he ran for a fifth 6-year term. Incredibly, in those last 2 reelection campaigns he was reelected despite refusing contributions altogether. A lot of the money he did spend in his campaigns was on postage to return donations.

As somebody who wanted to run for public office myself, and as somebody who kept being asked again, ''where are you going to get the money to run?'' Bill Proxmire gave me hope. His example helped me to believe that you can run on ideas, not just on money. And that example didn't just help me in my run for office, it helped inspire me in the fight for the McCain-Feingold campaign finance reform bill, and the ongoing fight against the undue influence of money in politics.

His example of real shoe-leather campaigning went hand in hand with his work on open Government. He didn't just want to be accessible himself, he thought all of Government should be open and responsive to the people it served.

In this, as in so many things, he represented the true spirit of Wisconsin, which pioneered laws in this area. He once said that ''Power always has to be kept in check; power exercised in secret, especially under the cloak of national security, is doubly dangerous.'' Today, as we struggle for openness and oversight on national security issues, I think his words have never been more true, and open, accountable government has never been more important.

And then there's Bill Proxmire's lesson in courage. How many times did he stand on this floor and say what needed to be said, truly representing the people back home, saying what they would say if they stood here themselves, about boondoggle projects, or the importance of open government? Here was a man who knew what mattered, and knew how to bring attention to a cause no one else was championing.

He was perhaps most famous for his Golden Fleece Awards, where he put the spotlight on the kind of waste that, unfortunately, we still see too much of in the Senate today. While most members just let waste pass by unnoticed, Proxmire was unrelenting. Here are a couple choice examples of Golden Fleece winners: To the National Institute of Dental Research in 1984, for sponsoring a $465,000 study on the ''effects of orthodontia on psycho-social functioning''; to 190 Federal officials in September 1982, for door-to-door chauffeur service costing $3.4 million; and to the Law Enforcement Assistance Administration in February 1977, for a $27,000 study of why prison inmates want to escape.

I think that last one says it all about why the Golden Fleece awards struck such a chord with the American public. There's a lot of numbness in Washington to wasteful spending, but Bill Proxmire wasn't numb to it. He was outraged by it. He had the innate aversion to waste that the American people have, people who have to sit down at their kitchen tables, work out a budget, and decide what they can afford, and what they can't. They think that if they have to do this, we should to. So Senator Proxmire stood up and demanded a little common sense, and a measure of discipline for the Federal budget. It was very courageous and very representative of the people who sent him here, I can tell you.

This is a very sad day for our State. But it is also a day to reflect on the Proxmire legacy, and to be proud of the impact he made on our state, and on the Nation. He was a fighter, literally and figuratively. He was a college boxing champ who managed to hold off two people who tried to mug him near the Capitol, and then helped in a dragnet that led to their arrest. He was a proud veteran, a newspaper reporter, and a dogged campaigner who lost three races for office and was written off by a lot of people in Wisconsin politics before he won the race to fill the seat of Senator Joe McCarthy after McCarthy died in 1957.

He was as determined as they come, it was that quality that served him so well during his years in this body. It continued to serve him all his life, even as he fought a long and difficult battle against Alzheimer's disease.

His wife Ellen, his children and grandchildren are in all of our thoughts today. As we remember William Proxmire, and all that he did, I feel deeply proud that he represented my State. He did great honor to the State of Wisconsin by personifying the highest standards of public service in this country. So I humbly honor his memory, and express my gratitude for his outstanding service to our Nation to our democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join the Senators from Wisconsin in praising the late Senator William Proxmire. Neither of the Senators currently representing Wisconsin was in the Chamber when Senator Proxmire was here. The distinguished senior Senator, Mr. KOHL, was elected in 1988, when Senator Proxmire retired. Senator FEINGOLD was elected in 1992. I had the opportunity to serve 8 years with Senator Proxmire. He was a powerful figure. He sat in the last row on the extreme right-hand side, the seat now occupied by Senator ROCKEFELLER. He was on the floor every day talking about genocide. He was the conscience of the Senate, the conscience of the Congress, the conscience of the country, really, the conscience of the world speaking on that subject every single day.

He never missed a vote. I don't recollect exactly how many consecutive votes he had, but I think it was in the range of 17,000 that he never missed.

He had a record for minimal expenditures on campaigns for his own reelection. I recollect the average figure was about $173. That figure sticks in my mind as to what he spent to be reelected. There is some variance on what it costs to be reelected today to the U.S. Senate, but he was a towering figure. There ought to be more Senators on the floor commenting about him. Even our senior Senator, Mr. LOTT, was not elected until 1988 and Senator GREGG until 1992, so most of the Senators who are around today didn't have the advantage of working with Bill Proxmire. There is a difference between knowing about him and actually seeing him in action and seeing him work. But he is a legend.

The Senators from Wisconsin have spoken eloquently about him. I wanted to add my voice in tribute to Bill Proxmire. He is still sitting in that chair. I still hear talk about the necessity to eliminate genocide. That voice, once lonely, is now the predominant voice. A good bit of what he has said has been accepted around the world to the benefit of humanity.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized for 5 minutes.

Mr. GREGG. Mr. President, I ask unanimous consent that the 15 minutes which was to go to the majority for morning business be expanded a little bit and that 7 minutes be yielded to the Senator from Florida, then 5 minutes to the Senator from New Hampshire, and then 7 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, and I don't intend to, what is the business before the Senate now?

The PRESIDING OFFICER. The Senate is currently in morning business.

Mr. KENNEDY. And what time do we start the 1 hour prior to the cloture vote?

The PRESIDING OFFICER. Under the previous order, there is 15 minutes to be controlled by the majority at the present time. Then the Senate will proceed to the debate on the PATRIOT Act.

Mr. KENNEDY. At that time, after this consent agreement, then the hour tolls prior to the cloture vote; am I correct?

The PRESIDING OFFICER. The hour begins.

Mr. KENNEDY. And the time is divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. So just as a point of information, what time do we expect that time will begin, if the pending request for time is agreed to and whatever time the floor leaders agreed to?

The PRESIDING OFFICER. If the pending request is agreed to, that would be 20 minutes from now.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Florida is recognized for 7 minutes.

IRAQ ELECTION

Mr. MARTINEZ. Mr. President, yesterday we saw a historic day in Iraq. For the third time in less than a year, the people of Iraq did what only a couple of years ago would have been a dream: they voted in free elections. For those of us who have the appreciation of democracy as a result of having lived where that is denied, the ink-stained finger, the smiles, the celebratory atmosphere akin to a wedding is something to give us all hope.

Yesterday was a relatively trouble-free day. Seventy percent of Iraqis voted. Poll stations were open for an extra hour because of such long lines. The turnout was so good that ballot shortages were reported. This was clearly a successful day.

How does a date like this come to be? How do we go from a brutal dictatorship that threatens its citizens to a society of free elections? The answer is

that it is about choices. Do people want a way of life built around tyranny, oppression, and terrorism, or do they want to embrace democracy, freedom, and prosperity? Clearly, the people of Iraq have chosen the latter. Yes, they have chosen the more difficult path, but the rewards will be enormous.

I congratulate the people of Iraq for yesterday's historic elections. History will judge these elections to be pivotal, vital to building democracy, and part and parcel of our efforts in the war on terror.

As President Bush has highlighted in several recent statements, in an unbelievably brief period of time, Iraq has made tremendous gains in democracy and freedom. I commend the Iraqi people for these unprecedented strides.

The administration has outlined a clear strategy for going forward: three key tracks—political, economic, and security—with realistic terms that avoid imposing unrealistic expectations and very dangerous time frames.

I want to mention the story of a constituent of mine, a man who saw his son go into the service of his country, who saw his son called to war, and then sadly was here in Washington this week to lay that son to rest at Arlington National Cemetery.

Bud Clay of Pensacola shared a letter from his son, SSG Daniel Clay of the U.S. Marine Corps. Dan was one of 10 marines killed in Iraq by a roadside bomb in Fallujah. Knowing the danger he faced, knowing the unpredictability of war, Staff Sergeant Clay wrote a letter to his family to be opened only in the event of his death.

He wrote in part:

What we have done in Iraq is worth any sacrifice. Why? Because it was our duty. That sounds simple. But all of us have a duty. It has been an honor to protect and serve all of you. I faced death with the secure knowledge that you would not have to.

Staff Sergeant Clay writes:

As a marine, this is not the last chapter. I have the privilege of being one who has finished the race. I have been in the company of heroes. I now am counted among them.

He concludes by saying:

My race is over, my time in the war zone is over. My trials are done . . . Semper Fidelis.

SSG Daniel Clay was laid to rest Wednesday at Arlington National Cemetery. He is a hero. We honor his sacrifice, just as we honor the sacrifice of all those who have given so much in this war.

I conclude by again offering congratulations to the people of Iraq. Congratulations for going to the polls, for taking another significant step forward for your own future, and for embracing that glimmer of hope that your country can be as free, peaceful, and prosperous as any other society that rejects tyranny and entrusts its government to its people.

Soldiers such as Staff Sergeant Clay are sustaining the development of Iraqi forces. We owe them our respect, gratitude, and undying honor as we demonstrate unwavering determination to complete this mission.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

NEW HAMPSHIRE PRIMARY

Mr. GREGG. Mr. President, there is an irony today as we look at Iraq. As democracy is flourishing, the Democratic Party in the United States has tried to contract the democratic process by attempting to mute the New Hampshire primary.

The New Hampshire primary is sort of the last best hope for the dream that anybody can become President in this country. It is the last opportunity in this country for a person who is underfunded and who has not been chosen by the Washington talking heads as a potential candidate of purpose to have the opportunity to go somewhere and actually make an impact. Underfunded, nonrecognized candidates who have legitimacy can succeed in New Hampshire and, therefore, interject themselves into the opportunity to become President. And it has happened time and again.

The argument that New Hampshire is not representative is belied by the facts. Again and again, New Hampshire has reflected an opportunity for people to come to New Hampshire, participate in the process, make a name for themselves, and move forward in the process.

Henry Cabot Lodge upset Nelson Rockefeller and Barry Goldwater there. Eugene McCarthy and George McGovern upset the candidates who were perceived to be the sure-fire winners of their nomination, in fact, in one case, a sitting President. Jimmy Carter and Bill Clinton not only came to New Hampshire and made a name for themselves as people not recognized nationally but moved on to become President of the United States. Even Ronald Reagan, arguably, might not have become President of the United States had he not had the opportunity to come to New Hampshire and participate in the national debate where he said:

I paid for this microphone, Mr. Green.

More importantly, New Hampshire gives the people of this country the only opportunity they have to test candidates for President one on one. Without any script, without any prescreening, Presidential candidates have to come to New Hampshire and go into living rooms, they have to go into VFW halls, they have to go to Rotary clubs, and they have to go to union halls. They have to answer questions from everyday American citizens, and those questions are tough. Regrettably, time and again, candidates have not lived up to that test.

So what we have today in the Democratic Party is an attempt by the kingmakers of that party to try to eliminate the threat of having the American people actually meet their candidates and be tested by those questions as they try to mute the New Hampshire primary process.

This was said extraordinarily well in an article ironically written by a professor in England who is a specialist on the American political process. He looks at New Hampshire as the last best hope to maintain a populist approach to how we pick our Presidents in this country. Rather than having to have lots of money to pay for campaigns in big States or large groups of primary States or have a national name recognition that comes through having cozied up to the national press, a candidate can come to New Hampshire with very little money, without national name recognition, but with ideas, with purpose, with fire in their belly, and they can succeed in putting themselves and injecting themselves into the Presidential process.

It would be a huge detriment to a fundamental element of the American dream, which is that if you have purpose, if you have substance, and if you have a track record of success and have been a producer in our Nation, you can continue that course and pursue the Presidency. It will undermine fundamentally the capacity of the American people to participate in the picking of a President if they don't have one place in this country where people who want to be President have to actually answer questions from everyday Americans.

I certainly hope the Democratic Party will relent in its efforts to try to crush this one element of democracy which is so critical to our entire democratic process.

I ask unanimous consent that the article written by Roddy Keenan, a professor of American studies in England, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Concord (NH) Monitor, Dec. 16, 2005]

EVEN FROM ACROSS THE POND, PRIMARY'S BEAUTY IS PLAIN TO SEE

(By Roddy Keenan)

Gary Hart had just won New Hampshire. The race for the Democratic nomination had been turned on its head. And it was all because of New Hampshire. To a 14-year-old watching the news in Ireland, this was all unfamiliar to me. But on that night in 1984, a fascination was born for a nation's politics and for a picturesque snow-covered state in New England.

Now, 21 years later, the New Hampshire primary is under attack. Watching from afar, I believe that attempts by Democratic powers-that-be to dilute the primary come with little justification, minimal forethought and an absence of logic.

I can only imagine that those looking to create such mischief have never witnessed the process or are fitted with the blinkers of self-interest.

For these reforming politicians and officials deeming themselves to be redressing an absence of inclusiveness and decrying the unrepresentative nature of the primary, there

can be no greater example of being divorced from reality.

In a nation where voter turnout is a major issue, the New Hampshire primary has no such problem. Those casting aspersions on the democratic relevance of New Hampshire should look at their own states' turnout before denigrating others. Moreover, the state's primary provides for a greater show of grassroots democracy than caucuses do.

The proposals to add more early caucuses will only serve to exacerbate the problem of front loading.

But it is the nature of the primary that I believe will be the greatest loss to the nation's political and democratic culture. In a college here in the United Kingdom, I teach U.S. politics to students who receive their view of the U.S. political system from various media. Big money, stadium rallies and nonstop tarmac campaigns comprise the portrayal they are presented with.

That's until I tell them of New Hampshire—of town hall meetings, coffee klatches and earnest discussion, of living rooms and factory gates in the snow, of genuine democracy in action—the politics of people.

It is deeply ironic that in the week that saw the passing of Eugene McCarthy, the future of the New Hampshire primary is being challenged. His insurgent campaign in 1968 was a key factor in the democratization of the system of presidential selection.

It was only because of the unique character of New Hampshire, its people's desire for serious political dialogue and the democratic character of the state's primary that such a challenge proved to be possible.

Long may it continue. Looking forward to seeing you in '08, '12 and '16.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 7 minutes.

Mr. INHOFE. Repeat the time, Mr. President.

The PRESIDING OFFICER. Seven minutes.

IRAQ

Mr. INHOFE. Mr. President, I returned 2 days ago from Iraq. There was an article in yesterday's Hill magazine that was erroneous—there will be a correction printed—where they inaccurately stated the number of times I have been over to Iraq. It has actually been 10 times. I have been doing this not because I am a member of the Senate Armed Services Committee, but because I believe it is our constitutional responsibility to see firsthand that our guys over there are getting the equipment they need to prosecute the war, and they have been.

I want to share with you what happened the first of this week because even though the vote took place yesterday, on Thursday, the vote for the Iraqi security forces actually took place on Monday and Tuesday. We had a chance to go up there and visit with them.

The interesting point is, we saw this coming. There have been a lot of politicians coming back and talking about how bad things are over there. I can't figure out where they get their information because as we have been approaching these elections over the last few months, we have noticed the IED incidents have been down 30 percent and suicide bombs have been down 70 percent.

There is a road that goes from where we get off the C–130s to go into the Green Zone. Mr. President, you have been there. We were averaging about 10 terrorist incidents on that road each week up until June. We haven't had one since June. So we see all these good things are happening, and then the unexpected quality of the training we are getting for the Iraqi security forces. These guys right now—and I think this is significant because people keep asking, What is the exit strategy? I can tell you what I believe. One Senator believes we are going to be out.

Right now there are 214,000 Iraqi soldiers who are trained and equipped. At the end of this month, while we are drawing down—we are drawing down probably 15,000 to 20,000 of ours troops—they are going to increase to 220,000. By the end of 2006, it is anticipated they will be at 300,000. The goal is to get 10 divisions of Iraqi security forces. Ten divisions of Iraqi security forces equal 325,000 troops. That will happen by July of 2007.

In terms of the way we are functioning now, we will be out of there, but there will still be some troops there. We still have troops in Kosovo and in Bosnia, but the heavy lifting will be over. They will be taking care of themselves.

I see the incredible courage of these people. Up in Fallujah 3 nights ago, I had all of the Iraqi security forces that had voted that day come in. They were all rejoicing, and I said to them—this is kind of funny. I said to them, through an interpreter: When is it going to be that you are going to be able to be on your own without our support? Is that going to be in the near future?

And they said: No, no—which broke my heart when I heard this. Then I found out, in the Iraqi language, ''yes'' means ''na'am.'' So they are saying, ''Yes, yes,'' and when they shake their head this way, it also means ''yes.'' Anyway, a little advice in case that happens to anyone.

These people are ready. They are so proud of the level of training they have had. Keep in mind, this is in the Sunni triangle. These are the Sunnis who are supposed to dislike us.

Several weeks ago, I was there and I met General Mahdi, who is in charge of the Iraqi security forces in Fallujah. He had been in charge—under Saddam Hussein he was a brigade commander. He hated Americans until he started working with the Marines. He said he learned to love the Marines so much that when they rotated them out, they all got together and they cried. That guy right now, General Mahdi, is now over the eastern one-third of the entire city of Baghdad. We do not have our military there. It is all under Iraqi security. We have half of the city under security now. It is going to be up to 75 percent in a very short period of time.

I think, when we see the successes—and even if that were not true, if one stops and realizes the bloody regime of Saddam Hussein, yes, the targets for the terrorists right now are not Americans, they are Iraqis, and they are killing some of the Iraqis, but when one stops and puts it on a chart, during the 10 years that Saddam Hussein had his bloody regime, on a monthly basis he was torturing to death more people than the terrorists are killing today. When one looks at the way that they have done it, the forms of torture, include gouging out of eyes, severe beatings, electric shocks—there is a testimonial here about a 3-month-old baby girl who was taken, and they gouged her eyes out in front of the father, smashed her head and broke it open against a concrete wall.

There is a lot of talk on the other side of this issue about prisoner abuse. We do not have prisoner abuse. The documentation is right here about what they do with their prisoners. They will put them in shredders. If they are lucky, they will shred their head first. If they are unlucky, they will put their feet in there. This is what has been happening over there, but it is all over now, and they are in charge of their own destiny.

I have enjoyed so much visiting with the members of Parliament who were going to be up for election. This would have been on Wednesday, and they were going to be up the next day. One lady was quite outspoken and quite negative in terms of what her people were saying to her. I said: Did it ever occur to you 5 years ago that there would be an opportunity for a woman to serve in Parliament, let alone to talk the way you are talking? She stopped and said: You know, I think that is right.

So we are seeing such a change now in the attitudes. The polls look so good. The polls are showing that 70 percent of the people in Iraq are appreciative of the Americans being there. They want them to stay and get out when they are able to stand up on their own.

I met with the election commission, and to handle the election the way they did was totally unprecedented. We could never have predicted how smoothly things would go. We talked to the people, and I want to particularly pay tribute to IFES, the International Foundation of Electrical Systems. They have done a great job. They had people on the ground, and they have truly been able to conduct an election that is actually comparable and better than many other mature countries, maturing democracies. It has been a great success. I am rejoicing with all the people of Iraq today and with the people of America.

Lastly, I pay tribute to the brave people of Iraq who for the third time this year have gone to the polls in record number to vote for a brighter and more democratic future in Iraq. The early reports indicate that across the 18 provinces of Iraq, Iraqis again turned out in massive numbers to vote

in favor of a democratic Iraq. In doing so the Iraqis demonstrated to us all the importance of voting.

Earlier this week I was in Iraq and had the opportunity to see first hand the preparations for the historic election on December 15. I even had a chance to witness some of the early voting that took place in Iraq. It was a moving experience and one that demonstrated that the great sacrifice that America has made in Iraq helped to free people from tyranny and start them on the road to a democratic future.

While in Baghdad, I met with the Chairman of the Independent Election Commission of Iraq, IECI, Isadin Al Mohamaady and the members of the commission. I had an opportunity to see first hand the extensive preparations that were being undertaken by the Iraqis. I was impressed by the sacrifice made by the members of the commission and their staff, many of whom have paid the ultimate price for democracy with their lives. However, the spirit that I found in Baghdad, Fallujah, and everywhere I went, was one of determination, professionalism, and a dedication to making sure that Iraqis could freely select their future leaders at the ballot box.

It is important also to recognize the work of the International Foundation for Election Systems also known as IFES that has played a critical role in helping advance free and fair elections in Iraq and in 120 countries around the world. With the support of U.S. taxpayers, IFES was able to provide critical assistance that helped to make these elections possible.

I stand here to salute the brave Iraqis who at great personal risk sent an important message to the world about the triumph of the ballot over the bullet. Iraqis of all ethnic groups have joined together with unity and determination to freely choose their leaders in a free and fair election. They have sent a message around the world that the best way to defeat tyranny is at the ballot box, the source of power of the people, by the people and for the people.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Senator from Mississippi.

UNANIMOUS CONSENT REQUEST—H.R. 4440

Mr. LOTT. Mr. President, I have a unanimous consent request that we have been working on, and I think we are ready to go with. We would like to get that done before we go to the hour of debate on the PATRIOT Act. I wish to see if we can confirm that with the minority.

Mr. FEINGOLD. Mr. President, I object.

Mr. LOTT. Mr. President, could I inquire what the anticipated time is on when we could get this done? I know the Democratic leader has indicated we are very close and should be able to get this done momentarily. Do we have any information on that?

Mr. FEINGOLD. Mr. President, my understanding is that colleagues are working to clear this continued Katrina tax relief issue and that there is progress being made. That is the reason we are objecting. As soon as we can get it cleared, we will interrupt what we are doing to take it up.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I must say my patience is wearing thin. I have been going through this for several days now and have been assured by the Democratic leader himself that we would get this done this morning. I am expecting that to occur. I am going to be standing right here waiting for that signal from the Democratic leader.

The people of the area that have been damaged by Hurricane Katrina cannot wait any longer. I expect this to be done momentarily, and if it is not, there is going to be hell to pay this day.

I yield the floor.

The Senator from Oklahoma.

NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM

Mr. INHOFE. Mr. President, yesterday I introduced S. 2117, which is a bill engaging our Nation to fight concerning our right to control entry. It is legislation that covers many aspects of the problem we are having on our very porous borders. One part of this is utilizing retired law enforcement officers. As many people know, national law enforcement officers have to retire at age 57. We learned of their availability after 9/11 when the Transportation Safety Administration and our office was inundated with calls from these brave law enforcement officers who are retired, saying that they wanted to participate in this activity, and they are willing to do it for costs. The legislation I have introduced does include the very sophisticated type of a fence that goes along the border between Mexico and the United States and also with an army of people who can join those who have already demonstrated very clearly that if we have enough people down there, we will be able to secure our borders.

I am cautioning any of our colleagues who are concerned about this issue not to be tempted to use military because right now our military is stressed. We have an OPTEMPO that is unacceptable as it is right now. It should not be taking on other duties. Besides that, with the enactment of S. 2117, that would not be necessary.

Illegal immigration is at an all-time high, with around 1 million illegal aliens infiltrating our borders each year.

My legislation focuses on empowering our citizens and law enforcement officers to fight this flood of illegal immigration.

First of all, I want to make it clear that I honor the millions of immigrants that have come to this Nation, waited their turn, and gone through all the requirements to become American citizens to make our great country what it is today. I have spoken at many naturalization services and seen what these people have gone through to become American citizens.

I agree with the 1997 U.S. Commission on Immigration Reform that measured, legal immigration has ''led'' to create one of the world's greatest ''multiethnic nations.''

I also agree with the Commission that immigrants who are ''Americanized'' help cultivate a shared commitment to ''liberty, democracy and equal opportunity'' in our Nation. However, I cannot stand idly by and watch this great Nation collapse under the pressure of uncontrolled illegal immigration.

Roy Beck, Executive Director of Numbers USA, a non-profit organization dedicated to immigration reform, stated that ''a presence of 8 to 11 million illegal aliens in this country is a sign that this country has lost control of its borders and the ability to determine who is a member of this national community . . . a country that has lost that ability increasingly loses its ability to determine the rules of its society—environmental protections, labor protections, health protections, safety protections.''

Beck goes on to say, ''In fact, a country that cannot keep illegal immigration to a low level quickly ceases to be a real country, or a real community. Rather than being self-governed, such a country begins to have its destiny largely determined by citizens of other countries who manage to move in illegally.''

My bill, the ENFORCE Act, works to solve the illegal immigration problem in several ways. It will provide a way for more civilians and retired law enforcement officers to help the Border Patrol in stopping illegal border crossings and reduce the illegal immigration rate.

Through the creation of the National Border Neighborhood Watch Program, NBNW, retired law enforcement officials called the Border Regiment Assisting in Valuable Enforcement, BRAVE, Force agents, will come and work alongside Border Patrol agents. Civilian volunteers, much like the now well-known Minutemen, will be able to report immigration violations to assigned BRAVE Force agents.

The NBNW Program is modeled after the National Neighborhood Watch program, a collaboration between law enforcement, businesses, and concerned citizens who watch for and report suspicious criminal activity in neighborhoods to the local police.

The Neighborhood Watch Program has proven effective in reducing the crime rate in areas where it is implemented. I am hopeful that the National

Border Neighborhood Watch Program will have the same effect in reducing illegal border crossings as the Neighborhood Watch Program has had in reducing crime.

I also believe that the BRAVE Force will provide significant assistance to the Minutemen, who are sacrificing their time and energy as they work to preserve our liberties and enforce our laws.

Another provision of the ENFORCE Act will make it a felony to be illegally present in the U.S.

Under current law, it is only a misdemeanor to be unlawfully present in the U.S. This means that if illegal aliens are caught in the U.S. today and are deported, most of the time, they can turn around and come right back into our country legally, without consideration of the fact that they were previously in our country illegally.

By making unlawful presence a felony under the ENFORCE Act, when caught, illegal aliens will be entered into the National Crime Information Center, NCIC, database, a computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties, missing persons), available to Federal, State, and local law enforcement and other criminal justice agencies. They will also be banned from legally entering the U.S. for 5 years.

My bill will also establish another Immigration and Customs Enforcement, ICE, office in Tulsa, OK.

We only have one ICE office in the whole State of Oklahoma and this is not enough to do the job of enforcing our immigration laws. For example, in September 2004, 18 illegal aliens were riding in a van in Catoosa, OK. The police pulled them over and found several illegal minors, as well as cocaine in the van. When the police called the ICE office in Oklahoma City, ICE authorities told the officers to let the illegals go because ICE did not have the resources or manpower to take them into custody. So Catoosa police let them go.

This is outrageous.

This year alone, 12 agents of the Office of Investigations of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

Additionally, Highway I–44 and US–75 are major roads through Tulsa that are used to transport illegal aliens to areas throughout the country.

We must provide our States and communities with the tools to arrest and detain illegal aliens. Creating a second ICE office in Tulsa, one of Oklahoma's largest cities, will help improve the lack of immigration enforcement in Eastern Oklahoma.

I would also like to note that my colleague, Congressman JOHN SULLIVAN, has introduced similar legislation to create an ICE office in Tulsa. Not only do I believe adding another ICE office in Tulsa will help local and Federal law enforcement, I also believe providing specific immigration training for law enforcement officers will help solve our illegal immigration crisis.

Our State, local, and tribal law enforcement are experiencing increasing encounters with illegal and criminal aliens during routine police duties. The typical officer often does not know the law, policy, and procedures for determining immigration status or violations—apart from or in conjunction with other offenses—concerning alien lawbreakers.

As immigration continues to affect interior communities, a key to addressing situations that intersect with other law enforcement involves providing State, local, and tribal law enforcement officers with basic training in immigration law and policy. Rather than expending millions of dollars on traditional classroom training, this basic training can be cost-effectively accomplished using the Internet.

Knowledge of basic immigration enforcement can complement law enforcement's core mission; should a local officer have strong reason to suspect other law violations without sufficient evidence to hold or charge the alien on other offenses, immigration violations may constitute sufficient grounds to hold a criminal.

This requires basic familiarity with immigration matters; therefore, this provision authorizes $3 million for a demonstration project to establish such an on-line training program through Cameron University in Lawton, OK. These funds will be used to develop and facilitate on-line training in basic immigration enforcement for up to 100,000 State, local, and tribal law enforcement officers in 6 to 8 States, similar to the 4 hours of classroom training provided to all of Alabama's state troopers in 2003.

This system will also provide, at the end of the demonstration project, a ''return on investment'' study documenting the project's cost-effectiveness.

Not only are illegal immigrants increasing by crossing the border and dodging law enforcement officers, they are having ''anchor babies'' in rapid numbers.

Anchor babies are born to illegal aliens who come to our country and have a baby who is then treated as a citizen because it was born on U.S. soil. These babies are helping the immigration population grow more rapidly than the birth rate of American citizens.

In fact the Census Bureau estimates that at the time of the 2000 Census, the illegal immigration population reached approximately 8 million. Therefore, according to this estimate, the illegal-alien population grew by almost half a million a year in the 1990s.

These numbers are derived from a draft report given to the House immigration subcommittee by the INS that estimated the illegal population was around 3.5 million in 1990. In order for the illegal population to have reached 8 million by 2000, the net increase would be around 400,000 to 500,000 per year during the 1990s.

Furthermore, according to the Center for Immigration Studies, CIS, a non-profit immigration reform organization, based on numbers from the National Center for Health Statistics, in 2002 there were about 8.4 million illegal aliens, which represent about 3.3 percent of the total U.S. population. That same year, there were about 383,000 babies born to illegal aliens, which represents about 9.5 percent of all U.S. births in 2002.

In the Spring 2005 issue of the American Physicians and Surgeons Journal, Dr. Madeleine Pelner Cosman says, ''American hospitals welcome anchor babies.

''Illegal alien women come to the hospital in labor and drop their little anchors, each of whom pulls its illegal alien mother, father, and siblings into permanent residency simply by being born within our borders.

''Anchor babies are, and instantly qualify for public welfare aid.''

Between 300,000 and 350,000 anchor babies annually become citizens because of the Fourteenth Amendment to the U.S. Constitution which says: ''All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.''

These anchor babies are being used to enable their parents to skirt the law, cross our borders, and bring in additional, illegal aliens. As the law currently stands, because these children are considered citizens, it creates an incentive for more aliens to illegally cross into our country.

My bill will end this incentive by clarifying that only children born to citizens or legal permanent residents are considered citizens and ''subject to the jurisdiction thereof.''

The ENFORCE Act will also address several issues including clarification of acceptable identification documents, verification of Social Security numbers and benefits, clarification of the rights of local and state law enforcement officers concerning illegal immigration and construction of a fence along our southern border.

There is a growing problem regarding fraudulent identification, identity theft and foreign-issued consular cards in our country. Illegal aliens often steal a person's identification, such as the birth certificate of a deceased person, and use it to gain employment and other benefits.

My bill will help eliminate this fraud by establishing birth and death registries for localities to have the ability to check a person's identification to ensure they are truly who they claim to be. It will also require independent verification of birth records of people applying for a Social Security number.

The ENFORCE Act will clarify which identification documents can be used for official identification within the United States—such as driver's licenses, passports, etc.—eliminating the use of consular cards for identification.

Often, foreign embassies, within the U.S., will issue consular cards to their citizens who are in the U.S. These cards are unnecessary because the U.S. government either recognizes foreign passports or issues its own identification documents to foreigners who are legally in the U.S. The majority of consular cards have been found to be used as identification for illegal aliens and have been called an insecure document by the FBI and Department of Homeland Security.

Another provision in my bill will address Social Security benefits for work performed by illegal aliens.

Under current law, former illegal aliens, who gain legal status, are able to receive Social Security benefits for the work they performed while they were illegal.

My bill will end this practice by not allowing anyone to collect Social Security benefits for work performed while they were illegally present in this country. Our Social Security system is already strained and faces bankruptcy. Allowing work performed by illegals to be counted and used to further drain our Social Security system must stop.

The ENFORCE Act will also address fraudulent use of the Individual Taxpayer Identification Number, ITIN.

The IRS created the ITIN in 1996 to improve tax administration because it needed a more efficient way to identify and track the tax reporting of non-citizens, such as foreign investors, who could not obtain a Social Security number when filing tax returns and other tax documents. ITIN applications can be mailed to the IRS, submitted at an IRS walk-in, taxpayer assistance center, or submitted through an acceptance agent.

A GAO testimony by Michael Brostek before the House Subcommittee on Oversight and Social Security in March 2004 revealed that IRS controls for the ITIN could be easily bypassed and that it could be used for non-tax purposes, such as general identification. Mr. Brostek went on to testify that the ''IRS concluded that most resident aliens who have ITINs and earn a wage income are not legally employed in the U.S.''

This creates many concerns about use of the ITIN by illegal aliens, which is why my bill will make the ITIN look physically different than a Social Security number and not allow it to be used to obtain tax credits.

Another issue my bill addresses is building a fence along our southern border.

It is known, according to government reports, that foreign nationals from countries such as Syria, Iran and Saudi Arabia have crossed our southern borders, not to mention the high number of illegal aliens from other countries.

According to We Need a Fence, an organization dedicated to ensuring a fence is built along our southern border, a CNN poll has shown that 87 percent of its respondents support building a security fence along the U.S.-Mexico border.

The ENFORCE Act will direct a high security, state-of-the-art fence to be built along our southern border to prevent illegal border crossings. This fence will actually consist of two fences separated by a patrol road, ditches, barbed wire, and surveillance cameras. While the initial cost to build the fence is considered high by some, I firmly believe it will result in savings in the long run by preventing illegal border crossings and eliminating the cost of finding, arresting, detaining and deporting illegal aliens.

The ENFORCE Act will also make it illegal to establish day-laborer centers and to assist illegal aliens in finding employment, much like the sites that are set to be built for illegal aliens in Fairfax County, VA.

Earlier this year, the Fairfax County's Board of Supervisors voted unanimously to provide $400,000 in taxpayer funds to be used to build three day laborer sites to assist illegal aliens in finding employment. It makes no sense to not only ignore the large numbers of illegal aliens gathering in one place, but to enable them to continue to break the law by working in the U.S. and encourage others, such as employers, to break the law by helping illegals obtain jobs.

Another problem we face is educating illegal aliens.

Some states, such as Oklahoma, allow illegal aliens to receive in-state tuition at colleges and universities. This is a slap in the face to out-of-state students who must pay higher tuition than illegal aliens who have broken the law and do not even belong in our country. My bill will address this problem so that illegal aliens will not be able to receive this benefit.

I would like to conclude by sharing a personal story regarding illegal aliens who commit crimes in the United States and then flee across the border to Mexico.

Last May, my friend's son, Jeff Garrett, was tragically shot by an illegal alien while Jeff was turkey hunting in Colorado. After he shot Jeff, the illegal fled to Mexico, where he is hiding today.

I know this story is just one among many about innocent Americans murdered each year by illegal aliens who then find safe harbor in Mexico.

I believe the ENFORCE Act will not only help prevent these criminals from coming across our borders, but is a good start to ending our rampant problem of illegal immigration in general.

I ask my colleagues to join me in solving our immigration problem by cosponsoring the ENFORCE Act.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3199, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 3199, an act to extend and modify authorities needed to combat terrorism, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes equally divided between the majority and the minority.

Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are approaching a vote to invoke cloture on the PATRIOT Act which will require 60 Senators to cut off debate so that we can move ahead to a vote up or down on the act. The act, as is well known, is set to expire on December 31, 2005. When the Judiciary Committee, which I chair, approached the reauthorization of the PATRIOT Act, we tackled it early in the year, and there was a committee bill, which I sponsored, which had remarkable success getting a unanimous vote in the committee, which has Senators from both ends of the political spectrum. It then came to the floor in a manner perhaps unprecedented: It went through by unanimous consent. There was no debate. Not a single Senator objected. It was heralded as uniquely well balanced, from the considerations of providing adequate tools for law enforcement to continue the fight against terrorism, which is vital for our national safety, and balanced to protect civil liberties.

Under our system of government, the Senate does not have the last word. I only wish that were so. We have a bicameral system. Then the legislation has to receive the signature of the President.

We then went into negotiations with the House of Representatives. I again thank and commend Chairman SENSENBRENNER, who is the chairman of the Judiciary Committee in the House of Representatives, for working through some very difficult proceedings to come to a conclusion that a conference report could be signed and filed and voted upon by both Houses.

The House of Representatives has supported the conference report with a 77-vote majority—very substantial. Now we have it in the Senate. The conference report was not signed by Senators when originally presented on November 18, 2005. I declined to sign it because I wanted to work through and try to get the joinder of Democrats. It has been my experience that the close relationship which Senator LEAHY and I have established, working on the Judiciary Committee on a bipartisan basis, has yielded significant positive results for the committee, for the Senate, for the Congress, and for the country. We have been able to work through major legislation this year, passing class action reform, passing bankruptcy reform, voting out and confirming the Attorney General very promptly, working through data privacy—a very tough legislative bill

voted out of committee; voting out of committee asbestos reform. People said that could not be done. It is going to be the first item on the agenda next year.

It was apparent to me that we needed to have a bipartisan approach. As one Senator said on the floor yesterday in announcing that the Senator was going to vote against cloture—he had been a cosponsor of the bill, but in the absence of this bipartisan support there was too much public confusion. The public cannot understand all of the intricacies of the PATRIOT Act, and the shorthand signal is, when Democrats and Republicans agree, there is a modicum of confidence. Regrettably, we could not get it on this bill.

When the debate started earlier this week, I invited all Members to come to the floor to state what their concerns were. I called many Members to reach out to those I knew could use some elaboration and also discussion for my benefit, and then from the floor repeatedly urged my colleagues to come to the floor, raise their concerns, let us have a discussion. Perhaps we can satisfy their concerns. If not, we can describe the bill and explain it so the people and the Senators will understand it.

I do not think we have been successful in conveying to the public at large, and perhaps not even to the Senators, what this bill really provides. In this morning's paper, one of the most prominent newspapers in the United States, they described the bill this way:

> . . . the bill gives the government far too much power to issue ''national security letters,'' demanding private financial, medical and library records, without the permission or oversight of a judge.

The writer of this editorial does not understand the basic tenets of the bill. The writer of this editorial is mixing up section 215, which provides for obtaining records—library records, medical records—with national security letters. The bill is explicit in giving judicial review.

At the present time, an agent can go out and, unilaterally, on the agent's own authority, get library records or medical records. One of the principal safeguards in the PATRIOT Act, as passed by the Senate and as maintained by the conference report, has been to interpose the magistrate, the judge, in between the policeman and the citizen, to see to it that law enforcement does not overstep its bounds; that law enforcement could get access on a showing of reason to do so, but there is judicial supervision there.

One of the other most prominent newspapers in the country published a story about 30,000 national security letters being issued, which is false. I cannot tell you what the facts are because it is classified. I have tried to get the Department of Justice to come forward and say what the facts are. But repeatedly on the floor of the Senate we heard this quotation: 30,000 national security letters—which is absolutely false. I beg my colleagues not to base their votes on what they read in the newspapers but to get a briefing, find out what the facts are. Senators can find that out in a classified briefing, but do not rely upon the assertions in the newspapers or the assertion in today's editorial, which is just wrong as it describes what the act is.

On the floor of the Senate yesterday there were references to hometown newspapers saying hang tough.

Newspapers don't vote. Senators vote. Jefferson made one of history's great statements in saying if he had to choose between government without newspapers or newspapers without government, he would choose newspapers without government. We do not have to make that choice. We have both newspapers and government. And render under Caesar—the appropriate line. And let us look to the newspapers, let us consider what they have to say, but when they are wrong, let's not act on wrong information. Let's not act on wrong information. It is up to Senators to hang tough. We don't have to take instructions from the newspapers, as we heard yesterday, urging their United States Senator to hang tough. They don't vote. We vote.

A big, tough problem here has been to acquaint people with what this bill does provide. I am confident, if that has occurred sufficiently, that this bill will be passed.

I have been on the Judiciary Committee during my entire tenure in the Senate and have demonstrated a strong record to protect civil liberties on legislation which has come through the committee to the floor and in the confirmation process. Nobody has a stronger record in this body than I do. I will take second place to no one. There are many equals here. Many in this body, I would say all in this body, are concerned about civil liberties. But there is no mathematical equation where it can be established, as to the balance between law enforcement and the balance as to civil liberties. If you take a look at the specifics of this legislation, that balance has been achieved. It may not be as good a balance as the Specter-Leahy bill, which passed the Senate unanimously and without dissenting voice here, but it has balance.

I have already commented about section 215. There is judicial supervision. And, on national security letters, they were not created with the PATRIOT Act, but we took the occasion of the PATRIOT Act to put in safeguards on national security letters, which are in existence. If the PATRIOT Act goes out of existence, you will not have section 215 to get certain records by law enforcement, but the national security letters are still there. But we took this occasion to provide for judicial review.

The recipient may consult a lawyer, who moves to quash the national security letter if it is unreasonable. It may not be everything that everybody wants, but in legislation and the art of the possible, you don't get everything that everybody wants.

Then you have the delayed notice warrants. A delayed notice warrant means that the judge has examined the situation and has given special permission that the law enforcement officials do not have to notify the target when the search and seizure warrant is executed.

Ordinarily, if there is a search and seizure warrant, the law enforcement officers go to the premise or an office and it is known to the target, but where there are reasons to keep it secret because the disclosure would impede an investigation, our laws have permitted for decades a delayed notice warrant.

Then the concern was, How long should there be before notice is given? The Senate bill had 7 days, the House bill had 180 days, and we compromised on 30 days. The Fourth Circuit Court of Appeals said that presumptively 45 days would be adequate.

The delayed notice requirement is illustrative of the vagaries of how you have something in perfection. But when the Senate established a 7-day notice requirement, we knew we were going to meet in a negotiating session, and I thought 30 days was a tremendous achievement for prompt notification. The House came down 150 days, from 180 to 30, and we went up by 23 days.

Then there is the provision of the roving wiretaps which has been tightened up, as I explained in greater detail yesterday and earlier this week—twice. There has to be a description of the individual who has been intercepted, and there has to be a showing, to have a roving wiretap, that the person is going to resist the wiretap.

Then you have what is perhaps as important as any provision—I wouldn't say the most important, they are all important, but as important as any—sunset. The House wanted a 10-year sunset, the Senate said 4 years is what it ought to be, and the House was insistent on compromising in between at 7 years, and we held fast at 4 years. It had been my expectation with good reason to believe that some Democrats would sign the conference report if it came in at 4 years. It required assistance from the White House, and the President was personally involved in the 4-year decision—not to the satisfaction of the House conferees, but we got that done.

If you take a look at the specifics, if you don't get your facts from the newspapers but instead get your facts from the CONGRESSIONAL RECORD, if you get your facts from reading the statute, I believe a fair conclusion would be that it is balanced. It is nice to be the heroes of the editorial pages. It makes great hometown reading. We have had quite a few comments on the floor of the Senate on the PATRIOT Act and on other acts citing the editorials and how pervasive, albeit subtle, that influence is.

I have only been chairman of the committee for less than a year, but I have come to see the vicissitudes of leadership. You don't have the freedom to be the dissenter, to stand up and articulate your own views and to accept nothing short of what ARLEN SPECTER has done or I am going to vote no. I have done that a few times when I have had greater freedom, but if you are the chairman of the committee, you have to carve out consensus.

In refusing to sign the conference report on November 18, 2005—to the dissatisfaction of many people—but waiting until December to sign it, that was an effort to gain more negotiations and to try to satisfy more people. My job was to get a consensus, was to work through what is the art of the possible, to get a bill.

The six Senators who opposed the bill issued their press releases not before the ink was dry on the conference report but before the ink was finished on the conference report. When I went to the press galleries on December 8, 2005 to announce the conference report, before I got there the dissenters had already issued their press releases. They weren't waiting to see what the conference report had to say. They did not issue their objections before the ink was dry; they issued their objections before the ink was finished. And you can do that if you are a dissenter and if you are an objecter. But if you are the chairman and you have the obligation to pull the parties together—and when I signed the report on December 6, 2005 I still couldn't get some members of my committee to sign the report. They thought it went too far.

The President has taken the position that this conference report goes as far as he is going to go. I am advised that he issued a statement earlier today that he will not sign a 3-month extension. The majority leader said yesterday that he would not bring up a 3-month extension. There may be ways to get it on the floor in any event. You can't amend the conference report.

If I am given instructions in my capacity as chairman to go back and negotiate, I will salute and go back and negotiate and try to work through whatever circumstances require. But where the President has said he is not going to sign a 3-month extension, if he means business, and I think he does, then in voting on cloture and in looking to a final vote up or down, this body is going to be faced with the alternative of either accepting the conference report, which is a balanced bill, or, if not, the PATRIOT Act is going to expire, and the responsibilities will be on those of us who vote and take positions.

Although we are a considerable distance from 9/11—more than 4 years—terrorism continues to be a problem. This bill gives important tools to law enforcement in a balanced way. This bill has provisions to protect subways, seaports, and airports. It is important that we have a balanced bill, and it is important that we have a bill. There is no mathematical formula, but this bill is a balanced bill.

How much time remains of my 30 minutes?

The PRESIDING OFFICER. Eight minutes forty seconds.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, before I start, with the distinguished senior Senator from Pennsylvania in the Chamber, I totally appreciate what he said about the problems of being the leader on a committee and having to make the decisions of how you are going to get a bill through.

I was chairman of the committee when we put through the first PATRIOT Act. I remember the balancing act we went through at that time and how difficult it was to get a bill through. And that PATRIOT Act is this PATRIOT Act. It contains a number of items that I wrote.

I also note that throughout, the chairman and I have kept in very close contact. We have spoken several times. I have considered during my 31 years in the Senate that one of the things which has given me the greatest sense of satisfaction is the relationship the distinguished chairman and I have in getting things through, and we have. I am concerned because we have come so close on this.

As Senator SALAZAR noted, yesterday was the anniversary of the adoption of the Bill of Rights of the Constitution.

Yesterday we engaged in debate seeking to protect and reserve those rights under the USA PATRIOT Act. I thank Senators SUNUNU, FEINSTEIN, CRAIG, WYDEN, FEINGOLD, SALAZAR, and OBAMA for their thoughtful remarks, their willingness to work in a bipartisan way which, after all, is the best tradition of the Senate.

Let all Members understand, this is a vital debate. The terrorist threat to America's security is very real. It is vital we arm the Government with the tools needed to protect American society and security.

At the same time, the threat to civil liberties is also very real in America today. I do read the papers. Today's New York Times reports that over the past 3 years, under a secret order signed by President Bush, the Government has been monitoring international telephone calls and international e-mail messages of people inside the United States—with no court approval, no checks and balances, one person's signature and that is it. This warrantless eavesdropping program is not authorized by the PATRIOT Act, it is not authorized by any act of Congress, and it is not overseen by any court.

According to the report, it is being conducted under a secret Presidential order based on secret legal opinions by the same Justice Department lawyers, the same ones who argued secretly that the President could order the use of torture.

It is time to have some checks and balances in this country. We are a democracy. Let's have checks and balances, not secret orders and secret courts and secret torture.

The debate is not about whether the Government should have the tools it needs to protect the American people. Of course it should. That is why, as I say, I coauthored the PATRIOT Act 4 years ago. That is why the act passed with such broad bipartisan support. When I voted for that PATRIOT Act, I did not think it was an ideal piece of legislation. I knew it would need careful oversight, but I was in favor of most of the PATRIOT Act. I am in favor of most of the PATRIOT Act now. That is why I voted for the bipartisan Senate bill in July. The distinguished chairman of the Senate Judiciary Committee got it through our committee unanimously, with Senators from the right to the left voting for it.

This debate is not whether it should suddenly expire. Of course it should not. That is why Senators from both parties have offered a bill to extend it in its present form for 3 months in order to give us time to either return to the bipartisan compromise we reached, pass the Senate bill, or reach a new bipartisan compromise.

Our goal is to mend the PATRIOT Act, not to end it. None of us want it to expire. Those who threaten to let it expire rather than fix it are playing a dangerous game. This is a debate about reconciling two shared and fundamental goals—assuring the safety of the American people and protecting their liberty by a system of checks and balances that keeps the Government, their Government, our Government, accountable.

America can do better. And we should. Those goals are not the goals of any particular party or ideology. They are shared American goals.

How to balance security with liberty and Government accountability was the most fundamental dilemma with which the Framers of our Constitution wrestled. How to adjust that balance with the post-September 11 world is the most fundamental dilemma before this Congress.

No one should doubt those who vote for cloture on the conference report care deeply about the liberty of the American people. We all do. No one should doubt that those who vote against cloture are devoted to protecting both the security and liberty of the American people. We all care deeply.

However, let us have a Government of checks and balances. In the long run, we are more secure. Our liberties are more secure. Frankly, we are more American in doing that.

The PRESIDING OFFICER. Senator from Nevada.

MILK REGULATORY EQUITY ACT OF 2005

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to the consideration of S. 2120 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2120) to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 2120) was read the third time and passed, as follows:

S. 2120

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 ''Milk Regulatory Equity Act of 2005''.

SEC. 2. MILK REGULATORY EQUITY.

(a) MINIMUM MILK PRICES FOR HANDLERS; EXEMPTION.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new subparagraphs:

''(M) MINIMUM MILK PRICES FOR HANDLERS.—

''(i) APPLICATION OF MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

''(ii) COVERED MILK HANDLERS.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

''(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect as of the date of the enactment of this subparagraph);

''(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

''(III) is not otherwise obligated by a Federal milk marketing order, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for such dispositions or sales.

''(iii) OBLIGATION TO PAY MINIMUM CLASS PRICES.—For purposes of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

''(iv) CERTAIN HANDLERS EXEMPTED.—Clause (i) does not apply to—

''(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations, as in effect on the date of the enactment of this subparagraph);

''(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

''(III) a handler (otherwise described in clause (ii)) for any month during which—

''(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

''(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in one or more States that require handlers to pay minimum prices for raw milk purchases.

''(N) EXEMPTION FOR CERTAIN MILK HANDLERS.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the marketing area described in Order No. 131 shall be exempt during any month from any minimum price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production exceeds 3,000,000 pounds.

''(O) RULE OF CONSTRUCTION REGARDING PRODUCER-HANDLERS.—Subparagraphs (M) and (N) shall not be construed as affecting, expanding, or contracting the treatment of producer-handlers under this subsection except as provided in such subparagraphs.''.

(b) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—Section 8c(11) of the Agriculture Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agriculture Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following new subparagraph:

''(D) In the case of milk and its products, no county or other political subdivision of the State of Nevada shall be within the marketing area definition of any order issued under this section.''.

(c) RECORDS AND FACILITY REQUIREMENTS.—Notwithstanding any other provision of this section, or the amendments made by this section, a milk handler (including a producer-handler or a producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with the requirements of section 1000.27 of title 7, Code of Federal Regulations, or a successor regulation, relating to handler responsibility for records or facilities.

(d) EFFECTIVE DATE AND IMPLEMENTATION.—The amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of the enactment of this Act. To accomplish the expedited implementation of these amendments, effective on the date of the enactment of this Act, the Secretary of Agriculture shall include in the pool distributing plant provisions of each Federal milk marketing order issued under subparagraph (B) of section 8c(5) of the Agriculture Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agriculture Marketing Agreement Act of 1937, a provision that a handler described in subparagraph (M) of such section, as added by subsection (a) of this section, will be fully regulated by the order in which the handler's distributing plant is located. These amendments shall not be subject to a referendum under section 8c(19) of such Act (7 U.S.C. 608c(19)).

GULF OPPORTUNITY ZONE ACT OF 2005

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 328, H.R. 4440.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, this amendment 2680 acts on our commitment to provide rebuilding assistance to areas of the country devastated by this year's relentless hurricane season. It will benefit residents of the gulf region, as well as more recently impacted areas of Texas and Florida, and provides much needed relief and resources for economic rebuilding to those areas.

As promised, we have made our best effort to marry up our compassion for displaced persons and damaged communities with attention to fiscal discipline and the best use of taxpayer dollars. This bill represents an effort to most efficiently and effectively use the tax code to assist in the rebuilding and revitalization of those regions. I will reiterate the guiding principles of our hurricane relief legislation. First, because market forces will be the driver in getting these regions back on their feet, our bill includes only provisions that encourage and incentivize redevelopment. Second, our package provides resources only to those who incurred uninsured losses and does not provide for a bailout of those who assumed risk as an insurer in our capitalist, free-market system. Third, we have focused our limited Federal resources on those most in need—like the many devastated small business employers who were the backbones of these economies and who will be the engines of their future growth and prosperity. The amendment provides front-loaded incentives on a timely basis to encourage people and businesses to return to the region as quickly as possible.

I want to show my appreciation to my colleagues in the Senate and in the House for working to get this legislation to the President as quickly as possible. Before we go home to spend time with our families, it is important for us to help the many families who have had their lives overturned by the recent hurricanes. Hopefully they will think of this holiday season as a time of rebuilding and opportunity.

The amendment also includes tax technical correction provisions related to the American Jobs Creation Act of 2004 and other tax legislation. Technical corrections measures are routine for major tax acts and are necessary to ensure that the provisions of the acts are working consistently with their original intent, or to provide clerical corrections. Because these measures carry out congressional intent, no revenue gain or loss is scored from them.

The process and test for technical corrections ensures that only provisions narrowly drawn to carry out Congressional intent are included. Technical corrections are derived from a deliberative and consultative process among the congressional and administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved as is the Treasury department staff. All of this work is performed with the participation and guidance of the nonpartisan Joint Committee on Taxation staff. A technical enters the list only if all staffs agree it is appropriate.

The Senate Finance Committee and the Committee on Ways and Means, in consultation with the Joint Committee on Taxation and the Department of the Treasury, are continuing to assess proposals for other technical corrections which may be needed to achieve congressional intent. On that point, no double benefit is intended under the railroad track maintenance credit of code section 45G. If the current basis adjustment rule is not serving to carry out that intent, the provision may need to be clarified. Such a clarification might provide that basis or tax attribute reduction applies to the taxpayer taking the credit. I would like to ask the staff to work on this.

In conclusion, this package will show those affected by Hurricanes Rita, Wilma, and Katrina that their needs have not been forgotten, and that we will continue to help them rebuild their homes, communities, and lives.

Mr. BAUCUS. Mr. President, shortly, we will complete legislative business and adjourn for the year. Senators will leave to spend the holidays with our families. Senators will travel to the comfort of our homes.

But there are still those in the gulf region who do not have homes.

Hurricane Katrina struck almost 4 months ago. We cannot, in good conscience, conclude our action for the year without passing tax relief for the gulf region.

The legislation before us today is a good bill. We must pass it today.

In September, I was pleased that Congress could come together and quickly pass emergency tax relief for victims of Hurricane Katrina.

Prior to passing that legislation, I promised that I would work with my colleagues to draft a long-term tax relief package. And that is what we did.

We worked to create legislation that would help rebuild homes and businesses. We worked to create legislation that would pump money into local economies. And we worked to create legislation that would help distressed working families.

We must come together again. We must pass this legislation today.

On November 18th, the Senate passed the tax reconciliation bill. We included Hurricane tax relief. We included Alternative Minimum Tax relief. And we included more than a dozen important tax provisions that expire on December 31st, including the Work Opportunity Tax Credit and the Research and Development Tax Credit.

With the help of many, Chairman GRASSLEY and I fit all of that legislation within the constraints of the budget resolution's instructions.

But the House did not take up our bill. Instead, the House passed hurricane relief and Alternative Minimum Tax relief outside of the budget reconciliation process. Then the next day, the House passed a tax reconciliation bill.

Why did the House need three bills to achieve what the Senate succeeded in passing in one bill?

The reason is simple. The reason is the capital gains and dividends tax cut.

I am disappointed in the House. I am disappointed that Congress could not pass all the important tax relief that the Senate did in one bill.

And that is why we have the legislation before us today, the House hurricane tax relief bill.

The amendment that Chairman GRASSLEY and I have crafted to this bill recognizes that to revitalize the gulf region, the region must have a strong economy. We must encourage individuals to return. And that means that there must be jobs for them to return to. This legislation gives businesses help to create those jobs.

We would provide bonus depreciation. We would increase small business expensing limits. We would also provide new authority for tax-favored private activity and mortgage bonds.

We would also extend to victims of Hurricanes Rita and Wilma some of the tax relief that we provided to victims of Hurricane Katrina in September. This includes penalty-free early tax-free withdrawals from pensions and IRAs. We would allow victims to fully deduct casualty losses. And we would remove the cap on allowable corporate charitable contributions made in response to the hurricanes.

And thanks to the hard work and persistence of the good Senators from Florida and Texas, we have been able to forge an agreement to provide extra low-income housing benefits for the Rita and Wilma hurricane zones. My good friend from Florida, Senator NELSON, has made the convincing case that these devastated areas need more assistance with low-income housing, and I am pleased to say this bill will be providing that very help.

The substitute that Senator GRASSLEY and I offer today provides $8 billion in tax relief for the gulf region. We take the House bill, but we provide additional tax relief for employers and students to encourage people to return to the gulf region.

One item of particular importance to me is tax relief to employers who continued to pay their workers after the hurricanes struck. Employers located in the Katrina, Rita, and Wilma disaster zones will be able to take up to a $2,400 tax credit on wages paid to employees during the period the business was shut down. These business owners have tapped into their savings to help out their workers. They deserve tax relief. We provided this relief in our first bill, but it was limited to small employers. I have always felt and argued strongly that any employer that helps out their workers while the business is shut down deserves this assistance. I am very pleased that we were able to eliminate this cap, and extend this relief for the Rita and Wilma zones as well.

Another priority item for me is a provision to encourage students to return to the gulf region. Many colleges and universities were forced to shut down after Hurricane Katrina and students have been scattered across the country. To encourage these students, and new students as well, to come back to the gulf region, we double the Hope Scholarship and Lifetime Learning tax credits. Students from around the country would be able to take a credit up to $4,000 for tuition, room and board, books, and fees for attending college in the areas affected by Hurricane Katrina. I was very pleased that we could include this benefit in our Senate version and that we have retained it in this substitute. I think it will be extremely valuable to the colleges and universities who have really suffered from this hurricane.

One further priority item for me is the additional $1 billion in new markets tax credit authority for the Katrina zone. I fought to get this credit in our Senate version because I am convinced this program works. The program provides access to capital for small businesses through established community development entities. Entities with a significant mission of rebuilding in the hurricane zone may access these additional tax credits in order to help these struggling businesses rebuild. These businesses may not be able to utilize some of the other tax benefits in the bill, but access to capital will help many of them stay in business and stay in the zone.

One last item that I would like to highlight is an employer credit for providing housing for workers and their families. My good friend from Louisiana, Senator LANDRIEU, offered this provision during our floor debate last month. And if I could just take a moment to point out to our colleagues the tremendous work she has done on this bill. She has truly been our compass during these negotiations and has been essential in conveying the true plight of her constituents.

She has told me about the many hurricane victims who still do not have housing in the gulf region. Under her provision, workers and their families receiving housing from their employers could exclude up to $600 a month from their income for tax purposes, plus the business can receive a partial credit for this expense. Business leaders have told us that they simply cannot get back to work unless their workers have housing. The Landrieu housing provision helps them immensely.

Finally, this bill provides that soldiers in Iraq and Afghanistan may include combat pay when calculating their earned income tax credit. This has been a priority item for our friend from Arkansas, Senator PRYOR, who championed this fix for our military families serving in combat last year. We extend the benefit for another year in this substitute and I commend Senator PRYOR for his tireless work on behalf of military families.

We have a good bill before us. It has been nearly 4 months. We are set to adjourn the Senate for the year. We need to come together and help those most in need. I urge my colleagues to pass this legislation today.

ANIMAL RACING

Mr. BUNNING. Mr. President, I thank the chairman for working with me on an issue of importance regarding the applicability of the animal racing facility limitation contained in the Senate amendment to H.R. 4440. I understand that the legislative language creates new section 1400N(p) of the Internal Revenue Code which indicates that property directly related to animal racing is not eligible for certain benefits contained in certain subsections of new section 1400N. My understanding is that items not directly related to the racing of animals or the viewing of such races, such as barns, stables, practice facilities, restaurants, some administrative offices, gift shops, and parking areas are eligible for these benefits.

Mr. GRASSLEY. I thank the Senator for that clarification. His description is correct.

EMPLOYEE RETENTION CREDIT—TAX-EXEMPT FINANCING

Mr. LOTT. Mr. President, because there is no committee report accompanying this legislation, I would like to engage Chairman GRASSLEY in a colloquy to clarify the intent of two provisions contained in this important legislation.

First, among the tax benefits contained in this package is the employee retention credit. This incentive will play a pivotal role in helping businesses retain their employees even it they are temporarily out of business while the gulf coast rebuilds. As I understand the committee's intent, the credit will apply both where a company is completely out of business, and where it did not suffer total devastation to its trade or business operations. For example, the credit would apply in cases where one part of the operation in the designated zone was rendered ''inoperable'' while another location of that same business continued to operate. Is that correct?

Mr. GRASSLEY. I agree with Senator LOTT's interpretation of this provision of the bill.

Mr. LOTT. Another provision of H.R. 4440 would make eligible for tax-exempt financing the costs of nonresidential real property located in the Gulf Opportunity Zone. It is my understanding that the intent of this provision is that nonresidential real property includes any tangible property other than fixtures and equipment that are movable, without regard to the class life of such property or its use as part of manufacturing, production, or extraction, or of furnishing services or property.

Mr. GRASSLEY. I agree with Senator LOTT's interpretation of this provision of the bill.

Mr. SANTORUM. Mr. President, I rise today to raise an issue of concern with the Katrina tax relief bill, known as the Gulf Opportunity Zone. This bill quite rightly provides incentives to bring back businesses and capital to the devastated regions of the gulf coast. This package is needed legislation that will continue to drive redevelopment and provide encouragement for businesses and others to come back and rebuild, creating jobs in the rebuilding and jobs in the businesses themselves and providing much needed revenues for the local communities.

However, I have raised a concern to my colleague from Mississippi regarding providing incentives to certain industries such as casinos. I read with interest an article in the New York Times on December 14, 2005, regarding the return of casinos to the gulf coast. The article noted that while the storm damaged 9 out of 10 casinos in Biloxi, MS 3 of the 9 damaged would be open again before the new year. In fact ''[a]ll 10 Biloxi casinos have told the city they will rebuild, and most plan larger, more elaborate facilities.'' Clearly, the casinos and gaming industry do not need Congress to give them tax breaks to entice them to reopen.

More importantly, there are significant concerns about the impact of gambling on communities and families. In 2000, the Government Accountability Office found that ''individuals suffering from pathological gambling engaged in destructive family behavior, committed more crime than other citizens, and had higher suicide rates.'' It also found the ''destructive family behavior'' included domestic violence, divorce, and homelessness. Additionally, GAO ''also reported that children of individuals suffering from pathological gambling are often prone to suffer abuse and neglect.'' As we look at soaring costs for social programs and ever-increasing needs, it is most troubling that this report noted that ''lifetime pathological, problem, and at-risk gamblers are more likely than low-risk or nongamblers to have been alcohol or drug dependent'' and estimates that ''15 million adults are at risk of becoming problem gamblers.''

With the heartbreaking impact this industry has on some of our most vulnerable citizens, I am pleased that my colleague from Mississippi has recognized my concern and offered a package that ensures the necessary economic assistance for his State and communities without exacerbating the social toll on these already devastated communities and families.

I urge my colleagues to support the expeditious passage of this bill. I am hopeful our House colleagues will then adopt this bill and send it on to the President's desk so we can get this help out to these States, communities, businesses and families before the new year. Then hopefully the Congress can turn its attention back to the Tax Relief Act and enact its charitable incentives to help the countless nonprofits working day and night to heal the wounds in Katrina's wake. That element of the tax bill is critical, and we should move forward on this bill in short order.

EITC AND CTC FOR KATRINA VICTIMS

Mr. BAUCUS. As we consider this legislation to provide tax relief to respond to Katrina, it is particularly important that we recognize the impact of the hurricane on those struggling working families who are eligible for the earned income tax credit and the child tax credit. I am particularly concerned that the disruptions and displacement affecting these families in both their jobs and their homes may make it more difficult for them to receive these critical tax credits to which they are legally entitled—credits which they need more than ever. Some families will become eligible for these credits for the first time, yet may not be aware of these programs let alone how to apply for them. In addition, we have seen a tremendous outpouring of support for those hit by Katrina from families and friends of the victims, often at great cost. These relatives and friends may also qualify for assistance but find it more difficult to meet all the normal requirements.

For example, there are many families who have taken in nonrelative children displaced by the hurricane. They are essentially foster parents but may not be considered as such under current law. Due to the need to act quickly in response to Katrina, these foster children will not have been formally placed by an authorized agency but under current rules, such individuals could not claim these children for the EITC or the child tax credit. This would be true even if they continued to care for the children for more than 6 months in 2006 and thus meet the qualifying child residency requirement.

The only potential relief such individuals have is the $500 additional exemption in 2005 for housing a Katrina survivor more than 60 days provided in the Hurricane Katrina Emergency Tax Relief Act, HKTRA. However, this is a

minimal support for a family taking in a child as a member of the family. In addition, the exemption is unavailable to low-income families with no income tax liability.

Taxpayers caring for such children may ultimately seek to formalize the arrangement with an authorized agency during 2006, but a placement decision may not be reached until later in the year. If only the time in residence with a child after the placement decision is considered for the purposes of meeting the residency test, the taxpayer may be unable to meet that test for the EITC and CTC. Some low-income taxpayers, unaware of the EITC or CTC rules, may simply continue to care for the child in their family and not pursue a formal arrangement until a later point and yet may be counting on the income from these credits.

Clearly the IRS needs to address this problem.

Mr. GRASSLEY. I share concern with the impact that Katrina will have on the ability of low wage working families who qualify for the child tax credit and the earned income tax credit to receive them for the 2005 tax year. In addition, I certainly agree that something must be done to address this problem for families who generously gave of themselves and took in a child displaced by Katrina but may lack the proper formal authorization that would prevent them from receiving the EITC they qualify for and would otherwise get.

To help address this problem, I would urge the IRS to accept a child placement decision by an authorized agency as being retroactive to the earliest point in 2006 when the taxpayer first took in the child. This would apply only to children who had resided in a hurricane disaster zone in 2005 as defined under HKTRA and under any subsequent legislation extending HKTRA provisions to Rita and Wilma survivors.

I have been advised that the IRS has the ability to adopt this approach under section 407 of HKTRA and any equivalent extension to Rita and Wilma survivors—that enables the Secretary to make adjustments in application of rules to ensure that hurricane survivors do not lose tax benefits. I know my colleague from Montana joins me in urging the IRS to use this authority to help these foster care families who so generously took in children displaced by Katrina.

Mr. BAUCUS. I wholeheartedly agree with my friend from Iowa.

I would like to raise another concern regarding these tax credits and the Katrina families.

As we approach the next filing season, there are so many families affected by the hurricane who previously received the EITC and the CTC but now face significant confusion about whether they will get the credit and how much they will receive. And, of course, some of the normal sources of taxpayer assistance in the gulf are not available now. Accordingly, it is exceedingly important the IRS do everything it can to maximize information and assistance provided to the public to help those eligible secure these credits.

While we wrote section 406 and section 407 of the Hurricane Tax relief bill to help eligible hurricane survivors receive the benefits of the EITC and CTC, it is really up to the IRS to effectively inform taxpayers and the tax preparation community of how the provisions are being implemented. In particular, section 407 provides that the IRS ''. . . may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina.''

I understand that the IRS is working to decide how this ''adjustment authority'' will be implemented and is preparing a new Publication 4492. However, low-income taxpayers and those who assist them in the preparation of their 2005 tax returns will need to understand the nature and limits of the adjustments IRS is willing to make so that returns are prepared properly. It will take a very thorough and comprehensive public education program to make sure that nontechnical information is made available through various means to help educate the public and those who help prepare tax returns. I am very concerned that the IRS take every possible step it can to make sure eligible low-income working families affected by Katrina know about special temporary adjustments to these credits and what they need to do to ensure they receive these credits.

Mr. GRASSLEY. I agree that many eligible hard-working families who qualify for the EITC and the child tax credit but whose lives have been sharply affected by the hurricane may face particular challenges and hurdles in applying for and receiving these credits. I also concur that is incumbent upon the IRS to take all steps it can to ensure that the public and the tax preparation community have clear, detailed, and understandable information about any adjustments and modifications it makes to help Katrina victims who qualify for the credits get them.

I believe that the IRS should report to Congress within the next couple of weeks the action it has taken to implement the provisions of section 406 and section 407 HKTRA, pertaining to the EITC and CTC, including outreach and communication efforts undertaken by IRS to inform taxpayers, tax practitioners, and volunteer tax preparation programs of these provisions, including the guidance provided to them by IRS on how the flexible authority to IRS in section 407 is being interpreted and implemented. IRS should publish such guidance, including typical questions and answers, in formats that are accessible to taxpayers, commercial tax practitioners, volunteer tax preparer organizations and low-income taxpayer clinics, including but not limited to the IRS Web site.

Mr. BAUCUS. I thank the Chairman and join in his recommendations to the IRS.

Mr. KERRY. Mr. President, I commend Senate Finance Chairman GRASSLEY and Ranking Member BAUCUS for putting together a bipartisan bill that will provide tax relief to individuals and businesses who are struggling due to the aftermath of Hurricane Katrina. This legislation creates a gulf opportunity zone in those areas in Alabama, Louisiana, and Mississippi that were hardest hit by the hurricane. Businesses operating in this zone will be eligible for specified tax breaks. In addition, the legislation provides relief to help with housing and the cost of higher education.

I support providing businesses with the appropriate tax relief that will help them rebuild. However, I am concerned that this tax relief will not be helpful if we do not provide assistance to small businesses. If the assistance to small businesses continues at its present pace, tax relief will be somewhat meaningless. Currently, 74 percent of hurricane-related Small Business Administration, SBA, disaster business loan applications have not even been processed, and less than 10 percent of the approved business loans have been fully disbursed. I have introduced legislation that would allow the affected States to distribute $450 million in bridge loans to help businesses that are waiting for an SBA loan to begin rebuilding immediately. If we do not provide businesses with loans, they will not be able to rebuild and benefit from these tax incentives.

I am pleased that this legislation includes a provision that would extend the current law provision that allows military personnel the option of treating certain combat pay as earned income for the purpose of computing the earned income tax credit, EITC, for 1 year. I have introduced legislation that strengthens the EITC. It includes a provision to allow permanently military personnel to elect to treat certain combat pay as income for purposes of calculating the EITC. During the debate on S. 2020, the Tax Relief Act of 2005, I along with Senator OBAMA offered an amendment on the EITC that would have extended this provision through 2007, but it was subject to a point of order because it included outlays.

This provision should be made permanent, but it is important that we are not allowing it to expire. It is a commonsense provision that would prevent members of the armed services from losing their EITC when they are mobilized and serving their country. Military families are often faced with increased expenses when a loved one is deployed. Thousands of reservists, for example, take a cut in pay when they are called to active duty.

Without this extension, several military families that are benefiting from

the EITC would not longer be eligible for the credit. Eligibility for the EITC is based on income, and certain combat pay does not count as income for tax purposes. The election included in this provision would allow military personnel to choose whether they want their combat zone pay to count as income for purposes of calculating the EITC.

This provision will help military families with some of their financial burdens. It does not repay the sacrifices that they are making for us, but it shows that we are supporting our troops at home as well as abroad.

Mr. LOTT. Mr. President, I would like to thank Chairman GRASSLEY and Senator BAUCUS for their commitment to enacting a long-overdue tax bill that will help get cash back into the pockets of businesses and individuals who are rebuilding their lives and their communities in the wake of hurricane's Katrina, Rita, and Wilma.

By significantly lowering the cost of capital for small, medium, and large businesses alike, the provisions in this legislation will spur business investment on the gulf coast, increase the supply of affordable housing, and put dislocated employees back to work.

Specifically, this legislation includes roughly $8 billion in tax incentives to help the gulf coast. These provisions: 50 percent bonus depreciation for property acquired in the GO Zone; double small business expensing for small businesses in the Zone; increase the amount of tax-exempt bonds Mississippi is allowed to allocate by $4.8 billion; allow for an additional advanced refunding for bonds previously issued by Mississippi and by all local issuers within the GO Zone; increase the amount low-income housing tax credits available to Mississippi; increase the allocation of new markets tax credits available for companies investing in Mississippi businesses and construction; allows for a 5-year net operation loss carryback for businesses in the zone; allows for a 10-year NOL for public utility disaster losses; allows public utility disaster losses to be carried back 5 years; increases reforestation expensing from $10,000 to $20,000 for expenses incurred in the Go Zone for 2006; allows small timber growers a 5 year NOL carryback for losses incurred in the zone; allows increased expensing for demolition and clean up costs through 2007; and makes the employees retention credit available to all employers in the zone.

We have been at this for several months now. My constituents have been patient, and deserve action now. This is a vitally important bill. It is critical that we pass it today and that it is sent to the President for his signature before we adjourn.

This amendment modifies recent legislation introduced by Chairman Grassley by making clear that the business tax incentives in this legislation do not apply to the construction of private or commercial golf courses, country clubs, massage parlors, hot tub facilities or suntan facilities, racetracks or other facilities used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises.

However, it also makes clear that tax incentives do apply to the construction of hotels, restaurants, parking lots, and other attachments to gaming facilities.

I would have much preferred a clean bill, but in the interest of my constituents, I am offering this amended legislation today. I ask unanimous consent that the amendment be adopted.

Ms. LANDRIEU. Mr. President, the Senate has taken a big step forward in helping Louisiana and the other States affected by Hurricanes Katrina, Rita, and Wilma by passing H.R. 4440, the Gulf Opportunity Zone Act of 2005, also known as the GO Zone Act. I realize that there are a number of very important pieces of legislation pending before the Senate and the House of Representatives as we wind down this session. But I want my colleagues to know that I am grateful, and the people of Louisiana are grateful, for the Senate's passing this bill by unanimous consent. I must thank Chairman GRASSLEY and Ranking Member BAUCUS of the Finance Committee for their work on this legislation and for the tremendous support of their staffs.

The GO Zone Act contains a number of tax incentives to rebuild our economic infrastructure. Our State will be able to issue bonds to build housing, roads, bridges, and industrial plants. The bill increases the allocation of low-income housing tax credits in the GO Zone to $18 per person—more than nine times the amount we are currently allocated—to build housing to allow all of our citizens to return home. Businesses will be able to get favorable depreciation and enhanced deductions for investing in plant and equipment in the devastated areas. These tax incentives are aimed at helping our businesses stay in business. We also included an expansion of the Hope scholarship and lifetime learning credit for students who return to the GO Zone to continue their educations.

The bill also contains a housing provision that I offered as a floor amendment when the Senate considered this legislation. The amendment, cosponsored by Senator VITTER, will create reward employers who have provided housing for workers and their families in the hurricane disaster area. These dedicated employers have made it possible for their workers to live on company property so that their business operations could get going again. They have rented or purchased trailers and put them on their property, all hooked up to utilities. Our business leaders recognized that they could not get back on their feet if their employees had no place to live near where they worked. FEMA has been incapable and incompetent in getting people into housing, so our businesses have stepped in to fill the void.

Under this provision, employees working at firms in the GO Zone may exclude up to $600 per month from income for employer-provided housing assistance. Employers get a tax credit of up to 30 percent of assistance provided to employees. The provision is temporary, lasting only 6 months, but it was the right thing to do for companies that believe in Louisiana and the gulf as a great place to do business.

I must also note that the housing amendment had strong support from local and national business organizations, including the U.S. Chamber of Commerce, Greater New Orleans, Inc., and Michael Olivier, the Louisiana State Secretary for Economic Development. I ask unanimous consent that their letters of support be printed in the RECORD.

These tax incentives, however, are still only a beginning. Tax cuts will not build a levee, and without our levees, we will not rebuild New Orleans. I was pleased that the President recently announced his support for $3 billion in additional funding to restore our levees to true Category 3 protection, along with a down payment to get us to Category 5 protection.

Now our focus must be on passing Chairman THAD COCHRAN's hurricane relief package, which adds to the President's $17 billion request for Federal assistance another $17.5 billion in aid to Louisiana and Mississippi, including funding for levee repairs. The chairman's leadership has built up support for the measure in the Senate, but we need to urge the White House and leadership in House of Representatives to follow suit and commit to giving a hand up to the people of the gulf coast. We should not go home for the holidays without taking this step for the thousands still left without homes to go home to.

Mr. President, with the passage of the GO Zone Act, the Senate has taken a key step toward helping the people of the gulf rebuild our communities. We must finish the job for this year in the gulf before we adjourn for the year.

I ask that my complete statement and the additional letters in support of the Landrieu amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, December 14, 2005.

Hon. CHARLES GRASSLEY,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I write to express our support for the Landrieu housing tax credit amendment included as part of the GO Zone tax incentive package in the Senate tax reconciliation bill (S. 2020). The proposal would give tax relief to employers in the Katrina disaster area who provide employees with housing so that they can return to work.

Many employers in Louisiana have made housing available to their employees in order to get their business operations up and running again. The tax reconciliation bill establishes a Gulf Opportunity Zone (GO Zone) with a number of additional tax incentive provisions to bring investment and to rebuild Louisiana and the Gulf Coast. The Landrieu amendment will encourage more employers to do the same.

The Landrieu amendment will allow employees to exclude up to $600 per month in employer-provided housing from their income. An employee will be able to take advantage of this exclusion for housing provided to the employee, the employee's spouse, as well as any dependents. Employers who make housing available to employees in the Katrina GO Zone will be allowed a tax credit of up to 30 percent of the value of such housing. The maximum monthly credit will be $180 per employee.

We urge you to include the Landrieu housing amendment in the final version of any hurricane tax relief bill that is voted on before Congress adjourns for the year.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, December 14, 2005.

Hon. MAX BAUCUS,
Ranking Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR RANKING MEMBER BAUCUS: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I write to express our support for the Landrieu housing tax credit amendment included as part of the GO Zone tax incentive package in the Senate tax reconciliation bill (S. 2020). The proposal would give tax relief to employers in the Katrina disaster area who provide employees with housing so that they can return to work.

Many employers in Louisiana have made housing available to their employees in order to get their business operations up and running again. The tax reconciliation bill establishes a Gulf Opportunity Zone (GO Zone) with a number of additional tax incentive provisions to bring investment and to rebuild Louisiana and the Gulf Coast. The Landrieu amendment will encourage more employers to do the same.

The Landrieu amendment will allow employees to exclude up to $600 per month in employer-provided housing from their income. An employee will be able to take advantage of this exclusion for housing provided to the employee, the employee's spouse, as well as any dependents. Employers who make housing available to employees in the Katrina GO Zone will be allowed a tax credit of up to 30 percent of the value of such housing. The maximum monthly credit will be $180 per employee.

We urge you to include the Landrieu housing amendment in the final version of any hurricane tax relief bill that is voted on before Congress adjourns for the year.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

STATE OF LOUISIANA,
LOUISIANA ECONOMIC DEVELOPMENT,
Baton Rouge, LA, December 9, 2005.

Hon. CHARLES GRASSLEY,
Chairman, U.S. Senate Committee on Finance, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: Louisiana Economic Development strongly endorses Senator Mary Landrieu's Housing Tax Relief Amendment to the Senate Tax Reconciliation Bill. This amendment will give tax relief to employers who provide their employees with housing so that they can return to work. It is a necessary and important financial benefit to those Louisiana employers who have tirelessly worked to bring their work forces back to our state and to the communities damaged by the Katrina disaster.

In doing so, the proposed Landrieu Amendment provides relief to employers and their employees who return to work in rebuilding Louisiana from the catastrophic disaster that occurred. This is essential so that our businesses can resume operations, our workers can return to their communities, and both businesses and their employees can have a stake in the recovery of their communities. Your endorsement of and the ultimate passage of the Act fulfills these important goals.

Sincerely,

MICHAEL J. OLIVIER,
Secretary.

STATE OF LOUISIANA,
LOUISIANA ECONOMIC DEVELOPMENT,
Baton Rouge, LA, December 9, 2005.

Hon. MAX BAUCUS,
Ranking Member, U.S. Senate Committee on Finance, Hart Senate Office Building, Washington, DC

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Sincerely,

MICHAEL J. OLIVIER,
Secretary.

GREATER NEW ORLEANS, INC.,
New Orleans, LA, December 9, 2005.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER BAUCUS: On behalf of Greater New Orleans, Inc., the regional economic development organization for Southeast Louisiana, I want to thank you for all of your efforts to assist the people of Louisiana and the City of New Orleans in our efforts to rebuild our communities and our economy after Hurricanes Katrina and Rita. Under your leadership, the Senate recently passed a tax reconciliation plan, S. 2020 that included $7 billion in additional incentives for investment to rebuild the Gulf Coast. The House of Representatives has also passed a hurricane relief package, similar to the provisions in the S. 2020. Both the House and Senate Katrina packages will greatly help the people in the Gulf rebuild homes, businesses and communities.

During the Senate's consideration of S. 2020, it adopted an amendment, sponsored by Senator Landrieu and cosponsored by Senator Vitter, to provide tax relief to employers in the Katrina affected areas who are providing housing for their employees. Under the amendment, employees will be able to exclude up to $600 per month in the value of any housing assistance they receive from their employer. Employers will be eligible for a tax credit of 30 percent of the housing assistance they provide to their employees.

The lack of housing to bring back employees is one of the largest detriments in bringing back the local economy and serves as the base for establishing local commerce. The Landrieu-Vitter amendment addresses one of the most pressing needs in Louisiana, the need for housing while we rebuild our economy. Our employers would like to open up for business again, but their employees cannot return to work if they do not have a place to live. We have worked with hundreds of employers who have already taken steps to make housing available to their employees through trailers and temporary housing, but this amendment will encourage more employers to do the same. With their employees close by, our businesses can begin their operations helping to drive our economic rebuilding. The Landrieu-Vitter amendment will help give this growth a jumpstart.

We urge you to include the Landrieu-Vitter housing amendment in the final version of any hurricane tax relief bill before Congress adjourns for the year.

Sincerely,

MARK C. DRENNEN,
President and CEO.

Mr. LOTT. I ask unanimous consent the substitute amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 2680), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 4440), as amended, was read a third time and passed.

Mr. LOTT. Briefly, I express appreciation to Senator GRASSLEY, Senator BAUCUS, especially Senator REID for his efforts, my colleague from Mississippi, Senator COCHRAN, the input and the help and the determination of Senator LANDRIEU from Louisiana, and Senator VITTER, Senator HUTCHISON and Senator CORNYN. I will have my additional remarks. I thank all those involved. This is important legislation. This is almost $8 billion in tax incentives and relief for the people in the hurricane areas. It means so much. Now we will be able to pass this back to the House, and hopefully they will take it up and send it directly to the President.

Mr. REID. This is not the time for a long statement. I especially extend my appreciation to the chairman and the ranking member of the Committee on Finance—it has been tough sledding—and, of course, the delegation from

Mississippi, that of the Senator from Louisiana.

I ask unanimous consent the Senator from Louisiana be recognized for 90 seconds.

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

Ms. LANDRIEU. Mr. President, it will only take 90 seconds to thank Senator LOTT for his leadership and the two managers, Senator GRASSLEY and Senator BAUCUS, who have literally worked tirelessly on this piece of legislation to help the people along the gulf coast. This is part of a relief package that will help us to help ourselves, get our people back home, our businesses back to work, and the gulf coast on its feet, so we can continue to support the needs of this Nation through energy and commerce and trade.

I thank Senator LOTT particularly for the extra effort he has put into this bill. I thank the leadership for passing it this morning.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT—Continued

Mr. LEAHY. I yield up to 3 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. CRAIG. Mr. President, I thank the ranking member of the Judiciary Committee for yielding. Let me also thank the chairman of the Judiciary Committee. I thought he gave a thoughtful overview of the progression of time and thought that has gone into the conference report that is before the Senate at this moment.

Of all that we do this year that is lasting beyond tomorrow, clearly the PATRIOT Act is one of those pieces of legislation. I say that because it deals with fundamental constitutional rights in this country. At the same time, it deals with our right to protect ourselves against foreign interests that might intrude upon our shores.

The chairman has said so well, it is a very precarious balancing act between the right of the free citizen and a civil society that is protected by law. That is what we as Senators are about at this moment. That is what I have always been about, along with my colleagues. That is why some of us joined well over a year and a half ago to say that when it came time to reauthorize the PATRIOT Act, here were some provisions that stepped us back toward the right of free citizens to be protected by their Government, in fact, against their Government's law enforcement capability; while at the same time not hand-tying the ability of law enforcement and intelligence to come together to review, to investigate, and to determine whether someone's acts were terrorist in nature and might put free citizens of our country in jeopardy.

I cannot, nor will I, vote for cloture today because I am here to defend what the Senate has already done so well in such a bipartisan and in such a thoughtful way. We will not adjourn this session of this Congress without a PATRIOT Act in place, whether it is the 3-month extension we offered or whether it is the chairman, as he said, and the ranking member sitting down with the House to once again shape, in limited ways, those areas we think are critically necessary to make sure the balance the chairman so clearly spoke to is adhered to within a reauthorized PATRIOT Act.

So I would urge my colleagues' calmness and sensitivity to the fundamental civil liberties of our country, as we worked so hard to balance them against our country's and our Constitution's and our Government's primary responsibility; and that is to keep us safe and secure in a free environment.

I thank the ranking member for yielding, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, we have only had 2½ hours of debate on this major matter. We have very little time. I yield up to 3 minutes to the distinguished senior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, America deserves laws that protect both their security and their civil liberties. This conference report does not. After years of doubt about the PATRIOT Act, this morning Americans woke up to more startling reports. For the past 3 years, the administration has been eavesdropping on hundreds of calls without warrants or oversights. These are the newspapers: ''Bush Authorized Domestic Spying.'' ''Bush Lets U.S. Spy on Callers Without Courts.''

Well, the administration is not responding to the article, but they tell us: Trust us. We follow the law. Give me a break. Across the country and across the political spectrum, no one is buying it anymore.

This administration feels it is above the law, and the American people and our Constitution pay the price. There is no accountability. There is no oversight. The President continues to ignore history.

In the 1970s, Big Brother spied on its citizens, and the American people stood up and said ''no.'' President Nixon's program, the COINTELPRO, allowed broad spying on law-abiding American citizens. We stopped Big Brother then by establishing the FISA court to ensure proper oversight and protections. Now this administration believes it is above even those protections. This is Big Brother run amok. With these new developments, we must take a step back and not rush the PATRIOT Act, further risking our civil protections.

The entire world is watching to see how we strike the balance between intelligence gathering and the Constitution. We cannot protect our borders if we do not protect our ideals. We need a bipartisan consensus that protects both our security and our liberty while restoring the public trust.

Our country is at a new low. Not since Watergate has there been such a lack of openness and honesty in our Government. Americans deserve better. The leaking of a CIA agent's identity is the prime example. The President promised he would clean house of anyone in the White House who had anything to do with the leak in the Plame case or the coverup. It has been suggested that the President himself may know the identity of the source, and I urge him to set the record straight.

The President needs to answer three questions: One, what did he know and when did he know it? Two, did he tell the special prosecutor, Fitzgerald, the whole story? And, three, who else knows the facts? CHENEY? Gonzales? Ashcroft? If Novak knew and the President knew, then the American people should know, too.

Mr. President, answer these questions.

In the last few days, we have heard a lot about whether America will be safer if the Senate approves the PATRIOT Act conference report this week.

Let's set the record straight—our national security will not be 3 jeopardized—at all—if existing laws stay in place for 3 more months. These surveillance methods will expire only if the Republican leadership refuses to negotiate—even with Members of their own party.

We have unfinished business on the table. The conference report fails to do all we can to improve intelligence-gathering capabilities and legislative oversight.

Americans deserve a law that protects both their security and their liberties, and this bill does not.

We need to preserve the basic powers created by the PATRIOT Act, but we also need to improve the safeguards that are indispensable to our democracy. Civil liberty protections are a continuing source of our country's strength—not just fringe benefits to be abandoned in time of crisis.

We all agree on the need for law enforcement and intelligence officers to have strong powers to investigate terrorism, to prevent future attacks, and improve information-sharing between Federal, State and local law enforcement.

In the wake of the tragic events on September 11, Congress, the administration, and the country faced the urgent need to do everything possible to strengthen our national security and counterterrorism efforts, and the original PATRIOT Act was our response to that need.

Even at that time, many of us had concerns about whether the law went

too far. In November 2001, Nancy Talanian and a small group of neighbors in western Massachusetts came together to launch the Bill of Rights Defense Committee—what has now become a nationwide movement to protect the Bill of Rights.

This small Massachusetts group encouraged similar community discussions across the country. Seven States and hundreds of local governments engaged in vigorous public debate on the scope of the PATRIOT Act. As of this week, 400 resolutions have been passed.

These efforts can't be casually dismissed because the administration claims there have not been any ''verified abuses'' of the PATRIOT Act.

The Republican leadership tells us that time has run out and this legislation must be passed without further debate. We are told that enough oversight has taken place.

But it took 2 years—2 years—for the Department of Justice to respond to questions from the Senate Judiciary Committee about the use of the PATRIOT Act tools. We didn't receive the significant written answers until after the committee approved its bill.

We then learned that the Federal Government has only reported three instances in which a U.S. person was informed of a search because there was no national security interest in keeping it secret. Only three times has the Attorney General notified a United States person that they have been searched.

Yet we read more newspaper stories about FBI mistakes. The FBI says it averages about 10 mistakes a year. As a result of litigation, the FBI has admitted publicly that unauthorized electronic surveillance has gone on for months before mistakes were caught.

Now, I don't doubt that the FBI is trying to do a good job—but how many mistakes does it take to count as an abuse?

This administration tells us to disregard such mistakes because the information is being collected only about individuals linked to terrorism. Clearly, that is not the case.

I know personally about mistakes in the war on terror. Not long ago. I was on the no-fly list, and had to make a number of calls to clear up the resulting confusion.

Countless others have had a similar experience. I received a letter from a man in California. He had gone to the airport with his family to begin a vacation to Disneyland. Arriving at the airport, they encountered an unexpected surprise. His nephew, Liam Collins—at that time just 7 years old—was on the government's no-fly list. Seven years old and on the no-fly list.

Liam and his family convinced airport officials it was a ''mistake.'' Liam made it to Disneyland but he sent me a picture about his experience—which had become a memorable part of the trip.

Since then, Liam hasn't traveled by plane, so no one knows whether the ''mistake'' has been fixed.

What about other mistakes? The Justice Department tells us that the so-called libraries provision has never even been used to search a library.

That may be just a clever way of saying that it is happening in a different way. In 2002, Attorney General Ashcroft told Congress that ''national security letters'' would be the better tool for library searches anyway.

Maybe Ashcroft was right. The so-called libraries provision has only been used 35 times—but over 30,000 national security letters have been issued, according to the Washington Post. The public doesn't know if that number is accurate, because the administration refuses to confirm it.

The conference report will require public reporting on the use. It will also require the Inspector General to audit their use.

But under these authorities, the Government is not required to obtain a court order. Your local library has no clear right to challenge demands for computer records in court. For consumers, there is zero protection—much less notice—if your records are taken by mistake. The recipient of a national security letter is barred forever from talking about it—even if the need for secrecy no longer exists.

On these national security letters, the conference report has two major shortcomings. One of the most glaring omissions is the failure to include a sunset provision for national security letters, which would be consistent and logical given the new reporting and auditing provisions contained in the conference report. Without doubt, it is more meaningful to have a sunset on a provision used 30,000 times than one that is used 35 times.

What we anticipated 4 years ago is abundantly clear now: 4-year sunsets are the only means to ensure adequate congressional oversight of controversial law enforcement and counterterrorism activities.

In addition, recipients of these orders should have a meaningful right to judicial review. The administration's acquiescence in giving recipients the right to consult an attorney is not a meaningful concession. The Justice Department has already taken that position in litigation. The conference report does not advance civil liberties on that point. In fact, it makes it harder to win in court. Under the conference report, banks, phone companies, and libraries challenging these authorities will have to overcome an even higher threshold in court, and companies may have to turn over records even where there is not even an individualized suspicion of terrorism.

The Federal Government should focus on whether the country is doing enough to protect citizens from another terrorist attack, and is providing adequate safeguards to protect fundamental civil liberties.

What Americans want and deserve is responsible legislation. Our Senate bill included the necessary assistance for law enforcement, while maintaining fundamental protections in accord with the Bill of Rights. As a result, it received unanimous approval of the entire Senate.

At the first and only meeting of this conference, I urged my colleagues to support the Senate bill, keeping in mind the recommendations of the bipartisan 9/11 Commission, which made clear that the executive branch has the burden of proof to justify why a particular governmental power should be retained—and Congress has the responsibility to see that adequate guidelines and oversight are made available.

On the two most contentious surveillance methods, the executive branch has failed to meet the 9/11 Commissioners' burden of proof—much less the burden of persuasion. The American people are not convinced that these methods achieve the right balance between our national security and protection of our civil liberties.

This conference report, however, failed to meet the 9/11 Commissioners' recommendations. It is especially alarming that the Commissioners' report card gave five failing grades in key areas of need. Obviously, America is not as safe as it should be.

Snooping on library computers is no substitute for strong and effective steps to prevent terrorist attacks.

With this conference report, some harsh provisions were deleted, but other abusive provisions were added. Debate about extraneous provisions took priority over improvements in the core provisions. It appears that the PATRIOT Act can't get better without also getting worse.

The administration wants to get this bill done—but the American people want it done right.

I urge my colleagues to join in supporting our bipartisan bill to extend the deadline for the expiring provisions for another 90 days. With a March 31 deadline, we can deal responsibly with the major issues still on the table. Serious concerns about the standards and oversight of the most contentious surveillance methods can and must be addressed.

Our Senate bill contained fundamental protections in accord with the Bill of Rights. It passed with our unanimous support, and it is disappointing that this conference report fails to do the same.

We need an effective strategy to win the war on terror, a strategy that strengthens terrorism laws that work, corrects laws and policies that don't, and protects the rights and privacy of all law-abiding Americans.

The entire country is watching to see how we strike the balance between national security and the Constitution. We are very close to agreement on this bill. Let's take the necessary time to reach a bipartisan consensus that protects both our security and our liberty, and restores the public trust in Congress as an institution.

Mr. CORNYN. Mr. President, I come to the Chamber today to speak about

the PATRIOT Act reauthorization conference report. While this agreement does not give everyone all that they want, it is the result of lengthy, difficult negotiations. It represents a reasonable compromise for all parties involved, and it extends tools important to our national security, while enhancing civil liberties protections.

It has been more than 4 years since the terrorist attacks of September 11, 2001. In the days, weeks, and months since that day, the American people have braced themselves for the possibility of another terrorist attack on our homeland.

After all, we know all too well that al-Qaida is a stealthy, sophisticated, and patient enemy, and its leadership is motivated to launch another devastating attack on American citizens and soil.

Outside the United States, al-Qaida and its affiliates have continued to be remarkably active, responsible for numerous attacks, spanning the globe from Pakistan to Bali, Spain to London.

It is precisely because al-Qaida is so aggressive, so motivated, and so demonstrably hostile to America that I am grateful that, to date, they still have not successfully launched another attack on our soil. There are undoubtedly many reasons for this. First and foremost: the brave men and women of our Armed Forces. They are fighting the terrorist abroad so that we do not have to face them at home. Also, our efforts to strengthen antiterrorism and law enforcement tools through the USA PATRIOT Act has had much to do with this record of success and peace to date.

This diligence that has kept us safe at home must continue. The war on terrorism must be fought aggressively—but consistent with the protection of civil rights and civil liberties. That is why I am disappointed when we witness false reports and scare tactics about phantom civil rights violations. Such reports and tactics serve no legitimate cause—but they do a grave disservice to the American people. Whenever real civil liberties problems do arise, we must learn about them right away, so that we can fix them swiftly. Congress works hard to strike both a careful and wise balance between national security and civil liberties. While this is not always easy, we do so with the best interests of our Nation in mind—and we do so in a manner that is both honest and in good faith. This conference report strikes a careful balance by both preserving the provisions that have made America safer since 9/11 and increasing congressional and judicial oversight—which should alleviate the concerns of those who believe the law enforcement tools endanger civil liberties.

Many who oppose this agreement do so because of concerns that law enforcement will abuse these tools. While a legitimate concern, it simply has not been borne out by facts. First, the reports issued by the Department of Justice's independent inspector general have repeatedly found no systematic abuses of any of the provisions of Patriot. Second, these provisions are carried out by professional and dedicated law enforcement officers in a way that respects the rights of all Americans.

It has been said that time is a great healer. And, as time goes by, the shock we all felt following the 9/11 attacks has abated, somewhat. But as we recall those terrible memories, we are reminded of the institutional failures of our Government that failed to prevent the attacks. And we as a Nation, and the Congress in particular, vowed to tear down the walls that prevented information sharing, and to enact other tools vital to defending this country. It is clear that the PATRIOT Act has played a significant role in this process, as it has been instrumental in dismantling terrorist cells from New York to Oregon.

The failure to pass this conference report will cause these critical tools to lapse. It will weaken our country by reverting to September 10th-era tools. We cannot allow that to happen. We are living in profoundly different times. There are obviously deep feelings about the PATRIOT Act from all quarters. I and others support the PATRIOT Act and have been vocal about making these provisions permanent. Because not everyone agrees with this view, negotiations and compromises took place to reach an agreement that achieves the dual goals of continuing these critical authorities and enhancing congressional and judicial oversight.

Some have proposed that we pass a 3-month extension to continue working on the reauthorization. I oppose that. The Congress placed a December 31, 2005, deadline for a reason. The President, the Attorney General and the House support this agreement. We should vote on this agreement, and I intend to vote for cloture and will support the conference report.

However, if we are searching for alternatives, I propose the Senate take up and immediately pass legislation that I cosponsored last Congress which would strike all of the sunsets contained in the PATRIOT Act. This would eliminate the deadline we face, those in the House and those in the Senate can offer what they consider improving legislation and work to move it through the regular legislative process. That way, none of the vital authorities will be allowed to lapse and any changes that majority of the Congress supports will be implemented through the regular order.

Beyond this proposal, I want to discuss some of the specific items addressed by the conference report and try to explain why I think this report should be supported, beginning with sunsets.

I have stated that I oppose sunsets for this important legislation. I believe that our intelligence and law enforcement officials should never again be left wondering whether the Congress will manage to agree to reauthorize the tools that protect our Nation.

But realizing that there are those who feel that these sunsets are important to the negotiations, I choose to support the sunsets, even though if we were going to have sunsets I would have preferred the 10-year sunsets included in the House-passed version. This conference report retains 4-year sunsets for two of the most controversial PATRIOT Act provisions, the multipoint or ''roving'' wiretaps and the business records provision.

It also includes a sunset for the ''Lone Wolf' provision added to the Foreign Intelligence Surveillance Act by last year's Intelligence Reform Act. This guarantees the Congress will review these provisions and continue to conduct rigorous oversight.

Senator SPECTER and others on the conference attempted to address civil liberty concerns in many ways, for example, dealing with the delayed search warrant provision. As my colleagues know, this section is not to sunset. Nevertheless, recognizing the sensitivity to this provision certain Members had, the conference report requires the Government to now give notice of any search under this provision within 30 days of its execution, unless the facts justify a later date certain.

Although the 30-day period is a few weeks longer than the 7-day time limit contained in the original Senate bill, it is considerably shorter than the 180 days permitted under the House bill. The conference report allows for extensions but only ''upon an updated showing of the need for further delay.'' Also, it limits any extensions to 90 days or less, unless the facts of the case justify a longer delay.

It also adds new public reporting on the use of delayed notice warrants, so that Congress and the American people will be better informed about the use of this provision.

My time is short today, but I want to briefly mention other civil liberties protections Chairman SPECTER negotiated. The report made explicit the ability of recipients of NSL letters and 215 orders to seek judicial review. Significantly, on both of these authorities, the conference report requires the inspector general to conduct two audits of these authorities, one audit covering 2002 through 2004; another covering 2005–2006. And, in recognition of concerns about NSLs, the conference report adds a new ''sunshine'' provision. Namely, it requires annual public reporting on NSLs, including the aggregate ''number of requests made by the Department of Justice.''

Additionally, this report gives the Senate Judiciary Committees access to significant FISA reporting currently provided to the Intelligence Committee. It also includes a provision cosponsored by Senators SPECTER and LEAHY requiring that rules and procedures of the FISA court be supplied to

Congress. It further creates new reporting requirements to Congress for the use of emergency authorities under FISA and requires new reporting on the use of emergency disclosures of communications information made under Section 212 of the PATRIOT Act. And finally, it retains a modified version of the data-mining report contained in the House-passed bill which will require the Department of Justice to submit a report to Congress on the Department's data-mining activities.

I also want to mention another provision contained in the conference report because it is based on legislation that I introduced in the Senate. The Narco-Terrorism Prevention Act confronts the new reality and very real danger of the deadly mix of drug trafficking and terrorism.

Terrorists, like the old organized crime syndicates from the past, have recognized that illegal drug trafficking is a valuable source of financing and another way to threaten our country.

My State is experiencing the collateral effects of a drug war being carried out by modern day narco-terrorists in Nuevo Laredo, Mexico. News reports have described an ongoing battle between rival drug cartels over drug smuggling routes from Mexico into the United States. These organizations assassinate police officers and other government officials in a clear attempt to force the local government to allow these organizations to carry on their illegal activity, unimpeded. Our government needs every available tool at its disposal to combat this activity.

This new provision makes it a Federal crime designed to punish the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any one else planning a terrorist attack. It also carries stiff penalties for anyone convicted. Importantly, it provides for extraterritorial jurisdiction which allows law enforcement to reach beyond our borders to arrest and deter those who intend to carry out a crime of this nature.

Mr. President, I have opposed changing the core provisions of the PATRIOT Act and have opposed any increase in the burdens for terrorism or national security investigations or on terrorism or national security investigators because they should have the same tools available to them as do ordinary criminal investigators.

We must remain vigilant, and we must make sure that evidentiary hurdles do not creep back into the law in terrorism and national security investigations. We should avoid moving back to a pre-9/11 mindset. I believe that the package before us today continues the reforms we have made in the post-9/11 period, and I intend to vote in favor of this package.

Mr. JEFFORDS. Mr. President, since the beginning of our country's history, Americans have recognized the vital importance of balancing the safety and security of our people with the need to uphold civil liberties in our society. There have been times when the Congress has succeeded in achieving this fine balance, and there have been times when the Congress has failed to do so.

In 2001, I supported the passage of the PATRIOT Act because I believed the legislation that emerged from the conference between the House and the Senate had achieved this goal. However, this legislation has since been used for purposes beyond what we had envisioned 4 years ago, and that troubles me. As a result, I have cosponsored the Security and Freedom Enhancement, SAFE, Act, which would modify the law.

I was pleased to support the legislation to reauthorize the PATRIOT Act as it unanimously passed the Senate earlier this year. This version reflected many of the important changes contained in the SAFE Act. It would have restored the balance between security and civil liberties, while the House version would further tilt the balance away from civil liberties. I was hopeful the final conference report on this legislation would reflect the Senate version, but unfortunately, this is not the case.

This conference report falls short in restoring the balance between security and civil liberties, and therefore I cannot in good conscience support its passage. The conference report falls short because the legislation contains no sunset for controversial provisions like ''sneak and peek'' warrants; the legislation's standard for being able to obtain records is only mere relevance, rather than requiring an actual connection with a spy or terrorist; the legislation makes it nearly impossible to obtain a meaningful judicial review of production orders and the gag orders that accompany them; and the legislation allows for a disturbing lack of notice to individuals whose records are obtained under the law.

In short, this legislation fails to restore the critical balance between security and civil liberties, a balance that I believe all Americans consider a vital part of our democracy.

Therefore, I will oppose limiting debate on the conference report and final passage of the conference report in its current form. Given that the end of the session is fast approaching, we should pass a short-term extension of the expiring PATRIOT Act provisions, as advanced by Senators LEAHY, SUNUNU and others, to allow this conference report to be improved and ultimately strike the proper balance.

Mr. AKAKA. Mr. President, today I raise my strong concerns about news reports regarding the administration's blatant disregard for American's privacy rights and civil liberties. I am shocked by the recent revelation that President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without court-approved warrants. I am equally appalled by the Pentagon's dismal enforcement of guidelines that reuire deleting information on American citizens from a counterterrorism database within 3 months if they pose no security threats.

Government agencies are not following important rules and procedures designed to protect the American people. Just this summer, the nonpartisan Government Accountability Office issued a report at my request which found that agencies are not following privacy laws designed to protect personal information in Federal data mining systems. Considering that there are nearly 200 data mining systems in the Federal Government, these actions pose real threats to Americans' privacy.

Merely having policies and safeguards in place does nothing if agencies are not following the law. As such, I cannot vote to renew some of the most troublesome PATRIOT Act provisions that threaten civil liberties, including the Government's far-reaching powers to obtain personal, medical, library, and business records or coduct ''sneak-and-peek'' searches, without ensuring that meaningful checks and balances are in place.

I want to assure the people of Hawaii and all Americans that I am working on legislation to strengthen Federal privacy laws.

Mr. BINGAMAN. Mr. President, I rise today to speak in opposition to closing off debate on the PATRIOT Act conference report as it has come back to the Senate.

The events of September 11 demonstrated various deficiencies in our understanding of the terrorist threat and our capabilities in terms of combating terrorism. In response, Congress acted decisively and passed the PATRIOT Act to ensure that our Government has all the tools necessary to protect the American people. I supported that legislation.

The PATRIOT Act, as originally enacted, was 342 pages long and contained 10 titles and 116 sections. The bill improved our laws with regard to international money laundering, terrorism financing, intelligence gathering, surveillance, cooperation between law enforcement and intelligence authorities, and strengthened our criminal laws relating to terrorism. The vast majority of these provisions are not expiring. They remain the law of the land. Indeed, only 16 of the most controversial sections in the bill contained sunset provisions.

Congress recognized that we were extending to law enforcement and intelligence authorities expansive new surveillance powers and that it was important to go back and look at how these powers have been used and whether we needed to make any changes in the law to ensure that Americans' civil liberties are protected. While I support the reauthorization of these expiring provisions, I believe that there are

changes that need to be made to address some of the problematic provisions.

Let me be clear. I support giving law enforcement the tools necessary to aggressively fight terrorism but believe that modest modifications are required to ensure that we protect constitutional rights and properly balance civil liberties with national security concerns. To this end, in July the Senate unanimously passed a bipartisan bill that would reauthorize the PATRIOT Act with important safeguards in place to protect the rights of Americans. Although this bill wasn't perfect, it struck a reasonable balance between giving law enforcement the tools they need and protecting civil liberties.

When the PATRIOT Act was originally passed in 2001, Congress provided that some of the controversial provisions, such as section 215 which allows the Government access to library and medical records, would expire in 2006.

One example of where the current version of the bill falls short is with regard to section 215, the so-called library provision which allows the Government to obtain sensitive personal records, including library, business, and medical records, of Americans by merely saying that they are relevant to a terrorism investigation. This provides the Government almost unfettered authority to look at the personal records of Americans. Under the Senate-passed bill, the Government would have to demonstrate that the person whose records they are seeking has some connection to a suspected terrorist or spy.

In particular, the Government would have to show that, No. 1, the records pertain to a suspected terrorist or a spy; or No. 2, that the records pertain to an individual in contact with a suspected terrorist or a spy; or No. 3, that the records are relevant to the activities of a suspected terrorist or spy. It is reasonable to require that if the Government is going to look at the private records of Americans without a traditional warrant that the Government show at a minimum that the request for records has some connection to a terrorist and isn't just part of a fishing expedition.

In addition, when a person receives a section 215 order requesting medical records or library records, the person who receives this request is subject to an automatic and permanent gag order that prevents them from speaking about the order or challenging the gag order in court. Similar restrictions on challenging gag orders have been found to be unconstitutional and a violation of the first amendment.

Another section of the bill that is of great concern relates to national security letters, or NSLs. These requests for documents are similar to section 215 orders except that they do not require any court approval at all. Although a section 215 order needs to be approved by the Foreign Intelligence Surveillance Court, a NSL is simply issued by the FBI, without any judicial review, to a business to obtain certain records, such as financial records, that it believes are relevant to a terrorism or intelligence investigation.

The conference report does allow a NSL recipient to challenge the NSL in court, but it also stipulates that regardless of whether there are national security concerns, all of the Government's submissions are secret and cannot be shared with the person challenging the order. And to be clear, the business being denied knowledge of the ''governmental submissions'' is not the target of the investigation but the recipient of the order for the requested documents.

Also the recipient of the NSL is subject to an automatic gag order. Although the gag order can be challenged in court, the only way to prevail is to demonstrate that the Government is acting in bad faith, a burden that is almost impossible to prove.

I also have concerns about other aspects of the conference report, such as the ''sneak and peek'' provision which allows law enforcement to search homes without notifying individuals of the search for an extended period of time.

This bill has profound implications on the constitutional rights of Americans, and I strongly believe that we shouldn't be hastily approving a bill that falls short of adequately protecting civil liberties.

Simply reauthorizing the most controversial provisions and saying that we will take another look at the bill in 4 years when the new sunset provisions expire is not the appropriate way to deal with this issue. It has been 4 years since the bill was enacted and it is time that Congress addresses the substantive problems with the act.

The Senate has demonstrated that it is prepared to reauthorize all of the expiring provisions, and there is no need to pass this version of the bill in its flawed form. I agree with Senator LEAHY that we should temporarily extend the PATRIOT Act for 3 months to give Congress more time to work out the remaining issues in a thoughtful way. It is my hope that a solution can be reached that reflects the commonsense improvements that were included in the Senate-passed version of the bill.

Mr. BAUCUS. Mr. President, I rise today to speak about the Combat Meth Act. I am proud to be a cosponsor of the Combat Meth Act because it addresses a problem that impacts every aspect of our society. I was excited when the Combat Meth Act was included as part of the Commerce, Justice, State Appropriation bill this year, and I was extremely disappointed that it wasn't included in the final conference report. Though Senator LEAHY requested that the Combat Methamphetamine Epidemic Act be presented to the Senate as a freestanding bill, it is unfortunately included at the end of the PATRIOT Act.

So much has been said on the PATRIOT Act's civil liberty provisions, yet little has been said about the very important section of the conference report, the Combat Meth Act.

The methamphetamine problem in this country needs attention. Methamphetamine abuse has increased dramatically in recent years, reaching all comers of the United States. It is a very large problem in the State of Montana.

That is why I was pleased when the Senate gave methamphetamine the attention it deserved. And we worked together to produce a bipartisan bill.

The Senate Combat Meth Act provided greater regulations for methamphetamine, just what law enforcement officers asked us for. The Senate bill focused on regulation, monitoring, treatment, and prevention.

The conference report does not provide the same provisions we negotiated in the Senate for the Combat Meth Act. Though I support the ideas behind many sections of the conference report, including the restrictions on the allowable quantity purchasable, the requirement for over-the-counter medicines containing pseudoephedrine to be sold by a licensed pharmacist, and the establishment of a log book for these products, I still do not believe we have done enough to solve the methamphetamine problem.

In addition, the conference report changed the drug kingpin statute and lowered the eligibility thresholds for death sentences and mandatory life sentences. This is not what we need most. We need to work more on prevention.

Though I voted to oppose cloture on the PATRIOT Act, I support the Combat Meth Act and the need for legislation on this important issue. We must help solve the methamphetamine problem. Law enforcement officers depend on us. Methamphetamine addicts depend on us. And children of methamphetamine users depend on us to work together to bring this piece of legislation to the floor again.

I will work with my colleagues to make sure methamphetamine is a high priority issue when we come back after the New Year.

Mrs. CLINTON. Mr. President, in the wake of the September 11 terrorist attacks, this body came together—Republicans and Democrats alike—around the shared goal of preventing a similar tragedy from ever occurring again on our soil. Toward this end, Congress worked in a bipartisan manner to pass the provisions of the USA PATRIOT Act, legislation that expanded many of our laws, providing our Government and law enforcement with the tools needed to ably combat these threats. We understood then, as we do now, that these tools are important in our fight against terrorism. And because there is no greater responsibility that we bear as Members of this body than ensuring the safety of our citizens, I voted in favor of the USA PATRIOT Act in 2001 and supported its reauthorization when the Senate considered its bill earlier this year.

But even in the immediate aftermath of the September 11 tragedy, Congress recognized that in its haste to give law enforcement these expanded powers, there was a risk that this new authority was coming at the expense of constitutionally guaranteed rights and liberties. And so in the wisdom of both Republican and Democratic legislators, several provisions of the PATRIOT Act included 4-year sunsets, allowing Congress the opportunity to revisit whether the PATRIOT Act strikes the proper balance between securing our safety and ensuring our freedom.

I have very serious concerns that the current PATRIOT Act reauthorization conference report, which was negotiated largely without the input of Democrats, does not do enough to strike this proper balance. I believe that we can be both safe and free. The conference report falls well short of achieving that goal. I am hopeful that bipartisan negotiations can result in a compromise bill like the one agreed to in the Senate in July, a bill which did a far better job of protecting our civil liberties.

The current conference report fails in many respects.

Section 215 of the PATRIOT Act gives law enforcement in domestic intelligence investigations nearly limitless power to obtain all types of personal records, including business, library, and medical records. Under current law, the Government merely needs to demonstrate that the records it seeks are ''sought for'' a terrorism investigation. Upon such a showing, a secret court is required to issue the order. This is an extremely lenient standard, one that for the first time gives the Government almost unchecked access to the sensitive personal information of innocent Americans. To compound matters, the third parties—business, libraries, hospitals, and the like—who are recipients of these orders are subject to an automatic gag order. They cannot tell anyone that they have been asked for these records, including the person whose documents the Government is seeking.

Given its broad scope, this provision has tremendous potential for abuse. Innocent Americans should not be subjected to these possible intrusions when adequate safeguards can be written into the law, ones that would not sacrifice the utility of these orders as a law enforcement tool. Americans should not have to hope that the Government will demonstrate self-restraint in its exercise of this power, nor should they fear that their personal records will be part of a Government fishing expedition.

The Senate bill, which I supported, not only required the Government to meet a higher standard before issuing these orders, it also gave recipients of a FISA order an explicit and meaningful right to challenge these orders and their accompanying gag orders in court. The conference report sadly retains a variation of the current law's exceptionally lenient standard of review, a standard that effectively turns the courts into little more than a rubberstamp. Further, the conference report does not give the recipient of a FISA order any express right at all to seek meaningful judicial review of its gag order. Quite simply, the conference report places inadequate checks on these orders.

Another failure of the conference report was exposed in an article appearing in the Sunday, November 6, 2005 edition of The Washington Post, which brought to light a very troubling practice by the FBI that underscores the importance of adopting proper safeguards.

National security letters, NSLs, are administrative subpoenas that allow the FBI to obtain sensitive information about ordinary Americans in national security cases. NSLs are issued by FBI agents without the authorization or approval of a judge, grand jury or prosecutor. While the FBI has long employed NSLs, the PATRIOT Act greatly expanded their scope, significantly lowering the standard for their issuance. The result has been, according to The Washington Post, a ''hundredfold increase'' in their use, with the FBI annually issuing thousands of NSLs demanding private information about ordinary Americans not necessarily suspected of any crime. These records include financial, library, credit card, telephone, Internet service provider, and e-mail records as well as customer transaction information. These NSLs are governed by strict gag orders that prevent companies from telling their customers that their records were given to the FBI.

As this description suggests, NSLs are very similar to section 215 FISA orders but with one very critical difference—NSLs do not require the Government to get any court approval whatsoever. While NSLs can be an important tool in our fight against terrorism, their unfettered and unchecked use makes them susceptible to abuse that infringes upon the privacy of innocent people. The Senate version of the PATRIOT Act reauthorization bill created important checks on the power to issue and enforce NSLs—protections absent from the conference report—without hindering the effectiveness of this law enforcement tool.

Other sections of the conference report give rise to additional concerns. The conference report would give law enforcement the free-wheeling power to impose roving ''John Doe'' wiretaps without the safeguards needed to protect innocent Americans from unnecessary surveillance, casting aside important checks on this power that were included in the Senate bill. The report would also give the FBI the right to enter and search a home or business without providing notice to the owner of the residence or business for a month or longer after the search. And the conference report contains a provision that seriously curtails the habeas corpus rights of prisoners to challenge their convictions in court. This provision was in neither the House nor Senate bills, and there has been practically no debate on the merits of this change.

Apart from the serious civil liberties concerns, perhaps the greatest shortcoming of the conference report is its failure to incorporate a threat-and-risk-based formula for the allocation of critical homeland security funds to our local communities, States, and first responders. This deficiency was emphasized just last week by the former 9/11 Commission, which issued a blistering indictment of our homeland security failures.

As I said earlier, I have long maintained that protecting the security of our citizens and our homeland is the most important responsibility I bear as a Senator. To that end, I believe that to truly make America safe, we need to carefully allocate our homeland security resources. We need to make sure that the money gets to where it is needed, that our American cities and States living under the greatest threat receive the funding they need to protect themselves. Unfortunately, up until now, a substantial portion of our homeland security money has been allocated according to congressionally mandated formulas that bear little relation to need and risk.

Our resources should be dedicated to addressing our most glaring weaknesses. During their negotiations, I encouraged my House and Senate colleagues considering the PATRIOT Act reauthorization bill to account for this reality in our homeland security funding. I have maintained—as the former 9/11 Commission reiterated in its report last week—that lawmakers should cease playing politics with the allocation of our limited resources by promoting distribution formulas that ignore risk and threat. The Commission's report card was a condemnation of this administration and the Congress, both of whom have demonstrated far too little urgency in enacting the reforms needed to properly secure our homeland and fight the war on terror.

The former 9/11 Commission sent a clear, discernible message to the entire Nation last week—reform is needed at all levels of Government. The failure to incorporate in the PATRIOT Act conference report a much-needed threat-based formula for the allocation of homeland security funds is a major shortcoming and needs to be corrected.

As I noted at the outset, apart from these concerns, the PATRIOT Act contains provisions that provide law enforcement with important tools in the war on terror. Because we cannot afford to be without these tools, I am supporting bipartisan legislation that will extend the sunsetting provisions of the PATRIOT Act by 3 months. Just because we are coming up against the end of the year does not mean we should have to compromise the rights of law-abiding Americans. This extension will preserve the current state of

the law on a temporary basis, giving those working on the bill the opportunity to craft a compromise that both safeguards our liberty and gives our law enforcement the capabilities they need to effectively combat and investigate terrorist threats. I am also hopeful that during this 3-month extension, those working on the reauthorization bill will heed the call of the former 9/11 Commission and include provisions that mandate the distribution of homeland security funds on the basis of threat and risk.

While we all recognize the importance of equipping our law enforcement with the tools they need to effectively combat terrorism, we also must ensure that those tools are administered in a manner that does not unnecessarily restrict the freedom and liberty that are the hallmark of American life. Like all Americans, I am troubled by recent reports that the President signed an order in 2002 that authorized the National Security Agency to conduct domestic spying on U.S. citizens and foreign nationals in the United States, despite legal prohibitions against such activity. Likewise, I am disturbed by recent reports that the Department of Defense is maintaining a database in order to monitor the activity of peaceful antiwar groups. The balance between the urgent goal of combating terrorism and the safeguarding of our most fundamental constitutional freedoms is not always an easy one to draw. However, they are not incompatible, and unbridled and unchecked executive power is not the answer.

I believe the conference report falls short of this goal, and I am hopeful that with more time, those negotiating these provisions will find the proper balance.

Mr. PRYOR. Mr. President, I would like to state for the record that I am disappointed we were not able to pass a version of the PATRIOT Act today. My vote against cloture should not be viewed as a vote against the PATRIOT Act. It should be seen as a vote for balance.

I think most Americans want legislation that keeps us safer from the threat of terrorism, but they also want their civil liberties protected. The version of the PATRIOT Act, which passed the Senate earlier this year with my support, struck that balance. Unfortunately, the conference report we have before us today does not. This conference report is invasive and vague. It takes focus off of preventing terrorism instead permitting government fishing expeditions that invade the privacy of all Americans.

My vote against cloture should not be seen as a parliamentary move to kill this bill. I am voting today to allow conferees more time to get it right. I join my colleagues in a bipartisan push to extend the current PATRIOT Act 3 months so that the problems that brought this bill down can be resolved. It is my hope that the distinguished majority leader allows us to move forward with a vote on this extension.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, let me agree with Senators who have spoken out very sharply in opposition to the disclosures in the press this morning about ''President Bush Lets U.S. Spy on Callers Without Courts.'' That is wrong, clearly and categorically wrong.

If you read some of the fine print, there are some indications that there were some level heads within the executive branch. If you get down into the fine print—it takes a lot of reading beyond page 1 and the other headlines—this appears:

> [I]n mid-2004, concerns about the program expressed by national security officials, government lawyers and a judge prompted the Bush administration to suspend elements of the program and revamp it.

Later the article says:

> Several national security officials say the powers granted the N.S.A. by President Bush go far beyond the expanded counterterrorism powers granted by Congress under the USA PATRIOT Act. . . .

There is no doubt that this is inappropriate. The chief judge of the Foreign Intelligence Surveillance Court stepped in and said: Don't provide this court with any information you got this way to get a warrant. Just don't do it.

So if you read the fine print, there were some parts of the system which were working. But it is inexcusable to have spying on people in the United States without court surveillance in violation of our law, beyond any question. And I can tell you that this will be a matter for oversight by the Judiciary Committee as soon as we can get to it in the new year—a very high priority item.

I might add, by way of addendum, that on a morning when we come to have a vote on the PATRIOT Act, it is a little disconcerting to see these headlines. It is not very good publicity with a broad brush as to what the Government is doing. The editorials are frequently published on the day the Senate is to vote. Somebody suggested that the news story, which had been held back by more than a year, was timed as well. I certainly would not want to suggest that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania yields back.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield 2 minutes to the distinguished Senator from New Hampshire, Mr. SUNUNU.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. SUNUNU. Thank you, Mr. President.

As was indicated by Senator CRAIG, this is not a last-minute effort to derail a piece of legislation. These are concerns that began with the introduction of the SAFE Act nearly 2 years ago and our goal was and still is to make improvements to the PATRIOT Act, and to ensure that it better protects civil liberties without undermining law enforcement's ability to do their job in terrorist investigations.

I met with the Attorney General after he was confirmed. I know Senator CRAIG and others did the same thing. I spoke to senior White House staff not weeks, or months, but as long as a year ago and underscored the importance of sitting down and working through the legislation. I made very specific recommendations in just a few key areas of the PATRIOT Act and indicated that we could come to an agreement on a strong bipartisan bill.

I heard effectively nothing in response to that request. Moreover, even after all of our requests, no substantive material has been provided to argue how our specific changes would weaken or undermine law enforcement's ability to do its job in pursuing terrorists. A standard should be to put in place which will protect civil liberties no matter who holds the power in the executive, the legislative or the judicial branches.

So we are here today with a conference report that has many shortcomings, including a 215 standard that is too broad and could potentially be abused. There is no reason why we cannot clarify it to assure a connection to a specific spy or a terrorist. The conference report also has no meaningful judicial review of national security letters. Specifically there is a gag order requirement on national security letters that can only be overturned by a showing of bad faith on the part of the Federal Government. This is a requirement that will never be met by any individual or small business.

There is no judicial review explicit of the 215 gag order in the bill. This section requires that all evidence from the recipient of a 215 order is kept, even if that evidence is unclassified. It requires that if you are the target of one of these orders you must identify any lawyer you speak with to the FBI. To the best of my knowledge, this is a provision that exists nowhere else in law and could have a chilling effect on the individual's right to counsel. But more importantly it is unclear how eliminating this provision, and allowing one who receives a 215 warrant or national security letter to have the same right to counsel as anyone who is served with a normal subpoena undermines our ability to fight terrorism. We should not be afraid of a judicial review or setting the appropriate standards of evidence. We need to be mindful of Ben Franklin's words over 200 years ago: Those who would give up essential liberty in the pursuit of a little temporary security deserve neither liberty nor security.

We could pass a 6-month extension or take up the Senate bill which is on the calender and still respect important freedoms. We need to be more vigilant and we can do better.

Mr. LEAHY. Mr. President, I yield up to 3 minutes to another member of the

conference, the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. I thank my friend from Vermont.

Mr. President, when this bill left the Senate, under the leadership of Senators SPECTER and LEAHY, we had a balanced bill with provisions which protected both our security and our liberty. We are all very much in their debt for the bill that left the Senate a few months ago. But what now has come back to the Senate is a bill which contains provisions which could sweep into the net of a fishing expedition the most private records of innocent Americans. The conference report amends section 215 of the PATRIOT Act. This is one of many examples, and 3 minutes only allows one example. Section 215 permits the Government to seek court orders, to compel the production of any tangible thing, including library and medical records, in foreign intelligence investigations. Under the new provision, the Government need not describe, much less identify, a particular person to whom the records relate. The PATRIOT Act's standard in the conference report fails to narrow the scope of records that the Government can subpoena to less than the entire universe of records of people who, for instance, patronize the library or visit a doctor's office.

One example of that: The Government could seek all of a doctor's records, if it has an allegation that some unidentified patient of the doctor was sending money to an organization in the Middle East that was being looked at as part of a foreign intelligence investigation and the government thought that reviewing all of the records of that doctor might help identify that unidentified person.

Therefore, the Government argues, all of that doctor's records are relevant to a foreign intelligence investigation.

The same thing with library records; all of a library's records would be subject to being turned over to the Government if the Government has an allegation that somebody, one unidentified person, is using that library for some purpose; for instance, its computer, to have access to some organization in the Middle East that is involved in a terrorist organization. Everybody's library records would be swept into that net.

When this bill left the Senate, it had protective provisions against that. There had to be a showing, not just of relevance to a foreign intelligence investigation, there had to be a showing that the records sought were relevant and either pertained to a foreign power or an agent of a foreign power, were relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation, or pertained to an individual in contact with or known to be a suspected agent. In other words, the order had to be linked to some identifiable individual or suspected agent. Those protections are missing.

This is not the first time that Congress has addressed this issue. For instance, the Internal Revenue Code places limitations on what it calls ''John Doe'' summons for the production of certain taxpayer records.

Under 26 U.S.C. 2709 any summons which:

> Does not identify the person with respect to whose liability the summons is issued may be served only after a court proceeding in which the Secretary establishes that—
>
> (1) the summons relates to the investigation of a particular person or ascertainable group or class of persons,
>
> (2) there is a reasonable basis for believing that such person or group or class of persons may fail or may have failed to comply with any provision of any internal revenue law, and
>
> (3) the information sought to be obtained from the examination of the records or testimony (and the identity of the person or persons with respect to whose liability the summons is issued) is not readily available from other sources.

Some kind of narrowing language should be included in the Patriot Act for 215 orders. Without it, the PATRIOT Act authorizes the rankest kind of fishing expedition.

In addition to the problem with the standard for issuing 215 order, a gag order can be imposed by the FBI to prevent the library from telling people that their records were turned over. That means innocent Americans might never know that the government was looking into their reading habits or medical records. Further, while some argue that the recipient of a gag order could challenge that gag order in court, the conference report is not at all clear on this point. During staff negotiations, language that would have clarified the right to challenge a gag order was rejected. The idea of a permanent, unreviewable restraint on the First Amendment rights of American citizens is deeply troubling.

To add insult to injury, if the library wanted to seek legal advice, this conference report requires the library to tell the government who it had consulted even if the lawyer consulted had turned down the case.

The conference report is similarly flawed in its treatment of National Security Letters or NSLs. NSLs compel phone companies and banks, for example, to turn over certain customer records. The government can issue an NSL without going to court. And, like 215 court orders, NSLs can be issued without identifying anyone in particular that the government suspects is a terrorist or spy. Again, the government does not have to show any connection between the records sought and a person who the government thinks is a terrorist or spy. And like 215 orders, the government can impose a gag order on the recipient of an NSL.

While the conference report does permit recipients of NSLs to challenge gag orders in court, it severely constrains the court's discretion to review the gag order, potentially rendering the review meaningless. Under the conference report, if the Attorney General or another specified senior official certifies that disclosure may endanger national security or harm diplomatic relations, the court may modify or set it aside it only if it finds ''bad faith'' on behalf of the government.

And, like 215 court orders, if the recipient of an NSL wanted to seek legal advice before turning over records, the conference report would require the recipient to tell the government who they had consulted.

Also troubling about the NSL authority is that there is no requirement that the government destroy records acquired with an NSL that are irrelevant to the investigation under which they've been gathered. These are records that relate to innocent Americans. The government should be required to destroy them if they contain no relevant material.

I outlined many of my concerns in a December 7th letter to the Chairman and Ranking member of the Senate Judiciary Committee. I'd ask consent that a copy of that letter be placed in the record.

As I and my fellow Senate Democratic conferees said in a December 8th letter to the Chairmen of the House and Senate Judiciary Committees, the conference report falls short of what the American people have every reason to expect Congress to achieve in defending their rights while advancing their security. Congress should not rush ahead to enact flawed legislation to meet a deadline that is within our power to extend. We owe it to the American people to get this right. If three more months are needed to make this an acceptable bill, then we should take and prudently use that time.

I ask unanimous consent to have printed in the RECORD a letter dated December 7, 2005.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 7, 2005.

Senator ARLEN SPECTER,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

Senator PATRICK LEAHY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SPECTER: The USA PATRIOT Act responded to the terrorist attacks of September 11th by giving law enforcement agencies important new tools to use in combating terrorism. However, as I said when the Senate passed the bill, the PATRIOT Act is not perfect. The bill's sunset provisions give us the opportunity to revisit the law so we can both protect national security and the civil liberties of American citizens.

As we have discussed, I am troubled that, in some important areas, the most recent draft of the conference report fails to achieve that goal. Some of my concerns are described below.

Standard for 215 court orders—The bill passed by the Senate achieved a reasonable middle ground between the standard that existed prior to the PATRIOT Act and that

which the PATRIOT Act established for the FBI to access sensitive records of American citizens with Section 215 orders. These orders can compel things like library records that reveal the reading habits of American citizens and sensitive medical records. While technical changes to the Senate-passed language may be warranted, I am concerned that the draft conference report eliminates the nexus required in the Senate-passed bill between the records sought and the target of an investigation. I believe that the relevance standard, which the conference report would instead establish for access to these records, does not cure the problem.

Nondisclosure requirements for 215 court orders—The most recent draft conference report permits the Federal Bureau of Investigation (FBI) to attach nondisclosure requirements to a 215 court order but does not permit recipients of such orders to challenge those nondisclosure requirements in court. I am troubled by what could amount to a permanent, unreviewable restraint on the First Amendment rights of American citizens. I am also troubled that, while the draft permits recipients of 215 orders to disclose the receipt of such an order to a lawyer to obtain legal advice, it requires recipients to tell the FBI, if asked, from whom they have sought or plan to seek legal advice on how to respond to the order.

Nondisclosure requirements for National Security Letters (NSLs)—The most recent draft conference report permits recipients to challenge nondisclosure requirements attached to NSLs. However, under the draft report, the court may only modify or set aside an NSL nondisclosure requirement if there is no reason to believe that disclosure may endanger national security, interfere with an investigation, diplomatic relations or endanger the life or physical safety of a person. In addition, if the Attorney General or another specified senior official certifies that disclosure may endanger national security or harm diplomatic relations, the court's discretion to modify or set aside the nondisclosure requirement is virtually eliminated. In addition, like 215 orders, the draft permits recipients to disclose the receipt of an NSL to a lawyer to obtain legal advice, but also requires recipients to tell the FBI, if asked, from whom they have sought or plan to seek legal advice on how to respond to the order.

Destruction of irrelevant NSL records—The latest draft conference report contains no requirement that the government destroy records acquired with an NSL that are irrelevant to the investigation under which they were gathered. The government should be required to ''minimize'' the records of innocent American citizens that are acquired though the issuance of an NSL.

Thank you for your consideration.

Sincerely,

CARL LEVIN.

Mr. LEAHY. Mr. President, I ask unanimous consent that an additional 5 minutes be given to each side.

The PRESIDING OFFICER. Is there objection to adding 5 minutes to each side?

Mr. SPECTER. Mr. President, if they need more time, I am glad to agree with the distinguished ranking member.

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

Mr. LEAHY. Mr. President, I yield 4 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Vermont, not only for yielding time but for his tremendous leadership on this issue. I am deeply grateful for it.

Let me echo what Senator KENNEDY said.

This morning we saw an astounding story in the New York Times. Since 2002, the Government has been reportedly wiretapping the international phone and e-mail conversations of hundreds, even thousands of people inside the United States without wiretap orders. If you want to talk about abuses, I can't imagine a more shocking example of an abuse of power, to eavesdrop on American citizens without first getting a court order based on some evidence that they are possibly criminals, terrorists, or spies. It is truly astonishing to read that this administration would go this far beyond the bounds of the statutes and the Constitution. We, as an institution, have a duty and the obligation to get to the bottom of this.

I hope this morning's revelation drives home to people that this body must be absolutely vigilant in its oversight of Government power. I don't want to hear again from the Attorney General or anyone on this floor that this Government has shown it can be trusted to use the power we give it with restraint and care. This shocking revelation ought to send a chill down the spine of every Senator and every American.

When we look at section 215 of the PATRIOT Act, remember this is the section where Attorney General Ashcroft once said that librarians concerned about the privacy rights of their patrons were ''hysterical.'' But then the Attorney General conceded at his nomination hearing in the Senate Judiciary Committee that some changes would be justified. Unfortunately, the administration was not willing to make the real changes to that provision that are necessary to protect the rights and freedoms of innocent Americans.

The provisions of the bill related to national security letters are also deficient. There is no requirement that the records sought under that authority, which doesn't involve a court at all, have some connection to a suspected terrorist or spy. The judicial review that the conference report allows after the fact of the national security letter itself and the mandatory gag order is a mirage. After what the Times reported this morning, no one in this body should be comfortable with a government having this kind of unreviewable power.

This conference report is inadequate, and it should not be passed. I believe it will not pass.

Let me talk, finally, to what happens if the cloture motion fails. Do those who oppose the conference report want the PATRIOT Act to expire? Of course not. It is false to suggest that we do, and it is shameful to threaten that that is what will happen if the Senate does not approve this conference report. The only way the PATRIOT Act will expire at the end of this year is if the proponents of the conference report in this body or the other body block alternative reauthorization bills that can easily pass with widespread bipartisan support. Now is not the time for brinkmanship or threats. Now is the time to do the right thing for the American people and for the constitutional rights and freedoms that make our country great.

I am very proud to be part of a bipartisan coalition working together to strengthen protections for civil liberties in the PATRIOT Act. The demonstration of bipartisanship on this floor over the last few days has been simply remarkable. We have stayed together ever since our bill, the SAFE Act, was first introduced. We knew that a time would come when we would have to take a stand. Now we have. We are united today, as we were then.

This is not a partisan issue. This is an American issue. This is a constitutional issue. We can come together to give the Government the tools it needs to fight terrorism and protect the rights and freedoms of innocent citizens, and we can do this before the end of this year. But first we must keep this inadequate conference report from becoming law by voting no on cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield up to 3 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. SALAZAR. Mr. President, once again I thank the distinguished Senator from Vermont and the distinguished Senator from Pennsylvania for their leadership on this effort. I wish to take this opportunity to once again express my serious concerns about the PATRIOT Act conference report that is currently before the Senate.

As I stated yesterday, as a former attorney general, I am very familiar with the needs of the more than 800,000 men and women working in law enforcement throughout our country, including those engaged in the fight against terrorism. For that reason, I support extending all the expiring powers of the USA PATRIOT Act.

I firmly believe we can extend those powers while at the same time providing sufficient checks on those powers to protect America's fundamental civil liberties. That is what the bipartisan SAFE Act did. That is what the bipartisan, unanimously supported Senate bill did. That is what this conference report could have done if it simply addressed the modest concerns my colleagues and I laid out in our letter to conferees with respect to section 215, national security letters, and sneak-and-peek searches.

Unfortunately, these concerns were not addressed in the conference report, and I am left with no choice but to

work with my colleagues, both Democrats and Republicans, to defeat the bill before us.

This morning, the Washington Post and New York Times reported that President Bush signed an Executive order authorizing the National Security Agency to eavesdrop on American citizens without a warrant. These reports suggest that the phone calls and e-mails of hundreds, perhaps even thousands, of Americans have been monitored over the past 3 years without the approval of a judge or even the approval of the secret FISA court. These allegations, if true, are deeply troubling. If we needed a wake-up call about the need for adequate civil liberties protections to be written into our laws, this is the wake-up call.

The bill before us does not contain the needed protections. We still have the time to get it right. Several of my colleagues and I have introduced legislation to extend the current PATRIOT Act for 3 months so we can get back to the table and make the necessary and vital improvements that will protect our rights under our Constitution.

I urge my colleagues to vote against invoking cloture and in favor of giving Congress the time it needs to preserve the basic rights and freedoms of all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, permit me to interject very briefly just to correct some of the misstatements which have been made that crop up again and again. This bill is not understood. This bill is not understood by Senators who are making representations on the floor which are not correct. I don't suggest they are doing it deliberately, but they don't know the bill.

The argument has been made that the recipient of a national security letter has to tell the FBI the identity of his lawyer. That is simply not true.

The conference report reads:

> In no circumstance shall a person be required to inform the Director of the FBI or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.

The representation is made here again and again that in section 215, there does not have to be a connection to a terrorism investigation or someone suspected of being a terrorist. The conference report does add a provision to the three criteria for foreign power, but the court has to make a determination on a factual showing that there is a terrorism investigation that does involve foreigners and that records are sought from another person, albeit not identified with one of the three criteria, in order to carry on the investigation.

Again and again, the essence of the protection of civil rights traditionally has been that you interpose an impartial magistrate between the policeman and the citizen, and that protection is given under section 215.

The argument has been made repeatedly that under the national security letter, there is no review. That is simply not the case. The recipient goes to a lawyer who can challenge the national security letter in court and have it quashed, eliminated, dispensed with, on a showing that it is unreasonable.

If you get to the national security issue, then it is different with respect to a bad-faith showing. There is judicial review beforehand on the very broad term of being unreasonable, which is a hallmark of American law in auto accident cases and antitrust cases every time you turn around. The reasonable standard is traditional under our law.

I yield to the Senator from Arizona, who has requested 2 minutes, and he can take whatever time he chooses.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I compliment the Senator from Pennsylvania on a job exceedingly well done in trying to find a way that we can reauthorize the PATRIOT Act, with very emotional feelings on all sides of the issue and working through very difficult compromises, especially after the conference committee in which it would appear to me—and I think even our colleagues who oppose the bill would agree—the end result is probably about 80 percent Senate product and about 20 percent House product.

This is a defining moment. There are no more compromises to be made, no more extensions of time. The bill is what it is now, and it is very unfair and unrealistic to expect that either the House of Representatives would concede to the Senate position 100 percent or that the President would do so after what he has now said. As a result, we are going to have an opportunity to vote yes or no.

One of my colleagues said this is not a partisan issue. If 90-plus percent of the Democrats vote against cloture and 90-plus percent of the Republicans vote for cloture, it is hard to argue that is not partisan. It is true that this should not be a partisan issue, but having worked through it to the extent we have, and having had the very strong support in the House of Representatives with over I think it was 44 Democrats in the House of Representatives voting for reauthorization of the PATRIOT Act, it seems to me that the Senate would do well to also try to act here in a more bipartisan way and not to have a partisan vote.

We need to reauthorize the PATRIOT Act. It is the tool for our law enforcement and intelligence agencies to help protect us from terrorists. Just as we send our men and women into battle with good training and equipment, we have to do the same thing with law enforcement and our intelligence agencies. If we deny them the key tool, the PATRIOT Act, they are not going to be able to do their job to protect us. And there is no more time to stretch this out with maybes or let's negotiate more, and so on. This act will expire on December 31. My colleagues either vote yes to reauthorize it or no, not to reauthorize it. There is no middle ground.

I will say this as directly and seriously as I can. I doubt there is anyone in this Chamber today who would argue with the proposition that we needed to tear down the wall between the law enforcement and intelligence agencies. The PATRIOT Act does that. The wall goes right back up again on January 1. Is that what we want? God help us if there is some kind of terrorist attack when we are not protected by the PATRIOT Act and the act could have enabled our law enforcement or our intelligence people to help protect us. We will have to answer for that if we don't vote to extend the PATRIOT Act.

I implore my colleagues to put partisanship aside, to consider the fact that not everybody can get 100 percent of what they want, to recognize that the House of Representatives has made a tremendous concession to us, whether you talk about the period of time, the section 215 concessions, and, of course, the sunset concessions.

I found it very difficult myself to sign the conference report because, frankly, we had made it so difficult for law enforcement to do its job with some of the compromises that were made, but they were made in order to achieve a consensus on which we could vote. Now we find that consensus in jeopardy.

Mr. President, I urge my colleagues to think very carefully about what they are about to do. If they vote against cloture, they are voting to allow the PATRIOT Act to expire. We will not have that tool available for law enforcement and intelligence agencies to protect us from terrorists. Is that what you want? I daresay the American people will hold us accountable if anything happens and we are not able to reauthorize the PATRIOT Act.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before the Senator from Arizona sits down, I wish to ask him a question to further elaborate upon a point he has made.

The President has said that he is not going to sign an extension of 3 months or, by implication, any extension of time. So if the conference report is not adopted so the President can sign it, there will be no PATRIOT Act in effect after December 31.

The Senator from Arizona has talked about the wall.

The Senator was on the Intelligence Committee the day he came to the Senate. He was elected in 1994. I chaired the Intelligence Committee of the 104th Congress. He has been on it. He has been on Judiciary. He has been a leader on this measure. As the Senator said, he had trouble signing the conference report. By the way, I thank him for signing the conference report. Without his signature, we could not have filed it.

As to the other provisions beside the wall, if the PATRIOT Act lapses, and there is none, what will the effect be on the fight against terrorism?

Mr. KYL. Mr. President, I thank the chairman for his remarks. We know of two stories that the 9/11 Commission wrote following the investigation into what went wrong. What they found was that there was not only the wall that separated our intelligence and law enforcement officials from being able to speak to each other, but other problems with the law that we corrected with the PATRIOT Act. Had the PATRIOT Act been in effect prior to 9/11, it is possible that not all of or even part of 9/11 would have happened.

There are two specific stories. One related to Zacarias Moussaoui, the other related to two fellows by the name of Hazmi and al Mihdhar. These were the fellows who used library computers to verify their airline reservations on 9/11. We knew that they were connected—well, one agency with the Government knew that they were connected with the al-Qaida. The other agency knew that they had tried to come into the United States and decided that maybe we should try to find them but had no idea how important it was to try to find them. And had we been able to be on their tail at this time and find out that they were verifying airline reservations on September 11, knowing that they were connected to al-Qaida and were up to no good, history might well be different than it is today.

How on Earth we could allow the corrections in the law that we put in place as a result of our investigation to lapse is beyond me. The terrorists have not stopped their efforts to attack us, and largely we have been free from attack because of things such as the PATRIOT Act.

So the chairman is exactly right. We corrected the errors that were brought to our attention that prevented us from doing what needed to be done before September 11. That is what this PATRIOT Act conference report is all about. The act needs to be reauthorized. Our people need that tool to protect us. Why would we allow it to lapse, especially on a partisan basis? We need to think very carefully about what we are about to do. I hope for the sake of the American people and our security that the Senate will act responsibly and ensure that the PATRIOT Act will continue to protect us and not allow it to lapse.

Mr. SPECTER. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, as I said earlier, I do not question the patriotism or the intent to stop terrorists of either those who vote for or those who vote against cloture. I hope others would not. If we wanted to make this a partisan thing, we could have brought out the fact that even under the laws that existed before 9/11, it was this administration's Department of Justice that ignored clear warnings and evidence that they had, which the 9/11 Commission and others have pointed out might well have prevented the terrorist attacks. That could have been done with or without the PATRIOT Act.

All of us rallied behind the administration, even though the attack occurred during this administration and the attack occurred even though this administration's Department of Justice had information which might have stopped the attack.

I yield 3 minutes to the distinguished Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. SCHUMER. Mr. President, first I want to thank both my colleagues from Pennsylvania and from Vermont for their fine efforts on this legislation. I went to bed last night unsure of how to vote on this legislation. I want to give a lot of credit to my colleague from Pennsylvania. This is a significant improvement over present law. It is a significant improvement over the House bill and comes a lot closer to the Senate bill than many are giving it credit for. On the other hand, even before last night, I had real doubts that we did not correct the formula in terms of distributing aid which definitely hurts my State of New York. But as I said, I went to bed undecided.

Today's revelation that the Government listened in on thousands of phone conversations without getting a warrant is shocking and has greatly influenced my vote. If this Government will discard a law that has worked well for over 30 years, without a whit of discussion or notice, then for sure we better be certain that we have safeguards on that Government. The balance between security and liberty is a delicate one, and there is great room for disagreement as to where that ought to come down.

I do not question the motives of anybody. I tend to be fairly hawkish on these types of things, as my colleagues know. But there is one thing for sure: there ought to be discussion, there ought to be debate. Whenever there is discussion and debate, we usually come out right, and that is true on the wiretap law. When J. Edgar Hoover and other leaders of the FBI had unchecked power, there were abuses. We put in an independent arbiter, a judge. We put in a standard, probable cause, and neither the prosecutor community nor the defense community has complained.

So then why, with the flick of a wrist, did this administration ignore those laws and listen in on conversations of hundreds of people when it would have been so easy to obey the law? Today's revelation makes it crystal clear that we have to be very careful, and Senator LEAHY's suggestion that we renew the present law for 3 months and come to an agreement like we did in the Senate that all can live with is eminently sensible.

One final point. My good friend from Arizona and I respect the sincerity on this issue. We have written parts of this law together, particularly the lone wolf provision. But he says that we will have no law if we do not vote for cloture.

I ask unanimous consent for an additional 30 seconds.

Mr. LEAHY. Yes, with 30 given on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 30 minutes.

Mr. SCHUMER. Thirty minutes, I will take that.

The PRESIDING OFFICER. The Chair is out of order. The Senator is recognized for 30 seconds.

Mr. SCHUMER. I thank the chair for his generosity.

If cloture is not invoked and the opportunity to renew this law for 3 months or 6 months comes before us, and the President vetoes it, it will be crystal clear that he is putting politics above safety because the bottom line is, the present law is, if anything, tougher than the law that is on the books.

Let us not invoke the threat that the President will not extend the PATRIOT Act. It would be a dereliction of his duty as Commander in Chief and chief law enforcement officer of this land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it has been claimed that somehow the so-called wall between law enforcement and intelligence would go back up if the PATRIOT Act expires. That is not true. Even if the relevant change made by the PATRIOT Act expired, there would be no legal barrier to information-sharing, and no wall would go back up, because FISA as it existed pre-PATRIOT Act contained no such barrier. So ruled the FISA court of review in November 2002 at the request of the government. It held that the change we made in the PATRIOT Act to take down the wall was not necessary, that FISA never required a wall, and that the Department of Justice unnecessarily imposed bureaucratic constraints on sharing information. So let us not delude ourselves into thinking that somehow the wall goes back up if PATRIOT expires. It does not. It was not legally required in the first place.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 48 seconds.

Mr. LEAHY. I yield it to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Vermont for yielding

the time and for his leadership on this issue. I voted for the PATRIOT Act. It was a bit of a leap of faith because I was not sure. I did not know if we were giving the Government more authority and more power than it needed to keep America safe, but I felt, as most Americans did, that in light of September 11, we had to do more to make America safer.

The Senator from Vermont, along with the Senator from Utah, came together on a bipartisan basis and produced a PATRIOT Act to give the Government more tools to fight terrorism. In their wisdom, they understood that perhaps we had moved too far and too fast, and they said at the end of 4 years we would revisit this law and make sure that we had not given up more personal freedom in America than we had to be safe, and that is why we are here today.

In the meantime, I joined with a bipartisan coalition, an interesting coalition when one looks at our political spectrum in the Senate. I joined with my friend, LARRY CRAIG of Idaho, Senator JOHN SUNUNU, Senator LISA MURKOWSKI, Senator RUSS FEINGOLD, and Senator KEN SALAZAR in a bipartisan coalition that has been working to reform the PATRIOT Act for over two years. We studied the PATRIOT Act very carefully and came to the conclusion that certain provisions did not contain adequate safeguards to protect the rights and liberties of Americans. That is why we introduced the SAFE Act.

It was our efforts together in the Senate Judiciary Committee and the good leadership of the Senator from Pennsylvania as its chairman that resulted in a bill that came out of that committee unanimously. It was a bipartisan bill that came to the floor to reauthorize the PATRIOT Act and passed on the floor by a voice vote. It was not perfect, but it was a consensus, bipartisan, compromise bill. Then, sadly, it went into a conference committee where the most important safeguards were removed, which brings us to this moment in time.

Let me salute the Senator from Pennsylvania. He has argued this issue on its substance. He has not argued it politically. But he has said during the course of this debate that there have been no verified abuses of the PATRIOT Act. I would say to my friend from Pennsylvania, it is not the burden of the American people to prove that their rights have been violated. That's not how the American legal system works. We should build in checks and balances to ensure that abuses do not take place in the first instance.

Moreover, it is difficult to find verified abuses of the PATRIOT Act when so many provisions are cloaked in secrecy. In most cases, people will never learn that their medical, tax, or gun records have been seized. An individual who receives a Section 215 order or a National Security Letter is bound by a gag order so he cannot speak out, even if he believes his rights have been violated.

Now today's headlines suggest this administration went beyond the pale in authorizing hundreds and perhaps thousands of warrantless wiretaps on Americans in the United States. This violates the long-standing legal requirement that the government must obtain a warrant from a court in order to eavesdrop on Americans in the United States.

If these stories are true, it makes the PATRIOT Act reforms we have suggested even more urgent, and additional reforms may be necessary. But it is certainly premature to approve this flawed conference report before we learn more about these allegations.

The obvious question is this: Whether or not we pass the PATRIOT Act, will the administration argue they have the authority to go forward, anyway?

What we need to do is to defeat cloture, pass a 3-month extension of this PATRIOT Act, and move on to make changes to the law that are needed to protect our freedom while giving law enforcement the authority they need to fight terrorism. We can be both safe and free in America.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Pennsylvania has 47 seconds.

Mr. SPECTER. I shall use it. Another correction. The Senator from Illinois incorrectly says I have argued that there have been no abuses of the PATRIOT Act. I have never made that representation. I don't think you are entitled to credit for not being abusive. That is to be expected. If you have not been abusive, don't look for credit. That is what you ought to be: not abusive. I have not made that argument.

My arguments have been limited squarely to the threat of terrorism, and the balance of civil liberties on an itemized approach, one by one by one by one, that this is a balanced bill.

How much time do I have?

The PRESIDING OFFICER. The Senator has 5 seconds remaining.

Mr. SPECTER. I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded under the previous order.

Mr. FRIST. Mr. President, on leader time?

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the PATRIOT Act expires on December 31, but the terrorist threat does not. We have a clear choice before us today: Do we advance against terrorism to make America safer or do we retreat to the days before 9/11, when terrorists slipped through the cracks. Advance or retreat? It is as simple as that.

Some Members of Congress have called for a retreat-and-defeat strategy in Iraq, and that is the wrong strategy in Iraq, and it is the wrong strategy here at home. A vote against the PATRIOT Act amounts to retreat and defeat here at home, against terrorism. To those who still harbor concerns with this bill, I have a simple reply: We have more to fear from terrorists than this PATRIOT Act compromise.

The compromise includes more civil liberty safeguards than in current law, more congressional oversight, more judicial review. The same people who criticize the lack of civil liberties in current law are arguing for a 3-month extension. That makes no sense.

It is time to come together to advance, not retreat, from terrorist threats. I urge my colleagues to vote yes, to advance against terrorism, to make America safer, and to safeguard our civil liberties.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 3199: The U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005:

Chuck Hagel, Jon Kyl, John McCain, Richard Burr, Conrad Burns, Pat Roberts, John Ensign, James Talent, C.S. Bond, Johnny Isakson, Wayne Allard, Norm Coleman, Kay Bailey Hutchison, Mel Martinez, John Thune, Jim DeMint, Jeff Sessions, Bill Frist, Arlen Specter.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 3199, the U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—52

Alexander	DeWine	McConnell
Allard	Dole	Nelson (NE)
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Burr	Hatch	Specter
Chafee	Hutchison	Stevens
Chambliss	Inhofe	Talent
Coburn	Isakson	Thomas
Cochran	Johnson	Thune
Coleman	Kyl	Vitter
Collins	Lott	Voinovich
Cornyn	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—47

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Frist	Murray
Biden	Hagel	Nelson (FL)
Bingaman	Harkin	Obama
Boxer	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Corzine	Lautenberg	Schumer
Craig	Leahy	Stabenow
Dayton	Levin	Sununu
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NOT VOTING—1

Dodd

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I now enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion to reconsider is entered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I discussed this with the distinguished majority leader. I will make this unanimous-consent request.

UNANIMOUS-CONSENT REQUEST—S. 2082

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2082, the 3-month extension of the PATRIOT Act, that the Senate proceed to its immediate consideration, the bill be read a third time and passed, and the motion to reconsider be laid on the table. And I do that because that would keep the PATRIOT Act in existence after December 31.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, as I stated earlier this morning and yesterday, I oppose a short-term extension of the PATRIOT Act. The House opposes such an extension. The President will not sign such an extension. Why? Because extending the PATRIOT Act for a short period of time simply does not do enough. The same people who criticized the lack of civil liberties safeguards in current law are arguing for an extension. That does not make sense.

This compromise we have discussed over the last several days does address more civil liberty safeguards than current law, more congressional oversight, more judicial review. Thus, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, we are at an interesting point. We have seen an enormous amount of work done by the distinguished senior Senator from Pennsylvania, who has worked in good faith with members on both sides of the aisle; and, I might say, it has been done with a great deal of work by myself, but also it has been done with a great deal of work by those who both supported cloture and opposed cloture.

Now, one thing that should unite all of us is our opposition to terrorism. We would not serve in this body, actually in this building that faced a possible devastating terrorist attack, if we did not care both for our country and for the Senate and for the Capitol.

But there are ways of securing our liberties and ways in which it can appear we are but, instead, we are taking them away. We saw this amazing step in today's news, where Americans are being spied on, not through any court order, not through any act of Congress, not with any oversight, not with any check and balance, but simply by a stroke of the pen of the President, following the advice of the same people in the Department of Justice who advised him that torture was legal.

We have rejected the concept that torture is legal. We should reject the concept that we can have Americans spy on Americans with no checks and balances in a free and democratic Nation such as ours. What we want—and I have written many parts of the PATRIOT Act—and what we should have is checks and balances. A democratic nation does not exist without them.

I would hope Republicans and Democrats would come together, and the administration, and find a way to go forward with those things that protect America. But ultimately, America is most protected when we have the checks and balances that protect our liberties, the liberties we fought a Revolution to gain, and fought a Civil War and two World Wars to preserve. We can do that. There are cooler heads here. There are distinguished Senators from both parties who can bring this about.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the PATRIOT Act remains on the floor. I switched my vote in order to recommit. So in essence, it is 53 to 47. I simply ask that debate continue. Let everybody look at what is in the bill. We have had excellent debate the last couple of days. What this vote has basically said is that we don't stop debating it. I encourage people, especially those who voted against cloture, to take advantage of this opportunity to discuss and debate and come forward. We remain on the PATRIOT Act, and the vote right now speaks for itself. We accept that. But the debate will continue on this very important bill. Again, we will not see a short-term extension.

I yield the floor.

Mr. KERRY. Mr. President, today I voted against cloture on the PATRIOT Act reauthorization conference report. I want to make clear that this vote was not about whether I support reauthorizing the PATRIOT Act—I do. This vote was about whether I thought that the significant and unnecessary invasions into the privacy rights of all Americans were necessary to protect our national security—I do not.

Last July, the Senate passed by unanimous consent a PATRIOT Act reauthorization bill. I supported that bipartisan, compromise bill. Even though it did not contain all the privacy protections I would have liked, it took a lot of steps towards improving the problems in the PATRIOT Act that have become evidence since its passage. If that bill was on the floor today, I would support it.

But it is not. What we do have on the floor is a conference report that fails to address some of the most serious problems with the PATRIOT Act. For example, its version of Section 215 allows the Government to obtain library, medical, gun records, and other sensitive personal information on a mere showing that those records are relevant to an authorized intelligence investigation. That is it. Relevance is all that is required. The Senate bill, on the other hand would have established a three part test to determine whether the records have some connection to a suspected terrorist or spy. This seemingly small change will help prevent investigations which invade the privacy of American citizens that may have no connection to any suspected terrorist or spy. This is an important restriction.

In addition, unlike the Senate bill the conference report provides no mechanism for the recipient of a Section 215 order to challenge the accompanying automatic, permanent gag order. The FISA, Foreign Intelligence Surveillance Act, court reviews are simply not sufficient. They have the power only to review the Government application for the underlying Section 215 order. They do not have the power to make an individualized determination about whether a gag order should accompany it. So the recipient of a Section 215 order is automatically silenced forever. How is that fair? How is that consistent with our democratic principles?

The conference report doesn't provide judicial review of National Security Letters either. The Senate bill did. Judicial review is one of our best checks on unnecessary Government intrusion into individual privacy. Why deny it to our citizens?

Lastly, I would like to mention the problem with the conference reports provisions on the so-called sneak-and-peek search warrants. Unlike the Senate bill, the conference report does not include any protections against these warrants. Rather than requiring that the government notify the target of these warrants within 7 days, as the Senate bill did, the conference report requires notification within 30 days of the search. Thirty days. That is an awfully long time to go before learning that you have been the subject of a Government search.

These are just a few of the problems with the conference report. They are

the most significant problems. Those in support know that it is flawed, but they are creating artificial time pressure to force us to approve the bill, flawed as it may be.

I realize that 16 provisions of the PATRIOT Act are set to expire. I certainly do not want that to happen. But passing this conference report is not the only way to prevent their expiration. That is why I have cosponsored legislation to extend those provisions by three months to allow us time to fix the problems with the conference report. If that effort fails and the PATRIOT Act expires, the blame rests only with the White House and leadership that controls the House and the Senate. There was and remains a simple, unified way to get this done, and they rejected it.

There is no reason why we cannot be safe and free. The Senate bill accomplished this. And, I will keep working with my colleagues in the Senate to ensure that whatever legislation we ultimately pass to reauthorize the PATRIOT Act also accomplishes this.

Mr. REED. Mr. President, today the Senate was presented with a false choice on the conference report to H.R. 3199, the USA PATRIOT Act. That is why I voted against the motion to invoke cloture. There is a better way that gives us the time we need to thoughtfully debate some very weighty constitutional and civil liberty issues. With 90 percent of the PATRIOT Act already permanently authorized, we can and should extend the provisions expiring on December 31, 2005, for 3 months.

Let me be clear, those of us advocating for a 3-month extension support reauthorizing the PATRIOT Act. What we want to do is keep the law intact, exactly as it is right now, so that we can more carefully debate these important matters without feeling rushed by the impending adjournment of this session of Congress.

Like almost everyone in this Chamber, I voted for the PATRIOT Act shortly after the September 11 terrorist attacks. I believed the PATRIOT Act would bolster the ability of Federal authorities to conduct criminal and intelligence investigations, to bar and expel foreign terrorists from the United States, to separate terrorists from their sources of financial support, to punish acts of terrorism, and to assist victims of the events of September 11. While I had reservations about some parts of this legislation, the need to address the obvious threat, combined with the fact that many of the more untested provisions in the act were set to expire on December 31, 2005, prompted me to vote for the bill.

The provision of greater investigative authority to our Nation's law enforcement officials is a matter that raises many issues, most particularly, the need to balance Government power and civil liberties. Certainly, there is a great onus upon the Department of Justice, DOJ, to utilize the awesome authority of the PATRIOT Act in a circumspect and cautious manner. At the same time, Congress has a responsibility to conduct vigorous oversight on the use of the PATRIOT Act's powers and to carefully debate any changes to these powers.

In the spring, in anticipation of the impending need to reauthorize the sunsetting provisions of the PATRIOT Act, I cosponsored S. 737, the Security and Freedom Enhancement, SAFE, Act of 2005. This thoughtful, bipartisan legislation was introduced by Senator CRAIG on April 6, 2005, and seeks to revise and improve—not eliminate—several of the more controversial provisions of the PATRIOT Act, including roving wiretaps, sneak-and-peek searches, and FISA orders for library and other personal records.

Many of the proposed revisions to the PATRIOT Act in S.737 were ultimately incorporated in some form into S. 1389, the Senate version of the PATRIOT Act reauthorization. S. 1389, the USA PATRIOT Act Terrorism Prevention Reauthorization Act, passed by unanimous consent in July and the Senate immediately appointed conferees so that the House and the Senate could begin discussing their very different visions of the reauthorization. Unfortunately, the House waited until November to appoint its conferees, which in large part is why we are now in the position of having very little time to debate and resolve the differences between the two bills.

The Senate's version of the PATRIOT Act attempted to deal with many of the civil liberties issues that have come to the fore since the passage of the PATRIOT Act. In particular, S. 1389 would require that the Department of Justice convince a judge that a person is connected to terrorism or espionage before obtaining their library records, medical records, or other sensitive information. It would require that targets of sneak-and-peek searches are notified within 7 days, instead of the undefined delay that is currently permitted under the PATRIOT Act. The Senate bill also would prohibit the issuance of ''John Doe'' roving wiretaps, which identify neither the person nor the place to be put under surveillance.

Additionally, S. 1389 would give the recipient of an order for sensitive personal information the right to challenge the order in court on the same grounds they could challenge a grand jury subpoena, as well as provide a right to challenge the gag order that currently prevents people who receive a request for records from speaking out even if they feel the Government is violating their rights. The legislation also requires increased reporting by the DOJ on its use of PATRIOT Act powers and sets a 4-year sunset on three provisions regarding roving wiretaps, business record orders, and ''lone wolf'' surveillance.

Unlike the Senate bill, the House version proposed to permanently reauthorize all but two of the expiring provisions—instead it sunsets FISA orders for library and other personal records and the roving wiretap provision after 10 years—and placed few, if any, limits on many of the expanded law enforcement powers in the PATRIOT Act.

Unfortunately, the conference report has removed or weakened some of the most important limits on enhanced investigative powers in the Senate bill, particularly those relating to FISA orders for library, medical, and other types of business records about people, National Security Letters, and notification of sneak-and-peek searches. We need to reauthorize the expiring provisions of the PATRIOT Act, but we need to do so with procedural safeguards like those in the Senate bill.

The Senate is known as the more contemplative body in Congress for a reason, and I think we should take the time we need to truly debate and discuss some important civil liberties issues that the conference report implicates. For this reason, I have cosponsored Senator SUNUNU's bill, S. 2082, which would extend the expiring provisions of the PATRIOT Act until March 31, 2006. I believe that 3 months is enough time for us to come back after the holidays and work out the differences between the House and Senate versions of the PATRIOT Act reauthorization. I would encourage all of my colleagues to do the same.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I rise to express my disappointment with the vote. This is a very important piece of legislation. It is important for our country. I wish to say how hard we worked to achieve bipartisan support. This bill came up in the Senate for reauthorization after 4 years and virtually no serious criticism of the workings of any of the provisions in it. There was a generalized view that we should, in fact, extend it.

We discussed it in the Judiciary Committee. Some of us who would like to strengthen a few provisions to protect this country from terrorists did not make much headway there, but we did achieve one thing: we achieved a unanimous vote in the Judiciary Committee—18 to nothing—to report this PATRIOT Act to the floor of the Senate. When it came to the floor of the Senate, we discussed it, and it was cleared by this Senate unanimously.

It went to conference. The House had a bill. We discussed it in conference. Senator SPECTER led our conferees. For those who wanted the Senate bill to win in toto, they were not perfectly happy. But as Senator SPECTER has

said, 80 percent of the bill was the Senate bill. Only a few things were given to the House Members out of the differences in the two pieces of legislation. It comes back here to be voted on. It is blocked from an up-or-down vote so it could be passed and made law before it expires at the end of this year.

A tremendous amount of effort and work has been placed into making this a piece of legislation we could all unite behind. We thought we did so. We went to conference, and we came out with a bill that is far more like the Senate bill than the House bill.

As someone who served in law enforcement for many years, I urge my colleagues to look at the language of the legislation. I don't believe there is a single investigative law enforcement technique in this legislation that is inconsistent with what we have been doing for years. The average county attorney in any city and county in America today can issue a subpoena for library records. The average county attorney can get medical records on one basis—is it relevant to an investigation that office is conducting? They don't have to get prior court approval to issue those subpoenas. It is done every day. So there has been confusion. I urge my colleagues to think about it.

With regard to the delayed notice search warrants, this law in not one whit changes the standards for a search warrant. You still have to have all the proof you have to conduct a search of someone's private property or house. You have to have that. It simply says that you could delay notice to the terrorist organization about what is going on. That is law today.

As a Federal prosecutor, I have sought approval of a court to delay the notification of a drug dealer. I saw a story recently about a Mafia investigation in the Northeast. They got a delayed notice warrant under basically American common law. There were no legal standards. Whatever the judge said about how long you would delay in notifying the bad guys is what went on in that case.

This bill for the first time sets forth statutory standards that must be approved. You must prove to the judge that it is important to the safety of the country or important to the safety of enforcing the law that the notification is delayed. So you don't get that automatically just because you ask it; you have to convince a court in advance of that.

The section 215 provisions require FISA court prior judicial approval. They require reports made to the Congress. They allow objections to be raised.

I urge my colleagues to go back and think about the vote you just cast in favor of this bill and review and see if there is anything that occurred in conference that in any way significantly alters or erodes the liberties this country has known and loved and is determined to protect. I urge my colleagues to do that. If they do, I believe they will feel very confident that there is nothing here that goes against what we believe is necessary to preserve the liberties with which we are familiar. Please do that. If you do, I think you will feel a lot better about it.

I would be glad to discuss any particular point you would raise. As we go forward, I hope people will feel comfortable in casting a positive vote for this legislation. It is critical that we not allow it to expire. We need to do this bill while we are here. But to continue to weaken the legislation, as some have asked, for beyond what we agreed to in conference is a mistake. We don't need to continue to weaken it. If we weaken it so much that it is not effective, then it is not a good idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

FAREWELL TO THE SENATE

Mr. CORZINE. Mr. President, I would like to give what I think will more than likely be the last speech I give on this great floor, this historic floor, in front of this deliberative body. I am grateful for your courtesies. It is with bittersweet feeling that I make these remarks.

I have been honored beyond words to be a United States Senator. I think all of us know that feeling in our hearts and souls. I will be forever grateful to the 9 million New Jerseyans who put their trust in me and asked Senator LAUTENBERG and myself, and others before us, to represent their hopes and dreams at this time and in this place.

In the 229 years of our Republic, fewer than 2,000 men and women have come to this floor and represented the voices of the people who elected them or selected them in previous times. And like each of my predecessors and those to follow, including Congressman ROBERT MENENDEZ, who will be sworn in to fill out my term, we have all been sworn to uphold and protect the Constitution.

I now look at the great Senator, ROBERT BYRD, who has so eloquently and so frequently represented the challenge that all of us take on as we are sworn in to be Senators to represent and carry forward those traditions of our Constitution and to serve the interests of our people. So there are really two purposes. I can only hope that the people of New Jersey will believe that has been my sole purpose here on this floor.

Now as I take my leave, I guess there will be some folks who will say some nice things about me, and they have. That is a little bit different than in the last days of the campaign. It reminds me of a Jack Benny story. He was giving a presentation and listening to the presenter praise him at length. He said, ''I don't deserve this award, but I don't deserve diabetes either.'' I will take the compliments and the kind remarks. I very much appreciate it.

I want you to know that I cherish the friendships I have established with the men and women here. I admire the debates—I don't always agree with all of my colleagues—but I always respect and admire the commitments of the men and women who sit on this floor. And I add that it is on both sides of the aisle, not just my friends in the Democratic Party. Believe me, some of the remarks I have heard in the last few days are a little different than they were 6 years ago when I ran for my good friend Senator LAUTENBERG's open seat at that time. Ross Baker is a commentator on the national political scene, and he teaches at Rutgers. He told one reporter that the people in New Jersey don't know JON CORZINE from a cord of wood. Hopefully, we have gotten a little farther down the pike than a cord of wood.

This has been one of the most remarkable experiences anyone could ever dream of having. I came here for a clear purpose. I believe in American citizenship and the rights we have. We certainly have incredible opportunities in this Nation—I have experienced many of them—but it comes with responsibilities. To those of us whom much is given, much is required. I know that I had no chance to succeed in life without the kind of great support I have had from my community, my Nation, and my friends. That is why one comes here—to give back, to fight for fairness and the opportunity for all.

Senator DURBIN knows of the little town in which I grew up. Like so many of you, I have lived the American promise. It is a little town in central Illinois called Willy Station, with a population of less than 50. In fact, there are more cows than people there. My father was a corn and soybean farmer. He sold insurance. My mom was a schoolteacher. To have a chance to walk on the floor of the Senate and represent the interests of a great State that is really entirely different than the background from where I came represents the American promise. I believe in it, and I believe we have a responsibility to give back.

Both of my parents were good Republicans, Senator DURBIN. My mom still is, by the way. I am not sure if she voted for my friend. She had big dreams, and so did my father, about how life would serve us.

I grew up at a time when Adlai Stevenson was Governor and then ran for President. Paul Douglas and Paul Simon worked the circuits in central Illinois. We had great Democratic Senators who passionately stood for economic and social justice for all Americans. We had another great Illinois Senator who worked the same circuits, Everett Dirksen. Like my parents, he was a Republican, but he also stood up for the promise of justice and equality for everyone in America. He believed deeply enough in those promises to use his position as leader to help pass the Civil Rights Act of 1964.

Mr. BYRD. Will the Senator yield?

Mr. CORZINE. Yes.

Mr. BYRD. Lord Byron said, ''Thank God I have done my duty.'' May I say

to the Senator from New Jersey, he has done his duty. He is a good Senator. We will miss you. I will. Thank you for standing up for what you believe. Thank you very much. Bless your heart.

Mr. CORZINE. Mr. President, there is not much that means more than that coming from a great Senator who has served this Nation so much. Thank you.

I was talking about Senator Dirksen. He actually sat at this desk and worked at this desk. So did George Mitchell and a whole host of great Americans. It is remarkable what the history of this institution presents and the opportunities it affords. It has been a remarkable time. I think all of you know that.

In the last 5 years, it seems as if we have jammed more historic moments in than you could ever imagine, with an unprecedented Presidential election in 2000, where we all sat in this Chamber and confirmed the results of that election. We had a 50/50 Senate, and everybody was trying to figure out how it worked. And then, with a shift of one vote in the caucus, that changed the control of the Senate.

That dark day on September 11 changed the lives of Americans forever. I live in Hoboken, NJ. It looks out almost directly across the river where the Twin Towers once stood. New Jersey's heart has never fully healed from those losses. It never will. We lost 700 of our citizens. We have much to do, and it has stimulated even the debate we have on this floor today. There were kids who lost their lives on that day whom I coached in soccer when they were growing up in my previous hometown of Summit. We still have a lot to do.

Today, we are challenged with the war against terrorism and debate about our constitutional freedoms, which we are talking about today—the challenge of tradeoffs in security and freedom, and protecting what it is that the American Constitution stands for. This is a great institution for making sure the rights of our people are represented.

I came to the Senate to try to use my knowledge and experience to help work on some of those problems that are most important to our Nation—health care, economic and racial justice, education—there is a whole series of those things. I am proud of that progressive agenda. I see so many peers and colleagues who fight so hard on those every day.

Mr. President, 9/11 brought us together regardless of our political backgrounds in ways we could never have been imagined. I am proud of how our Nation responded and also how the leadership of this great body came together and acted, regardless of background or place, in ways I don't think any of us could have imagined. I am grateful to all of my colleagues for that leadership.

We also have great people in New Jersey. The Jersey girls, as a lot of my colleagues know, have been fighters for making sure we had the 9/11 Commission, the compensation fund, responses to human needs, as well as the strategic intelligence and homeland security needs that the American people deserve. I am proud of them. I am proud of the work we have all done because it encourages us.

We provided over $350 million to address New Jersey's unique security needs after the September 11th terrorist attacks.

There was an element of unity that I hope we can restore that was born in those moments because the challenges are just as great. The immediacy is a little different, but there is no reason we can't stand together.

I am proud of the opportunity to be a partner with my chairman, Senator SARBANES, CHRIS DODD, and others with regard to helping restore investor confidence that was also broken around that time where people lost their life savings, where people in the world I had come from had taken advantage of other human beings' savings, retirement securities, and their jobs. It is not a proud moment for those of us who believe in the capitalistic system.

With the kind of response that came through the Sarbanes-Oxley bill, I think we have actually made a major contribution to making sure that balance sheets and income statements are what they are, that people can have more confidence in our fundamental system. I was honored to be a part of the detail and the work that brought that back. We should protect it as we go forward.

There is more to do with our pension system. There are many things that are part of our financial structure which is such a fundamental defining element of what America is about. We need to make sure they have the integrity that was built into the theme of the Sarbanes-Oxley reforms.

I am proud to have represented the Democratic caucus for 2 years in the push back against the privatization of Social Security. We had a debate on the floor where Senator SANTORUM, Senator SUNUNU, Senator DURBIN, and myself, for a remarkable hour and a half, had dialog among Senators. All of those elements of debate are still in play. We need to make sure we protect the security of our seniors. I know folks on this side of the aisle feel so strongly in winning that battle, and we should continue.

There are many others issues: affordable drug benefits, college tuition. Senator KENNEDY and others have fought so hard to make sure everybody has access to the American promise. I am proud that I had a role—an amendment role, a voting role, a sponsorship role—to be a part of those agendas. We can do, and have done, a lot to protect our environment to make quality of life better.

Together with my colleagues from New Jersey, we protected people in our state from federal changes that would have weakened New Jersey's model prescription drug program for seniors and people with disabilities.

We lifted federal home loans mortgage limits to help more New Jersey veterans buy their own homes.

We fought the administration's effort to reduce the availability of student loans. We held them off for a year—long enough to enable many students to stay in school instead of having to drop out.

We preserved the unspoiled beauty and critical water supply in the New Jersey Highlands.

And we stopped a plan by the administration that would have paved the way for oil and gas drilling off the New Jersey shore. Because America needs a balanced energy plan that invests in conservation and alternative energy sources—not oil derricks lining our beaches.

In the highway bill that passed this year, we increased New Jersey's rate of return on the federal highway tax dollar form 90.5 cents to 92 cents. And we paved the way for the New Jersey Trans-Hudson Midtown Corridor.

There is a lot more to do. I have some challenges that I leave for all of my colleagues. Maybe the most important one, and the one I feel most passionately about, is the ongoing challenge to man's inhumanity to man in Darfur, Sudan. We have lost 300,000 lives, give or take. People don't really know the degree to which life has been lost. But we need to make sure that we don't revisit Rwanda and other places where we have turned our backs on the killing of one man and one woman, one at a time.

There is much to do. I am proud of the efforts that Senator BROWNBACK and I have done to make sure this body recognized for the first time that genocide was taking place, that there was much to do, that we had some financing to sponsor the African Union to do that which would bring an end to the rape, the killing, and the pillaging that is going on. There is much more to do. Please, please, make sure, whether it is in Darfur or other places, that this body speaks out for humanity, something I know all of my colleagues carry in their hearts. It is one of the great hopes and dreams.

I know a number of my colleagues—Senator OBAMA, Senator DURBIN, Congressman PAYNE on the other side of this great Capitol, communities of faith, concerned citizens—are really committed to these issues, particularly as it relates to Darfur. But we should stand up, and we should move forward.

I have a big hope that my colleagues will take the opportunity to move on chemical plant security, which is something I have hooted and hollered about and bored people to death with over the last 4 years. We are so close but yet so far and at such risk. Whether it is rail security,—and all of us have a number of other issues—it is painful for us to get such low marks in how we have addressed our homeland security.

Now I go to be a Governor of a State where the primary day-to-day practice and responsibility is to protect the lives of the people who live in these communities. I hope we will move forward in an expeditious manner to address some of those items that we all know are at great risk.

There is a lot of progress to be made in a lot of areas. I could go on. I am proud of the initiative on kids accounts, which I hope a lot of you will get behind. We can change the financial underpinnings and knowledge of so many folks. I am proud of this idea. I know there are a number of my colleagues who are interested in the idea of giving every child who gets a Social Security number a start in life. It is implemented in Great Britain. We ought to do it here. There is a real hope it can bring about a different opportunity and potential for every person.

And I'm proud of what we've done for financial literacy. It's mind-boggling to me that we live in a capitalist society, yet our schools provide students with few, if any, tools about how to navigate the system. We push our kids out into the world and say ''You're on your own. Good luck.'' As more financial risk is shifted onto individuals, the consequences of bad financial decisions grow more dire. That's why I pushed to include basic financial literacy in the No Child Left Behind Act to teach young people the basic principles of capitalism and responsible money management.

I will look to this body to come up with answers on health care, Medicare, making sure our children are educated appropriately. The agenda is large. There are great disappointments, by the way. I close with a few of those. It is hard for me to imagine when I came here that we were running a couple hundred billion dollars in surpluses, and now we have created debt that is greater in the 5 years than was ever created in the history of the country. I think we are really in danger of going over the precipice on the twin deficits with regard to fiscal management of this country. It seems grossly unfair that we are placing that burden on future generations the way we are.

I can tell my colleagues, as it ripples down to our State levels, they are going to hear a former Senator hooting and hollering pretty high about how we are crowding out and crowding in responsibilities that will be very difficult.

The fact we haven't raised the minimum wage in the years I have been in the Senate is hard to imagine. There is a study out this week that if you earn the minimum wage, there is not a county in this country where someone can afford a one-bedroom apartment. It is time to move on some of these issues.

I know I am preaching to the choir, but it is time to move. We ought to ban racial profiling. There are a whole host of issues.

Since I came to the Senate in 2001, the number of uninsured Americans has swelled to over 45 million people. We have made some important strides in improving access to care for certain populations, but these piecemeal attempts to address our health care crisis have fallen far short of providing all Americans with quality, affordable health care. I would like to see us come together as a nation to guarantee health care to each and every American.

Senator LAUTENBERG and I would like to see Bruce Springsteen honored, too. We think we ought to step up and acknowledge both the poetry and the majesty of his fights for the working men and women of this world.

I wish to thank my colleagues and the people of New Jersey for this great opportunity. I leave the Senate with incredible excitement and optimism about the future. I am looking forward to my new job in a way I cannot even get my mind around half the time because it seems so profoundly interesting and applies to the day-to-day lives of folks.

I have no serious regrets. I have sadness about not being able to walk onto this great floor, but I love this place and look forward to coming back and working together on those issues that matter.

I close by especially thanking my colleague, Senator FRANK LAUTENBERG, who has just been a gem to work with, and my leaders, Tom Daschle and HARRY REID, who have been extraordinary.

Mr. President, I say to all of my colleagues, they have been great.

I mentioned ROBERT BYRD, a giant on this floor.

I cannot help but remember the man maybe I admired the most here, because he had the greatest courage, was Paul Wellstone and his incredible fire and commitment to equality and justice in every possible way.

It has been some run. I want to say thanks to my children, who supported me, Jennifer, Josh, and Jeffery; an incredible staff who have worked hard. I have a list of the names of the staff who have served the people of New Jersey with me. I do not think I will read them all, but I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Current DC and NJ Staff

Cynthia Alicea, Renee Ashe, Lucas Ballet, Vicky Beyerle, Elizabeth Brinkerhoff, Alison Brosnan, Sandra Caron George, Jason Cassese, Anthony Coley, Gwendolyn Cook, Deborah Curto, Christopher Donnelly, Karin Elkis, Jennifer Friedberg, Michael Goldblatt, Evan Gottesman, Heather H. Howard, Julie Kashen, Vanessa Lawson, Mada Liebman.

Jose Lozano, Jonathan Luick, Anne Milgram, Jamaal Mobley, Emma Palmer, Dave Parano, Elizabeth Ritter, Keith Roachford, John Santana, Karen Slachetka, James Souder, Ellen Stein, Brooke Stolting, Jason Tuber, Margaret J. Van Tassell, Steven Van Zandt, David Wald, Barbara A. Wallace, Marilyn Washington, Sarah Wetherald, Benjamin Wilensky.

Former DC and NJ Staff

Steven Adamske, Arlene Batista, Simon Brandler, Allen Brooks-LaSure, Christine Buteas, Brian Chernoff, James Connell, Amanda Consovoy, Anthony Cruz, Arpan Dasgupta, Marilyn Davis, Lizette DelGado, Kevin Drennan, Erica Farrand, Enrique Fernandez-Roberts, June Fischer, Lauren Garsten, Elizabeth Gilligan, Jessica Goldstein, Hamlet Darius Goore.

Derrick L. Green, Robert Helland, Roger Hollingsworth, Anne Hubert, Phillip Jackman, Christopher Jones, Grace Kim, Bruce King, Scott Kisch, Jarrod R. Koenig, Allison Kopicki, Mark Layl, Robert Levy, Jonathan Liou, Duncan Loughridge, Jonathan Lovett, Elizabeth Mattson, Shauna McGowan, Patricia E. McGuire, Lena McMahon.

Hemen Mehta, Francis Meo, Maggie Moran, Michael Pagan, Sara Persky Foulkes, Carlos Polanco, Miguel Rodriguez, Julia Roginsky, Andrew Schwab, Thomas Shea, Amanda Steck, Lauren Sypek, Todd Tomich, Dan Utech, Wilson Bradley Woodhouse, David York, Muneera Zaineldeen.

Mr. CORZINE. I would not be worth a darn without what they have been able to do. I want to say that the staff who works the floor has been remarkable. Without Lula Davis' help and people such as Marty and other folks who guide us through how we get things done, none of us would be in the same place, as well as the Parliamentarians, the clerks, and others. I am extraordinarily grateful for their support.

I would be remiss if I did not mention Jeri Thomson who has been so great.

To all of you and to all of those who go unmentioned but not unthought of, let me say thank you. It has been a privilege of a lifetime and I look forward to serving the people of the State of New Jersey and our great country in the years ahead.

I yield the floor.

(Applause.)

Mr. LAUTENBERG. Mr. President, I wasn't here when JON CORZINE arrived in the Senate 5 years ago in fact, he actually took my place at the time. We met to share ideas on an agenda for New Jersey and America and I followed his progress closely. I was impressed by what I saw in JON's service in the Senate, where he has earned respect and affection. JON came from great success in the world of finance and industry, but he is able to communicate with ordinary people, as well.

Some people arrive here and immediately head for the headlines. But that isn't JON CORZINE's style. JON is a committed ''workhorse,'' who works long hours with high intensity. He doesn't have a lot of flash, but he is very effective.

He came to Washington for one reason: to serve the people of New Jersey. Now, with some sorrow on my part, he is leaving us here for the same reason: to help New Jersey even more directly.

Even before the terrorist attacks on 9/11, work had been done to strengthen security at our chemical plants. JON recognized the importance of that issue long before most people, so when he arrived here in the Senate, he took the

ball and ran with it. JON introduced a plan to overhaul security at chemical plants, and many people were surprised when he got it unanimously approved in committee. But those who know JON CORZINE weren't surprised. Even when that bill was blocked by lobbyists, JON didn't give up. He has continued to fight to make our chemical plants safer. He has raised awareness of the problem, which I will take up once again, because we are at risk across this Nation from the most horrible devastation to our people and communities.

JON CORZINE carried an agenda here that was so appropriate for New Jersey that he established a place for himself in the history of the State even before he becomes Governor.

I wasn't a Member of the Senate on that fateful day of September 11, 2001, when my State lost almost 700 people. But I knew we would have a strong advocate in JON CORZINE. And we did. JON listened to the families who had lost loved ones, and he knew they deserved answers. So he fought to establish the 9/11 Commission. I honestly don't think it ever would have come to pass without his efforts. He has been a great ally in my fight to make New Jersey and our Nation safer by directing homeland security resources to where they are most needed.

By the time I returned to the Senate almost 3 years ago, JON had earned a reputation as a hard worker who cares more about getting results than getting credit. People had learned that when you talk to JON CORZINE, he really listens. They had learned that he isn't in love with the sound of his own voice. And they had learned that when JON CORZINE does speak, he has something to say.

Three years ago our Nation was rocked by the Enron scandal, and by other incidents that undermined public confidence in the integrity of major corporations. With his background as the CEO of one of the largest financial services firms in the country, JON realized the importance of restoring public trust and confidence. Even though he worked mostly behind the scenes on the Sarbanes-Oxley bill the most far-reaching corporate reform law since the Great Depression he was recognized by the New York Times as the bill's ''primary architect.''

Sarbanes-Oxley improved business accounting standards, helped restore investor confidence, and protected the savings of millions of Americans. JON's name isn't on that bill, but his influence is.

JON has been a great teammate for me, working for New Jersey day in and day out. He has also worked with many of you, on both sides of the aisle.

I know how hard he has worked with Senator BROWNBACK, for instance, to stop genocide in the Darfur region of the Sudan. As a member of the Foreign Relations Committee, JON offered the first Senate resolution to classify this horrific situation as ''genocide.'' The passage of this bipartisan resolution, coupled with other efforts to increase awareness of atrocities in Darfur, prompted then-Secretary of State Colin Powell to declare that genocide was in fact occurring. After traveling to Sudan personally, Senator CORZINE championed a successful bipartisan effort to provide $75 million for African Union peacekeeping troops. He also introduced a bill establishing sanctions against Sudan, which the Senate passed.

JON served in the Marine Corps Reserves, and he understands the burdens on our men and women in uniform especially the National Guard and Reserves, who have provided so many of the troops in Iraq.

After I served in World War II, I went to college on the G.I. bill. JON CORZINE has worked to update the G.I. bill for the 21st century, to meet rising education costs. He has fought for better health care for veterans and military families. And he sponsored a bill that will help 90,000 vets buy their own homes. For these reasons and many more, the Veterans of Foreign Wars gave JON their Congressional Award in 2004.

Over the past 3 years I have been proud to call JON CORZINE my friend and my colleague. Today, I am equally proud to call him the next Governor of my home State of New Jersey. I will miss him here in the Senate. But I will take comfort in knowing that he will be leading New Jersey in the right direction. I hope all of my colleagues will join me today in wishing Senator CORZINE a fond farewell and great success in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think the Senator from California had a unanimous consent request?

Mrs. FEINSTEIN. If I may, and I thank the Senator from Massachusetts, I ask unanimous consent that I be recognized when the tributes to Senator CORZINE have concluded.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is a privilege to join my Senate colleagues in paying tribute to JON CORZINE, congratulating him on his election as Governor of New Jersey, and commending him for his skillful service to the people of New Jersey and to the Nation as a Senator.

For the past 5 years in the Senate, Senator CORZINE has stood up for working families, for affordable health care, for pension security, and on many other challenges. Again and again, he has demonstrated his commitment to the fundamental principle of fairness—that government should represent the interests of all Americans, regardless of race, income, or disability. It has been an honor to work with him.

JON is committed to helping others achieve the American Dream. He believes very deeply that through hard work and determination, people can make better lives for themselves and their families. He believes this so deeply, because he has lived it himself.

Growing up on a small farm in Illinois, JON dedicated himself to his studies and graduated from the University of Illinois. He then joined the Marine Corps Reserve and began his impressive career in business and banking.

His talents helped him rise in the business world too—from a bond trader at Goldman Sachs to chairman and CEO of the firm.

Once his hard work and talent helped him reach the pinnacle of his profession, JON decided to give something back by helping all Americans achieve their full potential.

When he came to the Senate in 2001, he made an immediate impact, bringing the same talents and commitment in the business world to his work for New Jersey and the country.

We could all see that JON was a committed and progressive public servant, motivated by a strong sense what's right and what's fair.

Not long after he was elected, the Nation faced a sudden challenge of massive corporate fraud, involving Enron, WorldCom, and others. Families' pensions were lost. Workers' savings went up in smoke because of cooked books and insider deals.

The administration dragged its feet, but Jon stood up for those workers and sent a clear message to those executives that if they defraud the American people, they must pay.

JON's compassion and invaluable business experience helped persuade Congress to pass the most sweeping corporate reforms since the Great Depression.

He brought that same knowledge of the financial markets and securities industry and that same sense of fairness to the battle to protect Social Security. When others tried to frighten the American people into undermining the most important social safety net program the Nation has ever had, JON stood firm, and the so-called reforms were not passed.

I was especially impressed by the way Senator CORZINE rose to the challenge of 9/11 and rallied the people of New Jersey after the terrorist attacks. He was only 9 months into his term, but he stepped up and provided real leadership at a time of enormous crisis and uncertainty.

He did his best to ease the grief of the survivor's families, and he did everything he could to see that the Federal Government lived up to its responsibility to provide relief to those families.

Month after month, year after year, JON also insisted that the 9/11 Commission get answers to their tough questions, no matter how entrenched the opposition.

For 5 years, he has been a driving force to improve homeland security, by making sure that our Nation's ports receive the resources they need, and by

pressing the administration to protect chemical plants in New Jersey and across the Nation.

We will miss JON's leadership and eloquence here in the Senate. The people of New Jersey are fortunate to have him as their new Governor, and I know he will continue the outstanding leadership we have all come to know and admire. New Jersey is in good hands, and I wish him continuing success in the years ahead.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that following my comments, Senator STABENOW be recognized, then Senator SALAZAR and Senator REED be recognized. All of us seek to speak about our colleague, Senator CORZINE.

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

Mr. SARBANES. I thank the Chair.

Mr. President, in a few weeks our good friend, JON CORZINE, will leave the Senate, where he so effectively represented New Jersey and its people over the past 5 years, to become Governor of his State. I have been privileged to serve with Senator CORZINE on the Committee on Banking, Housing, and Urban Affairs, to whose work he has brought an extraordinary combination of principle, vision, intelligence, and solid common sense. I wish to say a few words today about his spectacular work on that committee. For a while, I was privileged to serve as chairman of the committee, and I can tell you that no chairman could have a better fate than to have JON CORZINE as one of his members.

Prior to entering the U.S. Senate, JON CORZINE spent nearly a quarter of a century with Goldman Sachs, the New York investment bank, including five as its chairman and CEO. His long and wide-ranging experience in the financial markets made him especially well qualified to deal with the issues that came within the Banking Committee's jurisdiction. In very short order, it was apparent that whenever JON CORZINE's turn in a committee meeting came to put questions to witnesses, even the most confident and sophisticated among them listened more intently and responded more carefully.

Senator CORZINE's contribution to the accounting reform and investor protection legislation known as Sarbanes-Oxley was invaluable. Along with Senator DODD, who also serves on the committee, JON CORZINE was among the first members of the Senate to call for hearings on investor protection in the wake of the collapse of Enron Corporation. Those hearings took place in February and March of 2002, and Senator CORZINE, along with others on the committee, Senator DODD and others, played a critical role in shaping the reform legislation enacted 4 months later. I have done it before and I wish to again acknowledge the very substantial and significant contributions JON CORZINE made in helping to shape and develop that legislation. His work was invaluable.

Consistently in the work of the committee, JON CORZINE played a critical role in efforts to strengthen protections for investors in our capital markets. BusinessWeek, in fact, noted that his work in this area gave him ''an unusually high profile for a junior Senator.''

His contributions to the work of the committee were by no means focused only on these issues. Indeed, he touched virtually every issue in the committee's jurisdiction. He has worked vigorously to expand housing opportunities and the effectiveness of Federal housing programs. He has been a forceful spokesman for full funding for critical programs of the Department of Housing and Urban Development—section 8 vouchers, housing for the elderly, improved public housing, and other efforts to assist low-income homeowners and renters. It is indicative of his commitment, and in his statement here in the Chamber only a few minutes ago he again was making reference to how people who work at minimum wage can't afford an apartment in county after county across the country.

He led efforts to expand coverage of FHA insurance for multifamily housing, something especially relevant in States such as New Jersey where inflated housing costs affected previous program ceilings. He pressed for energy efficiency requirements in public and assisted housing, and he has remained committed to Federal action to assure secondary mortgage market liquidity and affordable housing.

JON CORZINE was an original cosponsor of the legislation to stop predatory lending practices and spoke forcefully in the committee's deliberation about the harsh and cynical techniques predatory lenders used to exploit vulnerable borrowers seeking mortgages and other credit. He has been one of the leaders in the Senate in the fight against Federal preemption of State consumer protection laws which are designed to protect our citizens against these practices.

He has been among the Senate's most outspoken advocates for public and private financial literacy programs to ensure that all Americans of all ages and all backgrounds have the skills to grasp the financial implications of the often complex credit card loans and other financial arrangements they are offered.

He has obtained Federal funding for financial education programs in elementary and secondary schools and was the leader in the ultimately successful efforts in 2003 to pass the Financial Literacy and Education Improvement Act, which incorporates many of his ideas. For his work on this issue, the JumpStart Coalition for Personal Financial Literacy named him ''Federal Financial Literacy and Education Legislator of the Year.''

Throughout his tenure, Senator CORZINE has been among our most articulate advocates for public transportation, whose importance in the day-to-day lives of his constituents he knows firsthand since he represents the most densely populated State in the Nation. He fought to preserve and enhance the Federal transit program as the new surface transportation authorization legislation was developed. As a result of his efforts, New Jersey will receive nearly $2.5 billion in transit formula funds from 2004 through 2009, a 50-percent increase over the amount the State received in the predecessor legislation.

He also succeeded in assuring priority treatment in terms of planning, funding, and execution under this new legislation for a new commuter rail tunnel under the Hudson River. This project, the Trans-Hudson Midtown Corridor, has been identified as a crucial investment for the region's mobility and security. As a result of his efforts, the National Transit Institute, which provides training, education, and clearinghouse services to support public transportation, will be maintained at Rutgers, the State University of New Jersey.

Senator CORZINE was a leader in the effort to develop a Federal backstop for terrorism insurance after the attacks of September 11, 2001. Those attacks left such insurance widely unavailable and put businesses and commercial property owners at risk of future losses from terrorism without having insurance coverage. He recognized immediately this situation would create a drag on economic activity and again brought his expertise to bear in helping to develop the Federal legislation under which the Federal Government would share the risk of future terrorism losses with the industry.

Senator CORZINE was one of the first to recognize the threat that identity theft poses both to consumers and to the integrity of the Nation's payment system. He has been a leader in the fight for safeguards on personal information, on protecting the privacy of our citizens.

Many of these things I have spoken about reflect a common theme, and that is JON CORZINE's concern for those left out and left behind. It has been a hallmark of his service in the Senate that he has sought to bring into the mainstream of American life those who have been left out of it. This concern for those, in a sense, who have been forgotten, was reflected in his work in the international arena, particularly the emphasis he placed on the situation in Darfur. Again and again, JON CORZINE took the floor of the Senate to bring to our attention the terrible things that were happening there and to push for measures to help alleviate that situation.

Finally, let me say what has distinguished Senator CORZINE's service in the Senate over and above his many specific accomplishments is the dedication and vision and principles that underlie all his work. Before coming to

the Senate, he spent much of his professional life as an investment banker. But he brought to his responsibilities certain fundamental convictions about the nature of American society, a hopeful and optimistic vision of American life that first took place as he was growing up in a small farming community in central Illinois. It was there he has said he learned ''the meaning of hard work and the opportunities afforded by a strong education system.''

JON CORZINE went on to earn his B.A. as Phi Beta Kappa at the University of Illinois at Urbana-Champaign, and enlisted in the Marine Corps Reserve where he served for 6 years. He attended the University of Chicago Business School at night, and not too much later he joined Goldman Sachs.

His many years in the financial markets have not dimmed JON CORZINE's vision of America as a nation grounded in opportunity—opportunity for a good education, for a decent job, a place to raise one's family and someday to retire with dignity, security, and self-respect. He has dedicated his efforts to advance programs that can make this vision a reality for all his fellow Americans.

When he announced his candidacy for Governor of New Jersey last December, Senator CORZINE pledged he would ''fight like crazy to make sure that there is a view that government can be a partner in lifting up the lives of the rest of America.'' This is surely what he has done in the Senate.

In just 5 short years, notwithstanding his junior status in a body that sets a high premium on seniority—when I first came here I was very critical of the seniority system, but I have to admit that as time has gone by I have come to see the virtues of the system. JON CORZINE has had an impressive record of accomplishment. He has demonstrated the astute and principled leadership in the Senate that will most assuredly make him a distinguished Governor of the State of New Jersey in the service of all its people.

If I may be so bold as to address a word to the people of New Jersey, I simply say they have an extraordinary leader about to take over as the Governor of their State. I urge them to give JON CORZINE their backing and support so he can bring his vision to bear in the State of New Jersey.

When Woodrow Wilson became Governor of the State of New Jersey, he introduced a progressive agenda which became the model for the Nation. New Jersey went to the very forefront of the 50 States in addressing fairness and opportunity for its citizens and enhancing their quality of life. I say today, as we bid our dear colleague a fond farewell, JON CORZINE can provide that kind of leadership for New Jersey. He can move that State to the very forefront of the 50 States and make it a shining example of what can be accomplished when all of us pull together in order to enhance opportunity for each and every one. I wish him the very best as he leaves this body and in the years ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to join my colleagues in honoring a man I have come to know as a colleague, a dedicated public servant, and a friend.

JON CORZINE is a shining example of the American dream—of what one can accomplish with hard work and the opportunity to obtain a good education.

Growing up in rural Illinois as the son of a corn and soybean farmer and a public school teacher, JON CORZINE learned early in life the importance of family, responsibility and service to his community.

These are the values that led him to serve his country as a member of the U.S. Marine Corps Reserves—and over the years, his strong values have guided his career in both in private industry and public service.

JON CORZINE started his career on the ground floor of American business. And even as he worked hard and achieved extraordinary success, he never lost sight of his values.

When he served as chairman and chief executive officer of Goldman Sachs, he led that company from a private partnership to a public offering. At the same time, expanded the company's philanthropic outreach efforts to better serve people in need.

He continued that important work here in the U.S. Senate, where he used his political power to fight for people without political influence. For the last 5 years, he has been a tireless advocate or veterans, seniors, students, women, children and families in New Jersey and across our Nation.

Senator CORZINE and I were sworn into the Senate on the same day—and I served with him on both the Budget Committee and the Banking, Housing and Urban Affairs Committee. There, we worked together to preserve funding for programs that help our Nation's most vulnerable citizens—programs such as Medicare and Medicaid, veterans health care, and education.

We also worked together to lead the fight to keep the security in Social Security.

His business expertise made him a strong advocate for fiscal responsibility. He fought to get the national debt under control so we could preserve and create opportunities for our Nation's young people—rather than saddle them with the burden of our government's debts.

He has lived the American dream and continues to work hard to ensure that others have a chance to live it too.

JON CORZINE is a thoughtful, hard-working man who worked with his colleagues from both sides of the political spectrum to do the right thing for the people of New Jersey and this Nation.

I am honored to have him as a friend and a colleague—and I wish him well in his new role as Governor of New Jersey.

I add my comments, along with my friends and colleagues in the Senate, for someone who has become a personal friend, as well as someone I admire greatly and that we are going to greatly miss. New Jersey is very lucky to have JON CORZINE coming in as Governor of that great State.

Senator CORZINE and I have worked together both on the Committee on the Budget and on the Committee on Banking. I can say it is true what Senator SARBANES said, that even though he sat at the end of the table at the Committee on Banking and we were squeezed in with our staff trying to make sure we did not fall off the end of the platform, I always knew when the person at the end was about to speak and ask his questions, there was going to be silence in the room and tremendous respect for what he was going to say and concern about whether they would be able to effectively answer his questions, as the witnesses were answering various questions concerning finances.

To watch Senator CORZINE work has been to watch an example of what we want in public service. To see someone who grew up in a small town—like I did in Michigan—growing up in a small town, serve his country in the Marines, as so many of my colleagues have. I am particularly proud of the people on the Democrat side of the aisle who have served in public service as it relates to our Armed Services and continue to bring that perspective and support today.

But certainly Senator CORZINE is one of them. And to go on to be so incredibly successful in business, and then to bring that expertise here on behalf of the people of New Jersey to work with all of us I think is an example of a tremendously great American success story. I am proud to have worked with Senator CORZINE and look forward to working with him as the Governor of New Jersey.

I will simply echo my colleagues in saying, when we talk about corporate responsibility and accountability, Senator CORZINE and his expertise has been there. Housing, public transit, homeland security, his passion for Social Security, addressing so many different issues that are important to people, important to communities, important to our democracy, have had the voice of JON CORZINE.

So I congratulate you on your service. I congratulate the people of New Jersey on the public service that is to come. And, mostly, I thank JON CORZINE for his generosity of heart and for his willingness to invest in so many ways to better the community with his own resources. This is someone who has been incredibly generous and caring and smart and compassionate and dedicated to the right values that we all care about deeply.

I know he is going to do an outstanding job as Governor and that we will all be better off for his public service.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I stand here today to not only say thank you but to congratulate the Senator from New Jersey, the Governor-elect of New Jersey, JON CORZINE.

For me, my whole life has been touched by many people who have helped me live the American dream. But it is an American dream, too, that has come with challenges in dealing with the issues of poverty and in dealing with the issues of racism.

There was a time in my life when I thought anything was possible for anyone in America. There was also a time in my life when I thought there were limitations placed on myself personally that I could never overcome because of the history of racism and the effects of poverty within my own life.

Notwithstanding the fact that I was a proud son of that great generation of World War II, soldiers who fought in World War II, and steeped in the history of New Mexico and southern Colorado, there were many people who, when I decided to seek this position in the Senate, thought that it could not be done. There were many people who brought up reason after reason why this was not a place where I could serve.

One of the people who disagreed with those conclusions was JON CORZINE. JON CORZINE told me that, yes, it was possible to still believe in the American dream, that no matter what your background is and no matter what your economic circumstance might be, everything is still possible here in America. His inspiration and his vision and his leadership contributed to my serving today in the Senate.

When I characterize my friendship with JON CORZINE and look at him as a person and as a leader, the words that come to my mind are ''an authentic leader.'' He is who he is. He is a very successful businessperson, but he is the kind of person whom we ought to have in the Senate all of the time; that is, people who care about our Nation and the people whom we represent here every day. He has put them and our Nation ahead of his own self-interest. That is the legacy that we now pass on to New Jersey, the legacy that New Jersey has grabbed for itself, as they take him as the next Governor of New Jersey.

I know he will continue to do great things in New Jersey as the Governor of that State, in the same way he has done great things in the Senate—those things my colleagues have spoken about on the floor of the Senate today.

I wish him well, and I know his continued leadership is something we will continue to see in the days and years ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, it is a privilege to be here today to say a few words about my colleague and friend, JON CORZINE. He has honored this Senate and he has honored the people of New Jersey with his service.

I did not know JON before he came here. I heard about his campaign. I heard about his success on Wall Street. I, frankly, must confess, I did not know what quite to expect. Having seen the movie ''Wall Street,'' I almost thought that Michael Douglas would walk in the door in a $3,000 suit and with expensive accoutrements.

JON surprised us all because he is not like that. He might have found his success on Wall Street, but his values were formed in the heartland of America and in the U.S. Marine Corps. He believes very deeply in values that are important and central to our party and to the people of this country: the notion of opportunity for all and the notion that this is a community, not just a collection of individuals.

His service in this body has exemplified those values and made us all extraordinarily proud. I served with JON on the Senate Banking Committee. As the chairman and ranking member at various times of the Housing and Transportation Subcommittee, I was familiar with all of JON's efforts in making real progress on issues of importance to the people of New Jersey and the people of this country.

My friend and colleague, Senator SARBANES, has pointed out some of these, and I would like to, for the RECORD, amplify again what JON has done.

The Federal Housing Administration Multifamily Housing Program provides insurance to those seeking to build multifamily rental housing. The program has played a critical role in the development of affordable multifamily rental housing. However, as the cost of building new housing has dramatically increased in recent years, Federal multifamily mortgage insurance loan limits have failed to keep pace with inflation.

In 2002, Senator CORZINE led the way to secure passage of a provision to raise FHA multifamily loan limits by indexing them to the annual construction cost index to ensure that the program keeps pace with inflation.

In 2003, Senator CORZINE further improved the FHA multifamily loan program by securing passage of legislation to boost those limits in high-cost communities around the country.

Specifically, his legislation raised the loan limits in high-cost areas to 140 percent of the statutory base limit and by 170 percent on a project-by-project basis.

These increases have been vitally important in the construction and rehabilitation of affordable rental housing in high-cost States such as New Jersey and my own State of Rhode Island where the shortage of affordable housing has become a crisis.

JON recognizes that at the heart of every family's efforts to educate their children, to find work, to hold work, is the need for safe and affordable housing. Senator CORZINE has been on the vanguard of that effort. I salute him for that.

He has also been particularly concerned about housing for veterans. The Veterans' Administration Home Loan Program provides access to home financing for veterans who often, because of their time spent serving our Nation, have not had the opportunity to build up the credit they need to qualify for a conventional mortgage. Senator CORZINE's legislation to increase veterans' home purchasing power, which became law as part of the Veterans Benefits Improvement Act of 2004, raised the loan limits available under the VA Home Loan Program to allow veterans to obtain mortgages of up to $333,700, the same level available in the traditional mortgage market.

Finally, the Senator from New Jersey has been a fierce advocate for mass transit funding, not in his home State of New Jersey but across this country. He has been particularly effective, though, in helping his home State.

Senator CORZINE was instrumental in providing legislation to help build a commuter rail tunnel under the Hudson River as part of the recently passed Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. The language that Senator CORZINE included will expedite the proposed rail tunnel under the Hudson River and require the Federal Transit Administration to sign a Full Funding Grant Agreement with New Jersey Transit that will provide the Federal funding needed to complete the tunnel, and in so doing not only will he assist the people of New Jersey, but he will assist the economy of this Nation, since so much is dependent upon transit access through New Jersey to the Eastern Seaboard, Boston, New York and down to Washington.

We all are going to miss Senator CORZINE immensely in the Senate, but he is going forth now to a mission that is equally important; that is, to serve the people of New Jersey as their Governor. I know he will be successful. And I know those values of opportunity and community and fairness and tolerance and decency that exemplified his service in the Senate will mark him as a remarkable Governor for the State of New Jersey.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, knowing JON CORZINE as I think I do, if he had known he was going to have to sit through all these speeches after he spoke, he would have come down here a lot later at night, I suspect, or certainly waited until we got out of town, because that is the nature of this Senator, Governor to be.

I have listened to my colleagues and I listened to his speech. He left us with some important warnings, some important pleas, which I hope colleagues will take seriously. I would incorporate

into my comments about JON all of the things Senator SARBANES said. They were a wonderful summary of what he did and how he did it, his accomplishments.

He did veterans, and he has been a passionate advocate for public transportation. He was instrumental in housing. These are the sorts of signal accomplishments you can measure, which he can point to and colleagues have, that define the few years he has been here.

I say a word or two about the things that helped push him in the direction of accomplishing those goals. What has always struck me about JON CORZINE and the thing that has been singled out in a number of comments made by my colleagues is the quality of the person, almost an improbable quality when you measure it against the profession he chose for so many years.

Maybe a comment about Wall Street, certainly a comment that I know JON CORZINE would articulate any number of different times in different ways, that we don't think of people traditionally, with the obvious exceptions, a Bob Rubin, some others. JON CORZINE always kept, No. 1, a great sense of idealism; No. 2, a very strong moral compass that led him to always distinguish between right and wrong; and, No. 3, an integrity about the approach to public life that willingly disclosed great wealth, willingly submitted himself to unbelievable attacks in order to pursue a greater good. Most people would shy away from that today. When you talk to people in the private sector today about running for office, they are quick to say: Do that? Why would I want to do that? Why would I want to subject myself to that? Why would I want to put myself through that scrutiny?

JON CORZINE has always been driven by his sense that there is too much missing in governance today, that there is a bigger purpose than all of us individually, a noble purpose in what we are trying to achieve. He believes unabashedly that Government can be part of the solution, that Government actually helps people. And unlike so much of the rhetoric of the last years that has attacked everything Government does until you have a Katrina, when you understand why you need it, or until you see the potholes in the streets and the bridges falling apart and you begrudgingly acknowledge you need it, JON always believes you need it proactively. He understands the good it can do.

Every one of us who has had the privilege of being here for awhile was impressed by that passion and moral compass he brought to some of the issues. When business people in America were abusing their trust, JON brought this extraordinary credibility to that debate. There are huge provisions, as Senator SARBANES will tell us, and a great deal of guidance through that process that came from this freshman Senator.

Likewise, with respect to Darfur, an issue where the country ought to be providing a sense of moral outrage, JON doggedly and tenaciously pursued that issue without grandstanding, without trying to do it in a way that was sort of hit and run. He stayed at it and got the Senate ultimately to take some measures, though never what we ought to be doing, and the country has yet to do what he knows and understands we ought to be doing.

He always has had a sense of right and wrong. The minimum wage, the incomprehensibility of us being a country where people can live out work values and you can't live, and his sense of injustice at giving a tax cut to people such as him who have been blessed with the fruits of great wealth, who understand that there is a different set of priorities, a sense of outrage that we would be cutting children off of Medicaid, and so on down the list.

I am thrilled, and I know when I was privileged to be in New Jersey, I could feel it in the people of New Jersey who obviously were inundated with an onslaught of confusing and reprehensible kinds of claims in the context of a campaign, which we have seen too much of, but he plowed through that, because of that idealism and his sense of purpose for the State. Those folks are anticipating the same kind of excitement that he said in his comments he will bring to this new challenge.

The people of New Jersey have chosen wisely. They are going to have a leader who will do exactly what Senator SARBANES talked about. He has the opportunity to make that State one of the great laboratories in the country, to do what we are unsuccessful and unwilling to do too often at this moment in our history here in Washington. I almost envy him that opportunity to grab the executive reins and go out and do it. He is going to be an exceptional Governor. He is going to continue to have an impact on what Congress chooses to do because of those priorities that he sets in the State.

There is no question in my mind that our caucus, which has looked to him regularly as sort of the resident expert on issues of fiscal, trade, Wall Street matters, is going to miss that expertise enormously.

I thank this Senator for his service to us, to the country, and we look forward to the service he will provide as Governor of New Jersey.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to wish Senator JON CORZINE the very best as he goes from service in this body to become the next Governor of the State of New Jersey. I have had the privilege of serving with Senator CORZINE on the Budget Committee. He has been a valued member of that committee. He has made an extraordinary contribution there, always thoughtful and well informed. Senator CORZINE is deeply respected by colleagues on both sides. It is fair to say that no one on the Senate Budget Committee and no one in this Chamber has a better understanding of financial markets or economic issues than Senator JON CORZINE.

On the Budget Committee, Senator CORZINE has warned repeatedly of the risks of exploding deficits and debt. As someone who has been extraordinarily successful in the private sector, and as someone who has displayed in the real world a profound understanding of what moves markets, Senator CORZINE words have weight, especially when he says to the members on the committee and here on the Senate floor that we are running unacceptable risks as we run up the deficit and debt of the United States. Senator CORZINE has time after time alerted us to the risks to the economy of higher interest rates as a result of burgeoning deficits and debt.

Senator CORZINE has told this body and told the country that it is unsustainable to double the foreign holdings of our debt in 5 years. It is remarkable and terribly unfortunate that in 5 years, we have taken the external debt of the United States, which was $1 trillion 5 years ago, to $2 trillion today.

Mr. President, it took, as Senator CORZINE has pointed out, 224 years to run up a trillion dollars of external debt, and that amount has been exceeded in the last 5 years. Senator CORZINE has said consistently and firmly that these are risks that are being run that have the potential to lead to a dramatic increase in interest rates, which would have negative consequences—extremely negative consequences for the American economy. It would threaten economic growth, and has the potential to put us into recession.

Mr. President, we have been fortunate to have someone of JON CORZINE's character and wisdom serving with us in the Senate. I am going to miss Senator CORZINE very much. He has been such a strong member of the Budget Committee—someone to whom we could look for expertise that is highly regarded by all Members of this Chamber.

I know JON CORZINE will do a remarkable job as Governor of the State of New Jersey. As he leaves here, we wish him well. I thank the Chair.

Mr. DAYTON. Mr. President, I also want to join with my colleagues in paying tribute to our departing Senator from New Jersey, Senator JON CORZINE. I met him for the first time when we were both sworn in on January 3 of 2001.

Even before that time, I knew of his success but also his high caliber by virtue of the fact that he was cochairman of a great firm, Goldman Sachs, whose previous contributions to the U.S. Government included John Whitehead, Deputy Secretary of State under President Reagan, and Robert Rubin, the Secretary of the Treasury under President Clinton. Senator CORZINE followed in that tradition of very successful

men who could do anything they wanted with their lives for the rest of their lives but had chosen to commit themselves to public service.

It has been an honor and a privilege and a pleasure to serve with Senator CORZINE these last 5 years, to learn from his own wisdom and experience as it relates to so many matters affecting the betterment of our country, and then to watch him forego what would have been a safe track and a relatively easy reelection next year as a Senator because he felt he could be of better service to his fellow citizens from New Jersey by acting as their Governor, going through the rigors and ordeals of another campaign, a challenging endeavor but where he sacrificed himself and his own resources in order to give greater service to the people of New Jersey.

Our loss in the Senate with his departure will be a gain for his fellow citizens from that State as he devotes full time in New Jersey to their better interests. I wish him well. We will miss him. He will carry out even further the great talents he has and his ability to improve his State and our country.

I yield the floor.

Mr. REID. Mr. President, when the Senate returns in January, we unfortunately will be without one of the finest Senators in this body. Senator JON CORZINE will be moving to New Jersey to serve as its Governor. I want to publicly congratulate Senator CORZINE on an impressive victory, and congratulate the people of New Jersey for making an outstanding choice. Their gain is the Senate's loss.

JON CORZINE has been an exceptional Senator largely because he is an exceptional person. It didn't take Senator CORZINE long to demonstrate to his colleagues his intelligence and his impressive knowledge of a broad range of political and economic issues. But perhaps even more important, he quickly convinced members on both sides of the aisle that he possessed a genuine decency and humility.

JON CORZINE surely has one of the most impressive resumes of any American anywhere. He has a remarkable record of accomplishment, both in business and public service. But success never went to his head. And if you are fortunate enough to meet him—no matter who you are or what your place in society—you can be sure that Senator CORZINE will treat you with respect. He is sincere. He listens. And he's humble. Its almost impossible not to like JON CORZINE.

When Senator CORZINE came to Washington just 5 years ago, it didn't take him long to earn both the admiration and the affection of his colleagues. But he wasn't just a nice, smart guy. He also worked on behalf of the citizens of New Jersey and the Nation like there was no tomorrow. And it didn't take long for him to make his mark.

Soon after coming to the Senate, Senator CORZINE played a critical role in efforts to respond to widespread abuses at corporations like Enron. At the time, Congress needed someone who understood corporate America and who could help find balanced solutions that made sense. JON CORZINE stepped to the plate and helped develop one of the most important corporate reforms in American history. That legislation, known as Sarbanes-Oxley, may not bear his name, but it surely bears his mark, and all Americans owe him a great debt of gratitude for his contribution.

Senator CORZINE's economic expertise also helped him become a real leader on budget and fiscal issues. Since coming to office, he has been an outspoken advocate for fiscal responsibility and a leading defender of Social Security. In the last Congress, he headed the Senate Democratic Task Force on Social Security, where he developed the case against privatization long before the issue was in the headlines. Democrats stopped the administration's misguided attempt to privatize Social Security dead in its tracks this year. Senator CORZINE's efforts last year laid the groundwork for much of what we were able to accomplish.

Senator CORZINE also has taken up another important cause that still fails to attract sufficient attention: the genocide in Darfur. After prior mass murders abroad, such as the one in Rwanda, many Americans looked back with regret at our Nation's failure to act. Yet today, in the midst of another terrible genocide, the U.S. response is again woefully and tragically inadequate. JON CORZINE has personally gone to Darfur and has worked hard to focus the Nation's attention on this crisis. It has been a thankless task with no apparent political benefits. For his willingness to pursue this moral cause, he deserves real credit from every American. It will be incumbent on all of us to remain focused on this terrible tragedy after he leaves.

Another cause of great importance on which Senator CORZINE has taken the lead is the effort to prevent terrorism at chemical plants. As Senator CORZINE has told us repeatedly, there are more than 100 chemical facilities around our Nation where a terrorist attack could endanger more than a million people. Unfortunately, security at too many of our plants is grossly inadequate. Senator CORZINE recognized the importance of addressing these security risks now before a catastrophe occurs. Each of us has a responsibility to push forward on this issue he has pushed so tirelessly.

I could go on about the many other issues on which Senator CORZINE has taken a lead from protecting prescription drug benefits of New Jersey seniors to promoting financial literacy to preserving our environment, blocking cuts in student aid and protecting workers against unsafe conditions. In his relatively short time in the Senate, Senator CORZINE has been one of our most active Senators and he has had an impact on a surprisingly broad range of issues.

I also want to take a moment on behalf of the Senate Democratic caucus to publicly thank Senator CORZINE for his work in the last Congress as head of the Democratic Senatorial Campaign Committee. Senator CORZINE had a tough Job and was dealt a tough hand. But he worked extremely hard, as he always does, and he did an excellent job.

Let me also express my appreciation to Senator CORZINE for selecting an outstanding member of Congress to replace him. While we will miss Senator CORZINE greatly, BOB MENENDEZ is going to be an excellent Senator for New Jersey. It is a credit to Senator CORZINE to have chosen such a talented and committed public servant, who I am confident will not only represent New Jersey well but will also help this body better represent the great diversity of our Nation.

Now Senator CORZINE moves from Washington to Trenton, where he will take on some very difficult challenges. But, nobody should ever underestimate JON CORZINE. The people of New Jersey have selected a man who not only has extraordinary talent but someone who always give it everything he has. I know he will serve them well and I know at the end of the day, he will remain what he is today: a kind, humble, and principled person who represents the very best of our Nation.

Mr. DURBIN. Mr. President, I just left a small farewell party for my colleague, JON CORZINE of New Jersey. He is, of course, leaving the Senate in a few days to become Governor of the State of New Jersey. Congressman BOB MENENDEZ will be appointed to fill his vacancy and stand for election in about a year.

I am going to miss JON CORZINE for a lot of reasons. First, we have a lot in common. JON was born and raised in the small town of Willy Station, which is just a few miles away from the bustling metropolis of Taylorville in Christian County, IL, just a few miles from where I live. I know a little about the Corzine family today, and I sense what his upbringing was all about. He grew up on a farm, with a dad who raised corn and soybeans. It was not a comfortable and wealthy existence, but it was a great upbringing. He was raised in the Midwestern tradition of working hard. He started at age 13 with his first job. He worked his way through college, going to the University of Illinois where he was a walk-on on the basketball team. He has assured me time and again he was no superstar. But the fact that he did that and served in the Marine Corps and went on to the University of Chicago for a master's degree in business tells me he is a person who had a good work ethic—not only that but a great deal of talent.

JON's career took him to the highest levels in the business world. He was a partner at Goldman Sachs at the age of 33. He was cochair and co-CEO of that investment banking giant at the age of 50. He started there fetching coffee for

his superiors. He came up not only quickly but the right way. When he was first running, I remember reading accounts in the New York Times about what kind of a CEO he was. He knew the elevator operator's name, and he would go to the mailroom and talk to the workers there and try to provide financial assistance so that workers could go on to earn a college degree.

That is the same JON CORZINE I came to know in the Senate, a very caring and compassionate individual in so many different ways. He would fight tooth and nail for things he believed in, and he would also pick causes that were not quite that popular and put all of his energy and skill at work on them as well.

I can recall the terrible genocide in Dafur and how he made that his issue. Time and again, he came to the floor of the Senate to remind all of us about that tiny country on the other side of the world and the people being oppressed there. That is JON CORZINE. Time and again, he showed us that you could be both financially successful in life and not lose your bearings when it came to good moral conduct and good values.

When I think about his heroes in life, I share many of them. He used to talk about Paul Douglas, the first man I worked for in the Senate as a college intern. Paul Douglas was from the University of Chicago faculty, and he was a person who inspired many of us, not only because he worked hard and did his best to speak for the common man, but because he was all over the State appreciating the variety of life you can find in Illinois. Then, of course, was his successor and protege, Paul Simon, whom I was honored to succeed in the Senate, also a friend of JON CORZINE's. So we had the Paul Douglas and Paul Simon connection. And, of course, the admiration JON CORZINE had for them said it all.

When I look back at these heroes of JON CORZINE, I realize that we have that much in common—our Illinois roots and a lot more. We come from the same place. We share many of the same values. We fought on the same side of many of the same battles. We share many of the same heroes. Like JON CORZINE, I admired Senators Douglas and Simon. I had the privilege to know and work with them. Paul Douglas helped design Social Security. JON CORZINE helped to save it. Like Paul Douglas, JON CORZINE is a brave champion of civil rights, economic justice, and the environment. Like Paul Douglas, JON CORZINE is unafraid to speak his mind for the good of the country.

All in all, I am certain that Paul Douglas and Paul Simon would approve of the short, though important, Senate career of JON CORZINE. They would thank him, as we all do, for fighting hard and well for people and values of this great Nation. I will miss JON CORZINE. The people of New Jersey have made a wise choice. He will be a good, thoughtful, compassionate leader of their great State. I look forward to working with him for many years to come for the values that we share.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I want to share my thoughts about JON CORZINE. He had a great record at Goldman Sachs. I didn't really know he was a farm boy. That is something Senator DURBIN added to the mix. I think I had heard that but had forgotten it. He was successful in the financial world in an extraordinary way. He was a marine. Of course, every marine I have known has been shaped by that, and I believe Senator Zell Miller wrote a book saying that everything he ever needed to know he learned in the Marine Corps, or something to that effect.

JON CORZINE has been an active Member of the Senate. I remember the time we spent together in Montgomery, AL, on a civil rights trip. We were at the church that Martin Luther King preached in on Dexter Avenue, the Dexter Avenue Church. We had a discussion at that time about Rosa Parks, whom we have just honored and who recently passed away. At that very site, Martin Luther King led the efforts of the bus boycott that ended the concept that a person must go to the back of the bus because of the color of their skin. JON CORZINE didn't have to go to Montgomery, but he was interested in those issues and he believed strongly in equality and civil rights.

Senator CORZINE has been a strong advocate for the Democratic Party and its principles, heading its campaign committee. We didn't agree on those issues, but he was always courteous and professional. I cannot remember a single harsh word that we have had. In fact, I cannot remember him having a harsh word with any other Senators.

I have enjoyed the opportunity to know JON CORZINE and to gain respect for him. I wish him every success as Governor of the important State of New Jersey. That will be a challenge, but he has the gift and ability necessary to be successful in that job.

Mr. LEAHY. Mr. President, I rise today to congratulate and bid farewell to my friend and colleague, JON CORZINE.

Our world has changed quite drastically since JON first joined the Senate. It has been an honor to work with him on the many issues we were forced to confront following the terrorist attacks of September 11, 2001. We will miss JON's leadership and determination on behalf of his constituents in New Jersey and the American people.

While JON has served in the Senate for a relatively short period of time, he leaves an important legacy of leadership on issues ranging from protecting our homeland to crafting legislation that stabilized our financial markets.

Rarely in this body does one Senator see the enactment one of their first bills introduced as a freshman Member. But JON did just that when he called for mandatory Federal standards to protect our Nation's chemical plants and saw that become law.

When the entire corporate and financial community was rocked by pervasive accounting scandals, JON was instrumental in crafting extraordinary changes to accounting oversight that stabilized confidence in our markets when they were teetering. He recognized that Americans were at risk, and he worked tirelessly on their behalf, a legacy that will last well past his last day here in the Capitol.

JON also brought to the Senate an appreciation of open and accountable Government. He saw security and accountability as going hand in hand, a way for citizens to know what their chosen representatives are doing to ensure the health and safety of their own neighborhoods and communities. He recognized the need to balance the ever-changing need for security with the everlasting principles of openness that make our democracy the strongest in the world. I was pleased to work with him to protect the Freedom of Information Act which the current administration has sought to weaken at every turn of the road.

As further testament to JON's leadership and determination, he will certainly be remembered for his work to secure an end to the terrible genocide that the world has witnessed in western Sudan. As the ranking member of the Foreign Operations Subcommittee, I can personally attest that JON repeatedly brought the reality of this terrible tragedy to the attention of all of us. He knew that the solution would not be Democratic or Republican. Instead, he reached across the aisle, demanded a call for action, and spoke eloquently for those without a voice.

I will miss my friend JON CORZINE here in the Senate. I have enjoyed the time we shared working together in this body. Marcelle and I wish him all the best as he moves on to the new and exciting challenges that await him in Trenton. His service to the American people in the United States Senate has been selfless. His departure is a loss for the United States Senate but a great gain for the citizens of New Jersey.

Mr. JOHNSON. Mr. President, I rise today to pay tribute to my colleague, Senator JON CORZINE, who is leaving the Senate and will be sworn in as the Governor of New Jersey on January 17, 2006.

I have greatly appreciated working with Senator CORZINE during his time in the Senate. We have served together on the Banking, Housing and Urban Affairs Committee, the Energy and Natural Resources Committee, and the Budget Committee. His depth of knowledge and experience will be missed on these committees, and in the Senate as a whole.

While Senator CORZINE will be continuing in public service, he has already had a long and distinguished career. After serving in the Marine Corps, he received an MBA from the University of Chicago and began working in

the private sector, rising to be the co-chief executive officer at Goldman Sachs. He decided to enter public service and was elected to the Senate in 2000 where he has worked tirelessly on behalf of the people of New Jersey. In November, Senator CORZINE was elected to be Governor of New Jersey and I am confident he will continue his outstanding public service work in this new position.

I am very pleased that while he served in the Senate, Senator CORZINE had the opportunity to visit my home State of South Dakota in 2002 during my re-election campaign. The trip gave him the opportunity to experience the beauty and friendliness of South Dakota, and I know that those who met Senator CORZINE were very impressed with him and pleased that he had visited the State.

Once again, I would like to thank Senator CORZINE for his extraordinary service in the Senate and wish him the very best on his new challenges and opportunities as Governor of New Jersey.

Mr. WYDEN. Mr. President, I rise to say a word or two about our good friend Senator CORZINE, who will be leaving the Senate to assume the governorship of New Jersey.

What I would like to do—because I have heard a lot about Senator CORZINE and his background in Illinois today—is to talk about when I saw him in action for the first time. It was when the Senate was working on the post 9/11 airline relief legislation. A lot of us were very troubled about how that ought to be done. We were sympathetic to the needs of the airlines after 9/11 but concerned about the very large sums of money that were going to be directed to one sector of our economy when many of our important economic sectors were hurt after 9/11; in that period when our country suffered tragically in New York but where there were economic ramifications across the country.

That legislation would not have passed if Senator CORZINE, along with help from our former colleague, Senator Fitzgerald, had not stepped in and figured out how to deal with the financing in a responsible way that protected taxpayers while providing some help to the airlines. Senator CORZINE took out a sharp pencil, using the expertise he had acquired in his years at Goldman Sachs and throughout his training in finance, and figured out how to make sure there was not a bailout in effect for just one sector that would have taxpayers holding the bag and was sensitive to the needs of all concerned.

I was struck, as I watched him deal with that airline legislation, how in this individual a combination of compassion, fairness, and intelligence worked in a very quiet and dignified way to bring together different parties, different Senators who had widely diverse views, and tackled an issue of great importance.

I think that is exactly what he is going to do when he assumes the Governorship of New Jersey. He is going to bring exactly that combination of fairness, compassion, and brains, always done in a kind of low-key, understated way. I believe the people of New Jersey will benefit as they have in his service here in the U.S. Senate.

We hope Governor CORZINE will come to Oregon because he has expressed an interest in looking at some of our innovative approaches, particularly in the area of health care and the environment. We wish him well and know he is going to have a very distinguished career as the new Governor of New Jersey.

I yield the floor.

Mr. PRYOR. Mr. President, I rise today to pay tribute to the career of my colleague Senator JON CORZINE of New Jersey. This institution has benefited greatly from his presence, and the people of New Jersey can be proud that such an energetic and compassionate man will continue to serve them as their new Governor.

Senator CORZINE is a man that knows how to be successful, whether as a leader in the field of investment banking or as a champion on behalf of the interest of working families as a U.S. Senator. His commitment to public service is commendable, and he has set a positive example for his fellow lawmakers when it comes to establishing the right priorities for Government. His philosophy is one of inclusion, which seeks to ensure that no American is left out of the enterprise of this great Nation.

I am particularly grateful for Senator CORZINE's work on the Banking, Housing and Urban Affairs Committee. His was an early voice for revamping the laws governing corporate accounting practices, long before the events of WorldCom and other accounting scandals destroyed the savings of thousands of loyal employees and shareholders, tarnishing the reputation of corporate America. Before, during, and after the debates that produced the landmark Sarbanes-Oxley corporate accountability legislation, Senator CORZINE was there with the knowledge and energy to provide much needed solutions to a serious problem. He has also championed many other inventive policies to tackle our Nation's problems, including his ''Kid's Account'' lifetime savings plan, his work to protect individuals from identity theft, and his initiatives to promote financial literacy for all Americans.

In addition to finding creative solutions to the financial problems that our country faces, Senator CORZINE has also been a reliable defender of public education, affordable health care and prescription drugs, and support for our men and women in uniform. As a member of the Senate Budget Committee, he has championed the priorities of everyday, working Americans time and again. He consistently opposed the fiscal policies that have led our Nation to such a dangerous budget deficit, choosing instead to vote for sound economic and social policies that would keep America strong and healthy.

I wish my colleague from New Jersey the best of luck as he enters into this new chapter in his public life. His presence will be missed but his work on behalf of working Americans will not be forgotten.

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to a great Senator and the Governor-elect of New Jersey, JON CORZINE. While Senator CORZINE has only been in the Senate for 5 short years, he has made an indelible mark on our Nation and on his Senate colleagues, myself included. I have had the opportunity and pleasure of serving with Senator CORZINE on the Senate Intelligence Committee, seeing firsthand his patriotism, his dedication to our Nation, and his work ethic.

Senator CORZINE has been an invaluable resource here in the Senate, especially as we confronted the corporate scandals of recent years. With his expertise as the former CEO and chairman of Goldman Sachs, we looked to Senator CORZINE during the reform process. He stepped up to the challenge, helping push through sweeping changes in our Nation's corporate governance. I know that he is proud of this accomplishment, and our Nation is better for his efforts.

While Senators come to Washington to represent their States, their actions have consequences for every American citizen. America has been well served by having JON CORZINE in the Senate and I know that the citizens of New Jersey could not have chosen a better man to serve as their Governor. He will bring not only his work ethic and intellect, but a unique blend of Government and corporate experience to bear on the challenges facing New Jersey.

I have been proud to call Senator CORZINE my colleague, and I congratulate him on his election. I also want to wish him luck on the new responsibilities he takes on and the new challenges he will face. Senator CORZINE, you will be missed.

Mr. AKAKA. Mr. President, I rise to join my colleagues in thanking the gentleman from New Jersey, Senator JON CORZINE, for his service to the people of the Garden State and the rest of our country. My colleague and friend brought his extensive experience from corporate America to bear on the business that we conduct here, and our country greatly benefitted from his expertise.

I enjoyed working with Senator CORZINE during the time when I served on the Banking Committee. Under the leadership of Ranking Member SARBANES, we shored up corporate governance through the enactment of Sarbanes-Oxley—the influence of which has been felt in corporate boardrooms, and even nonprofit boardrooms, across America.

The Senate and the Congress will especially miss the dedication of our colleague in the effort to promote economic and financial literacy. Senator CORZINE has been a stalwart in working with me, and Senators SARBANES,

STABENOW, ENZI, ALLEN, and others, to bring to light the need to reverse economic and financial illiteracy in our country.

Senator CORZINE has been an important ally in supporting several of my initiatives in this area, including annual efforts to secure and increase funding for the Excellence in Economic Education Act for grades K through 12; efforts to work on college campuses through the College Literacy in Finance and Economics or LIFE Act, S. 468; and annual resolutions designating April as the month for highlighting the need for financial literacy.

I have been a proud cosponsor of his initiatives in this area, S. 923, S. 924, and S. 925. The TANF Financial Education Promotion Act, S. 923, requires a State to specify how it intends to establish goals and take action to promote financial education among parents and caretakers receiving Temporary Assistance for Needy Families assistance. The Education for Retirement Security Act, S. 924, authorizes grants for financial education programs targeted toward mid-life and older Americans, including striving to increase financial and retirement knowledge and reduce individuals' vulnerability to financial abuse and fraud. Finally, the Youth Financial Education Act, S. 925, authorizes grants to State educational agencies for the development and integration of youth financial education programs for students in elementary and secondary schools, as well as a grant to establish and operate a national clearinghouse for instructional materials and information regarding model financial education programs and best practices.

It is clear that my colleague from New Jersey cares about giving people access to additional tools that can help them make decisions about credit and debt management, spending and saving, and essential choices in a world of limited resources, in addition to helping increase their financial acumen so as to avoid being taken in by predatory credit offers and unscrupulous marketing. I commend him for taking this broad view, and wish him and his family well as he goes on to lead the Garden State as its Governor.

Mrs. LINCOLN. Mr. President, today I rise to pay tribute to my friend and colleague Senator and now Governor-elect JON CORZINE. With his election to the Senate in 2000, JON CORZINE has been a source of wisdom and a great friend to me and to many of my colleagues.

JON CORZINE was elected to the Senate after serving as cochairman and cochief executive officer of the investment company Goldman Sachs. During his time in the Senate, he has focused on serving the State of New Jersey, applying his financial expertise to major economic and regulatory issues and pushing a forward-looking, progressive agenda.

Senator CORZINE has pursued new safeguards to protect chemical facilities against terrorist attack, introduced legislation to improve access to education and health care, fought for stronger environmental policies, and lead the effort in Congress to crack down on corporate abuse.

The Senate recently adopted Senator CORZINE's resolution declaring the need for new safeguards at the Nation's vulnerable chemical plants. He also secured Federal funding toward the construction of a second railroad tunnel underneath the Hudson River, long sought by New Jersey's congressional delegation, and won Federal support for a wide variety of community and economic development projects throughout the State of New Jersey.

On a more personal note, it has been a great pleasure for me to work with such a gifted and dedicated public servant. He has never hesitated to put the people of New Jersey and the people of this Nation first. The people of New Jersey have made a wise choice in selecting Senator CORZINE to be the chief executive of their great State. He will take the same enthusiasm and professionalism to the Governor's mansion that he has exhibited here in the Senate.

I wish him well in his new responsibilities. I know that he will be a benefit to the people of his home State of New Jersey. We will miss his passion and insight here in the Senate. But our loss will be the people of New Jersey's gain. Farewell and Godspeed.

Mr LEVIN. Mr. President, although we will miss him greatly in the Senate, I join my colleagues in congratulating Senator JON CORZINE on his election as Governor of New Jersey. It has been a pleasure to serve with JON on the Intelligence Committee and to work with him on issues of corporate accountability. He has been a strong and determined leader here, and I know he will continue to make the people of New Jersey proud in his new position.

JON CORZINE has led a distinctly American life. He grew up on a family farm. He served his country in the Marine Corps Reserves. He had extraordinary success in business as a self-made man. And he has continued to serve his country in public life, first as a Senator and soon as a Governor. JON loves America and fights for what he believes is best for our people.

In the Senate, JON has used the financial expertise he gained at Goldman Sachs to become a singularly credible voice for corporate reform. He was a driving force on the landmark Sarbanes-Oxley legislation, which cracked down on corporate abuses such as those that led to the Enron and WorldCom scandals. He has been a leader on strengthening oversight of the mutual fund industry and on protecting the financial privacy of Americans. JON has also been at the forefront of promoting financial literacy, so that Americans can manage their personal finances wisely.

Working with JON on the Intelligence Committee, I have seen JON's piercing mental acumen and commitment to protecting our country. Following the September 11 attacks, which took a heavy toll on his State, JON recognized the weakness of our system of chemical plant security. He seized that issue and did not let go. In October, Congress finally passed mandatory security requirements at chemical plants based on JON's work. That this necessary improvement in our security will be substantially improved is due to his tenacity.

On every issue, JON has been outspoken in support of policies that benefit working Americans. He has fought for universal health care, for expanded student aid, and for full funding for education programs. JON has also been a passionate voice for human rights around the world. Just last month, the Senate approved the Darfur Peace and Accountability Act, which JON sponsored with Senator BROWNBACK, to help stop the genocide in the Sudan.

During his short time in the Senate, JON CORZINE has made a big impact. His is a unique voice that will be personally missed. I join my colleagues in saluting JON on his election as Governor and in wishing him well in his new position.

Mr. FEINGOLD. Mr. President, I am proud today to join in honoring JON CORZINE and congratulating him on his outstanding service here in the Senate. I have had the pleasure of working with him for 5 years and have found him to be a tremendous ally on a number of issues, as well as a great friend and colleague.

This Senate has benefited enormously from his hard work and commitment since he came to this body in 2001. I have served with him on both the Foreign Relations and the Budget Committees, and I have seen him work diligently and effectively, with members from both sides of the aisle, and always in the best interests of the American people.

Senator CORZINE has led the effort to stop the ongoing violence in Darfur with the bipartisan Darfur Peace and Accountability Act of 2005, of which I am a cosponsor. I applaud his efforts in this area, as well as his work to reaffirm support for the Convention on the Prevention and Punishment of the Crime of Genocide. This is a critically important legacy as the world faces the tragedy in Sudan. There has never been a more important time for the U.S. to recommit itself to ending the crime of genocide, and Senator CORZINE has taken a lead role in that effort.

We have also worked together on issues of great concern to us both—racial profiling and the death penalty. On both these issues, Senator CORZINE has been a courageous voice for justice and fairness. He has been steadfast in his efforts to ban racial profiling, a practice that runs contrary to the fundamental American value of equal treatment under the law. And he has been just as dedicated in focusing attention

on the glaring flaws in the administration of capital punishment, and in calling for a thorough, nationwide review of the death penalty.

Finally, I want to say that I am deeply grateful for Senator CORZINE's support for the amendments I offered during the Senate's consideration of the PATRIOT Act in October of 2001. I was proud to have his support that night, and I have been proud to work with him as a cosponsor of the SAFE Act. I can't think of a better time to thank him for his work to protect Americans' freedoms than today, in the midst of a fight to make reasonable changes to the PATRIOT Act.

JON CORZINE has earned the utmost admiration and respect during his time in the Senate. I will miss him as a colleague and friend, but I am so glad that he will continue to serve the people of New Jersey with such dedication and integrity. I have no doubt that he will be an outstanding Governor, and that he will continue to be a national leader on the issues to which he was so committed in the Senate.

So today I join my colleagues in thanking Senator CORZINE for his work in this body. He is a great public servant and a good friend. I wish him all the best.

Mr. LIEBERMAN. Mr. President, it is my honor today to pay tribute and bid a fond farewell to my colleague and friend Senator JON S. CORZINE of New Jersey. Senator CORZINE as we know will be leaving the Senate next month to serve as New Jersey's Governor, and before he leaves us to begin what I can only be certain will be a wildly successful and innovative tenure as New Jersey's chief executive, I thought it appropriate to take the time to celebrate not only Mr. CORZINE's fine service in the Senate but his inspiring life story as well.

In many ways, JON CORZINE's life is an example of the American dream fulfilled. Mr. CORZINE was born on New Year's Day, 1947, and grew up on his family's farm in Willey's Station, IL. His father ran the farm and sold insurance; his mother was a public school teacher. Through his own hard work and that of his family, Mr. CORZINE attended the University of Illinois at Urbana-Champaign, where he graduated Phi Beta Kappa in 1969. After graduating college, Mr. CORZINE served his country by enlisting in the U.S. Marine Corps Reserves, and he continued in the Reserves until 1975, rising to the rank of sergeant in his infantry unit.

After Senator CORZINE's Active Duty was up, he began what would become a long and successful career in the finance sector. His first job was with the Continental Illinois National Bank in Chicago, where he worked as a portfolio analyst. At the same time, Mr. CORZINE began taking night classes at the University of Chicago's Graduate School of Business, where he received his MBA in 1973.

In 1975, after working briefly at a regional bank in Ohio, Mr. CORZINE was recruited to go to work for the New York investment firm Goldman Sachs as a bond trader, beginning what would be a meteoritic rise through the company's ranks. After only 5 years, Mr. CORZINE was named a partner in the firm. In 1994, Mr. CORZINE became both the firm's chairman and chief executive officer. Through hard work, Senator CORZINE rose from his family's farm in rural Illinois to being the chief executive officer of a New York investment firm.

But the story doesn't end there for Mr. CORZINE had a very successful tenure at the helm of Goldman Sachs. When he took over in 1994, the proud and respected firm was in a period of some decline. But Mr. CORZINE and his team turned the company's fortunes upwards. During his 5 years as chief executive, Mr. CORZINE also oversaw the firm's successful transition from a private partnership to a public company.

While serving as chief executive, Mr. CORZINE also demonstrated a passion for public service. Under his leadership, Goldman Sachs was a strong corporate citizen, expanding its community outreach and philanthropic programs. Mr. CORZINE also chaired a Presidential commission that studied how capital budgeting could be used to increase Federal investment in education.

It is this commitment to public service that I saw JON CORZINE bring to his work in the Senate everyday. Elected in 2000 by the people of New Jersey, Senator CORZINE has been a tireless advocate for corporate accountability, helping co-author the Sarbanes-Oxley Act, and has worked to protect our environment, where he has been a steadfast ally in the fights to prevent drilling in the Arctic National Wildlife Refuge and to tackle climate change. On the international front, Senator CORZINE has sponsored the Darfur Accountability Act, an act I am proud to cosponsor, which seeks to address the terrible genocide currently occurring in the Darfur region of Sudan.

What I will remember most about Senator CORZINE's tenure is his commitment to strengthening our Nation's homeland security. Having worked with Senator CORZINE on several homeland security issues, I know firsthand that he was determined to do everything in his power to protect the American people from another terrorist attack. Senator CORZINE and I worked together in passing legislation that created the 9/11 Commission, whose service to the American people we are all well aware of. In addition, Senator CORZINE has been a leader in legislative efforts to increase security at our Nation's chemical plants, which remain vulnerable to attack. Senator CORZINE crafted strong legislation aimed at protecting these facilities, and I remain hopeful that Congress will act on this area of great vulnerability. I will continue to be inspired by the dedication Senator CORZINE applied to this critical issue.

Let me end my statement, Mr. President, by taking the time to thank JON CORZINE for his service in the Senate. I wish him, his wife Carla Katz, his daughter Jennifer, and his two sons, Josh and Jeffrey, nothing but the best for the future, and I look forward to seeing the fine things I know he will continue to do for the people of New Jersey, now as their Governor. Once again, thank you, JON CORZINE.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about our colleague Senator JON CORZINE, congratulate him on his recent election as Governor of New Jersey, and also thank him for his great contribution to the Senate and to the entire country during the time he served here.

JON came to the Senate from a very successful career on Wall Street. We are all aware of that. He came here for the best of reasons: his desire to make a difference, to improve the situation of average Americans in this country, to see that this country pursued an economic course that created opportunity and jobs for the people he represented in New Jersey and throughout this country.

On economic issues, I think all of us in the Senate came to believe—I certainly did—that no one was better able to read the tea leaves about what was happening economically in this country, what was happening in the various economic statistics which come out each week, than JON CORZINE. He could understand the economic circumstance we continue to struggle with in this country and the impact it is having on the lives of average Americans.

While he has been here, he has demonstrated a passion for fairness to all in our society. He has not been a representative of Wall Street. He has been a representative of the great mass of the American people. He has looked to raise the standard of living of all Americans and lift all boats. We all owe him a debt of gratitude for that passion he has brought to this job.

I serve as the ranking Democrat on the Senate Energy and Natural Resources Committee. We have been very fortunate that JON has served on that committee as well. He has been an active participant in the writing of energy legislation, which we passed earlier this year. He made a great contribution in that legislation. In short, JON has had a very distinguished career in the Senate. I am confident he will have a very distinguished career as Governor of New Jersey and will have a very long and successful career in public life.

Again I congratulate him on his victory. I thank him for his service and his friendship, and I look forward to opportunities to work with him again in his new capacity as Governor of New Jersey.

I yield the floor.

Mrs. CLINTON. Mr. President, I wish to take this opportunity to say farewell to the distinguished Senator from New Jersey, Mr. JON S. CORZINE. In

January, he will resign his seat, bound for greener pastures. While he will be missed tremendously in this Chamber, I know that, as Governor, he will serve the people of New Jersey well.

Senator CORZINE and I were elected to the Senate in the same year, and I have since been glad to have his friendship and advice. I would also like to say, how fortunate New Jersey has been to be represented by Senator CORZINE. I am proud of the work that we did together in the time we shared in the Senate and am sad to see him go.

Along with his dedication to building a practical, progressive Government, Senator CORZINE always brought a fresh and original perspective to this body. His previous career as cochairman and CEO at Goldman Sachs allowed him the benefit of invaluable experience in helping to solve the problems that face our economy and our financial sector. His combination of principle and practice, are, more than anything, what the Senate will sorely miss.

Consider Senator CORZINE's role in crafting the Sarbanes-Oxley Act of 2002. His work on this bipartisan legislation helped produce reforms that, in the wake of corporate abuse scandals, restored confidence in the markets, protected shareholders, and ensured that additional and more impartial oversight would act to prevent the damage to our economy that might flow from unchecked corporate malfeasance. Senator CORZINE stood by his principles, worked with Democrats and Republicans, and used his expertise to help craft legislation to promote ethics, accountability, and economic growth.

We can also look to Senator CORZINE's efforts to end the crisis ravaging Darfur, Sudan. I was proud to cosponsor the legislation by Senator CORZINE and Senator SAM BROWNBACK to expand aid to the African Union and provide a framework for tackling the ongoing violence. We can all be proud that Senator CORZINE was able to help usher the Darfur Peace and Accountability Act through the Senate. His dedication to the issue and commitment to stopping the genocide is admirable, to say the least. Senator CORZINE has stood by his values, and worked hard to see those values reflected in the work of the Senate, the Congress, and the Nation.

Recently, I joined Senator CORZINE in introducing legislation to help the victims of sexual assault receive the medical treatment they need and deserve. Senator CORZINE believes as I do that we have a duty to these women; a woman who has already suffered so much should not have to worry about whether she will be offered emergency contraception to prevent an unwanted pregnancy. Senator CORZINE's passion for protecting and improving access to health care and medical treatment, and to protecting the rights of patients, is truly exemplary.

Finally, Senator CORZINE served New Jersey and his constituents with compassion and dedication in the days, weeks, months, and years following the attacks on September 11, 2001. New Jersey and New York shared in so much grief and loss that day, and Senator CORZINE was tireless in his commitment to the citizens of New Jersey who bore the burden of that loss.

In the years since, he has remained steadfast in fighting for the families of 9/11 and fighting to strengthen our Nation to prevent future acts of terrorism. His hard work to secure our Nation's vulnerable chemical facilities serves as a noteworthy example. I was proud to cosponsor his legislation to safeguard our Nation's chemical plants, the Chemical Security Act, and share in his commitment to doing all we can to strengthen America's homeland security.

I would also acknowledge Senator CORZINE's tenure at the Democratic Senatorial Campaign Committee. In his leadership at the DSCC and throughout his time in office, Senator CORZINE served with honesty, integrity, and a passion for improving the lives of all Americans.

JON CORZINE's absence will long be felt in the Senate, as will his good work. He brought his expertise and values to bear on the challenges facing our economy, our security, and our country.

To the great benefit of the citizens of New Jersey, JON CORZINE—while retiring from the Senate will bring his values, his expertise, his passion, and his dedication with him to the Governorship of the Garden State. The citizens of New Jersey will no doubt continue to be fortunate to have JON CORZINE in their corner.

Mr. BROWNBACK. Mr. President, as Senator CORZINE spends his final days representing the people of New Jersey in the Senate, I wish to spend a few moments speaking about his commitment to human rights and the pressing crisis of genocide in Darfur, Sudan.

I have worked on the issue of war and humanitarian disaster in Sudan for several years. But nearly 2 years ago, as the Comprehensive Peace Agreement for Sudan was in its final negotiations, we became aware of the unfolding crisis in Sudan's western region of Darfur. It was Senator CORZINE who came to me to work together and champion this issue. We joined each other on the Senate floor in countless speeches showing photos of the anguish in Darfur. We joined each other in seeing the Darfur Peace and Accountability Act through the Senate. We joined each other to secure funding for the security and humanitarian needs of the people.

I have had the opportunity to work with many Members across party lines on human rights and humanitarian issues. I remember partnering with Paul Wellstone on the Trafficking Victims' Protection Act. Some called us strange bedfellows since we were at opposite ends of the political spectrum. But I have learned an important lesson: these issues are sufficiently urgent that ideological and partisan differences should not be allowed to impede cooperation, especially where lives and basic freedoms are at stake. And such has been true in the case of Darfur. I have no doubt that Senator CORZINE's commitment and perseverance to raise this issue to the highest levels has made a difference to the people of Darfur. I also saw firsthand his sincere compassion and commitment to the suffering of the world when we traveled to tsunami-ravaged South Asia together earlier this year.

I will always consider Senator CORZINE an ally and a friend on one of the greatest moral issues in foreign policy today. In his absence, I will look to my other colleagues to ensure that this crisis is not easily forgotten.

As we close out 2005, I urge my colleagues to secure additional funding for the African Union in the Defense Appropriations conference and I urge my colleagues in the House to pass the Darfur Peace and Accountability Act. Without continued action by the United States and the international community, more lives will be lost.

I would like to take this opportunity to formally and publicly thank Senator CORZINE for his partnership and his commitment to the people of Darfur. I express my very best wishes as he leaves this body to become the next Governor of New Jersey.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I believe I am to be recognized by unanimous consent directly following the tributes to Senator CORZINE. I would like to give my heartfelt thanks to the Senator from New Jersey. He has been indeed a good Senator. His tenure here has distinguished him. That is clearly recognized by people of New Jersey. I believe he is going to be a great Governor for that great State.

Mr. SARBANES. Will the Senator yield me 30 seconds?

Mrs. FEINSTEIN. Certainly.

Mr. SARBANES. I thank the very able Senator from California for her yielding to allow these tributes to be paid to Senator CORZINE. I know she has been here quite a while waiting to speak on another issue. It was extremely gracious of her to do that. I wanted to recognize that and thank her very much.

Mr. CORZINE. Will the Senator yield for my last word?

Mrs. FEINSTEIN. I certainly will.

Mr. CORZINE. I am appreciative of the Senator's gracious and kind words as well. I follow with great interest her views and visions on a lot of major issues of the day. I know she is going to speak on one of the more important ones in a few minutes. I am particularly appreciative of her kindness.

The PRESIDING OFFICER. The Senator from California is recognized.

THE PATRIOT ACT

Mrs. FEINSTEIN. Mr. President, I rise today as a 12-year member of the Senate Judiciary Committee and a 5-year member of the Senate Intelligence Committee. I do so indeed with a very heavy heart. I have had, until now, great confidence in America's intelligence activities. I have assured people time and time again that what happens at home has always been conducted in accordance with the law.

I played a role in the PATRIOT Act. I moved one of the critical amendments having to do with the wall and the FISA court. Today's allegations as written in the New York Times really question whether this is in fact true. I read it with a heavy heart, yet without knowing the full story.

Let me be clear. Domestic intelligence collection is governed by the Foreign Intelligence Surveillance Act, known as FISA. This law sets out a careful set of checks and balances that are designed to ensure that domestic intelligence collection is conducted in accordance with the Constitution, under the supervision of judges and with accountability to the Congress of the United States.

Specifically, FISA allows the Government to wiretap phones or to open packages, but only with a showing to a special court—the FISA court—and after meeting a legal standard that requires that the effort is based on probable cause to believe the target is an agent of a foreign power.

Let me cite two sources. The first is a 1978 report by the Senate Select Committee on Intelligence. In the report is a comment by the then-chairman of that committee, Senator Birch Bayh. He is talking about the FISA bill that had just come to the floor in 1978:

The bill requires a court order for electronic surveillance, defined therein, conducted for foreign intelligence purposes within the United States or targeted against the international communications of particular United States persons who are in the United States. The bill establishes the exclusive means by which such surveillance may be conducted.

That is the bill, FISA, which was passed in 1978.

Second, in late 2001 this subject came up again on the Senate Intelligence Committee. The Senate Intelligence Committee discussed this subject and amended at that time in its authorization bill National Security Act section 502, which is the reporting of intelligence activities other than covert action.

Section 502 states:

To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall:

(1) keep the congressional intelligence committees—

It doesn't say only the chairman and the vice chairman—

fully and currently informed of all intelligence activities other than a covert action (as defined in section 503(e)), which are not the responsibility of, are engaged in by, or are carried out for or on behalf of any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure.

And (2) furnish the congressional intelligence committees any information or material concerning intelligence activities, other than covert actions, which is within their custody or control, and which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.

At that time, we had this discussion about just the chairman and the vice chairman receiving certain information, and this act was amended, and section (b) was added to the National Security Act, called ''form and contents of certain reports.'' It was to clarify what the form and content of the reporting to the committee would be. And the wording is as follows:

Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the congressional intelligence committees for the purposes of subsection (a)(1) shall be in writing and shall contain the following:

(1) a concise statement of any fact pertinent to such report;

(2) an explanation of the significance of the intelligence activity or intelligence failure covered by such report.

And then section (c) was added, ''standards and procedures for certain reports,'' that those standards and procedures would hereby be established.

What has happened is that it has become increasingly used just to notify a very few people. There are 535 Members of the Senate and the House of Representatives of the United States.

If the President of the United States is not going to follow the law and he simply alerts eight Members, that doesn't mean he doesn't violate a law. I repeat, that doesn't mean he doesn't violate a law. FISA is the exclusive law in this area, unless there is something I missed, and please, someone, if there is, bring it to my attention.

Section 105(f) of FISA allows for emergency applications where time is of the essence. But even in these cases, a judge makes the final decision as to whether someone inside the United States of America, a citizen or a noncitizen, is going to have their communications wiretapped or intercepted. The New York Times reports that in 2004, over 1,700 warrants for this kind of wiretapping activity were approved by the FISA Court. The fact of the matter is, FISA can grant emergency approval for wiretaps within hours and even minutes, if necessary.

In times of war, FISA section 111 states this:

Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for a period not to exceed 15 calendar days following a declaration of war by the Congress.

I would argue the resolution authorizing use of force was not a declaration of war. I read it this morning carefully. It does not authorize the President of the United States to do anything other than use force. It doesn't say he can wiretap people in the United States of America. And apparently, perhaps with some change, but apparently this activity has been going on unbeknownst to most of us in this body and in the other body now since 2002.

The newspaper, the New York Times, states that the President unilaterally decided to ignore this law and ordered subordinates to monitor communications outside of this legal authority.

In the absence of authority under FISA, Americans up till this point have been confident—and we have assured them—that such surveillance was prohibited.

This is made explicit in chapter 119 of title 18 of the criminal code which makes it a crime for any person without authorization to intentionally intercept any wire, oral, or electronic communication.

As a member of the Senate Judiciary and Intelligence Committees, I have been repeatedly assured by this administration that their efforts to combat terrorism were being conducted within the law, specifically within the parameters of the Foreign Intelligence Surveillance Act which, as I have just read, makes no exception other than 15 days following a declaration of war.

We have changed aspects of that law at the request of the administration in the USA PATRIOT Act to allow for a more aggressive but still lawful defense against terror. So there have been amendments. But if this article is accurate, it calls into question the integrity and credibility of our Nation's commitment to the rule of law.

I refreshed myself this morning on the fourth amendment to the Bill of Rights of the Constitution of the United States. Here is what it says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Clearly an intercept, a wiretap, is a search. It is a common interpretation. A wiretap is a search. You are looking for something. It is a search. It falls under the fourth amendment.

Again, the New York Times states that a small number of Senators, as I said, were informed of this decision by the President. That doesn't diminish the import of this issue, and that certainly doesn't mean that the action was within the law or legal.

What is concerning me, as a member of the Intelligence Committee, is if eight people, rather than 535 people, can know there is going to be an illegal act and they were told this under an intelligence umbrella—and therefore, their lips are sealed—does that make the act any less culpable? I don't think so.

The resolution passed after September 11 gave the President specific authority to use force, including powers to prevent further terrorist acts in the form of force. I would like to read it. I read Public Law 107–40, 107th Congress:

Sec. 1. Short title.

This joint resolution may be cited as the ''Authorization for Use of Military Force''.

Sec. 2. Authorization for Use of United States Armed Forces.

(A) In General.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

Then it goes on to say:

Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

This is use of force. It is not use of wiretapping or electronic surveillance of American citizens or those without citizenship within the confines of the United States. That is the jurisdiction of the FISA Court. There is a procedure, and it is timely.

As a matter of fact, we got into this rather seriously in the Judiciary Committee. At the time we wrote the PATRIOT Act, I offered an amendment to change what is called ''the wall'' between domestic intelligence-gathering agencies and foreign intelligence-gathering agencies from a ''primary purpose'' for the collection of foreign intelligence to a ''significant purpose.'' We had a major discussion in the committee, as is the American way. We were making public policy. We discussed what primary purpose meant. We discussed in legal terms what significant purpose meant.

So this was a conscious loosening of a standard in the FISA law to permit the communication of one element of Government with the other and transfer foreign intelligence information from one element of the Government to the other.

That is the way this is done, by law. We are a government of law. The Congress was never asked to give the President the kind of unilateral authority that appears to have been exercised.

Mr. BYRD. Right.

Mrs. FEINSTEIN. I was heartened when Senator SPECTER also said that he believed that if the New York Times report is true—and the fact that they have withheld the story for a year leads me to believe it is true, and I have heard no denunciation of it by the administration—then it is inappropriate, it is a violation of the law.

How can I go out, how can any Member of this body go out, and say that under the PATRIOT Act we protect the rights of American citizens if, in fact, the President is not going to be bound by the law, which is the FISA court?

And there are no exceptions to the FISA court.

So Senator SPECTER, this morning, as the chairman of the Judiciary Committee, announced that he would hold hearings on this matter the first thing next year. I truly believe this is the most significant thing I have heard in my 12 years. I am so proud of this Government because we are governed by the rule of law, and so few countries can really claim that. I am so proud that nobody can be picked up in the middle of the night and thrown into jail without due process, and that they have due process. That is what makes us different. That is why our Government is so special, and that is why this Constitution is so special. That is why the fourth amendment was added to the Bill of Rights—to state clearly that searches and seizures must be carried out under the parameter of law, not on the direction of a President unilaterally.

So I believe the door has been opened to a very major investigation and set of circumstances. I think people who know me in this body know I am not led toward hyperbole, but I cannot stress what happened when I read this story. And everything I hold dear about this country, everything I pledge my allegiance to in that flag, is this kind of protection as provided by the Constitution of the United States and the laws we labor to discuss, argue, debate, enact, then pressure the other body to pass, and then urge the President to sign. That is our process.

If the President wanted this authority, he should have come to the Intelligence Committee for an amendment to FISA, and he did not. The fact that this has been going on since 2002—it is now the end of 2005. Maybe 8 people in these 2 bodies in some way, shape, or form may have known something about it, but the rest of us on the Intelligence Committees did not.

That is simply unacceptable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the Senator from California for her remarks and associate myself with them. I commend her for taking on this vital issue affecting all Americans.

I ask unanimous consent that the previous order be modified to permit Senator BYRD to precede me in speaking order.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Minnesota for his kindness and his courtesy in yielding to me. I want to say there is one thing I am sorry about with respect to the Senator from Minnesota. He made a bad decision some time ago. I wish he had not made it, and I begged him to retract on it and say he would not do it. He says he is not going to run again. I am sorry about that. He is one of the immortal 23 Senators who voted against that resolution that the Senator from California is talking about. I voted against it. I have been in the Senate for 47 years, and that is the vote of which I am most proud because in voting that way, I stood for this, the Constitution of the United States. That Constitution does not give any President the power to declare war. It says Congress shall have the power to declare war. I voted against that resolution, the best vote I have cast in 47 years in this Senate, and I am proud that the Senator from Minnesota can carry that tribute with him to the grave. I thank him and congratulate him. Again, I thank him for yielding to me.

Mr. President, I believe in America. Let me say that again. I believe in America. I believe in the dream of the Founders and Framers of our inspiring Constitution. I believe in the spirit that drove President Abraham Lincoln to risk all to preserve the Union. I believe in what President Kennedy challenged America to be—America, the great experiment of democracy.

Where the strong are also just and the weak can feel secure, the soul and promise of America stands as a beacon, praise God, of freedom and a protector of liberty which lights and energizes the people around the world. Today, sadly, that beacon is dimmed. This administration's America is becoming a place where the strong are arrogant and the weak are ignored. Fie on the administration.

Yes, we hear high-flung language from the White House about bringing democracy to a land where democracy has never been. We seem mesmerized with glorious rhetoric about justice and liberty, but does the rhetoric really match the reality of what our country has become?

Since the heinous attacks of September 11, I speak of the actions of our own Government, actions that have undermined the credibility of this great Nation around the world. These actions taken one at a time may seem justified, but taken as a whole they form an unsettling picture and tell a troubling story. Do we remember the abuses at Abu Ghraib? They were explained as an aberration. Do we remember the abuses at Guantanamo Bay? They were denied as an exaggeration. Now we read about this so-called policy of rendition—what a shame—a policy where the U.S. taxpayers are funding secret prisons in foreign lands. What a word, ''rendition.'' What a word, ''rendition.'' Shame. It sounds so vague, almost harmless. But the practice of rendition is abhorrent.

Let me say that again. It sounds so vague, almost harmless, but the practice of rendition is abhorrent—abhorrent.

The administration's practice of rendition is an affront, an affront to the principles of freedom, the very opposite of principles we claim we are trying to

transplant to Iraq and to other rogue nations.

The administration claims that rendition is a valuable weapon in the war on terror. But what is the value of having America's CIA sit as judge and jury while deciding just who might be a threat to our national security? Such determinations receive no review by a court of law—none. The CIA simply swings into action, abducts a person from some foreign country and flies them off to who knows where, with no judicial review of guilt or innocence. A person can be held in secret prisons in unnamed countries or even shipped off to yet another country to face torture at the hands of the secret police of brutal governments.

Is that what we want? Is this the America that our Founders conceived? Is this the America that Nathan Hale died for, when he said I only regret that I have but one life to lose for my country? Is this the America that he died for? Is this the America that our Founders conceived? Is this the America of which millions of people dreamed? Is this, I ask the Senate, the beacon of freedom inspiring other nations to follow?

The United States should state clearly and without question that we will not torture prisoners and that we will abide by the treaties that we signed, because to fail to do so is to lose the very humanity, the morality that makes America different, that makes America the hope for individual liberty around the world.

The disgusting, degrading, and damaging practice of rendition should cease immediately. Is this what Patrick Henry was talking about—give me liberty or give me death? It is not about who they are. ''It's not about who they are. It's about who we are.'' Those are the words of my colleague Senator JOHN MCCAIN, bless his heart. Senator MCCAIN is a senior member of the Senate Armed Services Committee. He is a former prisoner of war. He knows what it is all about. And he is exactly right. There is no moral high ground in torture. There is no moral high ground in the inhumane treatment of prisoners. Our misguided, thuggish practice of rendition has put a major blot on American foreign policy.

Now comes this similarly alarming effort to reauthorize the PATRIOT Act, retaining provisions that devastate many of our own citizens' civil liberties here at home. What is happening? What is happening to our cherished America? Let us stop and look and listen and think. What is happening to our cherished America?

Any question raised about the wisdom of shredding constitutional protections of civil liberties with roots that trail back centuries is met with the disclaimer that the world has changed and that the 9/11 attacks are, in effect, a green light. Get that, a green light to trash this Constitution, to seize private library records. Hear that.

Suppose I want to get a book out of the library. Suppose I want to read ''Loves Labors Lost.'' The disclaimer that the world has changed and that the 9/11 attacks are in effect a green light to trash the Constitution, to seize private library records—suppose I want to read about ''A Tale of Two Cities.'' They are going to seize those library records? To search private property—how about that—without the knowledge of the owner? If you want to go in my house without my knowledge, without my wife's knowledge, to spy on ordinary citizens accused of no crime in a manner is a sick—a sick, s-i-c-k, perversion of our system of justice and it must not be allowed.

Paranoia must not be allowed to chip away at our civil liberties. Don't let it happen. The United States of America must not adopt the thuggish tactics of our enemies—no. We must not trash the fourth amendment because the Senate is being stampeded at the end of a congressional session. No.

Government fishing expeditions with search warrants written by FBI agents is not what the Framers had in mind. It is not what Benjamin Franklin had in mind. It is not what Morris had in mind. It is not what James Wilson had in mind. Spying on ordinary, unsuspecting citizens—not with that in mind. Without their knowledge? No. That is not what the Framers had in mind. Handing the Government unilateral authority to keep all evidence secret from a target so that it may never be challenged in a court of law is not what the Framers had in mind.

Yesterday, I believe it was, we heard reports that the military has spied on Americans simply because they exercised their right to peaceably assemble and to speak their minds. What disgrace. What a shame. Today we hear, yes, we hear today that the military is tapping phone lines in our own country without the consent of a judge. Can you believe that? Here in this country, where liberty is supposed to prevail.

Go and ask that Statue of Liberty. Is that what it stands for?

No. Labeling civil disobedience and political dissent as domestic terrorism is not what the Framers had in mind.

Read history. What is the matter with us? Have we gone berserk? Read history. That is not what they had in mind.

Our Nation is the most powerful nation in the world. Why? Because our Nation was founded on a principle of liberty. Benjamin Franklin said ''those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.'' Our Founding Fathers, intent on addressing the abuses they had suffered at the hands of an overzealous government, established—yes, it did—established a system of checks and balances, ensuring that there is a separation of powers—there is a separation of powers. Read it in the Constitution, article I, article II, article III—a separation of powers so that no one body may run amok with its agenda. These checks are what safeguards freedom for you, Mr. President, and for me and for all others in this land. These checks are what safeguard freedom, and the American people are looking to us—yes, they are looking through those lenses there, they are looking at us, yes. The people out on the broad prairies, out on the plains, out in the valleys, out on the great shores, the frozen wastes of the North Pole, and, yes, that liberty extends everywhere. That American liberty extends everywhere. And nobody may run amok with its agenda.

These checks are what safeguard freedom, and the American people are looking to us—you, and me, Senator, you, Senator, and you, Mr. President—looking to us now to restore and protect that freedom.

So many have died protecting those freedoms. And we owe it to those brave men and women to deliberate meaningfully and to ultimately protect those freedoms that Americans cherish so deeply. The American people deserve nothing less.

Earlier today, the Senate voted to stop a bill that would have allowed the abuses of American civil liberties to continue for another 4 years. Shame. The message of this vote is not just about the PATRIOT Act but the message that the Senate can stand up, the Senate can stand against an overreaching Executive of any party, any party, any party that has sacrificed our liberties and stained our standing before the world.

The PATRIOT Act has gone too far. It has gone too far. Secret renditions should be stopped. Torture must be outlawed. Our military should not spy on our own people.

The Senate has spoken. Let us secure our country but not by destroying our liberties.

Thank Almighty God for this Constitution and the Framers who wrote it, and the Founders of our Nation who risked their lives and their fortunes and their sacred honor. Thank God for checks and balances. Thank God for the Senate, and may it always stand for the right.

I thank all Senators. I again thank the distinguished Senator from Minnesota. I want to tell him that I wish he and his family and loved ones a merry Christmas, a merry Christmas. I thank him.

The PRESIDING OFFICER (Mr. BURR). Under the previous order, the Senator from Minnesota is recognized.

Mr. MCCAIN. Mr. President, parliamentary inquiry: What is the order?

The PRESIDING OFFICER. The Senator is notified that there is no order after the Senator from Minnesota.

Mr. MCCAIN. I ask my friend to indulge me. I ask unanimous consent I follow the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I want to associate myself with the remarks made by the great Senator from West Virginia, and he is a great Senator. His 47 years of experience here and wisdom have made him an invaluable Member of this body, a leader of this body, an invaluable mentor to newcomers such as myself, and his fidelity to the Constitution, his understanding of history, his understanding of the appropriate relationship of this body, as an independent branch of Government, with the executive branch has been patriotic, courageous, and right.

I thank him for his remarks and for his kind words.

I also want to share the outrage that he expressed, and the previous speaker, the distinguished Senator from California expressed, about these disclosures. Yet another one today, reading in the New York Times about the secret spying on American citizens by the National Security Agency, in contravention of law and in contravention of previous policy under Presidents, Republican and Democrat.

That, on top of the revelations about secret torture camps being conducted, again extra-illegally, by this administration, to the detriment of the great name of the United States of America.

I see that the outstanding Senator from Arizona is on the floor and will follow me with his remarks. To his enormous credit, he has been the champion of putting the United States back on track and assuring that we set the example, the proper example, for the rest of the world in how to conduct itself even under adverse circumstances.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

(The remarks of Mr. MCCAIN, Mr. LIEBERMAN and Mr. DURBIN pertaining to the introduction of S. 2128 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

TORTURE

Mr. DURBIN. Mr. President, I salute Senator JOHN MCCAIN. He achieved something this week which is historic. He achieved an agreement with the Bush administration on the issue of torture. That took a lot of hard work on his part. He took a 90–9 vote in the Senate with him to the White House, meeting with the President's representatives.

What Senator MCCAIN was seeking is something fundamental. He wanted to reaffirm in law the fact that the United States would still stand by its word and by its values, that we would not engage in torture even though we are in this new age of terrorism and threat to America. He said: This is less about the enemy than it is about us, who we are and what we stand for.

I can recall during the debate on this issue, Senator MCCAIN took the floor and gave one of the best speeches I have heard in this Chamber, a speech only he could give. As a former prisoner of war, a Navy pilot shot down over Vietnam, he was a victim of torture. No one else in this Chamber, fortunately, can speak to it as he spoke to it. But in speaking to it, he reminded us that torture is not American. It is not a good means of interrogating prisoners or coming up with information to make America safer. There was a lengthy debate about whether his provision would be included in the final legislation. Fortunately, the White House has agreed to include it.

I was happy to cosponsor that legislation. I have been raising this issue for the last several years. I know how controversial it can be. A few months ago I had the spotlight focused on me for some comments made at this same desk. But I believe that the issue of torture is one that we have to face forthrightly.

Last week I was traveling in northern Africa and visited with one of our ambassadors. He is an ambassador to one of the Muslim nations. We talked about the challenges he faces with our involvement in Iraq. He said: The controversy about our involvement in Iraq paled in comparison to the controversy in his country about America's role when it came to torture. He said: It is hard for the Muslim population and Arab populations to understand why the United States would abandon a long-term, multidecade commitment not to engage in torture once they were involved in a war involving Arabs and Muslims. He reminded me—and I didn't need to be reminded—that we issue a human rights scorecard each year from the Department of State. Some of the questions we ask of countries around the world are: have you incarcerated someone without charges? Are you holding them indefinitely? Are you torturing them? If the answers are affirmative, we give them low marks.

Today, obviously, those countries are asking whether the Americans live by the same standards they are imposing on others. JOHN MCCAIN's leadership, along with Senator JOHN WARNER, chairman of the Armed Services Committee, resulted in an important agreement to restate the most basic and bedrock principle, that America will not engage in torture. We will not engage in cruel, inhuman, and degrading treatment of prisoners: First, because it is not American; second, because it invites the same treatment on our soldiers and Americans; and third, because it doesn't work. We have found time and again, if you torture a person they will say anything to make the torture stop. That doesn't give you good information to make America safe. Let me salute Senator MCCAIN for his leadership.

EAVESDROPPING ON AMERICANS

Mr. President, I am troubled by the reports in the New York Times and Washington Post today that this administration, since 9/11, has been engaged in a practice which I thought had been clearly prohibited in America. That is the eavesdropping on individual American citizens, those in America, by major agencies such as the National Security Agency. This all started some 30 years ago during President Nixon's administration. It was an administration which created an enemies list. If your name was on that list, be careful; J. Edgar Hoover would be looking into every aspect of your life that he could. You might be audited by the Internal Revenue Service and you would be carefully watched and monitored.

We decided that wasn't a good thing for any President to do. We made it clear that if you had good reason to eavesdrop on an American in the commission of a crime, involvement in terrorist activity, that was one thing. But to say you could do it with impunity, without any legal approval, that was unacceptable.

Now we find it has been done for several years and several thousand Americans have been the subject of this wiretapping and eavesdropping.

Mr. President, that is a troubling development. It says that this administration has decided when it comes to basic rights of Americans, they are above the law, not accountable; they don't have to go through the courts, don't have to follow the ordinary judicial process. That is something that Congress has to stand up and fight. We have to make it clear that even in the age of terrorism, basic freedoms and liberties of Americans have to be respected.

I hope that as soon as we return from this holiday break the appropriate committees will initiate investigations, determine what has occurred, whether it has gone too far. I sincerely hope, on a bipartisan basis, that my colleagues will rally to once again assert the fundamentals when it comes to the right of privacy in America. We want to be safe in America but not at the cost of our freedom. That, unfortunately, has become an issue because of these most recent disclosures.

Mr. SESSIONS. Mr. President, I remain baffled by the failure today to move forward with the PATRIOT Act. That piece of legislation is exceedingly important. We know for an absolute fact, as Senator KYL and others have pointed out, that terrorist organizations and their movements and activities were not properly discovered by law enforcement because of a failure to share information and other restrictions that fell on those investigators. That has been demonstrated with clarity. In fact, some say had we not had the wall between the CIA and the FBI and they could actually have shared information, we may have even prevented 9/11.

I say this to my friends in this country. Federal agents follow the law. The law said the CIA, which is out dealing with international terrorist groups and others who want to harm the United States, and the FBI, which is given the responsibility of homeland protection and crime enforcement in this country,

were not allowed to share information. And they did not do so. It was part of a governmental reform. I think the Frank Church committee thought they were doing something good, but they ended up creating a wall that prohibited the sharing of information that made it far more difficult for Federal investigators to do the job we pay them to do.

This afternoon, I saw a lady from New York who was touched by 9/11. She wants this bill passed. As a matter of fact, she was shocked that it was not. Why is she shocked? It just passed this Senate a few days ago 100 to 0, by unanimous consent, not a rollcall vote, but unanimous consent, without an objection. It came out of the Senate Judiciary Committee, 18 to 0. We have a host of libertarians on that committee—civil libertarians and libertarians. Chairman SPECTER is very proud of his heritage of civil liberties. All of us take it seriously in that committee, and it came out unanimously.

The bill went to the House, and they passed this very bill that we just blocked. The House passed it with a 75-vote majority even though, in fact, the House had to recede and give about 80 percent of the differences in the House and Senate bill over to the Senate side. The Senate bill was clearly the bill that was the model for the legislation on which we finally voted.

So we go over to the House. They have some provisions and we have some provisions and there is a good bit of discussion over the issues. Finally, a conference report is agreed to. It comes back over here, and all of a sudden we face a filibuster.

The PATRIOT Act will sunset December 31. It will be gone. We will not have the provisions that are in it. Those provisions have played a big role in helping us protect this country from another attack. Who would have thought we would have gone over 4 years since 9/11 without another attack on this homeland? I hope no one thinks that success to date—praise our Creator—has not been driven in large part by effective law enforcement activities by the FBI, the CIA, and other agencies that are charged with these responsibilities.

The compromises reached in the conference committee to work out the differences between the House and Senate bill, according to Chairman ARLEN SPECTER, tilted in favor of the Senate on the disputed provisions by about 80 percent. He said there is not a dime's worth of difference in terms of whether civil liberties were enhanced or not enhanced in the bill that we just voted on and the one that came out of committee 18 to 0 and passed the Senate unanimously.

So why would this Senate and the great Democratic Party, except for two of its members, vote to block us from an up-or- down vote on this? I don't understand. I think it is a serious matter.

There are provisions in the bill that are important. As I have tried to state, as a Federal prosecutor for 15 years nearly, I remain baffled by the concerns over the bill. I remain baffled because of the fact that every provision in the bill has already been a part of Federal law at some point in time and had never been overruled or found unconstitutional. But many of the law enforcement capabilities that the bill delineates and makes clear and actually creates frameworks for already exist in current law.

I knew from the beginning that there was nothing in the bill that was going to be held to be unconstitutional and, indeed, it has not because it was written in such a way that we would not violate the Constitution, and it would be within the principles of our commitment to civil liberties.

All of us are committed to civil liberties. One of our Senators, Mr. BYRD, said we don't need search warrants written by FBI agents. Absolutely we don't. We don't want an investigator being able to conduct a search of somebody without an independent order of a judge, and there is nothing in this bill that does that. We don't change the great protection that you have to have a court-approved search warrant, for heaven's sake. There is nothing in this bill that comes close to that. But these are the kinds of charges that have been made, upsetting people and making them think there is something strange or overreaching about this legislation. It passed with only one negative vote 4 years ago, 90-something to 1.

We need to get our act together on this bill. I urge my colleagues to read the legislation that Senator SPECTER has so carefully written so that anybody can understand what the complaints are, to consider what the Department of Justice has said, to listen to the debate, and actually read the legislation. I am convinced that if colleagues would take a moment to do so, they will find that all of our great liberties are protected and, in fact, we didn't give to FBI terrorist investigators the same powers an IRS investigator has this very day to subpoena bank records that relate to a person who may not have paid their income tax. IRS agents can do that on a daily basis.

I see my colleague. Maybe I have already utilized over 10 minutes. If I have, I will be pleased to wrap up and yield the floor. I am over 10 minutes.

I feel strongly about this mainly because I am so concerned that people have allowed this vote to become a vote on whether one believes in civil liberties or whether one believes in law enforcement.

The bill was written and came out of committee—Senator LEAHY approved it; he monitored its passage from the beginning—so as not to violate the Constitution, not to undermine our liberties, but to make sure that Federal investigators who are trying to keep another 9/11 from happening here have the same powers as IRS agents. And, indeed, we didn't even give them that much power, in many instances. They still have less in some instances.

We need to get our act together on this legislation. We need to move this bill. I don't think it needs to be any weaker. If we come back and water it down and pass it, it would be a mistake.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I would like to let the Senator from Georgia propound a unanimous consent request first.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the Senator from Oregon. I ask unanimous consent that I be recognized to speak following the speech of Senator WYDEN from Oregon.

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

The Senator from Oregon.

STOPPING INDECENT PROGRAMMING

Mr. WYDEN. Mr. President, as the session winds down this year, I wanted to take a few minutes and bring to the attention of the Senate a new development that I think will be of great interest to millions of parents and families across the country. As the distinguished President of the Senate knows from our service in the other body, parents are greatly concerned that their children are bombarded every day with obscene, indecent, profane, and violent entertainment on television. Parents come up to us as legislators and say: What are you going to do to stop this trash? What are you going to do to keep indecent programming away from our children's eyes and ears?

Of course, we all wish for an ideal world where parents would take the most direct action, which is simply to turn the television set off. That is something that can be done without any Government role. But with parents working—and very often both parents working two jobs each to try to make ends meet—that is not always possible.

So as I began to look at how to solve the indecency problem, I asked what could the Government do in this area to better protect our kids from indecent programming on television? I also asked how to do it in a way without a big government bureaucracy program, a one-size-fits-all approach or where the Federal Government would regulate the actual content of the programs on our television sets.

As I began the search to try to figure out a responsible approach to the problem of indecent programming for children, one of the things I found is one of the cable companies and the big television programmers have set up a special tier of programming for those people who are interested in sports and those people who are interested in movies. I looked at it and found that not only had cable companies done this, it seemed to be working as well.

They found a way to do it that the subscribers like and which was profitable. I said to myself, if that kind of approach works for sports fans and movie fans, why can we not do it for families as well? Why can we not have a special tier of programming that is appropriate for children and works for families, the way we have special programming for sports and movies?

So earlier in this session, I introduced the Kid Friendly TV Programming Act, which would require all video service providers to implement a tier of television programming that is appropriate for children. In my bill, a kids' tier is defined as a group of 15 or more television stations blocked off in a separate channel area with both programming and commercials on it that are purely kid friendly. Parents would be able to subscribe to this block of stations separate from their regular programming, knowing the programming on their television will not carry material that is obscene, indecent, profane, sexual, or gratuitously violent. In introducing this legislation, it seemed to hit the criteria that were most important to me: more wholesome choices for parents and families but not a one-size-fits-all Government mandate. The Government would put the focus where it ought to be, which is to give parents a block or tier of channels separate from regular programming where there would not be material inappropriate for our children.

After I introduced the legislation, Chairman STEVENS and the ranking minority member Senator INOUYE of the Commerce Committee, also made an important effort in holding a roundtable discussion on the problem of indecency, which provided some very valuable exposure for the issue. I want to express my appreciation to both of them for their leadership on this matter.

I also want to express my appreciation to the chairman of the Federal Communications Commission, Kevin Martin, who has discussed this issue with me on a number of occasions. He gave a great boost to this effort several weeks ago at the forum that was held on indecent programming, where he came out and said that a kids' tier of programming would be a responsible, practical way to make sure our Nation's children had more wholesome choices on television.

This week, spurred on by the legislation, the work of Chairman Martin, and the good bipartisan work done by Senator STEVENS and Senator INOUYE, the cable industry took a small step in the right direction when six cable companies, including Time Warner and Comcast, announced they plan to offer a kids' tier of programming in 2006.

Having listened for months to arguments that kids' tier is not going to be profitable and it is not going to be practical, we saw the industry finally come to an understanding that it was time to get serious about this problem.

Yesterday, Time Warner released the details of their kids' tier offer. I was pleased to see that their proposal included G-rated stations that run child friendly content 24 hours a day. However, it is unclear what will be included in the package that parents must purchase in order to purchase the kids' tier. Parents still may have to subscribe to a tier that includes stations that carry foul language, excessive violence, and inappropriate sexual content in order to subscribe to the kids' tier.

That is not what my legislation called for at all. It said we had to have alternatives to the kind of inappropriate programming that is out there now. But in order to subscribe to Time Warner's kids' tier, families might also have to subscribe to service which could include inappropriate programming for children.

I am pleased I can say on the Senate floor that at least some people in the industry have recognized the need for a kids' tier of cable programming across our country. For a long time, whenever I brought this up, they basically said western civilization would end if we have this kind of programming that meets the needs of parents and families. At least we have seen baby steps to address this issue.

What is needed is not different than what parents have at the candy-free checkout lane at the supermarket. Just like parents should not have to take their kids past all the candy to check out at the grocery store, parents should not be forced to surf through obscene programs in order to get to the programs for kids that are appropriate.

In the days ahead I want to make sure that children across the country have an opportunity to have access to this kind of good quality programming, that the kids' tier is implemented properly, and that it does not depend on which community one is in. While a family in Corvallis or Portland in my home State would have a kids' tier available to them because they are served by Comcast, a family in Pendleton or Hood River would not because they receive their cable through a different company. Until all video service providers are offering a kids' tier the job will be incomplete.

My legislation requires that all video service providers institute a kids' tier. I want to make sure families get this option. It is my intent to watch the developments we have seen in the last couple of weeks with respect to Time Warner and Comcast very closely. I am very appreciative of what Chairman Martin has done in this area because he has given great visibility to the question of improving children's programming.

I see Senator PRYOR is in the Chamber as well. He has done excellent work on the Commerce Committee on this issue of indecent programming for children.

If we do not see this kind of tier of kid friendly programming done right across this country, I am going to come back to the Senate and push for my original legislation. The private sector has taken baby steps in the right direction, but there is still a great deal left to do. With millions of kids being exposed to indecent, profane, and violent programming, it is important to do this job right, and the Senate ought to stay at it on a bipartisan basis until it is done.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

THE TAX CODE

Mr. ISAKSON. Mr. President, today is an anniversary of a day of great renown in American history. Two hundred and thirty-two years ago, on December 16, 1773, a band of colonists boarded three ships in Boston Harbor, dumped the cargo of tea into that harbor, and it became known as the Boston Tea Party. It was a protest of taxation without representation in that great injustice.

I rise today on the floor of the Senate to tell you that injustice still exists in our tax system, not in taxation without representation but in the complexity of our system. Think about it for just a second. It takes the average American filing the simplest form, 1040, 13 hours, the length of 6 college basketball games, just to fill out our simplest form. It takes 3 of 5 Americans the cost of hiring an outside accountant to consult with them just to meet the demands of the current tax system. It means the Tax Code is now 1,685,000 words long, which is exactly 380 times the number of words in the entire Constitution of the United States of America. As all of us on the floor of the Senate know, in months, 17 million more Americans will be brought under the alternative minimum tax, a tax that was allegedly started only to address the taxation of a few that now addresses the taxation of the many.

Earlier today, I introduced legislation to deal with this injustice and create a mechanism for us to forthrightly come before the people of the United States and develop a simpler, fairer, and flatter system of taxation. Simply put, we would sunset the current Tax Code on the Fourth of July, 2008, and command the Congress to take the next 3 years analyzing consumption taxes, progressive taxes, flat taxes, revenues of all sorts, and the effect each has on the economy and economic policy, and then come back to the American people prior to that date with a new, simplified, fairer, flatter tax system, or, if failing to do so, the Congress of the United States would then be forced to vote on this floor to extend the existing system we have and all the injustice that goes with it. Only by creating a deadline, only by being faced with the termination and the loss of revenue would this Congress forthrightly take the due diligence it needs to have the massive overhaul our system needs.

Today, the United States of America in the 21st century is operating under 20th century rules—1,685,000 words

written as long as 100 years ago, when we are looking forward to a future that is brighter and better for all Americans.

I urge my colleagues in the Senate to join me in cosponsoring this legislation and for us to forthrightly set a time when we can truly have a second tea party, this one liberating us from the injustice of complexity and opening the door for simplicity in the American tax system.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

VICTORY IN IRAQ

Mr. MCCONNELL. Mr. President, I rise today to speak on Iraq's stunning march toward freedom and democracy and America's efforts to support her progress. I believe, as does President Bush, that it is squarely in our national security interest to help the Iraqis build a thriving and healthy democracy. Democracy is the ultimate antidote to terrorism.

We all know for democracy to flourish we must defeat the terrorists who still linger in Iraq. The mission facing our country is simple: We must defeat them by standing up the pillars of Iraq's democratic institutions so that country can become a hinge of freedom in the greater Middle East.

We know the terrorists cannot defeat us on the battlefield; our military might is absolutely unmatched. We know they cannot defeat our ideas, because when people are given a choice, they will choose liberty and democracy over terror and tyranny every time.

So this debate turns on just one simple question: do we have the will to win in Iraq?

This summer, American intelligence forces intercepted a letter written by Ayman al-Zawahiri, one of the leaders of Al Qaeda, to Abu Musab al-Zarqawi, the leader of Al Qaeda in Iraq. In his letter, al-Zawahiri said that al Qaeda's goal was quite clear: ''Expel the Americans from Iraq.'' He went on to say this:

> . . . [T]he mujahedeen['s] ongoing mission is to establish an Islamic state, and defend it, and for every generation to hand over the banner to the one after it until the Hour of Resurrection . . . The Americans will exit soon, God willing.

So the terrorists' intent is plain. They are not only dedicated to driving us out of Iraq, they are also dedicated to turning Iraq into a breeding ground for terror and anarchy.

We must not let them succeed. That is why I am so concerned about the comments of those who suggest that the battle in Iraq is unwinnable. What signal does that send to the terrorists? What signal does it send to our troops who are putting it on the line every day in Iraq?

Here is what Congressman DENNIS KUCINICH, a leader of the House Democrats' ''Out of Iraq Caucus,'' said: ''It is time for a new direction in Iraq, and that direction is out.'' It's pretty clear where he stands. And he is not an outlier in his party.

The ''Out of Iraq Caucus'' is composed of about 70 Democratic House members. Their goal is America's complete withdrawal from Iraq. Personally, I don't think it makes sense to set an arbitrary withdrawal date, so the terrorists can circle that date on their calendars and wait for us to leave. It seems to me that the better course is to determine our troop needs based on military requirements on the ground, as determined by our military leaders.

House Minority Leader NANCY PELOSI herself has endorsed the immediate withdrawal of our troops from Iraq, and claims that her position represents the majority of her caucus. Leader PELOSI endorsed H.J. Res. 73, a resolution that states:

> The deployment of United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date.

So that is the position of the House Democratic Leader, Ms. PELOSI.

Now, the chairman of the Democratic Party, Howard Dean, has said recently the United States can't even win in Iraq. He says, ''The idea that we're going to win this war is an idea that, unfortunately, is just plain wrong.''

Let me say that again. Howard Dean, the leader of the Democratic Party, believes that ''The idea that we're going to win this war is an idea that, unfortunately, is just plain wrong.

That is Howard Dean's assessment of the situation.

Chairman Dean later tried to qualify his comments about the unwinnable nature of the battle in Iraq, but no matter what he says now, it still sounds like ''cut and run'' to me. If it is not ''cut and run'' it is at least ''cut and jog.''

Let me be clear. Proponents of immediate withdrawal certainly have the right to hold that view, and I believe they do so with patriotism in their hearts. But I must respectfully question their judgment.

Our goal should be to achieve victory in Iraq, not merely to pull out based on an arbitrary date on the calendar.

The fact is, we are already on the road to victory in Iraq. The transformation of Iraq from the tyrannical rule of Saddam Hussein to freedom and democracy in just two and a half years is a remarkable success story.

It took us 11 years in our country to get from the Declaration of Independence to the Constitution. And freedom took another giant step forward yesterday with the elections for the first permanent democratic government in Iraqi history.

Of course, the news we have now is still preliminary. But early news reports indicate that 11 million Iraqis went to the polls yesterday, once again staining their fingers with indelible purple ink to signify that they had voted.

That is an overall turnout rate of over 70 percent, compared to 60 percent here a year ago, which was a good turnout for us, higher than normal—70 percent of them going to the polls, proudly holding up their ink-stained fingers, many of them not certain they wouldn't be killed by exercising that right to vote. What is there not to admire about that, an extraordinary performance on the part of the Iraqi people?

As I indicated, that turnout rate exceeds that of their previous election, the constitutional referendum in October. And the turnout rate for that referendum exceeded the rate for the election prior to that, for the interim government in January. Most important, turnout among Sunnis yesterday appears to have been particularly robust, as with each election Sunnis have gotten more involved in the democratic process.

We may not know the results of the elections yet, but we know the Iraqi people are the winners. They have repeatedly defied the terrorists by voting for democracy over tyranny. Yesterday's elections have created a 275-member council of representatives, who will govern Iraq with the consent of the people.

It is odd to me that at such a moment of triumph in that country, there are still those who call for America to stop short. Granted, not everything in Iraq has gone just as we would have wanted it to.

Unfortunately, such is the nature of military conflict. We've all heard it said that no battle plan survives the first shot. But there can be no doubt that tremendous progress has been made. Maybe it would be a good idea to review the progress that has been made in Iraq in the last two-and-a-half years.

Back during the Saddam Hussein era—when he was in power from 1979 to 2003—in that period, over 4,000 political prisoners were summarily executed, 50,000 Kurds were killed, 395,000 people were forced to flee Iraq, there were no free elections whatsoever, no free newspapers, and Hussein, of course, stood above the law.

What has the situation been since 2003, since the fall of Saddam? Iraqis are now innocent until proven guilty, and Saddam himself is being given a fair trial, something he gave no one.

Seventy-five Kurds were elected to the interim Parliament, when during Saddam's regime, 50,000 of them were murdered. Over 270,000 people repatriated, when during Saddam's regime, 395,000 people left the country; 9.8 million Iraqis freely voted on the Constitution. There are over 100 free newspapers in Iraq. They have a robust free press there, and Hussein, as I suggested earlier, is now on trial, being given the kind of trial he gave no one.

So much has improved, much is left to do, but now we are heading in the right direction. Iraqis are feeling positive about the direction of their country as well. According to an ABC News study, 77 percent of Iraqis think the security situation in the country will be better in a year. Two-thirds of them expressed confidence in the Iraqi Army and the Iraqi police.

These people are on the ground in Iraq every day. They are living in the midst of the war on terror. I think we should give their opinions great weight.

Look at all the progress that has been made. The 24-year reign of terror is over, and a new democratic, free Iraq is emerging. Voter turnout in their national elections yesterday was reportedly very heavy, as I indicated. So Iraqis are optimistic about their future. They think the fight against the terrorists is worth fighting. They think democracy is worth fighting for.

We should stand by them and do no less. We need to complete the job, and our strategy is to stay and win—not cut and run.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

TAX RELIEF FOR AMERICANS IN COMBAT ACT EXTENSION

Mr. PRYOR. Mr. President, I rise today to commend and thank my colleagues for including a 1-year extension of the Tax Relief for Americans in Combat Act as part of the Gulf Opportunity Zone Act of 2005. This measure corrects a discrepancy in the Tax Code that penalizes certain service men and women serving in combat situations.

To give my colleagues a bit of history on this, in 2003, I approached the distinguished chairman of the Senate Finance Committee, Senator CHUCK GRASSLEY, and the ranking member of that same committee, Senator MAX BAUCUS, and asked them to join me in an effort to get a fresh look at the overall picture of how our Tax Code treats our military. I was very pleased when they agreed to work with me, and was delighted to jointly request an expedited study by the Government Accountability Office. It was an honor for me to work with them. I also must say their staff have been nothing but a delight to work with throughout this process.

The GAO made their study, and they had some interesting findings.

One of those findings was especially important and necessitated immediate attention. In a nutshell, what they found is service men and women who were serving in combat zones and receiving nontaxable combat pay were not able to also take advantage of the earned-income tax credit and the childcare tax credit. Imagine that. The result was thousands of our men and women serving in combat—in places such as Iraq, Afghanistan, and other places around the globe—were seeing a reduction or the elimination of their earned-income tax credit or child tax credit and, in effect, losing money. In other words, the Tax Code has the impact of penalizing them for serving in combat.

The GAO report characterized this as an unintended consequence. I say it is plain wrong. I was pleased to introduce legislation to try to fix this glitch. Back in 2004 we passed Tax Relief for Americans In Combat Act. The bill allowed men and women in uniform serving in combat to include combat pay for the purpose of calculating their earned-income and child tax credit benefits. In other words, they were able to continue receiving their rightful combat pay exclusions while also being able to take full advantage of other tax credits. However, what we passed in 2004 expires at the end of this year. So I am pleased today's action in effect extends the legislation for one more year.

I thank, again, Senator MAX BAUCUS for his leadership in helping extend it for another year. Also, I thank Senators JOHN KERRY and BARACK OBAMA for their leadership in taking up the fight when someone saw the opportunity to do so, to ensure our men and women in combat are fairly treated.

The urgency of this situation is highlighted especially when you focus on our troops whom it affects. We are talking about troops in combat for more than 6 months. They are at lower pay grades and tend to be married with children. They have little or no savings or spousal income. The GAO suggested the amount of tax benefit loss could be up to $4,500 for enlisted personnel and $3,200 for officers. That is real money. That is make-or-break money for a lot of these people. They are already under enormous stress.

I am glad we could come together in this bipartisan fashion and extend this for another year. The bill corrects the problem and lets our troops who are risking life and limb for us know that while they are away fighting for us, we are in the Senate fighting for them and for their families.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. 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. BURNS. Mr. President, I inquire of the Chair, are we on the PATRIOT Act or what is the order?

The PRESIDING OFFICER. The Senator is correct, we are currently on the PATRIOT Act.

Mr. BURNS. I ask unanimous consent I be allowed to speak for up to 15 minutes—and I don't think it will be that much—as if in morning business.

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

IRAQ

Mr. BURNS. Mr. President, I heard the words of our assistant leader on the majority side and wanted to come to the Senate. These words may get lost in the swirl of the times with the holidays, but yesterday was truly a historic time not only for the people of Iraq, but a historic time for the peace process in the Middle East.

There was not a doubt in anyone's mind around the world what that was about yesterday. They not only elected permanent representation in their government that will move on and try to finish their constitution, but it was a symbol of a people who voted for peace, security, and a new economic future. That is what that was all about yesterday.

I congratulate the people of Iraq who, with a great deal of courage, turned out and stood in lines and voted their will. This is what this whole exercise has been about.

I leave a message with not only this Congress but to some who fail to see how much hope was on display yesterday: there is hope for the future. Now we have little girls going to school in Iraq. Hope for families, that they can participate in a republican form of democracy, and to change the economic culture of those people who live in Iraq.

Think of the possibilities. The success in Iraq also has done another thing that will change not only Iraq, but it will change the whole area. For the first time since World War I there will be a transportation and communication corridor that will change the economic culture from Tel Aviv to Kuwait City. Think of what that does. It puts Amman back on the trade route, so to speak. King Abdullah, the leader of Jordan, understands this. And as he looks at that, it puts Amman back on the trade route.

But what about the future? Anyone who has visited Iraq has seen this, probably in Baghdad, or wherever. But I will tell you what this farm kid has seen on his visit to Iraq. When we were in Mosul we saw dry land, farming, good soil. There are two great rivers with irrigation systems from both of them. I saw the kind of dirt it takes in which to build an economy.

Let's don't talk about gas or oil. Let's talk about the very industry that contributes more to the GDP of any country in the world, and that is agriculture. They have the ability to be the breadbasket of the Middle East. As you know, most of the Middle East is desert. Most of it has soil that is very thin, and there are not many nutrients in it. And even where you find those areas where they have it, it is in need of water. Water isn't there.

I looked at the north of Israel one time, and I understood the problem there. The problem there has to do with water, the ability to irrigate out of the Jordan River. You have two great river systems in Iraq.

The next step in this budding new freedom is the cornerstone of freedom, and that is land ownership, making people productive, growing renewable resources, providing for your family, but also providing a great export out of Iraq and becoming a trading partner with their neighbors.

We cannot change the ethnic culture, nor can we change the Islamic culture, but we can change the economic culture to where more people of that society participate in the economic well-

being of their country. Just think of the possibilities and the hope it brings to the next generations of those folks.

If you can find something to export—and I will tell you, I look at Jordan. There is a country that is not very wealthy. The only thing they have to export is potash, and the world can only use so much potash.

But they understand communications and transportation. So there is great hope there now. There is the hope of land ownership, the hope of participation in supplying food and fiber not only for their own people, but to export to other neighboring countries. That corridor is now established with the free movement not only of people, but also goods and services.

That corridor will widen. It will effect the way people do business in Syria and the way they do business in Iran. It will change even how they do business in Egypt. The Nile Delta, a very fertile delta, now will have some competition in the food business.

Also, it will have possibilities for our country when those economics take hold. And it is not going to happen by next week, or next year, or maybe not even for the next 5 years. But you are going to see it happen because of this taste of freedom, land ownership, independence, and to be able to participate in their own government, and, yes, even in their own provincial governments.

So the possibilities of peace and stability and economic advancement have never been greater than at any time in history since World War I. Yet there will be those who say we should not be there helping freedom-loving people achieve the same dream, having the same hopes we have for our next generation, our children, and our grandchildren.

Hope is eternal. Now they have a future, a future they have never had since almost 100 years ago. And the impact of that will spread throughout the Middle East. It will happen. The Presiding Officer comes from an agricultural State with land ownership, productivity, and exports. My good friend from Iowa, my goodness; they are the breadbasket of the world. They can grow more in Iowa with what falls out of their pocket accidentally than we can, on purpose, in Montana, I will tell you. What a great and blessed State, and the same for the State of my friend from Texas, who is on the floor.

But what makes it operate is land ownership and participation in the economy. Then the terrorists have nobody to recruit because there is hope.

Our Marines, our Army, and our Air Force paid a heavy price because they, too, believe this legacy of freedom, to be passed on from one generation to another, is worth dying for.

I had a lady say: ''If you wanted to take a poll in Iraq, if you polled our military people, that poll would say they don't want to be there.''

I said: Well, if you took a poll in the English Channel on June 6, 1944, they didn't want to be there either. What was that for? Countries had been overrun by a tyrant who brought nothing but tyranny. And they were an enemy of this country and our ideals and our principles.

They have those principles already. But what they have too is hope. And we have to nurture that hope because they cannot only feed themselves, with their renewables grown from Mother Earth, they can become a powerhouse in the Middle East for commerce. Just think of that corridor. Just think of the possibilities of changing an economic culture that will run from Tel Aviv to Kuwait City, and then you tell me: Was it worth it?

This President understands a vision of hope for freedom-loving people everywhere. And what it offers to their citizens is beyond some folks' comprehension. Freedom is not free. Hope is not free. There must be sacrifice.

Yesterday, those folks lined up by the droves to take advantage of changing their lives, sending a strong message to the rest of the world: Terrorists, you are not welcome here anymore.

That is the greatest enemy terrorists have, when the fires of freedom burn in the hearts of a people in a line where they stand, where they vote.

That is the vision I have for the Middle East. It is very clear. It is clear that with that reform comes land ownership, irrigation systems, dry land farming, and participation in the world of commerce. Not only in that, but in goods and services also. Iraqis are a very talented people, a people who have that fire of freedom in their heart. We wish them well, and we stand beside them as that fledgling democracy, that republican form of government, gets its kick-start. And it really got a kick-start yesterday. We wish them well. We congratulate them for their courage to stand up and be counted.

I yield the floor.

Mr. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNIVERSITY OF NORTHERN IOWA PANTHERS FOOTBALL TEAM

Mr. HARKIN. Mr. President, today I am here to congratulate the University of Northern Iowa Panthers football team and wish them the best of luck as they prepare to take on the Appalachian State Mountaineers today at 8 p.m. in Chattanooga, TN, for the 1–AA national championship. This is truly a historic occasion, as this marks UNI's first appearance in the national championship contest. In addition, UNI has the opportunity to be only the second Iowa NCAA school to win a national title in football. Central College in Iowa won the 1974 division III championship.

This has been a season full of highs and lows for the Panthers. Starting the season at 4 and 3, the outlook looked kind of bleak, but the team did not get discouraged. They did not give up. Instead, they rattled off seven straight wins. As a result of their tenacity and determination, the Panthers find themselves tonight in the championship game.

In 5 years, head coach Mark Farley has won 44 games, at least a share of three conference championships, and he has led the Panthers to three playoff appearances. Under his leadership, the Panthers have again become a national power in 1–AA football. And Coach Farley is a graduate of UNI. He was a member of the first UNI football team to play in the national semifinals. Twenty years later, after 10 playoff appearances and 5 semifinal appearances, he has led his alma mater to their first championship game.

Yesterday, the Des Moines Register ran a story titled ''Panther Football A to Z.'' The article tells the story of the team's season, beginning with the letter A for adversity. As I mentioned, the Panthers record stood at 4 to 3, but after seven consecutive wins, which included five late-game comebacks, they have earned the trip to Chattanooga and the adoration of their fans. Much as linebacker John Herman stated in the article:

> Text messages, e-mails, phone calls—it's crazy to see how many people are excited for us to get here.

The article concludes with the letter Z for zenith by quoting athletic director Rick Hartzell, who said:

> There's never been a better time to be a Panther.

I congratulate the young men, their coaches, and the University of Northern Iowa for their tremendous season and wish them the best of luck tonight. I will be watching on ESPN2.

I ask unanimous consent that the text of the Des Moines Register article be printed in the RECORD.

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

(See exhibit 1.)

Mr. HARKIN. Mr. President, I see my friend, RICHARD BURR, the outstanding Senator from North Carolina, on the floor. North Carolina, of course, is the home State of that great school, Appalachian State. I know that after their defeat tonight under the paws of the Panthers, it will continue to be a great school and a great football team.

My good friend and I have made a little wager on the game tonight: six North Carolina pork chops versus six Iowa pork chops. You see, I say to my friend, just as Iowa is No. 1 in pork production, and North Carolina is No. 2 in pork production, after tonight, Iowa will be No. 1 in 1–AA football, and North Carolina will be No. 2 in 1–AA football.

So, again, I look forward to dining on those great North Carolina pork chops.

I ask my friend, please, would you throw in some of that North Carolina barbecue sauce with them?

I yield the floor.

EXHIBIT 1

[From the Des Moines Register, Dec. 14, 2005]

PANTHER FOOTBALL A TO Z

(By Rob Gray)

CHATTANOOGA, TN.—It's hard to describe, let alone explain.

Northern Iowa's stunning run from NCAA Division I–AA football playoff longshot to championship game participant ends Friday with a first-ever title hanging in the balance. Only Appalachian State stands in the way.

''I'm sure after the season's over I'm really going to be kind of in awe, but right now we're trying to get focused on the game, trying not to get caught up in the moment,'' said Panther quarterback Eric Sanders. ''But in the offseason, I know I'm going to reflect and be pretty proud and go like, 'Wow. This really did happen.' ''

The No. 7 Panthers' transcendence of high-profile injuries, daunting fourth-quarter deficits and taxing road trips may defy logic, but it can be loosely quantified, or encapsulated, within a quick spin through the alphabet. So it's on to Chattanooga, via the ABCs:

A is for Adversity. The Panthers (11–3) once stood 4–3, but seven consecutive wins followed, including five late-game comebacks, and overcoming obstacles has kindled adulation.

''Text messages, e-mails, phone calls—it's crazy to see how many people are excited for us to get here,'' linebacker John Hermann said.

B is for Balance. Northern Iowa running back David Horne has rushed for 1,039 yards and 16 touchdowns. Quarterback Eric Sanders has thrown for 2,748 yards and 23 touchdowns.

C is for Coaching. Mark Farley suffered along with teammates and fellow coaches in five Panther losses in the semifinals. This season, he helped orchestrate a breakthrough. ''We've got the opportunity to represent our school, but also our state,'' Farley said.

D is for Defensive ends. Appalachian State (11–3) features two standouts at the position. Jason Hunter and Marques Murrell have combined for 22 sacks.

E is for Extra credit. Northern Iowa kicker Brian Wingert has drilled three consecutive game-winners.

F is for Finish. The Panthers have outscored foes, 63–14, in the fourth quarter over their seven-game win streak.

G is for Grounded. Northern Iowa's defense has allowed big games from highly rated quarterbacks Erik Meyer, Ricky Santos and Barrick Nealy in the postseason, but kept them from winning.

H is for History. Both Northern Iowa and Appalachian State make their first title-game appearances.

I is for Interception. Matt Tharp's pick of Nealy preserved Friday's 40–37 overtime win at Texas State.

''(He) made a good play with a cast on his hand,'' fellow defensive back Tanner Varner said. ''It was just amazing.''

J is for Jeff Bates. The Indianola senior center eased into the starting role when offensive line anchor John Schabilion suffered a season-ending injury.

K is for Krystal. Fans traveling to Chattanooga will encounter this southern version of White Castle.

L is for Linebackers. Northern Iowa's Darin Heideman and Brett Koebcke highlight a defense that gets stingy at precisely the right moment. Koebcke is questionable for Friday, though, with a high ankle sprain.

M is for Mountaineers. As in Appalachian State's nickname. The team has lost just once to a I–AA opponent this season.

N is for National. ESPN2 will broadcast a Panthers football game to a coast-to-coast audience for the second consecutive week.

0 is for Overtime. The Panthers stand 2–0 in overtime games, beating Western Kentucky, 23–20, in double overtime and Texas State. ''We've definitely caught some breaks to be at this point, but you kind of have to to get this far,'' Sanders said.

P is for Pecan Bowl. Way back in 1964, the Panthers won this Division II bowl game, 19–17, over Lamar Tech at Abilene, Texas.

Q is for Quarterback(s). As usual, the Panthers will face a good one—whether it be Richie Williams, who could be out with a ruptured ligament, or backup Trey Elder, who led the Mountaineers to last week's 29–23 win over Furman.

R is for Receivers. Justin Surrency leads the Panthers with seven touchdown catches—including an end-zone grab in four consecutive games. Patrick Hunter and Jamie Goodwin furnish downfield speed. Brian Cutright excels at tight end.

''There's no doubt in this team at any time,'' Cutright said. (see item ''A'')

S is for Kevin Stensrud. The defensive lineman form Lake Mills has battled countless injuries to reach his final game.

T is for Two-point conversion. Surrency's leaping catch to tie the game at Texas State came amid three defenders. ''I had just enough height on it, and not just enough height on it to get it over the first guy and in between the other two guys,'' Sanders said of the pass.

U is for Upsets. Northern Iowa has topped three teams this season ranked No. 1 at some point—with two wins on the road.

V is for Variety. Sanders has hit nine or more receivers in five of the past seven wins.

W is for Waffle House. This franchise dots the Tennessee landscape like Casey's General Stores in Iowa.

X is for X-Factor. Jason Breeland provides a spark in the Panther backfield and at wideout.

Y is for Yards. Expect plenty. The Panthers average 444 yards in the playoffs; the Mountaineers average 437.

Z is for Zenith. As athletic director Rick Hartzell said, there's never been a better time to be a Panther.

''For our type of institution, we've got the best athletic program in the country,'' he said.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, we will learn tonight that being No. 1 doesn't mean that you win, and being the largest doesn't mean you are the best. In fact, North Carolina pork chops are better than Iowa pork chops, and North Carolina football is, in most cases, as good if not better than Iowa football.

I commend the Northern Iowa Panthers. They have had a miraculous season. They deserve to be in the championship game based on how they performed in the second half of the season.

Appalachian State was ranked fifth by the Sporting News and fourth by ESPN/USA Today in the I-AA polls. Appalachian has a record of 11–3, and they have reached the I-AA semifinals now for the third time. They did it in 1987, 2000, and now in 2005. But they have never reached the championship game until this year.

This is a magical year for Appalachian State. Over 10,000 of my constituents will make the trek today to Chattanooga, TN, for tonight's football game. I remind my good friend, Senator HARKIN, that almost all of the tickets turned back in by the Northern Iowa Panthers were purchased by North Carolina constituents who will be at that game.

Appalachian State advanced to the championship game with a 29–23 victory over rival Furman University. Appalachian took the lead with 2 minutes 17 seconds left, with an 11-play, 67-yard drive led by backup quarterback Trey Elder, who was filling in for a starting quarterback Ritchie Williams. They held off a last-minute threat and picked up a fumble by Furman and ran it back to Furman's 1-yard line, where that game ended.

Two of the team's three losses were to I-A teams—Kansas University and the tenth-ranked LSU Tigers. The Charlotte Observer named the Mountaineers the most successful college football program in the State over the past 20 years.

Among their famous alumni are Dallas Cowboys linebacker Dexter Coakley, and former Redskins runningback John Settles.

Coach Jerry Moore is the winningest coach in Southern Conference history, with a string of 16 winning seasons in 17 years, with a record of 139–67. This is his 13th playoff appearance as a head coach. Coach Moore perfected his coaching skills as an assistant under our colleague in the House, Congressman Tom Osborne.

When Appalachian wins tonight's showdown, it will be the first time a university from the State of North Carolina has ever won a national football championship.

Senator HARKIN doesn't need to take my word for it or the sports reporters or the commentators opining on the success of Coach Moore and his Mountaineers. Senator HARKIN needs to go no further than his own backyard to find someone who can attest to Jerry Moore's ability to prepare the Mountaineers for tonight's game. That is because Coach Moore counts as one of his closest friends a man synonymous with Iowa football—former Hawkeyes head coach, Hayden Fry, with whom Jerry Moore started his coaching career at SMU.

Mr. President, Appalachian State University was started as a teachers college in 1899. Its enrollment is slightly over 14,000 students. It is the sixth largest State university in our university system in North Carolina. It has one of the highest graduation rates of student athlete football players in the State, and a few years ago it ranked only behind Duke in that distinction.

I take this opportunity to congratulate the Northern Iowa Panthers. I congratulate Chancellor Peacock and Coach Moore but, more importantly, these two teams who have reached the final championship game tonight.

Tonight there will be only winners; there are no losers. Tomorrow there

will be one loser, and that will be my colleague from Iowa as he prepares to send those pork chops to North Carolina.

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CORD BLOOD LEGISLATION

Mr. HARKIN. Mr. President, yesterday afternoon, the majority leader offered a unanimous consent request to take up and pass, without any amendments or any further action, H.R. 2520, a bill to collect cord blood for use in therapies for various kinds of blood diseases. I objected to that unanimous consent request after quite a bit of talk on the floor.

As I explained yesterday, I support this bill. I am a cosponsor of this bill. In fact, I joined with Senator SPECTER 2 years ago to create the National Cord Blood Stem Cell Banking Program by including $10 million for that purpose in the fiscal year 2004 Labor, Health and Human Services, and Education appropriations bill, of which I am ranking member. We have been funding that program ever since. So I have been in the lead in championing cord blood therapies by getting the program funded and keeping it funded.

Nevertheless, I objected to the unanimous consent request because I believe the Senate should take up the cord blood bill at the same time we take up H.R. 810, which is the Stem Cell Research Enhancement Act.

That is what the House did, and that is what the House passed. The House approved both these bills on May 24 of this year, and we have been waiting and waiting and waiting and waiting in the Senate to do the same thing. We keep hearing from the majority leader that he wants to bring up H.R. 810. In fact, in what I thought was a very courageous speech the majority leader gave on July 29, he said he would vote for H.R. 810. But we can't seem to bring it up on the Senate floor.

Members on the Republican side keep coming up with new bills to try to confuse things. They want to vote on five or six or seven bills, some of which have absolutely nothing to do with stem cell research.

So a number of us on both sides of the aisle formed a bipartisan group to do what we could to try to bring both these bills, the same two the House passed, H.R. 810 and H.R. 2520, and do what the House did—bring them up, debate them, and pass them.

When this unanimous consent request was then offered by the majority leader yesterday, I was on the floor. I had not checked with all the other people who had been involved in that effort, so I objected because I felt strongly that the two ought to be together.

I said to the majority leader last night that I would take a look at it today and go over it with my staff. I have decided, after going over it and looking at it, to lift my hold—I can only speak for myself—but I have decided to lift my hold on H.R. 2520.

One of the reasons I am doing so is because, quite frankly, the bill doesn't accomplish anything that we are not already doing or about to do. In 2002, under the direction of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, of which I am ranking member and Senator SPECTER is the chair, the registry on bone marrow units had to start including cord blood units as well.

Last year, there was a 24-percent increase in the number of cord blood units in the registry. This is because Senator SPECTER and I put this in the bill in 2003. Then, in fiscal year 2004, I helped secure $10 million to create the National Cord Blood Stem Cell Banking Program. Our subcommittee has appropriated $19.8 million in the last 2 years for that effort. That is for the banking of cord blood.

Yesterday, my colleague from Kansas, Senator BROWNBACK, said that ''more kids will die if we don't take up the cord blood bill.'' That is simply not true. Cord blood units are being collected and saving lives as we speak today because of the funding that we appropriated through the Labor, Health and Human Services, Education appropriations subcommittee. Let's be clear, that money is there. We appropriated it. It is doing its job right now.

What will help save lives and help with cord blood is if Republican conservatives would stop cutting funding for the National Cord Blood Stem Cell Banking Program that we put in a couple of years ago.

In the Senate version of the fiscal year 2006 Labor-Health and Human Services appropriations bill, under the leadership of Senator SPECTER, we included $9.9 million for cord blood banking. To hear the talk last night, one would think we didn't have any money. We put $9.9 million in the bill. Guess what. The House had zero. The conference committee cut our $9.9 million down to $4 million. That means 3,900 fewer units of cord blood will be collected under the fiscal year 2006 appropriations bill than in last year's bill.

I would hope my good friend from Kansas will come to the floor and implore his colleagues not to go along with the Labor-Health and Human Services appropriations bill and get that money back in there, but I didn't hear anything said about that.

The cuts to cord blood banking do not stop at the $4 million level. We are told that when the DOD appropriations bill comes back, there will be a 1-percent, across-the-board cut for every Federal program. First, the cord blood funding is cut from $9.9 million to $4 million. Now, it is going to get another 1-percent cut for good measure.

As I said, if Senators want to do more for cord blood banking, they ought to increase the funding, at least not cut it in the Labor-Health and Human Services appropriations bill. But it is being cut. It shouldn't be cut. We put the money in there. So if my colleagues feel strongly about banking cord blood and using that cord blood to save lives, they ought to be out here demanding that we not cut it from what we put in the Senate bill. But I have not heard one person come on the floor and take that up and say: No, we are not going to agree to those cuts.

If Senators want to do more for cord blood banking, they should increase the funding, not cut it. But if Senators want to go ahead and pass H.R. 2520, fine, I have no problem with that. There is no harm in passing language that authorizes work that is already being done by the Appropriations Committee. At least Senators who come out and talk at least ought to thank Senator SPECTER for taking the lead on this.

There is another reason why I am lifting my hold. When we debate H.R. 810 next year—let me put it this way. The majority leader has kept saying he wants to make sure we bring up H.R. 810.

Senator HATCH from Utah said we are going to bring up H.R. 810. We are going to have that debate; we are going to vote on it. Well, when we bring it up next year and debate it, it will be crystal clear who supports medical research and who does not. The question will be very simple: Are my colleagues for stem cell research or are they not?

Cord blood transplants, while enormously beneficial to people with certain blood diseases, are no substitute for embryonic stem cell research. Cord blood cannot do a thing for people with Parkinson's, ALS, juvenile diabetes, Alzheimer's. These are the things we can address with embryonic stem cell research.

So I wanted to make it very clear today, No. 1, that I have taken off my hold on the unanimous consent. They want to bring it out again. Secondly, Senator SPECTER and I have taken steps in the Appropriations Committee both to put the money in there but also to set up the registry. We have already set up the registry. There was some talk yesterday that maybe there is not a registry out there. Of course there is a registry. As I said, it went up 24 percent last year.

H.R. 2520 basically authorizes what we are already doing, anyway. That is fine. But I implore my colleagues who are interested in this, as I am, come out and talk about the funding. Talk about the 3,900 fewer babies, young people, who will not get cord blood because of the cut in funding from $9.9 million now to less than $4 million. Let us hear some talk about that rather than being here and passing an authorizing bill, which does not do one single

thing more than what we are doing already.

What it does is make sure the funding is there for the registry and to collect the cord blood and to bank it so that people and young people who have these terrible diseases can get the cord blood to help them.

I hope we do not make these cuts in the Labor-HHS appropriations bill. It is there, but we should not cut it. And if they do, I will have more to say about it next year when we return in January and February. I hope we can bring up H.R. 810, have a good debate on it, and let us vote it up or down, as the House did, and send it on to the President so we can get on with the vital research that is needed on embryonic stem cell research.

I conclude with this: There are some stories in the paper today—there were a few yesterday—a front-page story today about a South Korean research doctor and the fact that he may have—I do not know all the facts—falsified some stem cell lines. There are indications, at least in my reading of the medical journal, there is some reason to believe he actually did do that, that it was falsified. Then I heard some comments such as, well, see, there is the problem with stem cell research.

That points out the necessity for us to authorize it, to have the National Institutes of Health supervise it, have jurisdiction over it, so that it is done in an ethical way, where we can monitor it and make sure we do not have rogue elements riding off doing their own thing, so we have standards by which we can measure stem cell research, so we can have legitimate, ethical, moral guidelines which researchers can follow, and we can know who is doing the legitimate good work and know who the outliers are.

The fact that this story has come out today makes it even more imperative that we pass H.R. 810 and we have National Institutes of Health jurisdiction oversight over this kind of research.

I yield the floor.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

FEDERAL TRADE COMMISSION NOMINATIONS

Mr. WYDEN. Mr. President, in the final hours of this session of the Senate, the Senate is going to approve two nominees to the Federal Trade Commission. I take a few minutes tonight to describe why I want to be on record tonight against the nomination of both these individuals.

When it comes to energy, the Federal Trade Commission essentially is out of the consumer protection business. Well over a year ago, I released a report documenting the Federal Trade Commission's campaign of inaction when it comes to protecting our consumers at the gas pumps. My report documented how the Federal Trade Commission has refused to challenge oil industry mergers the Government Accountability Office says would raise gas prices at the pump by 7 cents a gallon alone on the west coast.

My report also documented how the Federal Trade Commission failed to act when refineries had been shut down or to stop anticompetitive practices such as redlining and zone pricing. Since then nothing has changed.

Despite what we saw recently—record high prices for consumers, and record profits by major oil companies—what we have seen is a record level of inaction by the Federal Trade Commission on behalf of energy consumers.

In the last few months, when we saw the price of gasoline soar to an all-time record high, the Federal Trade Commission was invisible. As far as I can tell, the Federal Trade Commission failed to take any action at all in the wake of the hurricanes in the gulf that sent the price of gas skyrocketing to over $3 a gallon across the country.

If you do a Google search on FTC and gasoline prices, nothing at all comes up to indicate that the Federal Trade Commission has taken any action on behalf of energy consumers. What you do find are statements by the Chair of the Federal Trade Commission arguing against giving the agency additional authority to protect consumers against price gouging at the pump.

For example, the Federal Trade Commission Chair recently made the statement opposing an effort here in the Senate to have a price gouging law because ''they are not simple to enforce and they could do more harm to consumers.''

The fact, however, is a number of States do have price gouging laws. Two State attorneys general testified at a joint hearing recently here in the Senate that these laws are, in fact, beneficial.

In her testimony before a joint Senate hearing last month, the Chair of the Federal Trade Commission, Debra Majoras, described what I believe to be an astoundingly serious theory of consumer protection when she essentially said there is no need for a Federal price gouging law no matter how high the price of gasoline goes. The argument was by Ms. Majoras that gasoline price gouging is a local issue even if the price gouger is a major multinational oil company.

FTC officials also testified before the Congress that the agency has no authority to stop price gouging by individual companies.

Despite this clear gap in the agency's authority, the agency has refused to say what additional authority it needs to go after price gouging, and others have pressed them to do for years.

There are unquestionable efforts in the private marketplace to exploit consumers, and it didn't start with Hurricane Katrina. As the Wall Street Journal documented recently, gas prices for much of this recent period have increased twice as fast as crude oil prices. Clearly, a number of oil companies are not simply passing on higher crude oil costs but are also adding substantial increases to the cost of gas above and beyond the higher cost of crude oil.

Since the early 1970s and for much of this year, there has never been the kind of disparity between increases in the price of gas and increases in the price of crude oil. This was not seen even in the days of the long gas lines following the OPEC embargo.

Over the past 30 years, gasoline prices never rose more than 5 percent higher in a year than the cost of crude increase. But in the past year, gas price increases outpaced crude by 36 percent. After Hurricane Katrina, the price difference soared even higher to 68 percent.

Further evidence of price gouging could be found in what happened on the west coast immediately following Hurricane Katrina, when prices surged 15 cents per gallon overnight. For years, oil industry officials, the Federal Trade Commission, and others have maintained that the west coast was an isolated gasoline market from the rest of the country. West coast supplies were not affected by the hurricanes. The west coast gets almost none of its gas from the gulf. If the west coast was an isolated market, as the oil industry has claimed for years, then Katrina was not a justification for jacking up gas prices on the west coast immediately after the hurricanes.

The Federal Trade Commission is the principal consumer protection agency in the Government. It is the Federal agency that can and should take action when gasoline markets go haywire as they did after the hurricanes. But instead of action, what we have repeatedly seen were excuses.

In the past, the Federal Trade Commission often claimed that it was studying the problem or monitoring the gasoline markets as an excuse for inaction on gas pricing.

Recently, the Federal Trade Commission's campaign of inaction has even extended to the studies that the agency does. The Federal Trade Commission chair testified last week that a study of gas price gouging that Congress required the FTC to complete by this month would not be ready until next spring. In effect, the campaign of inaction is now approaching the point of paralysis where the agency won't even deliver promptly on commitments that it has made to study the issue.

The agency has continued its program with inaction on behalf of gasoline consumers despite the findings by the Government Accountability Office that the agency's policies are raising prices at the pump.

In May of 2004 the Government Accountability Office released a major study showing how oil industry mergers and the Federal Trade Commission

allowed to go through in the 1990s substantially increased concentration in the oil industry and increased gas prices for consumers by as much as 7 cents per gallon on the west coast.

Specifically, the Government Accountability Office found that during the 1990s the Federal Trade Commission allowed a wave of oil industry mergers to proceed, that these mergers had substantially increased concentration in the oil industry, and that almost all of the largest of the oil industry mega mergers examined by the auditors each had increased gasoline prices. Essentially, the Government Accountability Office found that the Federal Trade Commission's policies on mergers had permitted serial price gouging.

Two years ago, when current Federal Trade Commission Chair Deborah Majoras last came before the Senate for confirmation, I asked a response to the report done by the independent government auditor. Despite her promise to do so, I have yet to receive any response from the Chairman of the Federal Trade Commission.

The Government Accountability Office is not alone in documenting how Government regulators have been missing in action when it comes to protecting our consumers at the gas pump. Since 2001, oil industry mergers totalling more than $19 billion have gone unchallenged by the Federal Trade Commission, according to a recent article in Bloomberg News. The article also reported that these unchecked mergers may have contributed to the highest gasoline prices in the past 20 years.

According to the Federal Trade Commission's own records, the agency imposed no conditions on 28 of 33 oil mergers since 2001. You can see the results of the Federal Trade Commission's inaction at gas stations in Oregon and across the country. Nationwide, the Government Accountability Office found between 1994 and 2002, gasoline market concentration increased in all but four States. As a result of the Government's merger policies, 46 States now have gasoline markets with moderate or high concentration, compared to only about half that just 10 years ago.

The Federal Trade Commission, oil industry officials, and consumer groups all agree in these concentrated markets oil companies do not need to collude in order to raise prices. The Federal Trade Commission's former general counsel, William Kovacic, has said:

> It may be possible in selected markets for individual firms to unilaterally increase prices.

In other words, the Federal Trade Commission's general counsel basically admitted that oil companies in these markets can price gouge with impunity. Mr. Kovacic is one of the two nominees for the Federal Trade Commission who is now before the Senate.

Despite all of this evidence that gasoline markets around the country have become more concentrated and that in these concentrated markets individual firms can raise prices and extract monopoly profits, the Federal Trade Commission has failed to take effective action to check oil industry mergers. In the vast majority of cases, the Federal Trade Commission took no action at all.

The Federal Trade Commission's inaction on oil mergers is once again a front burner issue with the recent announcement that ConocoPhillips, an oil company formed from a series of mergers the Federal Trade Commission allowed, is acquiring Burlington Resources to create one of the largest U.S. natural gas producers. Many in the oil and gas industry expect this merger announcement will lead to a similar wave of consolidation in the natural gas industry. This, in turn, will lead to greater consolidation of the industry and fewer choices for consumers.

In addition to the inaction on merger issues, the Federal Trade Commission has also failed to act against proven areas of anticompetitive activity. Major oil companies are charging, in some instances, dealers' discriminatory ''zone prices'' that make it impossible for dealers to compete fairly with company-owned stations or even other dealers in the same geographic area. With zone pricing, one oil company sells the same gas to its own brand stations at different prices. The cost to the oil company of making the gas is the same. In many cases, the cost of delivering that gas to the service station is the same, but the price the station pays is not the same. And the station that pays the higher price is not able to compete, and eventually that station goes out of business and there is further concentration in that particular community's market.

Another example of anticompetitive practices that now occur in gas markets is a practice known as redlining. This involves oil companies making certain areas off limits to independent gas distributors, known as jobbers, who bring competition to a particular area. The Federal Trade Commission's own investigation of west coast gas markets found that the practice of redlining was rampant on the west coast, but the Federal Trade Commission concluded that it could only take action to stop this anticompetitive practice if the redlining was the result of out and out collusion, a standard that is almost impossible to prove.

In my home State, one courageous gasoline dealer took on the major oil companies and won a multimillion-dollar court judgment in a case that involved redlining. This dealer gave the evidence that was used to win his case in court to the Federal Trade Commission. The Federal Trade Commission, the premier consumer protection agency of the Federal Government, failed to do anything to help this dealer or to reign in the anticompetitive practices at issue.

In areas other than energy, the Federal Trade Commission, in my view, has made a significant contribution to protecting consumers. In other areas, the Federal Trade Commission has not hesitated to move aggressively on behalf of the consuming public. To give one example, the Federal Trade Commission created a Do Not Call Program to prevent consumers from being hassled at home. With its Do Not Call Program, the agency pushed to protect consumers to the limits of its authority and even went beyond what the courts say it had authority to do.

For some reason, in the case of energy, the Federal Trade Commission had a regulatory blind spot. That has been true, I am sad to report, in both Democrat and Republican administrations. It is a bipartisan blind spot that keeps the agency from looking out for the millions of Americans who consume gasoline and gas products every single day.

The Federal Trade Commission will not even speak out now on behalf of consumers getting gouged at the gas pump. The agency will not use its bully pulpit to even say that record high gas prices are an issue of concern that they will be looking at closely.

The FTC approach on gas prices is one, in my view, that must change. I do not intend to support the business-as-usual approach on energy that has been seen too long at the Federal Trade Commission. I have met with both the nominees to the Federal Trade Commission, Mr. William Kovacic and Mr. Thomas Rosch. I also asked them to provide me their views in writing in an effort to find out whether they would push the Commission to take a different approach from its long history of inaction in this area.

Unfortunately, neither of these individuals provided me with any compelling evidence that they are committed to and will, in fact, work aggressively to change the culture of inaction at the Federal Trade Commission with respect to consumer protection in the energy field.

Despite this prior statement about how oil companies with market power could gouge with impunity, Mr. Kovacic, the former Trade Commission general counsel, failed to identify any new authority the Federal Trade Commission needed to close the regulatory gap. On the question of whether the Federal Trade Commission needed added authority to address mergers in the petroleum industry that the GAO found had increased gasoline prices, Mr. Kovacic wrote:

> I do not have any specific preliminary in mind at the moment.

Mr. Kovacic was more constructive on the question of whether there were other ways the FTC's statutory authority might be enhanced. He suggested Federal antitrust laws could be enhanced by encouraging whistleblowers to reveal illegal conduct by adding qui tam mechanisms that allow the whistleblowers to receive a percentage of

the funds the government recovers from wrongdoers. I certainly agree a qui tam mechanism could provide a useful supplement to Government oversight in many areas. It is not a substitute for the Federal Trade Commission doing its job. And Mr. Kovacic did not identify any way the Federal Trade Commission's own approach to the oil industry would change. Given the Federal Trade Commission's record, given what they have done in the last few years, essentially being AWOL when it comes to energy, Mr. Kovacic's proposal essentially amounts to contracting out the Federal Trade Commission's enforcement authority in this area.

Now, I personally believe that the Federal Trade Commission itself needs to be an aggressive watchdog, looking out for consumers at the gas pump, not passively waiting for an industry whistleblower to come forward with smoking-gun evidence before taking action. That is why I find, at this point, no evidence that Mr. Kovacic would bring a different kind of outlook to the Federal Trade Commission's work in the energy field.

Now, the other nominee, Mr. Rosch, had a more interesting proposal. He suggests restoring the Federal Trade Commission's authority to challenge unilateral conduct affecting competition, authority that the Federal Trade Commission had prior to 1994. That would be a good first step toward closing the existing gap in the Agency's regulatory authority.

Had Mr. Rosch ended his letter to me at that point, I would have been willing to support his nomination. However, he went on to undercut his case when it came to anticompetitive practices in a key area: zone pricing. In effect, before taking any action to deal with this particularly egregious and anticompetitive practice, Mr. Rosch argued for waiting for the outcome of a pending court case and for recommendations of the Antitrust Modernization Commission. So he was, in effect, saying, as the Federal Trade Commission says again and again and again in the energy field, that he wants more time to study, which means more delay and more inaction as it relates to protecting consumers from anticompetitive practices.

It is my view that we have had enough delay and enough study when it comes to the anticompetitive practices of the oil industry. I do not intend to support business as usual at the Agency, and I am not going to support business-as-usual nominees to be FTC Commissioners. I intend to continue to raise my concerns as long as the Federal Trade Commission continues to duck aggressive consumer protection efforts in an area that, for reasons that I cannot fully explain to the Senate, they are simply unwilling to take up.

This Agency, which is willing to step in in a variety of areas, such as ''do not call,'' stretches their authority to the limits and then even beyond, for some reason continues to sit on their hands when it relates to energy.

I want things to change at the Agency. I want to see a more aggressive approach on behalf of energy consumers. I am not convinced that anything will change if Mr. Kovacic or Mr. Rosch is appointed to the Federal Trade Commission. Both of these individuals are going to get approved by the Senate in the last few hours of this session.

It is my hope, in wrapping up—I see the Senator from Pennsylvania on the floor, who has patiently waited—it is my hope that these two individuals, Mr. Rosch and Mr. Kovacic, will prove that I am incorrect in the judgments I make tonight. I hope they will be aggressive. I hope they will look for opportunities to stand up for the consumer. I hope they will change this course of inaction that has been laid out by Ms. Majoras. If those two individuals, Mr. Kovacic and Mr. Rosch, take those kinds of steps, if they take the kinds of steps I have advocated tonight—to stand up for the energy consumer in this country—they will have my full support.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 3402 and the Senate proceed to its immediate consideration.

I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 2681) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally passing H.R. 3402, as amended—a carefully crafted, bipartisan, bicameral compromise to provide for the comprehensive reauthorization of both the Violence Against Women Act, VAWA, and the programs and authorities under the jurisdiction of the Department of Justice, DOJ. It has been a long time in coming.

I thank Senator SPECTER, the Chairman of the Senate Judiciary Committee, and Senators BIDEN and KENNEDY for their hard work and steadfast support for crafting this compromise legislation. I want to especially recognize Senator BIDEN for his longstanding commitment to finding ways to help end violence against women and children, and his leadership in helping bring the Violence Against Women Act to the floor and in ensuring that its vital programs continue.

House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS deserve much credit as well for working so closely with us in a bipartisan manner to pass legislation in the House of Representatives. It is no easy task to take two large legislative measures and combine them into a single bipartisan, bicameral agreement. That is exactly what we have done, and we have achieved this milestone because we had the willingness of everyone involved to negotiate in good faith to see VAWA and the Justice Department authorization bill ushered into law this year.

I would like to highlight several of the provisions of this bipartisan measure—a bill that combines the Violence Against Women Act, S. 1197, as passed by the Senate, and the Department of Justice Appropriations Authorization Act, for Fiscal Years 2006 through 2009, H.R. 3402, as passed by the House.

The enactment of the Violence Against Women Act more than a decade ago marked an important national commitment to survivors of domestic violence and sexual assault. I am proud to join Senators BIDEN, HATCH, SPECTER and others as an original cosponsor of our reauthorization effort. The bill that passed the Senate had 58 cosponsors. Enactment of this measure will further our goal of ending domestic violence, dating violence, sexual assault, and stalking.

Earlier in my career as a prosecutor in Vermont, I witnessed the devastating effects of domestic violence. Violence and abuse affect people of all walks of life, regardless of gender, race, culture, age, class or sexuality. Such violence is a crime and it is always wrong, whether the abuser is a family member, someone the victim is dating, a current or past spouse, boyfriend, or girlfriend, an acquaintance, or a stranger.

The National Crime Victimization Survey estimates there were 691,710 non-fatal, violent incidents committed against victims by current and former spouses, boyfriends or girlfriends—also known as intimate partners—during 2001. Of those incidents, 85 percent were against women. The rate of non-fatal intimate partner violence against women has fallen steadily since 1993, when the rate was 9.8 incidents per 1,000 people. In 2001, the number fell to 5.0 incidents per 1,000 people, nearly a 50 percent reduction, but still unacceptably high. Tragically, however, the survey found that 1,600 women were killed in 1976 by a current or former spouse or boyfriend, while in 2000 some

1,247 women were killed by their intimate partners.

According to the annual Vermont Crime Report, the number of forcible rapes reported in Vermont rose in 2004 to the highest level in seven years, while the amount of violent crime remained unchanged and overall crime fell by about 5 percent from 2003. Reported incidents of rape rose by 58 percent, from 117 in 2003 to 185 in 2004. The average age of the victim was 21, and 47 percent of victims were younger than 18 years old. In 74 percent of the cases the perpetrator was an acquaintance of the victim, and in a quarter of the cases the defendant was a family member or intimate partner of the victim. In only 1 percent of the cases was the perpetrator a stranger. These figures in my home state raise significant concern because violent crime has declined nationwide during that same time period. Numbers like these are why reauthorizing VAWA is so vital.

Our Nation has made remarkable progress over the past 25 years in recognizing that domestic violence and sexual assault are crimes. We have responded with better laws, social support and coordinated community responses. But millions of women, men, children and families continue to be traumatized by abuse, leading to increased rates of crime, violence and suffering.

The Violence Against Women Act has provided aid to law enforcement officers and prosecutors, helped stem domestic violence and child abuse, established training programs for victim advocates and counselors, and trained probation and parole officers who work with released sex offenders. Now Congress has the opportunity to reauthorize VAWA and make improvements to vital core programs, tighten criminal penalties against domestic abusers, and create new solutions to other crucial aspects of domestic violence and sexual assault. This is an opportunity to help treat children victims of violence, augment health care for rape victims, hold repeat offenders and Internet stalkers accountable, and help domestic violence victims keep their jobs.

Included in this bill are reauthorizations of two programs I initially authored that are vital to helping rural communities battle domestic violence in a setting in which isolation can make it more difficult for both victims and law enforcement. In a small, rural state like Vermont, our county and local law enforcement agencies rely heavily on cooperative, interagency efforts to combat and solve significant problems. That is why I sought to include the Rural Domestic Violence and Child Victimization Enforcement Grant Program as part of the original VAWA. This program helps make services available to rural victims and children by encouraging community involvement in developing a coordinated response to combat domestic violence, dating violence and child abuse. Adequate resources combined with sustained commitment will bring about significant improvements in rural areas to the lives of those victimized by domestic and sexual violence.

The Rural Grants Program section of VAWA 2005 reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. This provision includes new language that expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes $55,000,000 annually for 2006 through 2010, an increase of $15 million per year.

The second grant program initiative on which I have focused is the Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. This program, which became law as part of the PROTECT Act of 2003, authorizes grants for transitional housing and related services for people fleeing domestic violence, sexual assault or stalkers. At a time when the availability of affordable housing has sunk to record lows, transitional housing for victims is especially needed. Today more than 50 percent of homeless individuals are women and children fleeing domestic violence. We have a clear problem that is in dire need of a solution. This program is part of the solution.

Transitional housing allows women to bridge the gap between leaving violence in their homes and becoming self-sufficient. VAWA 2005 amends the existing transitional housing program by expanding the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by Housing and Urban Development transitional housing programs; and updating the existing program to reflect the concerns of the service provision community. The provision would increase the authorized funding for this grant program from $30,000,000, to $40,000,000.

The reauthorization of VAWA is an important part of our efforts to increase awareness of the problem of violence, to save the lives of battered women, rape victims and children who grow up with violence and to continue progress against the devastating tragedy of domestic violence. I look forward to seeing it signed into law and thus strengthen the prevention of violence against women and children and its devastating costs and consequences.

In the 107th Congress, we properly authorized appropriations for the entire Department of Justice for the first time since 1979. We had extended that authorization in 1980 and 1981, but until 2002 neither had Congress passed nor the President signed an authorization bill for the Department. In fact, there were a number of years in which Congress failed to consider any Department authorization bill. This 26-year failure to properly reauthorize the Department forced the Appropriations committees in both chambers to reauthorize and appropriate money.

We ceded the authorization power to the appropriators for too long, but in the 107th Congress Senator HATCH and I joined forces with House Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS to create and pass bipartisan legislation that reaffirmed the authorizing authority and responsibility of the House and Senate Judiciary Committees—the ''21st Century Department of Justice Appropriations Authorization Act,'' Public Law 107–273. A new era of oversight began with that new charter for the Justice Department, with the Senate and House Judiciary Committees taking more-active new roles in setting the priorities and monitoring the operations of the Department of Justice, the FBI and other law enforcement agencies, and that bill helped our oversight duties in many ways. And, as we have learned in recent years, the fight against terrorism makes constructive oversight more important than ever before.

Earlier this year, House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS authored and shepherded through the House of Representatives a new Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009, H.R. 3402. I commend both Chairman SENSENBRENNER and Ranking Member CONYERS for working in a bipartisan manner to pass that legislation in the House of Representatives. It is on that comprehensive authorization of the Justice Department that the bipartisan, bicameral compromise the Senate now considers was built.

The bill we are considering today not only authorizes appropriations for the Justice Department for fiscal years 2006 through 2009, but also provides permanent enabling authorities to allow the Department to efficiently carry out its mission, clarifies and harmonizes existing statutory authority, and repeals obsolete statutory authorities. It establishes certain reporting requirements and other mechanisms intended to better enable the Congress to oversee DOJ operations.

In addition to the important oversight tools provided in the bill, there are many additional sound provisions designed to improve the administration of programs within the Justice Department. For example, in Section 1111 we eliminate duplication by consolidating

the Local Law Enforcement Block Grant, LLEBG, program and the Byrne Formula Grant Program into one program—the Edward Byrne Memorial Justice Assistance Grant Program—with the same purposes and simplified administration. We authorize funding for this program at $1.095 billion in FY 2006, which is $678.5 million—or 62 percent—more than the actual amount appropriated, and such sums as may be necessary for each of fiscal years 2007 through 2009.

I am a longtime supporter of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and the LLEBG Program, both of which have been continuously targeted for elimination by this Administration. As a senator from a rural State that relies on these grants to combat crime, I have been concerned with the President's proposals for funding and program eliminations of these well-established grant programs. Our legislation makes clear that the same authorized funding levels and uses will be available under the new, consolidated grant program as under the previous ones.

When we began negotiations with the House on the Justice Department authorization portion of this package, I expressed to Congressman SENSENBRENNER my concerns that a combination of the merger of and drastic funding cuts to these programs will cause smaller states to lose the assistance on which they rely to prevent and control crime and improve the criminal justice system. In rural states, the State Administering Agency and state agencies are the local criminal justice resources; they are more than just state level actors. Additionally, more often than not our rural States are ground zero for the rapidly increasing methamphetamine manufacturing and distribution. It is on Byrne funding that rural States and small towns rely to stem the scourge of methamphetamine.

Byrne funding is the backbone of counterdrug enforcement and prosecution efforts in Vermont. Over the years, Vermont has been able to support a broad spectrum of projects within corrections, courts, training, forensics, and domestic violence and victim services. Chances are none of these initiatives will be possible under the new Byrne program formula because of the drop in funding level and funding distribution method. Since FY 2004, after which the new formula was applied, Byrne funds to Vermont have dropped by more than $1.2 million, or 61 percent. Clearly, the Byrne program affords States and communities the ability to use funding for a variety of crime-fighting activities, but unfortunately not the means.

I appreciate the willingness of Congressman SENSENBRENNER to work with me during our negotiations to find a solution to ease the loss of Byrne grants by small rural States during these tough fiscal times. The agreement we came to provides for reserved funds that allow the Attorney General to set aside up to 5 percent of the total amount made available for Byrne formula grants for States or local governments to combat, address or otherwise respond to precipitous or extraordinary increases in crime; or to prevent, compensate for or mitigate significant programmatic harm resulting from operation of the new Byrne formula.

We increase the authorization for grants to drug courts to $70 million for each of fiscal years 2007 and 2008. In addition, we provide for targeted technical assistance and training by the newly created Community Capacity Development Office to assist applicants in how to successfully pursue grants under the program, and to strengthen existing State drug court systems. Under that technical assistance and training, the Community Capacity Development Office will consider and respond to the unique needs of rural States, rural areas and rural communities that wish to implement and enhance drug court systems.

I am pleased that this compromise package provides an extension through 2009 for the Campbell-Leahy Bulletproof Vest Partnership Grant Program, an existing matching grant program authorized at $50 million to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers.

Our former colleague, Senator Campbell, and I authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and in the closing days of the last Congress we again successfully extended the program's authorization through 2007 by including it in the State Justice Institute Reauthorization Act, Public Law 108–372.

Year after year, the Bulletproof Vest Partnership Program saves the lives of law enforcement officers nationwide by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful DOJ program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, more than 150 municipalities have been fortunate to receive funding for the purchase of 1,400 vests. Without the Federal funding given by this program, I daresay there would be close to that number of police officers without vests in Vermont today.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I am also pleased that we include a $4 million authorization for SEARCH's National Technical Assistance and Training Program. SEARCH is the only no-cost service for small- and medium-sized criminal justice agencies nationwide to assist them in enhancing and upgrading their information systems, building integrated information systems that all criminal justice agencies need, and ensuring compatibility between local systems and State, regional and national systems.

I thank my colleagues again for supporting the final passage of this compromise package so that all of this bipartisan and bicameral work, as well as all the good that this legislation will do, will reach the President's desk and become law. And again I particularly want to thank Senate Judiciary Chairman SPECTER and Senators BIDEN and KENNEDY, who worked so hard to help construct a good, fair and balanced compromise. Likewise, I want to thank Chairman SENSENBRENNER and Representative CONYERS of the House Judiciary Committee for working with us to conclude these negotiations so successfully.

The staffs of these Members must also be recognized for their tireless work around the clock to bring so many pieces together into a winning package. In particular, the House Judiciary Committee staff has been enormously helpful, including Phil Kiko, Katy Crooks, Brian Benczkowski, George Fishman, Cindy Blackston, Perry Apelbaum, Sampak Garg, Stacey Dansky and Kristin Wells. The Senate Judiciary Committee staff has shown outstanding commitment to this legislation. I want to thank Mike O'Neill, Brett Tolman, Lisa Owings, Joe Jacquot, Juria Jones and Hannibal Kemerer with Chairman SPECTER; Louisa Terrell, Eric Rosen and Marcia Lee with Senator BIDEN; and Janice Kaguyutan and Christine Leonard with Senator KENNEDY. Last, but by no means least, I want to commend members of my own staff—Bruce Cohen, Ed Pagano, Tara Magner, Matt Nelson and Jessica Berry—for their unfailing support for these provisions, and for their hard work in bringing this compromise package to the floor.

I look forward to both Senate and House passage of this bipartisan, bicameral package to reauthorize the Violence Against Women Act and the Department of Justice. Mr. President, this is an important piece of legislation that will make a difference in the lives of millions of Americans, and it deserves our full support.

Mr. BROWNBACK. Mr. President, I applaud the sponsors of this bill to reauthorize the Violence Against Women Act for their tireless leadership in the campaign to end the abuse of women. In particular, I thank them for their foresight in incorporating the International Marriage Broker Regulation Act of 2005 ''IMBRA'' as one of its subtitles. This important piece of legislation, which I introduce with Senator MARIA CANTWELL in the Senate, is intended to address Congress' concerns about a significant and growing problem: the high incidence of violent abuse of foreign women brought to this country as fiancées or spouses by American men whom they meet through for-profit international marriage brokers ''IMBs,'' commonly known as ''mail-order bride'' agencies.

After learning from the Tahirih Justice Center and other front-line experts about the terrible circumstances in which many of these women find themselves, I convened a hearing of the Senate Foreign Relations Committee in July 2004 to call attention to the abuse and exploitation of women and their children through this industry. Since it comes as a great surprise to many people that such agencies actually exist in the modem day, that are legal in this country, and that they are on the rise, not the decline, I want to share some further background that will explain why it is so important that Congress has acted today to compel the industry and its clients to clean up their act.

First, this is an increasing problem. The IMB industry has exploded in recent years, greatly facilitated by the Internet. According to statistics from the U.S. Citizenship and Immigration Services, an estimated one-third to one-half of all foreign fiancées admitted to the U.S. each year—9,500 to 14,500 women in 2004 alone—and many thousand more admitted foreign wives, have met their American husbands through IMBs. The number of foreign fiancées admitted to the U.S. more than doubled between 1998 and 2002, and continues to climb.

Second, the industry bears significant responsibility for women's vulnerability to abuse, and has done little if anything on its own initiative to safeguard them. Over a half-decade ago, the then-Immigration and Naturalization Service concluded in a report to Congress that, ''with the burgeoning number of unregulated international matchmaking organizations and clients using their services, the potential for abuse in mail-order marriages is considerable.'' The INS study further noted that American men who use IMBs tend to seek relationships with women whom they feel they can control. Moreover, the marketing and business practices of IMBs also heighten the risk of abuse by feeding this perception. Agencies often advertise the women they recruit as being submissive to male clients, who might pay up to several thousand dollars to gain access to those women. Other industry practices, from ''satisfaction guarantees'' or ''shopping cart'' features on agency web sites to so-called ''romance tours'' overseas that virtually line up several hundred women recruits for inspection by a dozen male clients during a single ''mixer,'' make perfectly clear that the woman is the commodity provided for the male client's consumption. An inevitable and dangerous sense of ownership by the men in their costly investments can develop. Several highly publicized murders of women by husbands whom they met through IMBs highlight a growing nationwide trend of abuse. A 2003 survey conducted by the Tahirih Justice Center found that over 50 percent of programs providing legal services to battered immigrant women nationwide had served women battered by men whom they had met through IMBs.

Third, women who are recruited by IMBs are at a tremendous informational disadvantage that a brutal predator can exploit. These foreign fiancées and spouses often are unable to obtain reliable information about the criminal and marital histories of their American fiancées and spouses, and are unaware of the legal rights and resources available to victims of domestic violence in the U.S. An all-too-common result is that women from across the globe are exploited across this country, as a brief memorandum from the Tahirih Justice Center explains, and which I will have printed in the CONGRESSIONAL RECORD.

The information requirements established by this subtitle are designed to require disclosure of the kinds of criminal convictions in the background of a petitioning American fiancé or spouse that indicate he could be prone to domestic violence. This will enable a foreign woman to make an informed decision about coming to this country for marriage to an American man, in advance, with her safety and that of her children in mind. The provisions of this subtitle would also provide her with information about where she can turn for help, including vital safety nets and social services available to domestic violence and sexual assault victims, if she experiences abuse at the hands of her American fiancé or spouse.

A simple but incredibly powerful premise drives these provisions: that this information can help a woman help herself, help her save herself or her child from becoming the next victim of a predatory abuser. Through this information and other safeguards, this important legislation will help prevent those intent on doing women harm from perverting and subverting both the institution of marriage and the immigration process to find new victims overseas.

So again, I thank my colleagues for their inclusion of these vital protections, and thank them, too, on behalf of the women and children whom they have spared today from tragedies tomorrow.

I ask unaminous consent the memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ILLUSTRATIVE CASES OF WOMEN AND THEIR CHILDREN EXPLOITED AND ABUSED THROUGH THE INTERNATIONAL MARRIAGE BROKER INDUSTRY

Alabama: Thomas Robert Lane was charged with the murder of his estranged Filipina wife, Teresa Lane. Teresa's body was discovered in a bathtub filled with running water. Authorities found evidence that Lane drowned his wife by pinning her under the water with his foot. A forensic physician determined that Teresa was also subjected to blunt force trauma. During the couple's separation, Lane had been trying to arrange to marry yet another woman from the Philippines.

California: Marilyn Carroll married Steffan Carroll in the Philippines in 1988. One year later, he traveled to Thailand to marry another young woman, Preeya. Before marrying his second wife, Carroll assured her that it was legal in California to have two wives. The bigamous marriage ended when Marilyn called the police to report that Carroll had sexually assaulted her—restraining her with thumbcuffs and other devices during the attack. Carroll was charged with bigamy and false imprisonment.

Georgia: Shortly after Katerina Sheridan, a young woman from Siberia, married Frank Sheridan, he kept her a virtual prisoner, forbidding her to keep her own set of house keys, and taking away her visa, passport, and birth certificate. Later, he also took away her cell phone and cut all the phone lines in the house. He flew into violent rages, on one occasion beating Katerina and dragging her around the house by her legs. After several such incidents, Katerina told him that she wanted to go back to Russia. In retaliation, Sheridan stabbed himself and then accused her of doing it to get her thrown in jail. Later, Katerina managed to make it to a women's shelter, but Sheridan stalked her relentlessly and tried to get her detained and deported. When police went to arrest Frank for aggravated stalking, they discovered he was in Russia looking for a new bride. Months later, when an officer went to arrest Sheridan for another stalking-related crime, he shot the officer. The deputy returned fire and killed Sheridan.

Hawaii: The mutilated body of a young Filipina woman, Helen Mendoza Krug, was found in a garbage dumpster behind her high-rise apartment building. The murder was committed in front of her 2-year-old son by her husband, Robert Krug, whom she had met through an IMB. Krug was sentenced to life in prison.

Kentucky: ''Dina'' corresponded with her husband ''Paul,'' an anesthesiologist, for several months before she agreed to marry him when he visited her and her family in Ethiopia. When she came to the United States, however, Paul took Dina's money and passport, brought her to a motel (the first of five), and kept her drugged and imprisoned for weeks while he subjected her to horrific physical, sexual, and mental abuse. Paul also threatened Dina that she, not Paul, would be arrested and jailed if she reported him to the police. Only when Paul left to attend a conference for a few days did she regain enough consciousness and strength to drag herself to the motel office for help. Paul killed himself before he could be prosecuted. Dina received protection under US trafficking laws.

Minnesota: Soon after ''Medina,'' a Ukrainian college professor, married ''Thomas,'' a well-respected doctor, Thomas turned controlling and violent. Among other outbursts,

he threatened Medina with a knife; kicked her in the chest; and even attempted to push her out of a moving car. Thomas also slept with an ax in his drawer and threatened to have her deported if she ever called the police. Medina left Thomas after he broke her son's finger. Today, Medina continues to live in constant fear of Thomas, who stalks and harasses her. Despite knowing about Medina's abuse, the IMB facilitated a new match between Thomas and another Ukrainian woman who also later fled because of abuse. Medina was Thomas' third wife; he had also abused at least one of his prior wives.

New Jersey: A 26-year-old Ukrainian engineer named Alla bled to death on the floor of her car after her husband Lester Barney, 58, slashed her throat in front of the couple's 4-year-old son, Daniel. Barney fled with Daniel from the scene, the parking lot of the boy's daycare center, but after an Amber Alert was triggered he turned Daniel over to a friend and was himself taken into custody by police. Alla had been granted a restraining order against Barney a few months before and had been given temporary custody of Daniel.

New York: Andrew Gole, a former policeman from Long Island, was convicted of murdering Martha Isabel Moncada on a trip back to her home country, Honduras, after she told him she did not want to return with him to the United States. Martha had tried to leave the abusive Gole before, but had feared losing custody of their newborn son to him. Gole strangled and dismembered Martha in their hotel room in front of their baby and Martha's disabled son from her first marriage, then dumped her remains along the roadside. Police arrested Gole as he tried to flee the country after abandoning the older boy at a gas station.

Pennsylvania: Though she was trained as an accountant, Norman McDonald compelled his Ukrainian wife to take several waitress jobs and rely on him for transportation so he would have long stretches of time alone with her daughter, who was only 3 when the couple married. With his wife securely out of the house, McDonald showed the toddler pornographic videos of what he wanted to do to her and then raped her. Two years after the abuse started, his wife discovered what McDonald was doing and immediately contacted the police. Authorities found more than 10,000 images of child pornography in McDonald's computer and hundreds of video clips that depicted him having sex with his stepdaughter. McDonald's 28-year-old daughter from a previous marriage testified that her father had also abused her as a child.

Texas: Jack Reeves, a retired U.S. Army officer, was convicted of killing his fourth wife, Emelita Reeves, a 26-year-old from the Philippines whom he met through an IMB called ''Cherry Blossoms.'' Emelita had confided to family and friends that Reeves physically and sexually abused her, and told friends she planned to leave him a day before she disappeared. Two of Reeves' previous wives also died under suspicious circumstances (drowning and suicide). During the investigation into Emelita's death, the State re-opened the investigation into Reeves' second wife's death, and obtained a further conviction against him. The State did not have enough evidence to re-open the investigation into the third wife's murder because Reeves had cremated her body. Reeves was also suspected in the mysterious disappearance of a Russian woman with whom he had lived with in 1991.

Virginia/Maryland: A young Ukrainian medical student named ''Nina'' married ''John,'' a U.S. military officer residing in Virginia whom she met through a Maryland-based IMB with a ''satisfaction guaranteed'' policy. Throughout their one-year marriage, John repeatedly physically and emotionally abused Nina, shaking her violently and insisting that she repeat the commands he gave her. He choked, raped, and beat her on several occasions, ripped a tooth out of her mouth, and threatened her with a knife. When Nina informed the president of the IMB about the abuse, the president said that Nina's experience was normal and that many girls had the same problem. The president said domestic violence is ''just the American culture,'' and abuse is ''very hard to prove.''

Washington: Susanna Blackwell met her husband through an IMB called ''Asian Encounters'' and left the Philippines to settle with him in Washington state in 1994. Blackwell physically abused Susanna, including one incident in which he choked her the day after their wedding. Susanna reported the abuse to the police and obtained a protection order against him. While awaiting divorce/annulment proceedings in a Seattle courtroom many months later, the pregnant Susanna and two of her friends were shot to death. Blackwell was convicted of murdering all three women.

Anastasia King, a young woman from Kyrgyzstan, was found strangled to death and buried in a shallow grave in Washington state in December 2000. At the age of 18, Anastasia was selected by her husband, Indle King, out of an IMB's catalogue of prospective brides. Two years later, wanting another bride and allegedly unwilling to pay for a divorce, King ordered a tenant in their Washington home to kill Anastasia. Weighing nearly 300 pounds, King pinned Anastasia down while the tenant strangled her with a necktie. Both were convicted of murder. King's previous wife, whom he had also met through an IMB, had a domestic violence protection order issued against him and left him because he was abusive.

Mr. KENNEDY. Mr. President, I strongly support the Violence Against Women Act of 2005, and I commend Senator BIDEN, Senator SPECTER, Senator LEAHY and Senator HATCH for their bipartisan leadership on this very important legislation. The current authorization for the act expired on September 30, and it has taken far too long to build upon the successes of existing anti-violence against women programs and enhance the safety and security of the victims of domestic violence, dating violence, sexual assault, and stalking.

We have a responsibility in Congress to do all we can to eradicate domestic violence. Our bill gives the safety of women and their families the high priority it deserves, and I urge my colleagues in the House to support it.

This bill eases housing problems for battered women. It also includes new funds for training health professionals to recognize and respond to domestic and sexual violence, and to help public health officials recognize the need as well. The research funds provided by the bill are vital, because we need the best possible interventions in health care settings to prevent future violence.

Violence against women can occur at any point in a woman's life, beginning in childhood and taking place in a wide variety of circumstances and settings. It's essential for any bill on such violence to include girls and young women as well, and this bill does that.

Another important section of the bill provides greater help to immigrant victims of domestic violence, sexual assault, trafficking and similar offenses. This section will remove the obstacles in our current immigration laws that prevent such victims from safely fleeing the violence in their lives, and help dispel the fear that often prevents them from reporting their abusers to appropriate authorities.

Eliminating domestic violence is especially challenging in immigrant communities, since victims often face additional cultural, linguistic and immigration barriers to their safety. Abusers of immigrant spouses or children are liable to use threats of deportation to trap them in endless years of violence. Many of us have heard horrific stories of violence in cases where the threat of deportation was used against spouses or children—''If you leave me, I'll report you to the immigration authorities, and you'll never see the children again.'' Or the abuser says, ''If you tell the police what I did, I'll have immigration deport you.''

Congress has made significant progress in enacting protections for these immigrant victims, but there are still many women and children whose lives are in danger. Our legislation does much more to protect them, and I commend the sponsors for making domestic violence in immigrant communities an important priority.

The improvements in immigration protections in the bill are designed to help prevent the deportation of immigrant victims who qualify for immigration relief under the Violence Against Women Act (VAWA). It will consolidate adjudications of such immigration cases in a specially trained unit, enhance confidentiality protections for victims, and offer protection to vulnerable immigrant victims who had been left out of the protections in current law.

Overall, the bill represents major new progress in protecting women from violence, and I look forward to early action by the House in this important reauthorization.

I ask unanimous consent that a more detailed summary of the provisions on immigrants be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

SECTION 104

This section provides important improvements to legal services for immigrant victims of domestic violence, sexual assault, trafficking and other crimes. This provision authorizes organizations receiving funds from the Legal Services Corporation to use the funds including Legal Services funds to represent any victim of domestic violence, sexual assault, trafficking or other crimes listed under the U visa provisions of the Immigration and Nationality Act. Across the country, many immigrant victims have nowhere to turn for legal help. This section will

allow Legal Services Corporation-funded programs to represent victims in any type of case, including family law, public benefits, health, housing, immigration, restraining orders, and other legal matters, regardless of the victim's immigration status.

SECTION 805

This section assures that self-petitioners under the Act and their children are guaranteed all of the Act's aging out protections and any benefits they qualify for under the Child Status Protection Act of 2002, which deals with the lengthy processing backlogs which made ''aging out'' a significant problem for child beneficiaries who turned 21 years old.

SECTION 813

This section deals with cases of immigrant victims of abuse who have been ordered removed, or who are subject to expedited removal if they leave the U.S. and attempt to reenter the country later. Once they are reinstated in removal proceedings, they cannot obtain relief under current law, even if they have a pending application for such relief. This section makes clear that the Secretary of Homeland Security, the Attorney General, and the Secretary of State have discretion to consent to a victim's reapplication for admission after a previous order of removal, deportation, or exclusion.

SECTION 814

This section gives the Department of Homeland Security statutory authority to grant work authorization to approved self-petitioners under the Act. This provision will streamline a petitioner's ability to receive work authorization, without having to rely solely upon deferred action as the mechanism through which petitioners receive work authorization.

The section also grants work authorization to abused spouses of persons admitted under the A, E–3, G, or H nonimmigrant visa programs. These spouses have legal permission to live in the United States under their spouses' visas, but they are not entitled to work authorization under current law. The spouses and their children are completely dependent on the abuser for their immigration status and financial support, and they often have nowhere to turn for help. Financial dependence on their abusers is a primary reason why battered women are often reluctant to cooperate in domestic violence criminal cases. With employment authorization, many abused spouses protected by this section will be able to work legally, and can have a source of income independent of their abusers.

Requests for work authorization by these abused spouses will be handled under the procedures for petitioners under the Act and the specially trained VAWA unit at the Vermont Service Center will adjudicate these requests.

The VAWA unit employs specially-trained adjudicators who handle petitions filed by at-risk applicants for relief under the Act, for T visas, for U visas, for adjustment of status and employment authorizations, as well as protections under the Haitian Refugee Immigrant Fairness Act and Sections 202 and 203 of the Nicaraguan Adjustment and Central American Relief Act. The unit also deals with waivers for battered spouses, parole for their children granted VAWA cancellation, and parole for approved petitioners under the Act.

SECTION 818

This section extends confidentiality protections to the Department of Homeland Security, the Department of Justice, and the Department of State. Under these provisions, immigration enforcement agents and government officials may not use information furnished by an abuser, crime perpetrator or trafficker to make an adverse determination on the admissibility or deportability of an individual. One of the goals of this section is to ensure that these government officials do not initiate contact with abusers, call abusers as witnesses, or rely on information from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault, trafficking, or other crimes.

This section gives the specially trained VAWA unit the discretion to refer victims to non-profit non-governmental organizations to obtain a range of needed assistance and services. Referrals should be made to programs with expertise in providing assistance to immigrant victims of violence and can be made only after obtaining written consent from the immigrant victim.

The section also requires the Department of Homeland Security and the Department of Justice to provide guidance to officers and employees who have access to confidential information under this section in order to protect victims of domestic violence, sexual assault, trafficking and other crimes from harm that could result from inappropriate disclosure of confidential information.

SECTION 827

This section deals with issues under the Real ID Act of 2005 which imposes a new national requirement that all applicants for driver's licenses or state identification cards must furnish their physical residential address in order to obtain a federally valid license or identification card. The current requirement jeopardizes victims of violence who may be living in confidential shelters for battered women, or fleeing their abuser. The section instructs the Department of Homeland Security and the Social Security Administration to give special consideration to these victims by allowing them to use an alternate safe address in lieu of their residence. Our goal here is to guarantee the continuing protection and necessary mobility for these women and their families.

SECTION 831

This section is intended to deter abusive U.S. citizens from using the fiancé visa process and to help foreign fiancés obtain information about their prospective U.S. citizen spouse that can help them protect themselves against domestic violence. Citizens filing K visa fiancé petitions will be required to disclose certain criminal convictions on the K visa application for a fiancé or spouse.

In addition, this section requires the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State to develop an information pamphlet for K visa applicants on the legal rights and available resources for immigrant victims of domestic violence.

Mr. COBURN. Mr. President, the Violence Against Women Act, VAWA, approved by the Senate today contains an important provision that is intended to protect women who have already been victimized once by sexual assault from being assaulted again by either the deadly AIDS virus or the legal system which may deny them potentially lifesaving information.

Section 102 of VAWA now encourages States to implement laws that provide victims of sexual assault and rape the opportunity to know if the person indicted for the assault is infected with HIV. This new provision will require the Attorney General to reduce the amount of funding provided under Section 102 by 5 percent to a State or local government that has not demonstrated that laws are in place to allow a victim to request that a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, be tested for HIV disease if the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV. The defendant must undergo the test not later than 48 hours after the date on which the information or indictment is presented, and as soon thereafter as is practicable the results of the test must be made available to the victim. As medically appropriate, the victim may request follow-up testing of the defendant. If a State or local government does not currently allow victims of sexual assault such protections, assurances must be made to the Attorney General that the state legislature will bring their laws into compliance before the end of their next session or within 2 years. The 5 percent penalty will not go into effect until the expiration of the two year extension

The bill will also now allow Federal VAWA funds to be used to pay for HIV testing of sexual assault perpetrators and notification and counseling programs.

These provisions are desperately needed to address a real, grievous injustice that victims of sexual assault are facing in many states.

In the summer of 1996, a 7-year-old girl was brutally raped by a 57-year-old aged man who later told police he was infected with HIV. The little girl and

her 5-year-old brother had been lured to a secluded, abandoned building in the East New York section of Brooklyn. The man raped and sodomized the girl. Her brother, meanwhile, was beaten, tied up, and forced to witness his sister's rape. After the man's arrest, the defendant refused to be tested for the AIDS virus by the Brooklyn District Attorney's office. His refusal to take the test was permitted under State law.

In the spring of 2002, Ramell Rodgers repeatedly raped ''Jane,'' a female New York cab driver at gunpoint. The New York Daily News reported at the time that ''Rodgers is in jail awaiting trial, while 'Jane' spends her days vomiting from drugs she takes to stave off sexually transmitted diseases she may have contracted in the attack. Officials say DNA evidence links Rodgers to the March 31 assault. According to sources close to the case, he has even admitted guilt. But he is not required to be tested for diseases until he is formally convicted.''

''Jane'' is determined to change the law to protect others who have been victimized by rape and sexual assault. Disguised in a scarf, wig sunglasses, she spoke at a New York State Federation of Taxi Drivers press conference:

As a precaution, I have to take ''four different medicines [to help protect against HIV, chlamydia, herpes and other STDs], and I was told that, unless this guy volunteers for the test, I had to wait until he was convicted.'' She added: ''If you are assaulted, you should have the right to know whether or not this person has infected you with anything.

One November evening in 2002, Doris Stewart, who was then 64, was awakened from her sleep when she heard a knock at her front door. When she went to the door, a man forced his way inside, then raped, sodomized and robbed her. Stewart's assault was just the beginning of her emotional distress. She harbors fears that her assailant may have HIV, but she has no way of knowing with certainty because Alabama is another of the few States that do not require testing of rape suspects for HIV. Stewart, who was advised by rape counselors to wait about 2 months before being tested, lived with fear of the unknown for months because it can take at least 3 to 6 months for HIV to be detected after infection. ''Everybody I talk to thinks it's so unfair that there's no law in Alabama,'' said Stewart who has attempted to change the state law to protect future rape victims.

There are countless stories of other women and children who have been victims of rape and sexual assault who have been denied access to this potentially life saving information. In some circumstances, rape defendants have even used HIV status information as a plea bargaining tool to reduce their sentences.

As a practicing physician, I believe that its is vitally important that those who have been raped do not also become victims of HIV/AIDS, and that requires timely medical attention including prompt testing of the defendant. Treatment with AIDS drugs in the immediate aftermath, usually within 72 hours, of exposure can significantly reduce the chance of infection. However, because of the toxicity and long-term side effects, these drugs should not be administered for long periods without knowing if HIV exposure has occurred.

Victims can not rely solely on testing themselves because it can take weeks, sometimes months, before HIV antibodies can be detected. Therefore, testing the assailant is the only timely manner in which to determine if someone has been exposed to HIV. Furthermore, rapid tests are now available that can diagnose HIV infection within 20 minutes with more than 99 percent accuracy.

The American Medical Association supports this policy because ''early knowledge that a defendant is HIV infected would allow the victim to gain access to the ever growing arsenal of new HIV treatment options. In addition, knowing that the defendant was HIV infected would help the victim avoid contact which might put others at risk of infection.''

While the HIV infection rate among sexual assault victims has not been studied, the National Rape Crisis Center estimates the rate is higher than the general population because the violent nature of the forced sexual contact increases the chances of transmission.

I was very disappointed that the National Center for Victims of Crime, NCVC and the American Civil Liberties Union, ACLU, opposed this provision. NCVC claimed that ''mandatory testing of sex offenders may not be in the best interest of the victim/survivor.'' The ACLU claimed that ''forced HIV testing, even of those convicted of a crime, infringes on constitutional rights and can only be justified by a compelling governmental interest. No such interest is present in the case of a rapist and his victim because the result of a rapist's HIV test, even if accurate, will not indicate whether the rape victim has been infected.''

The medical facts are quite obvious why knowledge of HIV exposure is vital to victims of sexual assault and it is astonishing that anyone would argue otherwise.

Claims that providing this information to victims would compromise ''privacy'' are also quite shocking. Exactly whose rights are being protected by denying a victim of sexual assault the right to know if she has been exposed to the deadly AIDS virus when she was raped? If sufficient evidence exists to arrest and jail a rape suspect, the victim should have the right to request that the suspect be tested for HIV.

Finally, the claim that testing of indicted rapists is unconstitutional is also unfounded. Numerous court decisions, in fact, have concluded otherwise.

In 1997, the New Jersey Supreme Court unanimously upheld the constitutionality of two state laws that require sex offenders to undergo HIV testing. The ruling followed the case of three boys who forcibly sodomized a mentally-retarded 10-year-old girl. At the request of the girl's guardian, HIV testing was ordered for each of the defendants. The boys' public defender opposed such testing. The court ruled that the victim's need to know outweighed the defendants' rights to privacy and confidentiality.

In December 1995, a Florida appeals court upheld the constitutionality of a state law allowing judges to order defendants charged with rape to submit to HIV testing. Duane Fosman was arrested and charged with armed sexual battery. At the request of the accuser, a Broward County trial judge ordered Fosman to be tested for HIV antibodies. Under the Florida law, a crime victim can ask a judge to order HIV testing of a defendant who has been charged with any one of 12 offenses, including sexual battery. The test results are disclosed only to the victim, the defendant and public health authorities. Fosman argued that the testing and taking of his blood amounted to an unreasonable search that violated the fourth amendment of the U.S. Constitution. He also said the action violated Article I, Section 23, of the Florida Constitution, which guarantees a person's right to be free from Governmental intrusion in his private life. In addition, he asserted that the law is unconstitutional because it doesn't give him an opportunity to rebut the presumption of probable cause. A three-judge panel of the Court of Appeal, Fourth District, said Fosman's situation was analogous to blood and urine testing for drug or alcohol use. In 1989, the U.S. Supreme Court in Skinner v. Railway Labor Executive's Association ruled it was constitutionally permissible to test railroad workers who were involved in serious train crashes. In a companion case, National Treasury Employees Union v. Von Raab, the high court allowed mandatory drug testing, without probable cause, of customs employees. Under the same rationale, the Illinois Supreme Court upheld a law which required HIV testing of persons convicted of prostitution, and a California appeals court affirmed a law requiring HIV testing of defendants charged with biting or transferring blood to a police officer. In each of the cases, the ''special needs'' of the public outweighed the individual's demand that probable cause be established, the Florida court said. ''Even if the petitioner had a reasonable expectation of privacy, society's interest in preventing members of the public from being exposed to HIV would be a sufficient compelling state interest to justify the infringement of that right,'' the court said. It found the law to be ''the least intrusive means'' to deal with HIV transmission because blood tests are routine and disclosure of test results are limited.

It is my hope that those States that do not allow victims of sexual assault the right to know the HIV status of their attacker will update their laws and begin protecting the rights of the victims rather than the perpetrators.

I also thank Chairman SPECTER and Senator BIDEN for including this important provision.

Mr. KYL. Mr. President, I rise today to comment on the Senate's passage of H.R. 3402, the Violence Against Women and Department of Justice Reauthorization Act of 2005. My comments are directed at Title X of the bill, the ''DNA Fingerprint Act of 2005.'' This provision is nearly identical to S. 1606, a bill of the same name that Senator Cornyn and I introduced earlier this year. The DNA Fingerprint Act was added to the Senate version of VAWA reauthorization, S. 1197, in the Senate Judiciary Committee on a Kyl/Cornyn amendment that was accepted by voice vote. I am pleased to see that this provision has been maintained in the final bill.

The DNA Fingerprint Act will allow State and Federal law enforcement to catch rapists, murderers, and other violent criminals whom it otherwise would be impossible to identify and arrest. The principal provisions of the bill make it easier to include and keep the DNA profiles of criminal arrestees in the National DNA Index System, where that profile can be compared to crime-scene evidence. By removing current barriers to maintaining data from criminal arrestees, the Act will allow the creation of a comprehensive, robust database that will make it possible to catch serial rapists and murderers before they commit more crimes.

The impact that this act will have on preventing rape and other violent crimes is not merely speculative. We know from real life examples that an all-arrestee database can prevent many future offenses. In March of this year, the City of Chicago produced a case study of eight serial killers in that city who would have been caught after their first offense—rather than after their fourth or tenth—if an all-arrestee database had been in place. This study is included in the congressional record at the conclusion of my introduction of S. 1606, at 151 Cong. Rec. S9529–9531 (July 29, 2005).

The first example that the Chicago study cites involves serial rapist and murderer Andre Crawford. In March 1993, Crawford was arrested for felony theft. Under the DNA Fingerprint Act, the State of Illinois would have been able to take a DNA sample from Crawford at that time and upload and keep that sample in NDIS, the national DNA database. But at that time—and until this bill may be enacted—Federal law makes it difficult to upload an arrestee's profiles to NDIS, and bars States from keeping that profile in NDIS if the arrestee is not later convicted of a criminal offense. As a result, Crawford's DNA profile was not collected and it was not added to NDIS. And as a result, when Crawford murdered a 37-year-old woman on September 21, 1993, although DNA evidence was recovered from the crime scene, Crawford could not be identified as the perpetrator. And as a result, Crawford went on to commit many more rapes and murders.

On December 21, 1994, a 24-year-old woman was found murdered in an abandoned building on the 800 block of West 50th place in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the September 1993 murder, and this December 1994 murder could have been prevented.

On April 3, 1995, a 36-year-old woman was found murdered in an abandoned house on the 5000 block of South Carpenter Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the two earlier murders that he had committed, and this April 1995 murder could have been prevented.

On July 23, 1997, a 27-year-old woman was found murdered in a closet of an abandoned house on the 900 block of West 51st Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the three earlier murders that he had committed, and this July 1997 murder could have been prevented.

On December 27, 1997, a 42-year-old woman was raped in Chicago. As she walked down the street, a man approached her from behind, put a knife to her head, dragged her into an abandoned building on the 5100 block of South Peoria Street, and beat and raped her. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the four earlier murders that he had committed, and this December 1997 rape could have been prevented.

In June 1998, a 31-year-old woman was found murdered in an abandoned building on the 5000 block of South May Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the four earlier murders and one rape that he had committed, and this June 1998 murder could have been prevented.

On August 13, 1998, a 44-year-old woman was found murdered in an abandoned house on the 900 block of West 52nd Street. Her clothes were found in the alley. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the five earlier murders and one rape that he had committed, and this August 1998 murder could have been prevented.

Also on August 13, 1998, a 32-year-old woman was found murdered in the attic of a house on the 5200 block of South Marshfield. Her body was decomposed, but DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the six earlier murders and one rape that he had committed, and this additional murder could have been prevented.

On December 8, 1998, a 35-year-old woman was found murdered in a building on the 1200 block of West 52nd Street. She had rope marks around her neck and injuries to her face. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the seven earlier murders and one rape that he had committed, and this December 1998 murder could have been prevented.

On February 2, 1999, a 35-year-old woman was found murdered on the 1300 block of West 51st Street. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the eight earlier murders and one rape that he had committed, and this February 1999 murder could have been prevented.

On April 21, 1999, a 44-year-old woman was found murdered in the upstairs of an abandoned house on the 5000 block of South Justine Street. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the nine earlier murders and one rape that he had committed, and this April 1999 murder could have been prevented.

And on June 20, 1999, a 41-year-old woman was found murdered in the attic of an abandoned building on the 1500 block of West 51st Street. DNA evidence was recovered from blood on a

nearby wall, indicating a struggle. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the ten earlier murders and one rape that he had committed, and this additional murder could have been prevented.

As the City of Chicago case study concludes:

In January 2000, Andre Crawford was charged with 11 murders and 1 Aggravated Criminal Sexual Assault. If his DNA sample had been taken on March 6, 1993, the subsequent 10 murders and 1 rape would not have happened.

The City of Chicago study goes on to discuss the cases of 7 other serial rapists and murders from that city. Each of these criminals had a prior arrest that could have been a basis for a DNA collection but had no prior conviction. Collectively, together with Andre Crawford, these 8 serial rapists and killers represent 22 murders and 30 rapes that could have been prevented had an all-arrestee database been in place.

The DNA Fingerprint Act eliminates current Federal statutory restrictions that prevent states from adding and keeping arrestee profiles in NDIS. In effect, the Act would make it possible to build a comprehensive, robust national all-arrestee DNA database.

Here is how the DNA Fingerprint Act works. First, the Act eliminates current Federal statutory restrictions that prevent an arrestee's profile from being included in NDIS at the same time that fingerprints are taken and added to the national database. Under current law, as soon as someone is arrested, fingerprints can be taken as part of the booking procedure and uploaded to the national database. But DNA cannot be uploaded until the arrestee is charged in an indictment or information, which can take weeks. Allowing local authorities to collect and upload DNA at the same time as fingerprints—as part of a unified procedure—establishes a clear and straightforward process, making it easier and thus more likely that states will move to an all-arrestee database.

Second, current law places the burden on the State to remove an arrestee DNA sample from NDIS if the arrestee later is acquitted or charges are dismissed. The U.S. Justice Department has criticized this as an unwieldy requirement to impose on State labs—it effectively requires lab administrators to track the progress of individual criminal cases. Under the DNA Fingerprint Act, an arrestee will be required to take the initiative to have his profile removed form NDIS if he does not want it compared to future crime-scene evidence. The arrestee will be required to file a certified copy of a final court order establishing that all indexable charges have been dismissed, have resulted in acquittal, or that no charges were filed within the applicable time period. This is the same system that some States use if an arrestee wants to have an arrest struck from his record. And it is more restrictive of law enforcement than the rule for fingerprints—there is no expungement of fingerprints from the national database, even if the arrestee is acquitted or charges are dismissed.

The bureaucratic burden imposed by the current system discourages States from creating and maintaining comprehensive, all-arrestee DNA databases. It also effectively precludes the creation of a genuine national all-arrestee database; only convicts' DNA profiles can be kept in the national database over the long term.

Some critics have complained that this expungement provisions in the DNA Fingerprint Act do not require expungement for State offenses that have no statute of limitations—i.e., for offenses for which the ''applicable time period'' does not expire. Others have complained that some States may not make certified court orders available for all of the scenarios under which expungement is contemplated under this bill. The answer to all of these complaints is that these are questions for the States to resolve. If a state chooses to abolish its statute of limitations for murder, rape, or other crimes, that is the State's decision to make. Certainly a person arrested for a serious crime in a State with no statute of limitation for the offense would be more significantly burdened the fact that he may be subject to further arrest and prosecution at any time than by the fact that his DNA is in the national database and may identify him if he commits a crime. Similarly, it is up to the States to decide when certified court orders should be made available to memorialize particular events. All that the DNA Fingerprint Act requires is that if the State does make such an order available to an arrestee—for example, for purposes of having an arrest struck from his record—then the arrestee could also use that order to have his DNA profile removed from NDIS.

Third, the DNA Fingerprint Act would allow expanded use of Federal DNA grants. Current law only allows these grants to be used to build databases of convicted felons. The DNA Fingerprint Act permits these grants to be used to analyze and database any DNA sample whose collection is permitted by State or local law.

Fourth, the DNA Fingerprint Act allows the Federal Government to take and keep DNA samples from Federal arrestees and from non-U.S. persons who are detained under Federal authority. (A ''United States person'' is a citizen of the United States or an alien lawfully admitted for permanent residence. See 50 U.S.C. 1801(i).) The act gives the Attorney General the authority to issue regulations requiring the collection of such DNA profiles—including requiring other Federal agencies to collect the profiles. As the National Immigration Law Center noted in its October commentary on this section of the Act, ''[u]nder this provision, the attorney general could authorize the Dept. of Homeland Security and its immigration agencies to collect DNA samples from immigrants who are arrested and 'non-United States persons' who are detained under the authority of the United States.'' And as the NILC's commentary also notes, the word '''detained' covers a wide spectrum of circumstances. The dictionary definition of 'detained' is to keep from proceeding or to keep in custody or temporary confinement.''

Finally, the act tolls the statute of limitations for Federal sex offenses. Current law generally tolls the statute of limitations for felony cases in which the perpetrator is implicated in the offense through DNA testing. The one exception to this tolling is the sexual-abuse offenses in chapter 109A of title 18. When Congress adopted general tolling, it left out chapter 109A, apparently because those crimes already are subject to the use of ''John Doe'' indictments to charge unidentified perpetrators. The Justice Department has made clear, however, that John Doe indictments are ''not an adequate substitute for the applicability of [tolling].'' The Department has criticized the exception in current law as ''work[ing] against the effective prosecution of rapes and other serious sexual assaults under chapter 109A,'' noting that it makes ''the statute of limitation rules for such offenses more restrictive that those for all other Federal offenses in cases involving DNA identification.'' The DNA Fingerprint Act corrects this anomaly by allowing tolling for chapter 109A offenses.

Further evidence of the potential effectiveness of a comprehensive, robust DNA database is available from the recent experience of the United Kingdom. The British have taken the lead in using DNA to solve crimes, creating a database that now includes 2,000,000 profiles. Their database has now reached the critical mass where it is big enough to serve as a highly effective tool for solving crimes. In the U.K., DNA from crime scenes produces a match to the DNA database in 40 percent of all cases. This amounted to 58,176 cold hits in the United Kingdom 2001. (See generally ''The Application of DNA Technology in England and Wales,'' a study commissioned by the National Institute of Justice.) A broad DNA database works. The same tool should be made available in the United States.

Some critics of DNA databasing argue that a comprehensive database would violate criminal suspects' privacy rights. This is simply untrue. The sample of DNA that is kept in NDIS is what is called ''junk DNA''—it is impossible to determine anything medically sensitive from this DNA. For example, this DNA does not allow the tester to determine if the donor is susceptible to particular diseases. The

Justice Department addressed this issue in its statement of views on S. 1700, a DNA bill that was introduced in the 108th Congress (See Letter of William Moschella, Assistant Attorney General, to the Honorable ORRIN HATCH, April 28, 2004):

[T]here [are no] legitimate privacy concerns that require the retention or expansion of these [burdensome expungement provisions]. The DNA identification system is already subject to strict privacy rules, which generally limit the use of DNA samples and DNA profiles in the system to law enforcement identification purposes. See 42 U.S.C. 14132(b)–(c). Moreover, the DNA profiles that are maintained in the national index relate to 13 DNA sites that do not control any traits or characteristics of individuals. Hence, the databased information cannot be used to discern, for example, anything about an individual's genetic illnesses, disorders, or dispositions. Rather, by design, the information the system retains in the databased DNA profiles is the equivalent of a ''genetic fingerprint'' that uniquely identifies an individual, but does not disclose other facts about him.

In its September 29 Statement of Views on S. 1197, this year's Senate VAWA bill, the Justice Department commented favorably on the inclusion of the DNA Fingerprint Act in that bill. The Department noted:

Title X of the bill contains provisions we strongly support that will strengthen the ability of the Nation's justice systems to identify and prosecute sexually violent offenders and other criminals through the use of the DNA technology. These reforms have generally been proposed or endorsed by the Department of Justice in previous communications to Congress. See Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning H.R. 3214, at 3–7 (April 28, 2004); Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning S. 1700, at 5–6 (April 28, 2004).

Section 1002 would remove unjustified restrictions on the DNA profiles that can be included in the National DNA Index System (''NDIS''), including elimination of language that generally excludes from NDIS the DNA profiles of arrestees. Section 1003 is a parallel amendment to allow the use of DNA backlog elimination funding to analyze DNA samples collected under applicable legal authority, not limited (as currently is the case) to DNA samples collected from convicted offenders. Section 1004 would authorize the Attorney General to extend DNA sample collection to Federal arrestees and detainees. A number of States (including California, Virginia, Texas, and Louisiana) already have authorized arrestee DNA sample collection under their laws. Section 1004 would create legal authority to extend this beneficial reform to the Federal jurisdiction. Section 1005 would strike language in 18 U.S.C. section 3297 that currently makes that provision's statute of limitations tolling rule for cases involving DNA identification uniquely inapplicable to sexual abuse offenses under chapter 109A of the Federal criminal code.

In one respect, the amendments in section 1002, which are absolutely critical to the future development and effectiveness of the DNA identification system in the United States, fall short of our recommendations. They moderate existing expungement provisions requiring the removal of DNA profiles from NDIS in certain circumstances, but do not completely repeal the expungement provisions of 42 U.S.C. 14132(d), as we have recommended. Paragraph (2) of section 1002 should be amended so that it simply repeals subsection (d) of 42 U.S.C. 14132. We have previously observed:

''States usually do not expunge fingerprint records . . . if the defendant is not convicted, or if the conviction is ultimately overturned, nor are they required to remove fingerprint records in such cases from the national . . . criminal history records systems. There is no reason to have a contrary Federal policy mandating expungement for DNA information. If the person whose DNA it is does not commit other crimes, then the information simply remains in a secure database and there is no adverse effect on his life. But if he commits a murder, rape, or other serious crime, and DNA matching can identify him as the perpetrator, then it is good that the information was retained.''

Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning H.R. 3214, supra, at 5; see 150 Cong. Rec. S10914–15 (Oct. 9, 2004) (remarks of Senator Cornyn).

We note with approval that the Committee has made the salutary reforms of title X that expand the collection and indexing of DNA samples and information generally applicable, and has not confined the application of these reforms to cases involving violent felonies or some other limited class of offenses. The experience with DNA identification over the past fifteen years has provided overwhelming evidence that the efficacy of the DNA identification system in solving serious crimes depends upon casting a broad DNA sample collection net to produce well-populated DNA databases. For example, the DNA profile which solves a rape through database matching very frequently was not collected from the perpetrator based upon his prior conviction for a violent crime, but rather based upon his commission of some property offense that was not intrinsically violent. As a result of this experience, a great majority of the States, as well as the Federal jurisdiction, have adopted authorizations in recent years to collect DNA samples from all convicted felons—and in some cases additional misdemeanant categories as well—without limitation to violent offenses. See, e.g., 42 U.S.C. 14135a(d)(1). The principle is equally applicable to the collection of DNA samples from non-convicts, such as arrestees. By rejecting any limitation of the proposed reforms to cases involving violent felonies or other limited classes, the Committee has soundly maximized their value in solving rapes, murders, and other serious crimes.

(Letter of William Moschella, Assistant Attorney General, to the Honorable ARLEN SPECTER, September 29, 2005.)

I note with pride that in addition to receiving the strong support of the Justice Department, the DNA Fingerprint Act is endorsed by the Rape, Abuse, and Incest National Network, Debbie and Rob Smith, and the California District Attorneys Association. I include in the RECORD at the conclusion of my remarks letters from these individuals and organizations supporting the DNA Fingerprint Act.

I would also like to comment on an issue that I chose not to address in the DNA Fingerprint Act but that I may need to address in future legislation. This matter concerns the efficient use of the limited Federal dollars available for offender DNA analysis. Some State crime laboratories recently have been required to remove criminal offender profiles from the national DNA database system because of Federal regulations that require a 100 percent technical review of offender DNA samples tested by private DNA laboratories, rather than review of a random sampling. Given that private laboratories must meet the same accreditation and quality assurance standards as public laboratories in order to test samples for CODIS, and given that these quality assurance standards include the same reviews of DNA analysis reports which are required of public laboratories, I question why the additional 100 percent review is required.

Moreover, offender DNA samples are not themselves considered evidence. After matched to an unsolved case on CODIS, regulations require that the offender sample be reanalyzed to confirm the match and then a new sample is collected from the suspect and tested anew to reconfirm the match. DNA cases with named suspects tested by accredited private laboratories are routinely brought directly to court without the duplicated public laboratory review requirement. If these private laboratories can be trusted to perform quality analysis for the thousands of DNA cases that have resulted in conviction for over 15 years, then it stands to reason that they could also be trusted with database samples which will be reanalyzed twice after a match is made.

While I understand the concern that potential incorrect results from an offender's sample could lead to a missed opportunity to solve a crime, I also am concerned about the potential for additional crimes to occur while an offender's profile is queued in a laboratory review backlog. It has been brought to my attention that there are other forensic disciplines, such as drug chemistry, in which laboratories use statistically based formulas to achieve a high degree of certainty without requiring a 100 percent review of all samples. I also am aware that the National Institute of Justice already requires that outsourced DNA samples include a requirement for five percent of a given batch to be blind samples.

This duplicated requirement for review of samples tested at private laboratories appears to be an inefficient use of federal funds and, more importantly, delays justice for victims seeking a name for their attacker. Before—and ideally, instead of—my introducing legislation to address what appears to be a non-statutory problem, I would suggest that the Attorney General and the FBI reevaluate the necessity for this regulation. The Justice Department also ought to consider the possibility of permitting accredited private laboratories limited but direct ability to upload data to the national DNA Index System, similar to the permission granted to private laboratories in the United Kingdom's DNA database system.

Finally, I would like to thank those who have made it possible to enact the

DNA Fingerprint Act as part of this year's VAWA reauthorization bill. This includes my colleague, Senator CORNYN, with whom I introduced S. 1606 and who offered the Kyl amendment on my behalf at the Judiciary Committee's executive meeting; Chip Roy and Reed O'Connor of Senator CORNYN's staff; and Lisa Owings and Brett Tolman of Chairman SPECTER's staff. It is my understanding that absent some aggressive staffing by Mr. Tolman at various stages of the legislative process, the effort to have the DNA Fingerprint Act enacted into law as part of VAWA this year would not have succeeded. His contribution is duly noted and appreciated.

I ask unanimous consent that the following letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RAPE, ABUSE & INCEST NATIONAL NETWORK,
Washington, DC, August 24, 2005.

Senator JON KYL,
Hart Senate Building,
Washington, DC.

DEAR SENATOR KYL: Thank you for introducing the DNA Fingerprint Act of 2005 and for your continuing leadership in the crucial effort to expand the use of DNA to fight crime. RAINN is pleased to offer its support for this important legislation.

The Rape, Abuse & Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. RAINN created and operates the National Sexual Assault Hotline and also publicizes the hotline's free, confidential services; educates the public about sexual assault; and leads national efforts to improve services to victims and ensure that rapists are brought to justice.

The Debbie Smith Act provisions of the Justice for All Act, which Congress passed last year due, in large measure, to your leadership, made great progress in expanding the nation's use of DNA evidence to identify criminals. As the DNA evidence from 542,000 backlogged crimes is analyzed, and as states collect more DNA samples from convicted offenders, the FBI's Combined DNA Index System (CODIS) databases continue to grow. With each record added, the potential to identify the perpetrators of future crimes expands as well.

The DNA Fingerprint Act of 2005, as introduced by Senator CORNYN and yourself, will make it easier to include and retain the DNA profiles of criminal arrestees in the National DNA Index System (NDIS). The DNA Fingerprint Act will eliminate the current restrictions that prevent an arrestee's profile from being included in NDIS as soon as he is charged in a pleading. The legislation encourages law enforcement to take DNA from those arrested for violent crimes, and allows these profiles to be uploaded to NDIS.

By improving the value of NDIS, which can be compared to crime-scene evidence across the country, law enforcement will be able to identify—and apprehend, convict and incarcerate countless serial rapists and murderers before they commit additional crimes.

Your legislation makes other valuable changes to current law, by expanding the use of CODIS grants to build arrestee databases; giving the Attorney General the authority to develop regulations for collecting DNA profiles from federal arrestees and detainees; and tolling the statute of limitations for Federal sex offenses when DNA evidence is available, which will allow prosecution to proceed once a match is made to a perpetrator.

The bill is mindful of the fact that police, like everyone, occasionally make mistakes. For those times when an innocent person is mistakenly charged, the bill appropriately provides the exonerated person a means of expunging his DNA profile from the database.

RAINN believes that the DNA Fingerprint Act of 2005 makes important changes to current law, and will significantly enhance law enforcement's ability to identify and capture serial violent criminals. By making it easier to catch criminals, while still protecting the rights of the innocent, the DNA Fingerprint Act will make our nation safer. We will urge all members of Congress to support this legislation.

Once again, thank you for your important, and effective, work fighting violent crime. I would also like to offer a note of praise for your counsel, Joe Matal, whose work on DNA policy has been invaluable.

Best regards,

SCOTT BERKOWITZ,
President and Founder.

H-E-A-R-T, INC.,
Williamsburg, VA, September 19, 2005.

Senator JON KYL,
Hart Senate Building,
Washington, DC.

DEAR SENATOR KYL: My husband, Rob and I have truly come to appreciate the work you do on a continuing basis to help victims of crime. Most recently, your introduction of the DNA Fingerprint Act of 2005 is a wonderful addition to these efforts. Our organization, H-E-A-R-T, Inc., stands fully behind this important piece of legislation.

Your leadership was a major factor in the passage of the Justice for All Act of 2004, which with the provisions of the Debbie Smith Act portion of the bill, provided a boost to our nation's use of DNA evidence to fight crime.

Your legislation will help to expand the use of CODIS grants, which will help to build the arrestee database. It will improve NDIS which enables law enforcement across this great country to be more efficient in apprehending and convicting the ''right'' person. It will also limit the incidents of wrongful arrest, while enabling those who are exonerated to have their samples expunged from the database.

As a victim of rape, I salute both you and Senator CORNYN for introducing this legislation. There will also be countless other victims who will one day thank you both if you succeed in passing this very important bill.

H-E-A-R-T, Inc. will stand behind you and this bill and will encourage others in Congress to join in this fight against crime. Rob and I want to once again thank you personally for your efforts in putting away violent offenders.

With the highest of regards,

DEBBIE SMITH.

OCTOBER 11, 2005.

Re Request To Support the Federal DNA Fingerprint Act

The Hon. JAMES SENSENBRENNER, Jr.,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR SENATOR SENSENBRENNER: The California District Attorneys Association (CDAA) strongly supports the VAWA reauthorization bill. CDAA represents 58 elected district attorneys, eight elected city attorneys, and almost 3,000 deputy prosecutors throughout California. The VAWA reauthorization bill contains several provisions that are of critical need to prosecutors and the rest of law enforcement. In particular, the measure contains the ''DNA Fingerprint Act'' which would greatly enhance investigators' ability to identity suspects of violent crimes and prosecutors' ability to hold them fully accountable. Therefore, CDAA respectfully urges you to include this important public safety amendment in your final conference report.

DNA technology is one of the most powerful criminal justice tools available. This technology is able to positively identify criminal offenders, including murderers and rapists, who may be mere suspects in criminal investigations or who have not yet been linked to a crime due to lack of other evidence. DNA technology should be used to its fullest capability so that prosecutors are able to hold offenders accountable for their crimes and prevent innocent people from becoming victimized.

The Federal DNA Act will allow states to take advantage of such advances. It will expand the federal DNA database to include information collected from arrestees and convicted felons. The federal database will include both samples collected by federal investigators as well as samples that are uploaded by states like California into the National DNA index a suspect is arrested or convicted. The Act will significantly expand the DNA information that is available to states and to the federal government for the prosecution of state and federal crimes.

The Federal DNA Act is particularly important to California prosecutors. November 2005 marks the first year anniversary of a CDAA drafted and sponsored DNA initiative, Proposition 69, that passed by overwhelming support of voters and changed the landscape of the criminal justice system in California. This measure requires law enforcement officials to collect DNA samples from all convicted felons, from misdemeanor sex offenders, from all murder and violent sex offender arrestees and, beginning in 2009, from all felon arrestees. So far, this has increased the California database to nearly 500,000 DNA profiles. This means that more profiles are available to be compared to crime scene evidence, and since a great majority of convicted felons are repeat offenders, particularly sex offenders, this will enable more cases to be solved.

California now collects DNA samples from arrestee murder and rape suspects, and in 2009, will collect samples from all felon arrestees. The Federal DNA Act will give other states and the federal government access to the California's arrestee database. Furthermore, it will give California access to DNA profiles analyzed by other states with arrestee databases and to the profiles of arrestees analyzed by the federal government. Without the arrestee provision in the Federal DNA Act, arrestee DNA profiles can only be used by the state which collects them, so that the ability to maximize the benefits of this extraordinary national crime fighting technology will be completely wasted. This is a dangerous proposition considering many of the most violent sex offenders travel from state to state to commit crimes and avoid prosecution. The technology exists to identify and track these criminals and it would be a shame to not utilize it.

In drafting Proposition 69, CDAA included an expungement provision, giving criminal suspects the ability to make a showing to the courts to get their samples removed from the database. Furthermore, CDAA is in the process of creating an easy-to-use form for suspects to fill out and file with the courts to assist those who claim their samples do not belong in the database. This burden appropriately belongs on criminal suspects, who are the only ones aware of the entire breadth of their own criminal history.

If Proposition 69 included an expungement process that was automatic rather than triggered by a petition filed by a suspect, it would be a bureaucratic nightmare to enforce. Law enforcement officials would have to thoroughly investigate each and every aspect of a suspect's criminal history, which would include the burden to discover whether the suspect had ever committed any qualifying crime in any other state. This would increase the workload tremendously for law enforcement officials who are already struggling to do their jobs with limited resources. On the other hand, a suspect should be aware of his or her complete criminal background without this same burden and should be willing to bring this information forward with any claim that they should be excluded from the database.

If this burden were placed on the prosecution instead, these same dilemmas would exist. Furthermore, without any real justification the prosecution could be accused of delaying the expungement process in order to have the testing completed. If a ''hit'' were to occur during a legislatively mandated expungement process, it would likely cause recusal of the prosecution's office or possible suppression of DNA evidence—which would defeat the usefulness of DNA as a crime fighting tool. Placing the burden on the courts, presents the same sort of challenges. In fact, courts are not even aware of arrestee samples until a criminal case has been filed.

The Federal DNA Act was drafted with an expungement procedure similar to California's. The Act does not require states to expunge profiles unless suspects are able to make a showing that all charges against them were dismissed or resulted in an acquittal, or that no charges were filed within the applicable time period.

Lastly, the Federal DNA Act provides states with DNA backlog elimination grants so that states can clear backlogs of DNA samples that await analysis. These resources will help solve crimes that were committed even decades ago by matching DNA evidence left behind at crime scenes, like saliva from cigarette butts or strands of hair, to the database. Cold cases will be closed and those who have escaped justice will finally be prosecuted. Ultimately, this provision will identify and remove dangerous offenders from the streets and make our neighborhoods safer.

Thank you for your leadership in public safety. Please feel free to contact me anytime regarding this or any other criminal justice matter.

Very truly yours,

DAVID LABAHN,
Executive Director, California District Attorneys Association.

Mr. BIDEN. Mr. President, I rise today to express my appreciation to my colleagues for passing for the second time this session, the Violence Against Women Act of 2005. Once again the Senate has spoken loudly and clearly that domestic violence and sexual assault are serious, public crimes that must be addressed. Today's bill is a tremendous compromise measure that merges the comprehensive, Senate-passed Violence Against Women Act, S. 119, with the House of Representative's Department of Justice Appropriations Authorization Act bill, H.R. 3402. This merger followed hours of bipartisan, bicameral negotiations. Compromises and edits were made, and what emerges is a balanced bill that strikes the right balance between rejuvenating core programs, making targeted improvements, and responsibly expanding the Violence Against Women Act to reach the needs of America's families.

The enactment of the Violence Against Women Act in 1994 was the beginning of a historic commitment to women and children victimized by domestic violence and sexual assault. While not the single cause, this commitment has made our streets and homes safer. Since the Act's passage in 1994, domestic violence has dropped by almost 50 percent incidents of rape are down by 60 percent and the number of women killed by an abusive husband or boyfriend is down by 22 percent. Today, more than half of all rape victims are stepping forward to report the crime. And since we passed the Act in 1994, over a million women have found justice in our courtrooms and obtained domestic violence protection orders.

This is a dramatic change from a decade ago. Back then, violence in the household was treated as a ''family matter'' rather than a criminal justice issue. Because we took action, the criminal justice system is much better equipped to handle domestic violence, and it is treated for what it is—criminal. The goal of the legislation passed here today is to usher the Violence Against Women Act into the 21st century. With this bill we attempt to look beyond the immediate crisis and take steps to not only punish offenders, but to also help victims get their lives back on track, and prevent domestic violence and sexual assault from occurring in the first place.

The bill contains much to commend. To that end, I will ask unanimous consent to include at the close of my statement a thorough section-by-section summary of H.R. 3402, but in the meantime, I would like to highlight some of the bill's provisions.

Title I, the bill's backbone, focuses on the criminal justice system and includes provisions to: (1) renew and increase funding to over $400 million a year for existing, fundamental grant programs for law enforcement, lawyers, judges and advocates; (2) stiffen existing criminal penalties for repeat federal domestic violence offenders; and (3) appropriately update the criminal law on stalking to incorporate new surveillance technology like Global Positioning System, GPS.

Notably, our bill reauthorizes the Court Appointed Special Advocates, ''CASA,'' a nationwide volunteer program to help children in the judicial system. Children are doubly impacted by family violence—both as observers of, and recipients of abuse. Court Appointed Special Advocates fit uniquely into the mix of services for victims of violence. Judges overwhelmingly report that children and families are better served by the involvement of a CASA volunteer on their cases. I hope that my colleagues see fit to fully appropriate this effective program, and in the future, raise the program's authorization level.

The Violence Against Women Act has always included measures to help law enforcement and victim service providers reach underserved communities. Today's bill goes even further by creating a new, targeted culturally and linguistically specific service grant program. This provision is intended to ensure that the Act's resources reach racial and ethnic communities grappling with family violence and its enormous ramifications.

The Violence Against Women Act crafts a coordinated community response that seeks the participation of police, judges, prosecutors, and the host of entities who care for the victims. Title II helps victim service providers by: (1) creating a new, dedicated grant program for sexual assault victims that will strengthen rape crisis centers across the country; (2) reinvigorating programs to help older and disabled victims of domestic violence; (3) strengthening and expanding existing programs for rural victims and victims in underserved areas; and (4) removing a current cap on funding for the National Domestic Violence Hotline.

Sexual violence is a crime that affects children and adults across our country. Unfortunately, rape has been a crime shrouded in secrecy and shame. Sexual assault survivors can experience physical and emotional problems for years. Approximately 1,315 rape crisis centers across the country help victims of rape, sexual assault, sexual abuse, and incest rebuild their lives by providing a range of vital services to survivors. But unfortunately, many rape crisis centers are under funded and understaffed. They are constantly in a crisis mode, responding to the needs of all victims—male, female as well as children—and are incapable of undertaking large-scale prevention efforts in their communities.

In response to this overwhelming need, our bill will provide increased resources to serve sexual assault victims. It includes, for the first time, a dedicated Federal funding stream for sexual assault programs through the proposed Sexual Assault Services Program, SASA. SASA will fund direct services to victims, including general intervention and advocacy, accompaniment through the medical and criminal justice processes, support services, and related assistance.

Reports indicate that up to ten million children experience domestic violence in their homes each year. The age at which a female is at greatest risk for rape or sexual assault is 14. Two-thirds of all sexual assault victims reported to law enforcement are under 18, and national research suggests that 1 in 5 high-school girls is physically or sexually abused by a dating partner. Treating children who witness domestic violence, dealing effectively with violent teenage relationships and teaching prevention strategies to children are keys to ending the cycle of violence. This reauthorization takes bold steps to address the needs of young

people by renewing successful programs and creating new programs to: (1) promote collaboration between domestic violence experts and child welfare agencies; and (2) enhance to $15 million a year grants to reduce violence against women on college campuses.

Critical prevention initiatives are contained in title IV, including programs supporting home visitations for families at risk, and initiatives that specifically engage men and boys in efforts to end domestic and sexual violence. We can no longer be satisfied with punishing abusers after the fact and trying to help a woman pull her life back together—we must end the violence before it ever starts. We must end it, not just mend it.

Violence against women is a health care issue of enormous proportions with one in three women expected to experience such violence at some point in their lives. It also has enormous health consequences for women and children, leading to serious injuries and disease, including substance abuse, chronic, serious pain and sexually transmitted infections including HIV/AIDS. We know pregnant women are particularly at risk for violence with increased levels of abuse accounting for injuries to the mother and developing fetus. In fact, homicide is a leading cause of death for pregnant and recently pregnant women.

Consequently, doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. Unfortunately, most health care providers are not currently trained on how to screen for, identify, document and treat or refer for violence-related illnesses or injuries. That's why the new health care programs in the Act are so essential—they provide an opportunity to intervene much earlier in the cycle of violence, before it becomes life threatening, and they provide a chance to reach out to children who may be growing up in violent homes.

In some instances, women face the untenable choice of returning to their abuser or becoming homeless. Indeed, 44 percent of the nation's mayors identified domestic violence as a primary cause of homelessness. Efforts to ease the housing problems for battered women are contained in Title VI, including (1) $20 million grant programs to facilitate collaboration between domestic violence organizations and housing providers; (2) programs to combat family violence in public and assisted housing, including new requirements that domestic violence victims may not be evicted or cut off from voucher services because of the violence; and (3) enhancements to transitional housing resources.

In some instances, victims of domestic violence who apply for or reside in public and subsidized housing are evicted or turned away because of the violence against them. A scream for help, a shot being fired, or the sound of police sirens is cited as a ''disruptive sound'' justifying eviction. In a recent nationwide survey, local housing and domestic violence attorneys across the country reported over 500 documented cases where victims were evicted because of the domestic violence committed against them.

Sections 606 and 607 of the Act provide important protections in public housing and the Section 8 program for victims of domestic violence and stalking. These sections prohibit denial of housing assistance based on the individual's status as a victim of domestic violence, dating violence, or stalking. With certain exceptions, they also prohibit terminating a victim's tenancy or rental assistance because of the violence against him or her. When women know they may lose their homes if their housing provider learns about the violence, they will seek to keep the abuse secret at all costs and thus, will often be unable to take the steps necessary to keep themselves and their families safe.

While protecting victims against retaliation, Sections 606 and 607 permit public housing authorities and private landlords to evict or end voucher assistance to perpetrators of domestic violence. It also ensures that landlords and housing providers can effectively manage their properties and maintain important discretionary authority. The Act allows landlords to bifurcate a lease to remove a perpetrator while maintaining a victim's tenancy and evict victims who commit other lease violations or if the tenancy creates an actual and imminent threat to the public safety. Further, the Act clarifies that landlords should not be held liable simply for complying with the statute. Sections 606 and 607 benefited greatly from the input by the national associations representing landlords and U.S. Department of Housing and Urban Development, including the National Association of Realtors, the National Multi-Housing Council, and the National Leased Housing Association.

It may be useful if the U.S. Department of Housing and Urban Development issues guidance or regulations to assist with the implementation of these sections. Certain nonprofit organizations and other government agencies that have expertise in domestic violence, dating violence, sexual assault or stalking, or in housing law and policy, could provide valuable guidance to HUD in creating such guidance and regulations.

Title VII helps abused women maintain economic security by establishing a national resource center to provide information to employers and labor organizations so that they may effectively help their employees who are victims of domestic violence. I had hoped that provisions from Senator MURRAY's Security and Financial Empowerment Act, SAFE, would have remained in the bill. This amendment would provide some fundamental economic protections for victims of domestic violence and sexual assault. Just as the Family Medical Leave Act protects individuals caring for a sick loved one, the SAFE Act would allow domestic violence victims to take time off from work to appear in court cases and other judicial proceedings without jeopardizing their employment at a time they need it the most. It is my hope that the Senate will revisit this issue soon.

Immigrant women often face a difficult time escaping abuse because of immigration laws, language barriers, and social isolation. Title VIII of today's bill builds on the progress of VAWA 1994 and VAWA 2000 to remove obstacles hinder or prevent immigrants from fleeing domestic abuse and participating in prosecutions. Further, the bill expands VAWA relief to: (1) elder abuse victims who have been abused by adult U.S. citizen sons or daughters; and (2) victims of child abuse or incest who are less than 25 and would have qualified as child self-petitioners. It will allow adopted children who have been abused by an adoptive parent to obtain permanent residency without having to reside with the abusive parent for 2 years. In an important move to help battered immigrant women achieve desperately-needed economic stability, the bill permits employment authorization to battered women and abused spouses of certain non-immigrants.

Title VIII enhances immigration protection for victims of trafficking by removing barriers that block some victims from accessing to T and U visas. Title VIII also facilitates the reunion of trafficking victims with their family members abroad who are in danger of retaliation from international traffickers, and will increase access to permanent residency for victims of severe forms of trafficking who are cooperating in trafficking prosecutions. Finally, title VIII will arm foreign fiancees with background information about their U.S. citizen fiance, and will educate foreign fiancees about U.S. domestic violence laws and resources.

In an effort to focus more closely on violence against Indian women, title IX creates a new tribal Deputy Director in the Office on Violence Against Women dedicated to coordinating Federal policy and tribal grants. It also authorizes the Office to pool funds available to tribes and tribal organizations in various VAWA programs. In addition, Title IX authorizes tribal governments to access and upload domestic violence and protection order data on criminal databases, as well as create tribal sex offender registries, and strengthens available criminal penalties.

No doubt, today's bill is comprehensive; it speaks to the many complexities presented by domestic violence and sexual assault. I am indebted to a whole host of groups who worked on this measure and/or voiced their support throughout the journey from introduction to passage, including the American Bar Association, the National Association of Attorneys General, the International Association of Forensic Nurses, the American Medical Association, the National Sheriffs Association, the National Coalition

Against Domestic Violence, the National Congress of American Indians, the National Network to End Domestic Violence, the Family Violence Prevention Fund, Legal Momentum, the National Alliance to End Sexual Violence, the National Center for Victims for Crime, the National District Attorneys Association, the National Council on Family and Juvenile Court Judges, the National Association of Chiefs of Police, and many others. I am grateful for the work each of you does each day to make our families safer and healthier.

The legislation being passed today also demonstrates Congress's commitment to the Office of Community Oriented Policing Services, COPS. This program has been widely credited for helping to reduce crime rates over the past 10 years. It was deemed a ''miraculous success'' by Attorney General Ashcroft, and law enforcement experts from top to bottom, including Attorney General Gonzalez, police chiefs, and sheriffs, have all testified to its effectiveness at combating crime. While many politicians have argued this point, the Government Accountability Office conclusively established a statistical link between COPS hiring grants and crime reductions. We know that the COPS program works, and the legislation we are passing today recognizes this fact by re-authorizing the COPS program for the next 5 years at $1.05 billion per year.

In addition, this legislation also updates the COPS program grant making authority by providing more flexibility for local agencies in applying for assistance. It still includes many of the hallmarks that attributed to its success, such as reducing redtape by allowing local agencies to apply directly to the Federal Government for assistance, and providing grants on a three-year basis to facilitate long-term planning. The major improvement is that agencies will now be able to submit one application for its various funding needs, including hiring officers, purchase equipment, pay officers' overtime, and other programs that will increase the number of officers deployed in community oriented policing services. Originally, agencies had to make separate grant applications for the various purpose areas of the program. In addition, it allows the COPS program to award grants for officers hired to perform intelligence, anti-terror, or homeland security duties. Providing local agencies with this type of flexibility is a step forward.

While re-authorizing the COPS program is important, the next step is for the appropriators to fund the program at authorized levels. Back in the nineties, we invested roughly $2.1 billion for state and local law enforcement each year. We are safer today because of these investments. Over the past 5 years, we have adopted a wrong-headed approach of cutting funding for our state and local law enforcement partners. And, the recently passed Commerce, Justice, Science budget allocated less than $800 million for state and local law enforcement assistance, and it zeroed out the COPS hiring program. I agree with the International Association of Chiefs of Police and the National Sheriffs Association that these cuts leave us more vulnerable to crime and terrorism. In this bill, the Congress demonstrated its support for the COPS program, but the real test will come when we make funding decisions in the future. For the safety and security of the American people, I will be fighting for the Congress to fully fund the COPS program at the newly authorized levels of $1.05 billion per year.

I have many partners here in the Senate and in the House of Representatives who have worked tirelessly on this bill. Chairman SENSENBRENNER and Ranking Member CONYERS were committed to reauthorizing the Violence Against Women Act, and spent countless hours working on a resolution. Our negotiations were model ones—I wish bicameral relations were always so easy.

Senator REED and Senator ALLARD were very helpful on the act's housing provisions, and Senator ENZI helped craft some of the victim service providers. I appreciate their assistance and help to move this bill forward. With respect to the Native American provisions, Senator MCCAIN and Senator DORGAN provided instrumental guidance.

Since 1990, Senator HATCH and I have worked together to end family violence in this country, so it is no great surprise that once again he worked side-by-side with us to craft today's bill. I am also deeply indebted to Senator KENNEDY for his unwavering commitment to battered immigrant women and his work on the bill's immigration provisions. Senator KENNEDY'S staff, particularly Janice Kaguyutan, have been invaluable to this process. I also thank Senator LEAHY who has long-supported the Violence Against Women Act and, in particular, has worked on the rural programs and transitional housing provisions. As Ranking Member of the Judiciary Committee, Senator LEAHY has consistently pushed forward reauthorization of the Violence Against Women Act, and his staff, chief counsel Bruce Cohen, Tara Magner, and Jessica Berry have worked hard for passage. My final appreciation is for my very good friend from Pennsylvania for his commitment and leadership on this bill. It is a pleasure to work with Chairman SPECTER, and his staff Brett Tolman, Lisa Owings, Joe Jacquot, Juria Jones and chief counsel Mike O'Neill. From day one, Chairman SPECTER has been one of this bill's biggest champion. Chairman SPECTER is the reason a bipartisan, bicameral compromise measure is being passed today and I thank him.

Mr. President, I ask unanimous consent that the section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE VIOLENCE AGAINST WOMEN ACT OF 2005

Sec. 1. Short Title.

Sec. 2. Table of Contents.

Sec. 3. Universal Definitions and Grant Conditions. This section aggregates existing and new definitions of terms applicable to the Act. (Previously, relevant definitions were scattered in various Code provisions.) The section also sets forth universal conditions that apply to the Act's new and existing grant program.

TITLE I ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 101. STOP (Services and Training for Officers and Prosecutors) Grants Improvements. This section reauthorizes the cornerstone of the Act, the STOP program, at $225,000,000 annually for 2007 through 2011 (it is currently authorized at $185 million annually). This program provides state formula grants that bring police and prosecutors in close collaboration with victim services providers. Technical amendments increase the focus on appropriate services for underserved communities and ensure victim confidentiality.

Sec. 102. Grants to Encourage Arrest and Enforcement of Protection Order Improvements. This fundamental Department of Justice program is reauthorized at $75,000,000 annually for 2007 through 2011 (it is currently authorized at $65 million annually). States and localities use this funding to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. Amendments will provide technical assistance to improve tracking of cases in a manner that preserves confidentiality and privacy protections for victims. Purposes are amended to encourage victim service programs to collaborate with law enforcement to assist pro-arrest and protection order enforcement policies. In addition, this section authorizes family justice centers and extends pro-arrest policies to sexual assault cases.

Sec. 103. Legal Assistance for Victims Improvement. This section reauthorizes the grant program for legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. This program has been expanded to provide services to both adult and youth victims. Previously authorized at $40,000,000 annually, funding is set at $65,000,000 annually for 2007 through 2011, to be administered by the Attorney General. This provision also includes an amendment to ensure that all legal services organizations can assist any victim of domestic violence, sexual assault and trafficking without regard to the victim's immigration status. The organizations can use any source of funding they receive to provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical to promoting victim safety.

Sec. 104. Ensuring Crime Victim Access to Legal Services. This section eases access to legal services for immigrant victims of violent crimes.

Sec. 105. The Violence Against Women Act Court Training and Improvements. This section creates a new program to educate the

courts and court-related personnel in the areas of domestic violence, dating violence, sexual abuse and stalking. The goal of this education will be to improve internal civil and criminal court functions, responses, practices and procedures, including the development of dedicated domestic violence dockets. This section will also authorize one or more grants to create general educational curricula for state and tribal judiciaries to ensure that all states have access to consistent and appropriate information. This section is authorized at $5,000,000 for each fiscal year 2007 through 2011 and it is administered by the Department of Justice.

Sec. 106. Full Faith and Credit Improvements. Technical amendments are made to the criminal code to clarify that courts should enforce the protection orders issued by civil and criminal courts in other jurisdictions. Orders to be enforced include those issued to both adult and youth victims, including the custody and child support provisions of protection orders. Amendment also requires protection order registries to safeguard the confidentiality and privacy of victims.

Sec. 107. Privacy Protections For Victims of Domestic Violence, Sexual Violence, Stalking, and Dating Violence. This section creates new and badly-needed protections for victim information collected by federal agencies and included in national databases by prohibiting grantees from disclosing such information. It creates grant programs and specialized funding for federal programs to develop ''best practices'' for ensuring victim confidentiality and safety when law enforcement information (such as protection order issuance) is included in federal and state databases. It also provides technical assistance to aid states and other entities in reviewing their laws to ensure that privacy protections and technology issues are covered, such as electronic stalking, and training for law enforcement on high tech electronic crimes against women. It authorizes $5,000,000 per year for 2007 through 2011 to be administered by the Department of Justice.

Sec. 108. Sex Offender Training. Under this section, the Attorney General will consult with victim advocates and experts in the area of sex offender training. The Attorney General will develop criteria and training programs to assist probation officers, parole officers, and others who work with released sex offenders. This section reauthorizes the program at $3,000,000 annually for 2007 through 2011.

Sec. 109. National Stalker Database and Domestic Violence Reduction. Under this section, the Attorney General may issue grants to states and units of local governments to improve data entry into local, state, and national crime information databases for cases of stalking and domestic violence. This section reauthorizes the program at $3,000,000 annually for 2007 through 2011.

Sec. 110. Federal Victim Assistants. This section authorizes funding for U.S. Attorney offices to hire counselors to assist victims and witnesses in prosecution of domestic violence and sexual assault cases. This section is reauthorized for $1,000,000 annually for 2007 through 2011.

Sec. 111. Grants for Law Enforcement Training Programs. This section would authorize a Department of Justice grant program to help train State and local law enforcement to identify and protect trafficking victims, to investigate and prosecute trafficking cases and to develop State and local laws to prohibit acts of trafficking. It proposes $10,000,000 in grants annually from 2006 to 2010.

Sec. 112. Reauthorization of the Court-Appointed Special Advocate Program. This section reauthorizes the widely-used Court-Appointed Special Advocate Program (CASA). CASA is a nationwide volunteer program that helps represent children who are in the family and/or juvenile justice system due to neglect or abuse. This provision also allows the program to request the FBI conduct background checks of prospective volunteers. This program is reauthorized at $12,000,000 annually for 2007 through 2011.

Sec. 113. Preventing Cyberstalking. To strengthen stalking prosecution tools, this section amends the Communications Act of 1934 (47 U.S.C. 223(h)(1)) to expand the definition of a telecommunications device to include any device or software that uses the Internet and possible Internet technologies such as voice over internet services. This amendment will allow federal prosecutors more discretion in charging stalking cases that occur entirely over the internet.

Sec. 114. Updating the Federal Stalking Law. Section 114 improves the existing federal stalking law by borrowing state stalking law language to (1) criminalize stalking surveillance (this would include surveillance by new technology devices such as Global Positioning Systems (GPS)); and (2) to expand the accountable harm to include substantial emotional harm to the victim. The provision also enhances minimum penalties if the stalking occurred in violation of an existing protection order.

Sec. 115. Repeat Offender Provision. This section updates the criminal code to permit doubling the applicable penalty for repeat federal domestic violence offender—a sentencing consequence already permissible for repeat federal sexual assault offenders.

Sec. 116. Prohibiting Dating Violence. Utilizing the Act's existing definition of dating violence, section 115 amends the federal interstate domestic violence prohibition to include interstate dating violence.

Sec. 117. Prohibiting Violence in Special Maritime and Territorial Jurisdiction. This section tightens the interstate domestic violence criminal provision to include special maritime and territories within the scope of federal jurisdiction.

Sec. 118. Updating Protection Order Definition in 28 U.S.C. §534(e)(3)(B).

Sec. 119. Grants for Outreach to Underserved Populations. This grant program authorizes $2 million annually for local, national, and regional information campaigns on services and law enforcement resources available to victims of domestic violence, dating violence, sexual assault and stalking.

TITLE II. IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Sec. 201. Findings

Sec. 202. Sexual Assault Services Provision. This section creates a separate and direct funding stream dedicated to sexual assault services. Currently, the Act funds rape prevention programs, but does not provide sufficient resources for direct services dedicated solely to sexual assault victims, primarily rape crisis centers. Under this new program funding will be distributed by the Department of Justice to states and their sexual violence coalitions. The formula grant funds will assist States and Tribes in their efforts to provide services to adult, youth and child sexual assault victims and their family and holusehold members, including intervention, advocacy, accompaniment in medical, criminal justice, and social support systems, support services, and related assistance. Funding is also provided for training and technical assistance. This section authorizes $50,000,000 annually for 2006–2010.

Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program. This section reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands purpose areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. New language expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes $55,000,000 annually for 2007 through 2011 (it is currently authorized at $40 million a year).

Sec. 204. Education, Training and Enhanced Services to End Violence Against Women with Disabilities. This section reauthorizes and expands the existing education, training and services grant programs that address violence against women with disabilities. New purpose areas include construction and personnel costs for shelters to better serve victims with disabilities, the development of collaborative partnerships between victim service organizations and organizations serving individuals with disabilities and the development of model programs that situate advocacy and intervention services for victims within organizations serving individuals with disabilities. The program is authorized at $10,000,000 for each fiscal year 2007 through 2011.

Sec. 205. Education, Training and Services to End Violence Against and Abuse of Women Later in Life. This section reauthorizes and expands the existing education, training and services grant programs that address violence against elderly women. Grants will be distributed by the Department of Justice to States, local government, nonprofit and nongovernmental organizations for providing training and services for domestic violence, dating violence, sexual assault and stalking victims age 60 and older. The program is authorized at $10,000,000 annually for 2007 through 2011.

Sec. 206. Strengthening the National Domestic Violence Hotline. Section 206 eliminates a current funding requirement that any funds appropriated to the Hotline in excess of $3,000,000 be devoted entirely to a non-existent Internet program.

TITLE III. SERVICES, PROTECTION AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 301. Findings

Sec. 302. Rape Prevention and Education. This section reauthorizes the Rape Prevention and Education Program. It appropriates $80,000,000 annually (its current authorization level) for 2007 through 2011. Of the total funds made available under this subsection in each fiscal year, a minimum of $1,500,000 will be allotted to the National Sexual Violence Resource Center.

Sec. 303. Services, Education, Protection and Justice for Young Victims of Violence. This section establishes a new subtitle that would create four new grant programs designed to address dating violence committed by and against youth.

(1) The Services to Advocate for and Respond to Teens program authorizes grants to nonprofit, nongovernmental and community based organizations that provide services to teens and young adult victims of domestic violence, dating violence, sexual assault or stalking. This section is authorized for $15,000,000 annually for 2007 through 2011 and will be administered by the Department of Health and Human Services.

(2) The Access to Justice for Teens program is a demonstration grant program to promote collaboration between courts (including tribal courts), domestic violence and

sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies. The purposes of the collaborative projects are to identify and respond to domestic violence, dating violence, sexual assault and stalking committed by or against teens; to recognize the need to hold the perpetrators accountable; to establish and implement procedures to protect teens; and to increase cooperation among community organizations. This section is authorized at $5,000,000 annually for 2007 through 2011 to be administered by Department of Justice.

(3) The third program established under Sec. 303 is the Grants for Training and Collaboration on the Intersection between Domestic Violence and Child Maltreatment program. It provides grants to child welfare agencies, courts, domestic or dating violence service providers, law enforcement and other related community organizations. Grant recipients are to develop collaborative responses, services and cross-training to enhance responses to families where there is both child abuse and neglect and domestic violence or dating violence. This section authorized at $5,000,000 annually 2007 through 2011 to be administered by the Department of Justice.

(4) The final program established under 303 is the Supporting Teens through Education and Protection program to be administered by the Department of Justice to eligible middle and high school schools that work with domestic violence and sexual assault experts to train and counsel school faculty and students.

Sec. 304. Reauthorization of Grants to Reduce Violence Against Women on Campus. This amends the existing campus program to be administered by the Department of Justice on a three-year grant cycle, provides more money and sets parameters for training of campus law enforcement and campus judicial boards. This section is authorized at $12,000,000 for 2007 and $15,000,000 for 2008 through 2011 (it is currently authorized at $10 million).

Sec. 305. Juvenile Justice. The overwhelming majority of girls entering the juvenile justice system are victims of abuse and violence, and the system must provide adequate services that are tailored to girls' gender-specific needs and to their experiences of abuse. These provisions amend the Juvenile Justice and Delinquency Prevention Act to permit grantees to detail gender-specific services.

Sec. 306. Safe Havens for Children. This section continues and expands a pilot Justice Department grant program aimed at reducing domestic violence and child abuse during parental visitation or the transfer of children for visitation by expanding the availability of supervised visitation centers. It reauthorizes the program for $20,000,000 annually for 2007 through 2011.

TITLE IV. STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

Sec. 401. Findings, Purpose and Authorization for three new, child-focused programs. This section creates: (1) Grants to Assist Children and Youth Exposed to Violence that authorizes new, collaborative programs, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, to provide services for children who have been exposed to domestic violence, dating violence, sexual assault or stalking for the purpose of mitigating the effects of such violence. Programs authorized under this section include both direct services for children and their non-abusing parent or caretaker, and training/coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs). It is authorized at $20,000,000 annually from 2007 through 2011.

This section also establishes the Development of Curricula and Pilot Programs for Home Visitation Projects. Home visitation services are offered in many states and on some military bases to provide assistance to new parents or families in crisis. Home visitation services, in addition to providing assistance to the parents, look for signs of child abuse or neglect in the home. This provision, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, creates model training curricula and provides home visitation services to help families to develop strong parenting skills and ensure the safety of all family members. The program is authorized at $7,000 per year for 2006–2010.

The final new program engages men and youth in preventing domestic violence, dating violence, sexual assault and stalking. It authorizes the development, testing and implementation of programs to help youth and children develop respectful, non-violent relationships. The grant is administered by the Office on Violence Against Women at the Department of Justice in collaboration with the Department of Health and Human Services, and eligible entities include community-based youth service organizations and state and local governmental entities. It is authorized at $10,000,000 annually for 2007 through 2011.

Sec. 402. Study Conducted by the Centers for Disease Control and Prevention. This provision authorizes $2 million to the Centers for Disease Control to study the best practices for reducing and preventing violence against women and children and an evaluation of programs funded under this Title.

TITLE V. STRENGTHENING THE HEALTH CARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Sec. 501. Findings.

Sec. 502. Purposes.

Sec. 503. Training and Education of Health Professionals. This section provides new grants to train health care providers and students in health professional schools on recognizing and appropriately responding to domestic and sexual violence. The provision authorizes $3,000,000 each year from 2007 through 2011 to be administered by the Department of Health and Human Services.

Sec. 504. Grants to Foster Public Health Responses to Domestic Violence, Dating Violence, Sexual Assault and Stalking. Section 504 provides grants for statewide and local collaborations between domestic and sexual violence services providers and health care providers including state hospitals and public health departments. These programs would provide training and education to health care providers and would develop policies and procedures that enhance screening of women for exposure to domestic and sexual violence, and encourage proper identification, documentation and referral for services when appropriate. This section is authorized at $5,000,000 annually from 2007 through 2011.

Sec. 506. Research on Effective Interventions in the Health Care Setting to Address Domestic Violence. Includes funding for the Centers for Disease Control and Prevention and Administration for Healthcare Research and Quality to evaluate effective interventions within the health care setting to improve abused women's health and safety and prevent further victimization. This section is authorized at $5,000,000 annually from 2007 through 2011.

TITLE VI. HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

Sec. 601. Amends the Violence Against Women Act to include a title addressing housing needs of victims of domestic violence, dating violence, sexual assault and stalking.

Sec. 41401. Findings.

Sec. 41402. Purposes.

Sec. 41403. Definitions.

Sec. 41404. Collaborative Grants to Develop Long-Term Housing for Victims. Modeled after successful affordable housing, community development, and ''housing first'' programs across the nation, this section would provide $10,000,000 for the Department of Health and Human Services in partnership with the Department of Housing and Urban Development to fund collaborative efforts to: place domestic violence survivors into long-term housing as soon as reasonable and safe; provide services to help individuals or families find long-term housing; provide financial assistance to attain long-term housing (including funds for security deposits, first month's rent, utilities, down payments, short-term rental assistance); provide services to help individuals or families remain housed (including advocacy, transportation, child care, financial assistance, counseling, case management, and other supportive services); and create partnerships to purchase, build, renovate, repair, convert and operate affordable housing units. Funds may not be directly spent on construction, modernization, or renovations.

Sec. 41405. Grants to Combat Violence Against Women in Public and Assisted Housing. This section establishes grants to assist public and Indian housing authorities, landlords, property management companies and other housing providers and agencies in responding appropriately to domestic and sexual violence. Grants would provide education and training, development of policies and practices, enhancement of collaboration with victim organizations, protection of victims residing in public, Indian and assisted housing, and reduction of evictions and denial of housing to victims for crimes and lease violations committed or directly caused by the perpetrators of violence against them. The program is authorized at $10,000,000 and will be administered by the Office on Violence Against Women in the Department of Justice.

Sec. 602. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. Section 602 amends the existing transitional housing program created by the PROTECT Act and administered by the Office on Violence Against Women in the Department of Justice. This section expands the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by HUD transitional housing programs; and updating the existing program to reflect the concerns of victim service providers. The provision would increase the authorized funding for the grant from $30,000,000 to $40,000,000.

Sec. 603. Public and Indian Housing Authority Plans Reporting Requirement.

Sec. 604. Housing Strategies.

Sections 603 and 604 amend the Housing and Urban Development (UUD) Agency reporting requirements imposed on public housing applicants. Pursuant to the amendment, HUD applicants must include any

plans to address domestic violence, dating violence, sexual assault and stalking in their application.

Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act. This provision amends the Homeless Management Information Systems (HMIS) statute in the McKinney-Vento Homelessness Assistance Act to protect the confidentiality of victims of domestic violence, dating violence, sexual assault and stalking receiving assistance from HUD-funded victim service programs. It requires that these programs refrain from disclosing personally identifying information to the HMIS. HUD-funded victim service providers may disclose non-personally identifying information to the HMIS.

Sec. 606. Amendments to the Low Income Housing Assistance Voucher Program.

Sec. 607. Amendments to the Public Housing Program. Sections 606 and 607 amend the Low Income Housing Assistance Voucher program (also known as the Section 8 or Housing Choice Voucher program) and the Public Housing program to state that an individual's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by a public housing authority. It also states that incidents of domestic violence, dating violence and stalking shall not be good cause for terminating a lease held by the victim. The amendments specify that the authority of an owner or PHA to evict or terminate perpetrators of abuse shall not be limited and gives landlords and PHAs the ability to bifurcate a lease to maintain the victim's tenancy while evicting the perpetrator. Victims must certify their status as victims by presenting appropriate documentation to the PHA or owner, and the language clarifies that victims can be evicted for lease violations or if their tenancy poses a threat to the community.

TITLE VII. PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

Sec. 701. Resource Center on Domestic and Sexual Violence in the Workplace. This provision authorizes the Attorney General to award a grant to a private non-profit entity or tribal organization for the establishment and operation of a national resource center to provide information and assistance to employers and labor organizations to aid victims of domestic violence, dating violence, sexual assault, and stalking. A million dollars would be appropriated annually for fiscal years 2007 through 2011 to support these activities.

TITLE VIII. PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

Sec. 801. Treatment of Spouse and Children of Victims. For some trafficking victims, providing assistance in the investigation or prosecution of the trafficking case can endanger or traumatize the victim or her family members. The ability to ensure safety of family members living abroad is crucial to trafficking victims' or crime victims' well being and ability to effectively assist in prosecutions. This section allows T and U visa holders' spouse, children, parents, and unmarried siblings under 18 to join them in the United States.

Sec. 802. Permitted Presence of Victims of Severe Trafficking. This section permits trafficking victims' unlawful presence in the United States only if the trafficking is at least one central reason for the unlawful presence. The limited exception to the unlawful presence provision is identical to that afforded to non-citizen survivors of domestic abuse.

Sec. 803. Adjustment of Status for Victims of Trafficking. This section shortens the adjustment time and allows trafficking victims to apply for lawful permanent residency 2 years after receiving a T visa.

Sec. 804. Protection and Assistance for Victims of Trafficking. This section clarifies the roles and responsibilities accorded to the Department of Justice and the Department of Homeland Security in addressing trafficking and supporting victims. Furthermore, this section clarifies that ''assistance'' by trafficking victims includes responding to and cooperating with requests for evidence and information.

Sec. 805. Protecting Victims of Child Abuse and Incest. This section clarifies language to ensure that children of VAWA self-petitioners abused by lawful permanent residents receive the VAWA immigration protection and lawful permanent residency along with their abused parent. It also assures that children eligible for VAWA immigration relief are not excluded from Child Status Protection Act protection. This section enhances protection for incest victims by permitting VAWA self-petitions to be filed until age 25 by individuals who qualified for VAWA relief before they were 21 but did not file a petition before that time if the abuse is at least one central reason for the delayed filing.

Under current law, adopted foreign-born children must reside with their adoptive parents for two years to gain legal immigration status through their adoptive parents. This section allows adopted children who were battered or subjected to extreme cruelty by their adoptive parent or the adoptive parent's family member residing in the household to attain legal immigration status without having to reside for two years with the abusive adoptive family member.

Sec. 811. Definition of VAWA Self-Petitioner. This section creates a term ''VAWA self-petitioner'' which covers all forms of VAWA self-petitions created in VAWA 2000 including VAWA Cuban Adjustment, VAWA HRIFA and VAWA NACARA applicants.

Sec. 812. Application in Cases of Voluntary Departure. Under current law, people who fail to comply with voluntary departure orders are barred for 10 years from receiving lawful permanent residency through adjustment of status, cancellation of removal (including VAWA cancellation), change of status, and registry. Denying lawful permanent residency to immigrant victims of domestic violence, sexual assault and trafficking undermines Congressional intent to provide immigration relief crucial to supporting crime victims cooperating with law enforcement and offering protection for battered immigrant spouses and children. This section exempts victims eligible for VAWA, T or U relief from the harsh consequences of failing to comply with voluntary departure orders as long as the extreme cruelty or battery is at least one of the central reasons for the overstay.

Sec. 813. Removal Proceedings. This section adds domestic abuse to the list of exceptional circumstances that allow immigrants to file motions to reopen in removal proceedings. VAWA 2000 allowed immigration judges in cancellation of removal and adjustment of status proceedings to waive ineligibility grounds for some VAWA eligible battered petitioners, who acted in self defense, violated their own protection order, or were involved in a crime that didn't result in serious bodily injury or where there was a connection between the crime and their own abuse. This section corrects drafting errors that have made these waivers procedurally unavailable to battered immigrant victims.

Sec. 814. Eliminating Abusers' Control Over Applications and Limitation on Petitioning for Abusers. The Violence Against Women Act enabled battered Haitian Refugee Immigration Fairness Act and Cuban Adjustment Act applicants to apply for VAWA immigration relief. In order for these applicants to access the relief, they need to file motions to reopen. However, due to a drafting oversight, the deadline for filing motions to reopen had already passed when VAWA 2000 became law. This amendment corrects the drafting and allows these battered immigrants to file motions to reopen and thereby access the relief that was created for them in VAWA 2000.

This section also makes approved VAWA self-petitioners and their spouses eligible for employment authorization. Providing employment authorization earlier in the application process gives battered immigrant self-petitioners the means to sever economic dependence on their abusers, promoting their safety and the safety of their children.

Section 814 also prohibits a VAWA self-petitioner or a T or U-visa holder from petition for immigrant status for their abuser.

Sec. 815. Application for VAWA-Related Relief. This amendment clarifies that certain battered spouses and children can access relief under the Nicaraguan Adjustment and Central American Relief Act that was specifically created for those groups in VAWA 2000. This amendment ensures relief even in cases where an abusive spouse or parent failed to apply to adjust the survivor's status to lawful permanent residency by the statutory deadline or failed to follow through with applications after filing. Thus, this amendment prevents abusers from controlling their non-citizen victims by blocking their ability to successfully access the relief that was intended under VAWA 2000.

Sec. 816. Self Petitioning Parents. This section expands the scope of VAWA immigration relief to include intergenerational abuse, allowing non-citizen parents who are abused by their adult U.S. citizen son or daughter to seek VAWA relief

Sec. 817. Enhanced VAWA Confidentiality Non-disclosure Protections. This section amends VAWA's confidentiality protections so that they cover a range of immigrant victims eligible for the various forms of VAWA or crime victim related immigration relief including T visa victims, VAWA Cubans, VAWA HRIFAs, VAWA NACARAs and VAWA suspension applicants. This section also ensures that VAWA confidentiality rules apply to each relevant federal agency including the Department of Homeland Security and the Department of State.

Sec. 821. Duration of T and U visas. This provision would authorize issuance of T and U visas for a period of not more than 4 years.

Sec. 822. Technical Correction to References in Application of Special Physical Presence and Good Moral Character Rules. This section corrects two technical drafting errors. First it ensures that the provisions on physical presence and on good moral character apply to all VAWA cancellation applicants. Second it corrects an incorrectly cited section so that the ''good moral character'' bar applies to bigamy, not unlawful presence.

Sec. 823. Petitioning Rights of Certain Former Spouses Under Cuban Adjustment. This section would ensure that battered immigrants are still able to adjust under VAWA Cuban adjustment relief even if they are divorced from the abuser. This provision is necessary to prevent abusers from cutting their spouses off from potential immigration status adjustment by divorcing them.

Sec. 824. Self-Petitioning Rights of HRIFA Applicants. This amendment clarifies that Haitian abused applicants can access relief that was specifically created for them in VAWA 2000. Abusers could control battered immigrants by not adjusting their own status to lawful permanent residency pursuant to the Haitian Refugee Immigration Fairness Act (''HRIFA''). The abuser may not follow

through with the lawful permanent residency application or fail to file an application at all. This technical correction remedies the problem to ensure that all abused spouses and children otherwise eligible for VAWA HRIFA are able to access this relief.

Sec. 825. Motion to Reopen. This section, a correction to VAWA 2000, gives domestic abuse victims the opportunity to file one motion to reopen to pursue VAWA relief, and exempts them from the special motion to reopen filing deadlines.

Sec. 826. Protecting Abused Juveniles. This section assures that immigration authorities are not required to contact abusive parents or family members in connection with the abused, neglected, or abandoned juvenile's application for special immigrant juvenile status. This prevents abusive parents from keeping their children from accessing help and support in the United States.

Sec. 827. Exceptions for the Protection of Domestic Violence and Crime Victims. This section carves out an exception to the current requirements regarding driver's license or identification cards for victims of domestic violence to ensure their safety.

Sec. 831. Short Title for the International Marriage Broker Regulation Act of 2005.

Sec. 832. International Marriage Broker Information Requirements. This section provides that a U.S. citizen filing a petition for a K visa for a fiancee from another country must provide information on criminal convictions for specified crimes. These include a list of violent crimes, including assault and battery as well as crimes relating to substance or alcohol abuse. The Department of Homeland Security will provide this criminal history information, along with results of their search for any criminal convictions to the foreign national beneficiary. The Department of State is prohibited from approving a fiancee visa if the petitioner has petitioned for more than 2 K visas in the past, or less than 2 years have passed since the petitioner filed for a K visa and that visa was approved. DHS can waive this bar, but if person has history of violent crimes, the bar cannot be waived unless DHS determined that there are extraordinary circumstances, or the individual's crimes were a result of domestic violence, the individual was not the primary perpetrator of the violence, and the crime did not result in serious bodily injury. DHS is directed to create a database to track repeated K applications and notify petitioner and spouse when second K is applied for in 10-year period. All future K applications will trigger similar notice, with domestic violence pamphlet being sent to K beneficiary. The fact that an individual was provided with this information and the domestic violence pamphlet for immigrants cannot be used to deny their eligibility for relief under VAWA.

Sec. 833. Domestic Violence Information and Resources for Immigrants and Regulation of International Marriage Brokers. This section directs DOS, DHS and DOJ to create a pamphlet on domestic violence rights and resources for immigrants as well as a summary of that pamphlet for use by Federal officials in the interview process. The pamphlet is to be translated into at least 14 languages and the required list of translations is to review and revised every 2 years based on the language spoken by the greatest concentration of K nonimmigrant visa applicants. The pamphlet is to be mailed to all K applicants with their visa application process instruction packet as well as a copy of the petition submitted by the petitioner. The pamphlet is to be made available to the public at all consular posts, and posted on the DOS, DHS, and consular post websites. The pamphlet will also be provided to any international marriage broker, government agency or non-governmental advocacy organization.

Sec. 834. Sharing of Certain Information. This section provides that there is no bar to the sharing of information between the relevant departments for the purpose of fulfilling the disclosure requirements of the U.S. petition.

TITLE IX. SAFETY FOR INDIAN WOMEN

Sec. 901 and 902. Findings and Purposes.

Sec. 903. Consultation Requirement. This section requires the Secretary of the Interior and the Attorney General to consult with and seek recommendations from tribal governments concerning the administration of tribal VAWA funds and programs.

Sec. 904. Analysis and Research of Violence Against Indian Women. This provision requests that the National Institute of Justice conduct a national baseline study to examine violence against Indian women and the effectiveness of Federal, State, local and tribal responses. It also requires the Attorney General to establish a task force to assist in the development and implementation of the study and report to Congress. Members of the study shall include tribal governments and national tribal organizations. The violence study is authorized at $1,000,000 for fiscal years 2007 and 2008. In addition, this section requires the Secretary of Health and Human Services to conduct a study of injuries to Indian women from incidents of domestic violence, dating violence, sexual assault and stalking and the costs associated with these injuries. The injury report shall be reported to Congress and is authorized at $500,000 for fiscal years 2007 and 2008.

Sec. 905. Tracking of Violence Against Indian Women. In cases of domestic violence, dating violence, sexual assault and stalking, the provision authorizes tribal law enforcement to access and enter information on to Federal criminal information databases (set out in 28 U.S.C. §534). Second, it permits tribes to develop and maintain national tribal sex offender registries and tribal protection order registries. To undertake the latter, the provision authorizes $1,000,000 for fiscal years 2007 through 2011.

Sec. 906. Safety for Indian Women Formula Grants. To better administer grants to Indian Country and enhance the responses of Indian tribal governments, this measure authorizes the Office on Violence Against Women to combine all Native American set asides appropriated under this Act and create a single grant source.

Sec. 907. Deputy Director in the Office on Violence Against Women. To coordinate and guide Federal, State, local and tribal responses to violence against Indian women, this provision establishes a Deputy Director of Tribal Affairs in the Office on Violence Against Women. The Deputy Director is charged with several duties, including, but not limited to, oversight of tribal grant programs and developing federal policies and protocols on matters relating to violence against Indian women. In addition, the Deputy Director is authorized to ensure that some portion of tribal funds distributed through VAWA programs will be devoted to enhancing tribal resources such as legal services or shelters for Indian women victimized by domestic violence or sexual assault.

Sec. 908 and 909. Enhanced Criminal Law Resources and Domestic Assault by Habitual Offender. Sections 908 and 909 make several changes to existing criminal law. Under current law persons who have been convicted of a qualifying misdemeanor crime of domestic violence under federal or state law are prohibited from possessing firearms. This amendment would expand that prohibition to those persons convicted of a qualifying misdemeanor crime of domestic violence under tribal law.

Under current law, federal courts have exclusive jurisdiction over domestic violence crimes committed in Indian country where the perpetrator is a non-Indian and the victim is an Indian, and concurrent jurisdiction with the tribal courts where the perpetrator is an Indian and the victim is a non-Indian. Under this scheme, federal officers can only arrest for misdemeanors that occur in the presence of the arresting officer. Most domestic violence offenses are misdemeanors not committed in the presence of a federal officer. Accordingly, this amendment will eliminate that requirement and allow a federal arrest if there is reasonable grounds that the offense was committed. Finally, the provision creates a repeat offender provision.

TITLE X. DNA FINGERPRINTING

Sec. 1001. Short Title.

Sec. 1002. Use of Opt-Out Procedure to Remove Samples from National DNA Index. Because this title expands the scope of the national DNA database to include DNA samples from arrestees, this particular section amends the current expungement protocols and directs the FBI to remove samples in the event of an overturned conviction, acquittal, or the charge was dismissed.

Sec. 1003. Expanded Use of COIS Grants. To reduce the extraordinary backlog of rape kits and other crime scene evidence waiting for DNA testing, the federal government makes available to States a targeted DNA grant program. Specifically, States may seek funding to reduce the backlog in crime scene evidence, to reduce the backlog in DNA samples of offenders convicted of qualifying state offenses, or to enhance the State's DNA laboratory capabilities. This section would expand the grant purpose regarding offender DNA samples to include all samples collected under applicable state law; accordingly, States could use federal funding to test samples collected from arrestees or voluntary elimination samples.

Sec. 1004. Authorization to Conduct DNA Sample Collection From Persons Arrested or Detained Under Federal Authority. Current law allows federal authorities to collect DNA samples from individuals upon indictment. This provision would expand that authority to permit the Attorney General to collect DNA at arrest or detention of non-United States persons.

Sec. 1005. Tolling of Statute of Limitations for Sexual Abuse Offenses. This amendment strikes a carve-out authorizing John Doe indictments in sexual assault crimes and makes uniform the federal law that tolls the statute of limitations for all federal crimes where DNA evidence is collected (§3297).

The bill (H.R. 3402), as amended, was read the third time and passed.

UNANIMOUS CONSENT REQUEST—S. RES. 336

Mr. SANTORUM. Mr. President, I am going to propound what I hope will be two unanimous consent requests about one particular issue. The issue is on the anti-Semitic statements made by the President of Iran, Mr. Ahmadinejad, who said, among other things, that the state of Israel should be wiped off the face of the Earth. We have been working cooperatively to try to get this resolution cleared, condemning those statements. We had some concerns raised with the resolution which I will discuss in more detail. We finally have a version cleared, and I will discuss in detail how we had to work through that. Suffice it to say

that it is good to see that we are going to finally get strong bipartisan support to condemn this conduct and call for Iran to be a constructive partner in the peace process in the Middle East.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 336, a resolution to condemn the recent destructive and anti-Semitic statements of the President of Iran which I submitted earlier today. I ask that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

Mr. WYDEN. Mr. President, while I personally am vehemently opposed to the statements that have been made by the President of Iran, I have been asked by the Members on this side of the aisle to object, and I do so object.

The PRESIDING OFFICER. Objection is heard.

CONDEMNING ANTI-SEMITIC STATEMENTS OF THE PRESIDENT OF IRAN

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 337, a revised version of the same resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 337) to condemn the harmful, destructive, and anti-Semitic statements of Mahmoud Ahmadinejad, the President of Iran, and to demand an apology for those statements of hate and animosity toward all Jewish people of the world.

There being no objection, the Senate proceeded to consider the 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 resolution (S. Res. 337) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 337

Whereas Mahmoud Ahmadinejad, the President of Iran, declared in an October 26, 2005, address at the World Without Zionism conference in Tehran that ''the new wave that has started in Palestine, and we witness it in the Islamic World too, will eliminate this disgraceful stain from the Islamic World'' and that Israel ''must be wiped off the map.'';

Whereas the President of Iran told reporters on December 8th at an Islamic conference in Mecca, Saudi Arabia, ''Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces...although we don't accept this claim.'';

Whereas Mr. Ahmadinejad then stated, ''If the Europeans are honest they should give some of their provinces in Europe ... to the Zionists, and the Zionists can establish their state in Europe.'';

Whereas on December 14, 2005, Mr. Ahmadinejad said live on Iranian television, ''they have invented a myth that Jews were massacred and place this above God, religions and the prophets.'';

Whereas the leaders of the Islamic Republic of Iran, beginning with its founder, the Ayatollah Ruhollah Khomeini, have issued statements of hate against the United States, Israel, and Jewish peoples;

Whereas certain leaders, including Ahmadi Nezhad, and the Supreme Leader, Ali Khamenei, have similarly called for the destruction of the United States, and the Islamic Republic of Iran has funded, armed, trained, assisted, and sheltered leading terrorists, including terrorists in Iraq who use Iranian support to kill military personnel of the United States;

Whereas an estimated 6,000,000 Jews were killed in the Nazi Holocaust;

Whereas the remarks of President Ahmadinejad have been denounced around the world and condemned by among others, the political leaders of the United States, Arab nations, Israel, Europe, and the United Nations;

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust; and

Whereas the United Nations, in General Assembly Resolution 181 (1947), recommended the adoption of the Plan of Partition with Economic Union for Palestine, which called for an independent Jewish State: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent statement by President Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe;

(2) demands an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust;

(3) and

(6) reaffirms the need for Iran to—

(A) end its support for international terrorism; and

(B) join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process.

Mr. SANTORUM. Mr. President, I thank the Senator from Oregon. I know he personally believes in the original resolution. Before I get into the disparities between the two resolutions and some of the difficulty we have had over the last several days in trying to pass this resolution, it is important to understand how reprehensible these statements are and how dangerous they are in light of not only the conflicts within the Middle East but the frightening perspective of Iran having nuclear capabilities.

We hear mixed reports. We have heard reports from the overseas press in the last few weeks about fears that Iran is actually within months, potentially, of having nuclear weapons capability. The idea that a country with a President who says that Israel should be wiped off the map and then amends the statement, if you can call it that, to say, Well, maybe they could move it to Europe, Germany or Austria, as Charles Krauthammer recently noted:

. . . perhaps near the site of an old concentration camp.

This is the kind of ridiculous statement one would expect out of a street merchant who is out there spewing anti-Semitic statements but not from the President of a country. It is unbelievable. As unbelievable as that statement is, it is almost equally unbelievable, the silence of response from the civilized world in condemning this statement and calling for actions on the part of the United Nations to condemn Iran, sanction Iran, and a whole host of other remedies available.

This condemnation we passed is a mild condemnation. We tried to make it a little stronger. We didn't achieve that. But what we need to recognize is that Iran, as the President has said, is a real threat. It is a real threat because there are people in that country, not the average Iranian but people at the leadership levels of that government who have explicit designs to not only disrupt the process of democracy building in the Middle East but also disrupt any attempt for peace and finally eliminate millions of Israelis from the face of the Earth.

That is something that the civilized world should not stand for. The United Nations should not stand for it, should not countenance the continuation of Iran sitting where they sit without having to undergo some sort of sanction or reprimand.

It is important to understand how destabilizing Iran is in our fight to create stable democracies in the Middle East, how they foment anti-Semitic, anti-Zionist, as well as anti-democratic sentiment in the Middle East, and how they sponsor terrorism.

One of the pieces of legislation I am most proud of in my time in the Senate was the Syrian Accountability Act. Throughout the years, Iranian influence in Lebanon and Syria has oppressed fellow Arabs. Well, Iranians are not Arabs but oppress fellow Muslims and obviously some Christians. But it is important for us, as a Senate, as a people, to understand the threat that Iran poses to everything we believe in and the larger picture of what we are trying to accomplish in Iraq and the Middle East.

We are trying to do something that for a long time people in this country and even some today believe is not possible. Some have suggested we can't win the mission we have engaged in. The mission we have engaged in is to create a stable democracy in the Middle East, in the Arab world. The mission we have engaged in, more fundamentally, is to provide increased national security to this country. That is the first mission.

The strategy is to ensure security for this country. The tactic is to establish democracies in an area of the world that threatened this country. Iran stands starkly opposed to that objective and, further, with statements such as this, destabilizes the entire region and foments and uses sort of the lowest base, primitive instincts of the haters in the Middle East to undermine our objective.

We are succeeding in Iraq in spite of the Iranians. We are succeeding in Afghanistan in spite of the Iranians. We

are moving democracy forward. But we dare not take our eye off what Iran is doing and is preparing. They are actively pursuing a nuclear weapons program under the nose of the rest of the world, with virtually no real attempt to limit that development.

When you see these statements combined with that, it is a flare that should be going up across the world of what we may be confronted with in the next months or years, with a nuclear bomb. This resolution is a statement that needed to be made. I am glad we passed this resolution. But we need to do more. I have authored a piece of legislation on Iran, which calls for the funding of pro-democracy groups within Iran. Others have offered ideas to provide increased sanctions on Iran.

If you look at people who study the country of Iran and tell you—we had a very good hearing that Senator COBURN chaired a few weeks ago. When you listened to the testimony at that hearing, which I had the opportunity to do for a little while, you hear that the Iranian street is one that is largely sympathetic to the United States and to the cause of freedom and democracy. They are oppressed people. Oppressed people generally do want and seek freedom. So we have, I believe, an opportunity, as we have had opportunities in the past, when we lent our ideas and our encouragement to help develop either exile movements or freedom movements within the countries that are a threat to the region and a threat to our country.

It is important for the Senate to speak out and say we stand with you—those of you who seek freedom, those of you who seek democracy, those of you who do not want to be threatening to your neighbors, or say, as the President of Iran has said, he wants to wipe Israel off the map. We have an obligation in the Senate, and I will be pressing very hard next year to pass my legislation on Iran.

I remember several years ago when Senator BOXER and I introduced legislation on Syria, and we did not get a lot of support in the committee and had trouble on the floor of the Senate. We had trouble at the White House. They were opposed to the bill. Eventually, the administration, the committee, and the Senate came along and we were able to pass the Syria Accountability Act. Literally, within a few months, we saw dramatic changes in Lebanon.

The Syria Accountability Act was a measure that called for Syria to get out of Lebanon and imposed sanctions on Syria for not doing so. The President, to my dismay, in some respects, didn't support it at first. Presidents don't often like Congress telling them what to do when it comes to foreign policy. But this President not only signed the Syria Accountability Act, he implemented the sanctions—a tough regime of sanctions—and it had a tremendous effect. I have had people come over from Lebanon and tell me of the importance of that particular legislation and the symbolism of America standing with the people of Lebanon against the evil dictator in Syria.

The symbolism of us passing this resolution today, and the more than the symbolism of passing the Iran Freedom and Support Act, is an important sign in a time now with these kinds of comments that Iran has popped its head up again—its rather unattractive head—in the area of influencing policy in the Middle East. We tried in this resolution to match the language of the Iranian bill I have introduced with the language, as I said, with this resolution, but unfortunately, we were not able to clear that language. I want to read the changes we had to make in the resolved section of the resolution that were struck as unacceptable for us to be able to pass it by unanimous consent. The portions we had to drop were two resolved sections. The three things that are in the final version that passed say:

Resolved, That the Senate

(1) condemns the recent statement by President Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe;

(2) demands an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust;

(6) reaffirms the need for Iran to

(A) end its support for international terrorism;

(B) join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process.

What was struck were two sentences:

The Senate supports efforts by the people of Iran to exercise self-determination over the form of government of their country.

That was not acceptable to some here in the Senate. And second is:

The Senate supports a national referendum in Iran, with oversight by international observers and monitors, to certify the integrity and fairness of the referendum.

So we could not adopt tonight in the Senate the Senate saying to the people of Iran that we support efforts of self-determination and a national referendum that was free and fair. That is, in my mind, a rather unfortunate occurrence. But I found, from my perspective, that it was so important to condemn these actions that we agreed to strike those two sentences from the resolved clauses. I don't necessarily understand why anyone would oppose either of those sentences, those resolved clauses. They state that we are for freedom and democracy for all people, including the people of Iran. Maybe it is because we are pursuing that and it becomes such an issue of partisan controversy in the country of Iraq—or saying we support that same thing in Iran would somehow taint their criticism of the current mission in Iraq. I don't know. I am still groping for answers as to why those two clauses were not acceptable.

What was not acceptable were the comments and the actions of developing nuclear weapons by the terrorist regime in Iran.

I appreciate my colleagues for agreeing to pass this resolution. I thank all of the cosponsors. There were some 20 cosponsors of this resolution. The first Democrat was Senator MIKULSKI. I also thank my colleague in the chair for his patience and allowing me the opportunity to speak here tonight. He is also a cosponsor of the resolution. No one is a stronger advocate for peace and the mission we are trying to accomplish in the Middle East, and as well for the protection of the state of Israel, than the occupant of the chair. It is a pleasure to have the Senator from Minnesota in the chair while I am delivering these remarks. The Senator from Minnesota is truly one of the great leaders on the Foreign Relations Committee in this regard. I commend him for his efforts. I know he will be working with me on the Iran bill, on which he is a cosponsor, in trying to send a statement from the Senate that Iran is a threat—a real threat—and we need to do something other than simply stand back and jawbone international organizations—feckless international organizations— in some respects, as the Senator from Minnesota knows, corrupt international organizations—to do something that they have shown no desire, willingness, or ability to accomplish, and that is to spread democracy, to lift people out of bondage into freedom.

We in the United States have to begin to take steps. The steps we are talking about in this resolution and the bill we hope to pass next year are not military steps. That is the last resort. But we need to start acting. Sitting silently by, doing nothing as a crazy man as president of a country, potentially developing nuclear weapons in the most sensitive area of the world is not acceptable for the Senate and is not acceptable for this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

USA PATRIOT ACT

Mr. REID. Mr. President, this morning the Senate voted to continue debating on the conference report on the PATRIOT Act. Clearly, Senators believe we can do better in protecting the privacy of innocent Americans while we fight terrorism. No one seriously believes that the expiring provisions of the PATRIOT Act should be allowed to lapse while this debate continues.

I am disappointed that our distinguished majority leader objected twice to a unanimous consent to extend the expiring provisions of the act for 3 months. I cannot believe that my distinguished friend, the majority leader,

wants these authorities to expire. I do not believe the President of the United States would be willing to let these provisions expire when we all agree they are important tools for our Nation's law enforcement authorities. It would be irresponsible and a dereliction of duty for the administration to allow these provisions to expire. By refusing to reauthorize these parts of the PATRIOT Act, the President and the Republican leadership are playing politics with the American people's safety.

We have bipartisan support for reauthorizing the PATRIOT Act. That was proven in a unanimous vote in the Senate. We want a 3-month extension of the PATRIOT Act in its current form so that we can pass a better bill than the one that came before the Senate today in the form of a conference report, a better bill that will have the confidence of the American people. The American people are afraid. They are afraid of Big Brother. We, this great country, should not become Big Brother. We need more checks in this law to protect the privacy of ordinary American citizens who have nothing to do with terrorism. I support giving the Government the tools it needs to fight terrorism. I voted for the first PATRIOT Act, but we need more oversight and checks to protect against Government overreaching and abuse of these tools.

We have had these years to find out how the first PATRIOT Act worked. We know there were problems with the first PATRIOT Act. We need to correct these problems. Just as Senator MCCAIN persuaded the President, we needed to check potential excesses in interrogation tactics. We also need to ensure that we have put in place checks on the Government's power to trample on the privacy of innocent Americans.

I would hope people would understand that legislation is the art of compromise and that the Republican leadership in the Senate, in the House, and the White House should move to work on a compromise, accept our 3-month suggestion, giving Senators LEAHY and SPECTER, the leaders of our Judiciary Committee, time to work out the differences.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. President, I wish to quickly comment on another matter of vital importance to the country. It appears that the majority is strongly considering whether to hold our troops hostage at a time of war in order to sneak in a last minute special interest rider that cannot be passed within the Senate's rules. Senate Democrats support the Defense appropriations conference report, but it would be an egregious abuse of power on behalf of the oil and gas industry to allow the thing we call ANWR to violate the Senate rules and attach a special interest provision in this legislation. Because Republicans cannot get the support for this provision in the House, the Senate would be asked to violate our rules so that the majority can reward its friends in the oil and gas industry.

We had procedures in the Senate where we lost on ANWR. It was placed in a bill called reconciliation. The House stripped it out. We did not. Let us play by the rules.

I do not support ANWR. It is the most important issue in America to the environmental community. There is no issue more important than ANWR. It is a sign of what this country is all about environmentally. If the majority proceeds along this course and is permitted to abuse its power and run roughshod over the Senate rules, there will be no prohibition against exceeding the scope of conference on any conference report. To further show the cynicism of people who are pushing this, they are telling people: Do not worry about it, we will violate the rules today, change precedent, and we will change them right back tomorrow.

This is an abuse of power. It would have far-reaching consequences for this body. It would be a huge mistake for the Senate and the American people. We can do better than that. Let us have a fair fight where we have winners and losers. That is the way ANWR was done. I was disappointed when that was lost, but it was lost fairly and squarely. Do not violate the rules. That is what I tell my friends on the other side.

We realize that with the 45 votes we have, we cannot do it on our own. We need help from people of good will on the other side of the aisle. There are people who believe as fervently in this environmental standard as I do, and I would call upon them to vote their conscience, to do what is right for this body and do what is right for this country. This is a procedural vote that makes the Senate different from any legislative body in the history of the world. The Senate is the greatest deliberative body in the history of the world. Do not be playing fast and loose with the rules that govern this Senate.

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. 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 morning business.

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

THE PATRIOT ACT

Mr. DURBIN. Mr. President, we have been informed that President Bush's radio address tomorrow will be about the PATRIOT Act. It is not a surprise. This is an important issue. It is one we should discuss and should discuss as a nation.

We passed the PATRIOT Act because of our concern about the threat of terrorism. It is an act with over 100 different provisions in it. It was passed with only one dissenting vote in the Senate. It included sunset provisions on some controversial parts of it, so that 4 years after we passed it we could take another look to make sure that, in fact, we had done the right thing, we were not overstepping. We want to give our Government enough power to protect us, but we certainly don't want to surrender our basic rights and liberties if it is not needed.

So we had the reauthorization of the PATRIOT Act up before us and debated it in the Senate Judiciary Committee on which I serve. We reached a bipartisan consensus for reauthorizing that act, a unanimous vote at the Senate Judiciary Committee. I have never seen it on an issue of this magnitude, but it happened. I believe it was an indication that there is a reasonable way to craft the PATRIOT Act so that, in fact, it serves our needs of national security but does not go too far. That bill then passed the Senate on a voice vote. There was no controversy, no debate, because we had struck a legitimate bipartisan compromise.

Then the bill went to conference, and in conference other forces were at work. As a result of their work, the bill was changed. It was changed in significant ways, ways which I believe went too far, too far in giving the Government authority and power over our personal lives and privacy that is unnecessary. I believe that any person suspected of criminal or terrorist activity, any activity that is considered to be part of a terrorist network, should be treated in the harshest and most serious way. I want to keep America safe. I want my family, my children, everyone's family, to be safe. But I want to make certain that when we draw up this PATRIOT Act, we do not go too far.

As a result of the conference committee, a bipartisan group of Senators, Republicans and Democrats, came together in opposition to this conference report—a bipartisan group of Senators. Today, this morning, we had a vote on the Senate floor. This vote was what we call cloture, whether we will close debate, and as a result of the vote the matter is still open, still unresolved.

It is important to know one thing before the President's address. I hope the President will honestly tell the American people tomorrow what happened today in the Senate.

Early this morning, Senator FRIST, who is on the floor at this moment, the Republican majority leader, met with Senator HARRY REID, the Democratic leader, to discuss this important topic. At the time, Senator REID told him that we believed we were not going to close down debate on the PATRIOT Act and asked if there was a way that we could reach an agreement on a bipartisan basis to extend the bill, extend

the PATRIOT Act for at least 3 months.

We were unable to reach an agreement at that meeting.

Then on the floor Senator HARRY REID of Nevada, on behalf of the Democrats, offered before the vote to the Republican side of the aisle to extend the PATRIOT Act as it is presently written for 3 months so that there would not be any possible gap in coverage for the security of America. There was an objection from the Republican side.

After the cloture vote on the PATRIOT Act—in fact, cloture was not invoked—another motion was made, this time by Senator PATRICK LEAHY of Vermont. Senator LEAHY asked for a 3-month extension of the PATRIOT Act so we could work out the differences.

Not once, not twice, but three separate times today on the Democratic side of the aisle we have reached out to the Republican side of the aisle and said let us try to resolve our differences in a bipartisan way, let us try to make sure that we extend the PATRIOT Act so there is no question about the security of America.

Tomorrow the President will address this issue. I hope in the course of addressing it the President acknowledges the obvious. We have tried our very best on a bipartisan basis to extend the PATRIOT Act, once informally and twice on the floor of the Senate today, and all three times it has been rejected.

We will continue to make that offer on the Democratic side. We want to work this out. We want a good PATRIOT Act that protects America and protects our freedoms. We believe we can be safe in America and we can be free.

I think a bipartisan vote today is a message to the White House and to the House conferees that the Senate bill that was passed, a carefully crafted bill, is a bill that should get us into the reauthorization of the PATRIOT Act.

We stand ready to work with our Republican colleagues on a bipartisan basis to make sure we have a good, strong PATRIOT Act reauthorized and protecting America, and take out those objectionable provisions which go too far in invading the personal rights of and privacy of innocent American citizens.

I hope that particular scenario I described, which is on the official record today, is part of the President's message tomorrow.

I yield the floor.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mrs. HUTCHISON. Mr. President, the conference report on the authorization of the National Aeronautics and Space Administration is in its final stages of being approved. There are some things that are still to be worked out, but I am proud to have been the subcommittee chairman of the NASA Science Subcommittee that produced—along with the House, of course, and the full Commerce Committee—what I think is an excellent authorization of our National Aeronautics and Space Administration.

I worked with my colleague, Senator NELSON of Florida, to produce a bill that does envision the flight to space, the flight to the moon again, and then to Mars. It is the vision laid out by President Bush in January of 2004. It is incumbent on Congress to lead the National Aeronautics and Space Administration and also to support it fully so that we will continue the vision that John F. Kennedy had when he said: We will put a man on the moon. Now we can take it the next step and put a man on Mars, a woman on Mars.

It is important that we understand that this is important not only because it is a huge feat and victory for the world that we can do this but also because we get so much basic science from making this commitment. It improves our quality of life right here on Earth.

This conference committee report does authorize funding for NASA at $17.9 billion in 2007 and $18.7 billion for 2008. That gets us on track to fund the shuttles that will continue to build out the space station and also to begin immediate work on the crew return vehicle that will be the next generation of vehicle going into space after the space station has been completed.

It is a congressional responsibility to set the parameters for what we do with NASA, and we are taking that responsibility seriously. We believe that we should finish the space station, finish the international commitment that we have made to our partners and allies who have put millions of dollars in the space station, and so that we can continue the basic science research necessary, not only for us to learn how we can live and work in space for those people who will be going to the moon again and then later to Mars but also for the basic geological findings we know we can find if we explore the Moon and hopefully Mars. And something that was said at one of our Commerce Committee hearings by Dr. Sam Ting of MIT, there is very important physics research that using the cosmic rays to determine how we might have alternative forms of energy is a very important purpose for the space station to be completed.

This report also designates the U.S. portion of the space station as a national laboratory so that we can bring other funds besides NASA funds, besides Government funds into the space station, and that will help make sure we are able to do the most possible research and make the best use of the space station. It demonstrates that Congress puts a great value on the research that can be done aboard the space station and also a great value on keeping our word to our international partners.

America must lead in the space exploration and science area, but we must do it in collaboration with other countries. I don't think we should just consider ourselves competitors with other countries. If we are going to be the leader, we should lead. We should go forward. We should break the barriers. And we should share with others what we have learned for the good of mankind. That is exactly what this bill envisions.

It also supports aeronautical research. This has been a fundamental part of NASA activities since its inception. It will allow us to continue the great work that has been done in the past. It will assure that we take the next step toward the crew return vehicle that will replace the shuttle at the earliest possible time. We will accelerate that process.

I am very proud of this conference report. The House and Senate worked together very well. It was a bipartisan effort and a bicameral effort. We are going to see a new impetus for NASA with the support of Congress and the President. That is exactly what this country should be doing at this time.

I yield the floor.

HONORING OUR ARMED FORCES

STAFF SERGEANT DAN CUKA

Mr. JOHNSON. Mr. President, I am saddened to report the passing of SSG Dan Cuka of Yankton, SD. Staff Sergeant Cuka, a member of the South Dakota National Guard, was killed on December 4, 2005, while serving in Operation Iraqi Freedom.

Staff Sergeant Cuka was assigned to Yankton's Charlie Battery, 1st Battallion, 147th Field Artillery Unit. Charlie Battery was mobilized in July 2005 and deployed to the Middle East in October 2005. Staff Sergeant Cuka died when multiple improvised explosive devices detonated near his military vehicle in Baghdad, Iraq.

Dan is survived by his wife of 5 years, Melissa, and their children, Abby and Alex. Melissa remembers him as, ''living each day of his life the way he chose based on devotion to his family and his passion for the military. We all believe Dan died doing what he strongly believed in.'' He was regarded as taking his military duty very seriously, and his leadership in his battalion reflected that. Dan was a devoted father who would do anything for his kids according to Melissa, ''It wasn't just as a provider. He would get on the floor and play with them. He would take them places and have a good time with them.''

The lives of countless people were enormously enhanced by Dan's good will and service. Although he did not live to see his dreams realized, he continues to inspire all those who knew him. Our Nation and South Dakota are far better places because of his life, and the best way to honor his life is to emulate his commitment to our country.

Mr. President, I express my sympathies to the family and friends of

Staff Sergeant Cuka. I know he will always be missed, but his service to our Nation will never be forgotten.

STAFF SERGEANT FIRST CLASS SCHILD

Mr. President, I am saddened to report the passing of SFC Richard Schild of Tabor, SD. He was killed on December 4, 2005, while serving in Operation Iraqi Freedom.

Sergeant First Class Schild was assigned to Yankton's Charlie Battery, 1st Battallion, 147th Field Artillery Unit. Charlie Battery was mobilized in July 2005 and deployed to the Middle East in October 2005. Sergeant First Class Schild died when multiple improvised explosive devices detonated near his military vehicle in Baghdad, Iraq.

Richard is survived by his wife of 14 years, Kayleen, and their children, Keely and Koby. His brother, SSG Brooks Schild, described him by saying, ''Rich would always put others ahead of himself, even when he was in a dangerous situation.'' According to his brother, Richard had earned the respect and admiration of his fellow soldiers, not merely because of his rank, but because of who he was as a person. He served with great distinction and received numerous accolades for his service.

Richard lived life to the fullest and was committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. All Americans owe Richard, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

Mr. President, I express my sympathies to the family and friends of SFC Richard Schild. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

AVIATION WARFARE SYSTEMS OPERATOR TWO JOHN N. KAYE, III

Mr. GRASSLEY. Mr. President, I rise today for the purpose of honoring a fallen American. I learned this week that AW2 John N. Kaye III, from Traer, IA, died while in service to his country during counter narcotics operations off the coast of Colombia. I would like to take this opportunity to salute his patriotism and his sacrifice.

We can often tell a lot about the character of an individual by how they help the people around them. Petty Officer Kaye was a man who would willingly extend a helping hand to those around him and this week even extended his mission to help out a fellow sailor. Just before leaving the Navy, though, he extended his stay aboard the USS *DeWert* for one final mission so that another sailor could be with his family to mourn the loss of a brother. Sadly, Petty Officer Kaye gave his life in service to his country on Tuesday off the coast of Colombia.

John Kaye was looking forward the completion of his tour of duty in the Navy so that he could return to Iowa to be near family and friends and attend college. He was from a large family in central Iowa and attended North Tama High School where he played football. In his free time, he loved to hunt and fish or just spend time with his friends in the Traer area. In the Navy, he was one of the youngest people to ever graduate from the Search and Rescue Program where he received training as a rescue swimmer.

The primary mission for members of our military is to protect American citizens from outside threats. For John Kaye, the threat was drugs being grown and processed in South America, and he was actively involved in our effort to reduce the flow of illegal drugs into the United States. The Navy is an important partner in our efforts to track down and apprehend drug traffickers in the Pacific Ocean and the Caribbean Sea, and John Kaye deserves the highest gratitude of this body and the entire Nation. His sacrifice reminds us that freedom is so precious because of its incredibly high cost. This is an example of the patriotic contribution made by thousands of American service members and their families. The love of country and dedication to service shared by so many of its citizens is the great strength of our Nation, and we can all be very proud of patriots like John Kaye.

Mrs. BOXER. Mr. President, today I rise to pay tribute to 31 young Americans who have been killed in Iraq since November 10. This brings to 508 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 24 percent of all U.S. deaths in Iraq.

LCpl Jeremy P. Tamburello, 19, died November 8 from wounds sustained from an improvised explosive device while conducting combat operations west of Rutbah. He was assigned to the 1st Light Armor Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

LCpl David A. Mendez Ruiz, 20 died November 12 from an improvised explosive device while conducting combat operations against enemy forces in Al Amiriyah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Scott A. Zubowski, 20, died November 12 from an improvised explosive device while conducting combat operations against enemy forces in Al Amiriyah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Cpl John M. Longoria, 21, died November 14 of wounds sustained from small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in New Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, California. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

MAJ Ramon J. Mendoza, Jr., 37, died November 14 from an improvised explosive device while conducting combat operations against enemy forces during Operation Steel Curtain in New Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Christopher M. McCrackin, 20, died November 14 from an improvised explosive device while conducting combat operations against enemy forces during Operation Steel Curtain in New Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Matthew J. Holley, 21, died November 15 of injuries sustained when an improvised explosive device detonated near his HMMWV during combat operations in Taji. He was assigned to the 1st Battalion, 320th Field Artillery Regiment, 101st Airborne Division, Fort Campbell, Kentucky. He was from San Diego, CA.

2nd LT Donald R. McGlothlin, 26, died November 16 from small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Roger W. Deeds, 24, died November 16 as a result of enemy small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl John A. Lucente, 19, died November 16 from wounds sustained from an enemy hand grenade while conducting combat operations during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Grass Valley, CA.

Cpl Jeffry A. Rogers, 21, died November 16 as a result of enemy small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in Ubaydi. He

was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraq Freedom, his unit was attached to 2nd Marine Division.

Cpl Joshua J. Ware, 20, died November 16 as a result of enemy small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to 2nd Marine Division.

Sgt Jeremy E. Murray, 27, died November 16 from an improvised explosive device while conducting combat operations against enemy forces in the vicinity of Hadithah. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Vernon R. Widner, 34, died November 17 in Tikrit of injuries sustained the same day in Bayji when his HMMWV was involved in a vehicle accident during convoy operations. He was assigned to the 3rd Special Troops Battalion, 3rd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Redlands, CA.

LCpl Miguel Terrazas, 20, died November 19 from an improvised explosive device while conducting combat operations against enemy forces in the vicinity of Hadithah. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Michael J. Idanan, 21, died November 19 in Bayji when an improvised explosive device detonated near his HMMWV during combat operations. He was assigned to the 1st Squadron, 33rd Cavalry, 3rd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Chula Vista, CA.

SPC Javier A. Villanueva, 25, died November 24 in Al Asad of injuries sustained on November 23 in Hit when an improvised explosive device detonated near his dismounted patrol during combat operations. He was assigned to the Army's 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

MSgt Brett E. Angus, 40, died November 26 from an improvised explosive device while conducting combat operations against enemy forces in the vicinity of Camp Taqaddum. He was assigned to Marine Wing Support Squadron-372, Marine Wing Support Group-37, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Aircraft Wing.

SSgt William D. Richardson, 30, died November 30 of wounds sustained from a non-hostile vehicle accident near Al Taqaddum. He was assigned to Marine Wing Support Squadron-372, Marine Wing Support Group-37, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to 2nd Marine Aircraft Wing.

SSgt. Daniel J. Clay, 27, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl John M. Holmason, 20, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl David A. Huhn, 24, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Adam W. Kaiser, 19, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Robert A. Martinez, 20, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Cpl Anthony T. McElveen, 20, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Scott T. Modeen, 24, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Andrew G. Patten, 19, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Sgt Andy A. Stevens, 29, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom his unit was attached to the 2nd Marine Division.

LCpl Craig N. Watson, 21, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Cpl Joseph P. Bier, 22, died December 7 from an improvised explosive device while conducting combat operations against enemy forces in Ar Ramadi. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Sgt Adrian N. Orosco, 26, died December 9 in Baghdad when a vehicle-borne improvised explosive device detonated near his dismounted position during combat operations. He was assigned to the 1st Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA. He was from Corcoran, CA.

Mr. President, 508 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the one soldier from California who has died while serving our country in Operation Enduring Freedom since November 10.

SPC Matthew P. Steyart, 21, died November 22 in Shah Wali Kot, Afghanistan when an improvised explosive device detonated near his HMMWV during patrol operations. He was assigned to the 1st Battalion, 508th Infantry Regiment, Vicenza, Italy. He was from Mount Shasta, CA.

Mr. President, 35 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

VIOLENCE AND REPRESSION IN ETHIOPIA

Mr. LEAHY. Mr. President, on May 15, 2005, Ethiopia held the first open, multiparty, democratic elections in its 3,000-year history. It was an important milestone that gave the people of that country a sense of national pride and hope. Unfortunately, the elation that was so evident on election day was short lived. International observers cited serious vote counting irregularities and flaws in the electoral process.

Nearly 25 million Ethiopians—90 percent of eligible voters—went to the polls, and early counts indicated strong support for the opposition. As it became clear that the ruling party was in danger of losing its grip on power, the

Government stopped the vote counting in a blatant move to manipulate the results. Accusations of vote rigging forced the National Electoral Board of Ethiopia, NEBE, to delay the release of the official results.

The controversy led to protests in Addis Ababa, the Oromiya regions, and other provinces. On June 8, in response to protesters challenging the provisional results of the elections, Ethiopian security forces are accused of shooting at least 40 protestors, killing 26, temporarily detaining over 500 student protestors and arresting at least 50 people. Ethiopia's main opposition political party, the Coalition for Unity and Democracy Party, CUDP, refused to take its seats in Parliament in protest of the election results. Just recently, 50 members of the CUDP took their seats in Parliament, but there is some concern that they were pressured into doing so.

Last month, the situation in Ethiopia took a further turn for the worse. On November 1, following street demonstrations that erupted into 4 days of violence when police started shooting, at least 46 protesters were killed in Addis Ababa and other towns, and some 4,000 were arrested. There have been numerous reports of widespread arbitrary detention, beatings, torture, disappearances, and the use of excessive force by police and soldiers against anyone suspected of supporting the CUDP detainees.

The detainees include distinguished Ethiopian patriots such as Hailu Shawel, president of the CUDP; Professor Mesfin Woldemariam, former chair of the Ethiopian Human Rights Council; Dr. Yacob Hailemariam, a former U.N. Special Envoy and former prosecutor at the International Criminal Tribunal for Rwanda; Ms. Birtukan Mideksa, CUDP vice president and a former judge; and Dr. Berhanu Negga, the recently elected mayor of Addis Ababa and university professor of economics.

Today, the entire senior leadership of the CUDP is reportedly in jail and has been held incommunicado in harsh conditions, without access to their families or legal representatives. Amnesty International considers these individuals to be prisoners of conscience who have neither used nor advocated violence. The government of Prime Minister Meles Zenawi is seeking to charge them with treason, a capital offense, for the ''crime'' of urging their supporters to engage in peaceful protest on their behalf. CUDP leaders are scheduled to appear in court today, presumably to be officially charged with treason.

Journalists and members of the media have also been jailed. According to the Committee to Protect Journalists, Ethiopian authorities have prevented most private newspapers from publishing, arrested or harassed local journalists and their family members, and threatened to charge journalists with treason. Thirteen journalists have been detained since last month's antigovernment protests, including two more who were just arrested this week.

It is particularly disturbing, when one considers these events, that since 1991, the government of Prime Minister Meles has received billions of dollars in foreign aid, including to strengthen democratic institutions and the rule of law in his country. Recently, the European Union suspended its aid to Prime Minister Meles' government and is seeking ways to channel it to the Ethiopian people through private voluntary organizations.

Last month, thousands of Ethiopians and their supporters in this country came to Washington to protest the violence and repression by the Meles government and to urge the Bush administration to help establish real democracy and the rule of law in Ethiopia. Ethiopia has been an ally of the United States in combating international terrorism, yet it is using similar tactics against its own people.

Over the past several years, Ethiopia has made progress in both political reform and economic development. But that progress has been overshadowed by the tragic events of the past 6 months. The Government's heavy-handed tactics to steal the election and persecute those who sought to play by the rules of democracy, should be universally condemned.

The Bush administration should make clear to Prime Minister Meles that if his government does not abide by the basic principles of democracy, due process and respect for human rights, including an end to the use of random searches, beatings, mass arrests and lethal force against peaceful protesters, and if political detainees are not released, that we will join with the European Union and suspend our aid to his government, including our support for financing from the World Bank and the African Development Bank other than for basic human needs. There should be severe consequences for such a flagrant subversion of the will of the Ethiopian people.

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 30, 1999, a 23-year-old disabled man was lured into an apartment in Keansburg, NJ. He was than subjected to three hours of torture at the hands of nine men and women. According to police, the abusers knew the man from their neighborhood, and ridiculed him constantly because of his disability.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CAREGIVERS

Mr. OBAMA. Mr. President, across the country there are more than 6 million children living in households headed by a grandparent or other relative. Regardless of the reason children enter relative—care the death of a parent, neglect, abuse, military deployment, or poverty—it is never, ever the fault of the child. I commend grandparents and other relatives who step forward to care for these children, keeping the children out of foster care while providing safe, stable homes, often at great personal sacrifice.

In my state of Illinois, 9 percent of the children live with nonparent relatives. Grandparents and other relative caregivers often provide the best chance for a loving and stable childhood for the children in their care, but their hard work and dedication often goes unnoticed. Today I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and our Nation's most valuable asset—our children.

There are still far too many barriers preventing grandparent- and other relative-caregivers from accessing the services they need. For example, even though grandparent-caregivers are eligible for many housing programs through the Department of Housing and Urban Development, HUD officials on the ground often unwittingly exclude grandparents from accessing housing because of confusion over the relevant laws. For this reason, I recently worked with my colleague Senator STABENOW to obtain $4 million in new funding for grandparent-caregiver housing demonstration projects.

I look forward to working with my colleagues on both sides of the aisle to improve access to services for grandparent- and other relative-headed households. My grandparents played a central role in my upbringing, and without them I would not be standing before you today. I am certain that the same can be said of thousands of children and adults in Illinois and across the country. It is time that we recognize the contributions of these worthy relative-caregivers, and grant them the access to Federal services that they deserve.

CONFIRMATION OF SUSAN BODINE

Mrs. BOXER. Mr. President, today, I am releasing the hold I placed on the nomination of Susan Bodine for Assistant Administrator, Office of Solid

Waste and Emergency Response based on the written commitment I have received from EPA to provide information and documents I have requested in connection with oversight of the Superfund program. I originally requested information on the Superfund program immediately after the Ms. Bodine's confirmation hearing in July.

To date, Ms. Bodine and EPA have provided only a partial response to my request. I want to be clear that every question I posed to Ms. Bodine and all the information I requested from EPA on this important public health program should have been provided to me without restriction as part of the Congressional oversight process. I ask unanimous consent that the original questions posed to Ms. Bodine be printed in the RECORD. EPA has now committed to provide additional information by January 31, 2006. And I ask that EPA's letter in this regard be printed in the RECORD.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FROM SENATORS BARBARA BOXER, LAUTENBERG AND OBAMA FOR THE EPA NOMINATION HEARING

Questions directed to Susan Bodine who is nominated to be the Assistant Administrator of the Office of Solid Waste and Emergency Response, July 15, 2005.

(1) Please work with EPA to provide us with a complete list of Superfund sites in order of current health hazards.

(2) Please indicate how many children live near these sites and how they may be at risk. Please also indicate any daycares, schools, playgrounds or other similar places that are near these sites.

(3) Please indicate what emergency or other short-term steps EPA may conduct at each site to address the risks at that site, and the cost to take those actions.

(4) Please provide the cost to cleanup all 103 sites where EPA has determined ''human exposure is not under control.''

(5) Please work with EPA to ensure that EPA experts, including regional staff, are available and authorized to answer any of our questions relating to Superfund, including human health risks, cleanup costs and funding shortfalls.

(6) Please ensure that the information provided includes priority list of sites, like that provided to Senator Boxer while chair of the Superfund Subcommittee.

(7) Please work with EPA to ensure that we receive complete and detailed responses for each question in the Oct. 2004 letter that Senator Jeffords and Senator Boxer sent to then-Administrator Leavitt on Superfund, with updated responses to the present.

(8) Please work EPA to provide us with detailed information to date on clean-up work and activities that will not be performed at sites that could use additional funding to initiate new projects or to expedite work at on-going projects on those sites. Please include all regional requests for funding.

(9) Please work with EPA to provide us with complete information to date on the ongoing remedial projects that could use additional funding and the dollar shortfall for each project. Please provide all regional requests for funding.

(10) Please work with EPA to provide us with complete information to date on the removal projects that could use additional funding and the dollar shortfall for each project. Please provide all regional requests for funding.

(11) Please work with EPA to provide us with complete information to date on the pipeline projects that could use additional funding and the dollar shortfall for each project. Please provide all regional requests for funding.

(12) Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act required EPA to promulgate regulations—''not later than five years after December 11, 1980'', which required ''classes of facilities [to] establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances.'' Please work with EPA to provide me with information that describes all activities that EPA has undertaken to meet this requirement to promulgate these regulations.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, December 16, 2005.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: As a follow up to discussion with your staff, EPA is prepared to provide the following information and documents.

1. An electronic version of the document (''template'') provided to the Committee in an enclosure to a letter signed by me on October 31, 2005 (available immediately);

2. An updated version of the list entitled, ''Currently Projected Projects Ready for Construction Funding in FY05,'' previously provided to the Committee in an enclosure to a letter signed by John Reeder on July 19, 2005. The list will include a column displaying ''actual'' FY 2005 funds provided to each site on the list, and a column that provides a code characterizing the nature of human health or ecological risk at each site (available immediately);

3. In response to the Committee's question on site funding needs, EPA's CERCLIS database provides the most complete existing record. EPA will provide reports from the CERCLIS database (SCAP–4 ''snapshot'') from late summer of 2004 reflecting each regional office's planning estimates for funding prior to budget discussions with EPA headquarters. To determine the date of the ''snapshot'' that provides the best information on funding each region will be asked to identify the date that best reflects when the region loaded its assessment of planning data into CERCLIS, prior to changes based on discussions with headquarters. Also, EPA will provide a coversheet that summarizes relevant planning data and FY 2005 obligations, and EPA's operating plan and preliminary allocation memo for FY 2005 (available by January 31, 2006).

4. Additional information from Regional offices on opportunities for accelerated remedial actions at Superfund sites categorized by EPA as ''Human Exposure Not Under Control'' (available by January 31, 2006).

To collect information under this item, we will ask the regional offices the following: Explain the known opportunities for the use of additional FY 2005 funds to accelerate response actions, including removal actions, remedial actions, and any characterization or testing that could have accelerated remedial action. Include description of costs of these opportunities, if know. If action was not undertaking in FY 2005, explain why not, including funding limitations. Please indicate if the opportunity for accerlated response action still exists, or if conditions at the site present new opportunities for accelerated actions since FY 2005. Include the information in the attached template, and attach copies of supporting documentation.

Please contact me if I can be of further assistance, or your staff may call me on 564–5200.

Sincerely,

STEPHANIE N. DAIGLE,
Associate Administrator.

Mrs. BOXER. Mr. President, while a complete response to my request remains outstanding, I have determined that with the additional commitments I received today, the confirmation of Ms. Bodine can proceed with the expectation and assurance from Ms. Bodine to work closely with me and provide cooperation on the oversight of this program.

In addition, the Chairman of the Senate Environment and Public Works Committee, Senator INHOFE, has agreed that the Superfund program and its critical missions are overdue for a comprehensive oversight hearing and that such a hearing shall be held in the Superfund and Waste Management Subcommittee of which I am ranking member. Senator THUNE, the chairman of the subcommittee, has also agreed to this request.

There have been no comprehensive oversight hearings of this important public health program in over 3 years. Ms. Bodine has agreed to testify at this hearing after her confirmation, and we will have other outside witnesses as well. We have also requested that Administrator Stephen Johnson be available as well. I want to thank my colleague, Senator INHOFE for agreeing to this critical hearing.

Mr. INHOFE. Mr. President, both subcommittee Chairman THUNE and I recognize the importance of oversight of the Superfund program. To that end, and consistent with Senator BOXER's request, Senator THUNE's subcommittee will be holding an oversight hearing of EPA's Superfund program once Susan Bodine, the President's nominee to head EPA's Office of Solid Waste and Emergency Response, is confirmed by the Senate with Ms. Bodine testifying on behalf of EPA. After Ms. Bodine is confirmed, we will begin to work on scheduling this hearing with a targeted time frame of the first quarter of 2006, but no later than the Memorial Day recess. Senator THUNE will work closely with Senator BOXER in scheduling the hearing.

I expect EPA to be forthcoming in this hearing about the program and look forward to Ms. Bodine's confirmation so that she may help ensure that the EPA is responsive to the Senator's requests for information about the management of the program and the impacts on communities throughout the country.

Mr. THUNE. I am in full agreement with the chairman of the Environment & Public Works Committee and I will be working closely with him and subcommittee ranking member BOXER on scheduling this hearing once Ms. Bodine is confirmed. I am committed to having Ms. Bodine, as the EPA witness, appear before the subcommittee

before Memorial Day recess, 2006. I look forward to working with Senator BOXER on scheduling a date and filling out the witness list.

SECURITY CONTRACTOR PRACTICES IN IRAQ

Mr. AKAKA. Mr. President, I rise today, to discuss a matter of serious concern. On December 9, The Washington Post reported that the Department of Defense is investigating a video posted on an Aegis-employee affiliated Web site which contains scenes of violence and shooting against Iraqi civilians.

An estimated 25,000 private security contractors are currently working in Iraq, earning anywhere from $550 to $1,500 a day. Many of them are doing their best to help maintain security for the reconstruction of Iraq. However, if the events displayed in the video are accurate, the actions of these few contractors put our troops at tremendous risk. The video depicts the back window of a PSD, personal security detail, vehicle. In the video you can hear a machine gun being fired at cars which are clearly more than 50 meters behind the vehicle. The cars drift off the road after many shots, leaving one to assume the driver has been shot dead. During the entire video, the Elvis Presley song ''Mystery Train'' plays in the background.

This behavior is offensive. The actions of the individuals in the video put our troops at risk because such incendiary behavior only increases hatred towards Americans. Whether or not we agree with the troops' presence in Iraq, we all agree that the safety of our troops is paramount. Our troops in Iraq who wear uniforms are instant targets for retaliatory violence.

The U.S. service men and women who deploy to Iraq serve because of a sense of selfless service and duty. As members of Congress, it is our duty to conduct oversight into the questionable behavior of the private security contractors. While our troops continue to be deployed to Iraq and the security situation remains fragile at best, it is in our best interest to make sure civilian-contractors do not exacerbate the situation any further.

Therefore, I will be seeking a congressional inquiry into the operations and rules of engagement granted to private security contractors currently operating in Iraq. I will also recommend a review of the contract awarded to Aegis Specialist Risk Management. If these events are happening, we must stop them. We must take action so that our troops and the Iraqi people know that gratuitous violence on the part of the people we deploy or employ will not be tolerated.

INCLUSION OF IDAHO AND MONTANA IN THE RADIATION EXPOSURE COMPENSATION ACT

Mr. CRAIG. Mr. President, I rise in support of this bill to expand the Radiation Exposure Compensation Act, RECA, to include the States of Idaho and Montana. I am an original cosponsor of the legislation being introduced by Senator CRAPO.

The National Academy of Sciences, NAS, recognizes that citizens affected by fallout from atomic bomb testing in Nevada were not only the citizens of that State or Utah, but also citizens to the north, and east, and throughout much of the world. This bill, consistent studies showing that parts of Idaho and Montana were among the most affected, expands RECA geographically to include these two States.

My colleagues and I are in the business of making Idahoans eligible for RECA compensation as expeditiously as possible. Studies that take years will simply not do for citizens who would otherwise be eligible if they lived on the other side of a State line.

The NAS recommended that RECA should be overhauled, and I will make sure this happens. In the meantime, those Idahoans and Montanans who qualify for compensation today should be made eligible immediately.

BURMA

Mr. FEINGOLD. Mr. President, today I will discuss the disturbing situation in Burma.

I have consistently stressed my deep concerns regarding the repressive military junta in Burma that continues to commit severe human rights violations against the Burmese people. Despite consistent calls to halt abuses by the Burmese military such as rape, harsh political repression, torture, extrajudicial executions, forced labor, and human trafficking, the SPDC fails to address these egregious violations and permits violations to continue with impunity.

However, I am encouraged by ASEAN's rejuvenated efforts to hold Burma to long-promised democratic reforms. ASEAN's resolute calls for the release of Aung San Suu Kyi and other members of NLD and more than 1,100 political prisoners, and for real democratic reform, are vital to legitimate progress in Burma and regional stability and values. ASEAN has long pushed for these goals and its recent announcement that it will send an envoy to evaluate Burma's progress in democratic reform is an important step toward accountability.

It is far past time for the international community to begin a dialogue on Burma. I welcome the unanimous decision by the United Nations Security Council to discuss the situation there. The September 2005 report produced by Nobel Prize laureate Desmond Tutu and former Czech President Vaclav Havel provided a solid basis for these discussions. Burma's military junta has long prevented United Nations envoys from visiting, and I look forward to the international community engaging in a serious discussion of the situation there.

Those demanding real reform in Burma must not relent. The SPDC must take immediate steps to release Aung Sang Suu Kyi and other political prisoners and to create a broad-based democratic government that respects human rights and the rule of law.

WORK OUTAGE AT CALLAWAY NUCLEAR PLANT

Mr. TALENT. Mr. President, I rise to honor approximately 3,000 permanent and supplemental workers, who recently set a new world time record while conducting a safe and successful work outage on AmerenUE's Callaway Nuclear Plant. The Callaway Plant is located in my home State of Missouri and provides permanent jobs to more than 1,000 people. Since 1984, Callaway has generated an average of 8.9 billion kilowatthours of electricity per year—equal to the amount used annually by more than 750,000 average households.

The Callaway Plant is owned and operated by AmerenUE, a subsidiary of Ameren Corporation, which provides energy services to about 2.3 million electric customers in Missouri and Illinois. Callaway, along with 102 other nuclear powerplants in the United States, is a critical component of our Nation's energy mix, providing low-cost, reliable, and clean energy from an abundant fuel source.

Approximately every 18 months nuclear plants must be shut down for refueling, during which time the employees perform literally thousands of maintenance activities, modifications, and tests. In Callaway's case, the plant supplies nearly a quarter of Ameren's electricity production, thus it is critical that the work be done in a safe and timely manner so the plant can be brought back online as soon as possible.

The recent Callaway Plant outage was the most complex in its history, as it included not only refueling and the usual maintenance activities, but also replacement of four massive steam generators, which measure 70 feet tall and weigh 400 tons each, as well as main turbine rotors. The Callaway team set a new world record for such outages, accomplishing their work in 63 days and 13 hours, beating the previous record of 64 days and 17 hours. The combination of the new generators and rotors are expected to add about 60 megawatts of additional generating capacity to the plant using the same amount of fuel.

This summer Congress passed an energy bill, which recognizes the tremendous need for increasing our supply of clean energy while reducing our dependence on foreign sources of energy. The high-quality work of the Callaway employees plays a major role in carrying out the objectives of this important legislation. By not only completing the outage in a safe and timely

manner, but also increasing its capacity to produce electricity, these workers are doing their part to meet Missouri's—and our Nation's—growing energy needs.

I offer my personal thanks and congratulations for a job well done to all of the dedicated employees and the temporary workers who, as a result of exceptional preparation, teamwork, and execution, successfully completed the most complex outage at Callaway Nuclear Plant.

I congratulate the AmerenUE workers and their partners on their achievement. They have set a new standard of excellence in safety and performance and have helped advance the future of the nuclear power industry as a whole.

MISSILE DEFENSE AGENCY'S RECENT TESTING SUCCESSES

Mr. ALLARD. Mr. President, I rise to comment on an event that may have understandably escaped the attention of my colleagues because our plate is full and the schedule is tight. I want to underscore the importance of what occurred on Tuesday night, December 13, shortly after 10 p.m. Washington time. It signaled a month of great achievement in our Nation's Missile Defense Program.

While many of us were turning on the late news that night, an operationally configured, ground-based interceptor missile, of the kind now emplaced in both Alaska and California, was launched out of its silo in the Marshall Islands and successfully completed all its major test objectives. It demonstrated smooth execution of the launch sequence, separation of the booster-kill vehicle, cryogenic cooling of the sensor, and positioning of the kill vehicle, among many other complex actions. For this test, there was a simulated target using data from previous launches. The interceptor successfully flew through its impact point, and had the target been real, it would have been destroyed.

This test was the latest in an extraordinary month. National attention had been focused on setbacks to our defense against long-range hostile ballistic missiles. However, this has been a month of successes for current and future elements of the Ballistic Missile Defense System that can provide a defense against both long-range and short-range threats. Perhaps these successes have flown under our radar screens, but now they deserve recognition.

In addition to this most recent test, there are at least three others that occurred in the past month worthy of note.

On November 17, an Aegis Ballistic Missile Defense SM–3 interceptor, launched by an operational crew from the USS *Lake Erie* off the coast of Hawaii, made a direct hit on an inert warhead that separated from a target missile 100 miles in space—a far more challenging scenario than previous tests. This was the sixth successful intercept by a SM–3 in the last seven such tests since testing began in 2002. The successful intercept of a separating warhead advances our defense beyond simpler, unitary, Scud-like missiles.

Just as important was the return to flight of the terminal high altitude area defense, or THAAD, interceptor. After its last two successful flights in 1999, the program and the missile were completely overhauled to make it more reliable and easier to manufacture. On November 22, the revamped missile was launched from the White Sands Missile Range without a flaw. The test validated the interceptor's launch from canister, rocket booster operation, shroud and kill vehicle separation, and control system that guides it to the target for a kill.

And not least, just last week, on December 6, the Airborne Laser Program successfully completed a full duration lase at operational power. This involved linking the energy output of six large laser modules into a single beam, powerful enough to destroy a missile in its boost phase at the distances we need to shoot to kill. Now that the laser has successfully completed ground testing in a surrogate aircraft, it is being disassembled to load it onto its flight test Boeing 747 for further testing. The significance of achieving this milestone cannot be overemphasized—this is a revolutionary weapon with the potential to change fundamentally the ways in which we can protect our Nation, our troops, and our allies and friends from the growing ballistic missile threat.

These are the more visible Elements of the integrated Ballistic Missile Defense System. What ties all these parts together is the Global Command, Control, Battle Management and Communications System, the brain and the nerves. It is less visible than radars and rockets, but our missile defenses couldn't work without it. The integration of far-flung parts, new and upgraded, often made at different times by different contractors, has been a great challenge, but it is one we are steadily and remarkably overcoming.

There have been many naysayers and doubters on missile defense. But I am proud to have supported the Missile Defense Agency over the past year as it has grappled in an intensive effort to track down and eliminate or minimize risks that have contributed to setbacks in the past. There is an emphasis on quality that is paying off, as witnessed by these last four successful tests. We learn from our mistakes, and we now bear the fruit of the combined efforts of a wide range of dedicated military, civilian, and contractor personnel. Testing will continue, we will encounter difficulties, but the program will move forward. We are succeeding in building an integrated and layered Ballistic Missile Defense System, our defenses will continue to improve, and our citizens will be increasingly protected and grateful.

RADIATION EXPOSURE COMPENSATION ACT

Mr. BURNS. Mr. President, on April 28, 2005 of this year, just hours after the National Academy of Science released its report, I stood before this body and declared the importance of amending this law. On May 9, I introduced S. 977 which places Montana on equal ground with others who have suffered from nuclear testing fallout. Again, on May 10, I stood in this Chamber and talked about the importance of this legislation for the good people of Montana. Today, I am happy to be joined in my efforts by the Senator from Idaho, who introduced similar legislation for the people of Idaho. This bill is an important step forward in securing the justice that the people of Montana deserve. This bill combines my efforts with those of Senator CRAPO to extend RECA coverage to both Montana and Idaho in a single, simple bill.

Montana, more than any other State, was affected by the downwind radiation that came from the nuclear testing in Nevada during the 1950s. The statistics are eye-opening. Of the 25 counties in the United States with the highest exposure rates, 15 are in Montana. Meagher County in Montana has a rate of exposure greater than any other county in the United States. Fifty-five out of Montana's 56 counties experienced elevated levels of radiation exposure. And yet, Montana is the only State in the region that receives absolutely no compensation from the Radiation Exposure Compensation Act whatsoever.

The reported rate of thyroid cancer—which is the health affect most associated with the exposure to Iodine-131 from this testing—is 17.5 times the national rate. Between 1989 and 2003, while the national rate of thyroid cancer increased 38 percent, Montanans saw an increase of 127 percent.

When Congress passed RECA in 1990, it was an important step toward setting a grave injustice right. As a cancer survivor myself, I know that no amount of money can heal the wounds suffered by the victims of radiation exposure. Time and time again, I have heard from Montanans who tell me that it is not about the money. The people of Montana aren't coming to their Government with their hands out. They are demanding justice. They are demanding acknowledgement of their suffering. They are demanding that we do the right thing.

When RECA was passed in 1990, my colleagues did their best to do the right thing. For that, they should be commended. For the 9,117 Americans who have received compensation for downwind exposure since RECA became law in 1990, justice has been served. Responsibility has been taken, so that wounds can begin to heal.

And, it wasn't an easy journey. The first hearings for RECA were held way back in 1979, almost 30 years ago. The questions that needed to be asked took time to answer: Was there downwind

radiation? Were people exposed to that radiation? Were there health consequences to that exposure? And while the Senate struggled with these questions, Americans that were affected waited. As my colleagues expressed 20 years ago, time is not on our side in this matter, and all too often justice delayed is quite literally justice denied.

When Congress passed RECA in 1990, the extent of the damage done from this radiation was not fully understood. New studies, by the National Cancer Institute and the National Academy of Sciences, decades in the making, have shown that for many Americans, like those in Montana, justice has been denied. They live in the most affected regions of the country, and yet they find the door of justice closed to them by lines on a map. For some of these people, it is too late. The clock is ticking, and many have not survived long enough for their Government to do the right thing.

That is why I stand adamant that the time to act is now. We did the right thing in 1990. It is time to do the right thing today.

LABOR—HHS APPROPRIATIONS

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the fiscal year 2006 Labor, HHS, Education and related agencies conference report.

As my colleagues know, this is the second conference report to come out of the Labor-HHS-Education Subcommittee this year. This bill, which passed the House yesterday by two votes, represents a failure by the leadership of this Congress to adequately fund health, education, and workforce programs.

The first conference report—the one defeated by the House—contained drastic cuts to existing programs like the title VII health professions programs and No Child Left Behind.

So what is different between the bill before us today and the one that failed? Does the second conference report restore the harmful cuts to health and education that were supported by the Republican leadership in the House and Senate? Does the bill contain even one dollar more than the bill that was defeated by the House?

The answer to those questions is no.

The first conference report included $201 million worth of cuts to rural health programs identified by the National Rural Health Association. The bill before us restores a few of these programs but it still retains $137 million, or 68 percent, worth of those cuts.

The bill before us restores a provision costing $90 million that would have prohibited Medicare and Medicaid from covering prescription drugs for erectile dysfunction.

And how does this bill pay for these provisions? It is not with new money but, rather, with $120 million that was designated for the Public Health and Social Services Emergency Fund for pandemic flu preparedness and $60 million that was supposed to go to the Centers for Medicare and Medicaid Services' administrative account for implementation of the new Medicare prescription drug benefit.

At a time when seniors are struggling to understand and sign up for the new Medicare drug benefit, this bill cuts the account needed to run Medicare's 1–800 help line, run its Website Medicare.gov, conduct outreach and provide technical assistance to millions confused seniors.

And at a time when public health experts across the globe are warning countries to act now to prepare for a pandemic influenza, this bill cuts $120 million in pandemic flu preparedness funding.

In total, this bill cuts health funding by $466 million.

That includes a cut of $185 million for the Bureau of Health Professions title VII programs, making it harder to recruit and retain qualified health professionals, and the elimination of nine vital health programs including trauma care, rural emergency medical services, the geriatric education centers, health education training centers, and the health community access program.

In California, the elimination of the geriatric education program will eliminate funding for the Northern California Geriatric Education Center at the University of California San Francisco, the only source of Federal funding for geriatric education from the Bay Area to Oregon.

It provides a less than 1 percent increase in funding the National Institutes of Health, the smallest percentage increase to NIH since 1970. This bill cuts the number of new research grants that NIH can fund by 355, from 9,612 to 9,257.

Last September, 91 of my colleagues joined me in sending a letter to President Bush supporting the administration's goal of eliminating cancer death and suffering by 2015. The wholly inadequate funding for NIH in this bill dims the hope of reaching this 2015 goal.

The conference report harms all working American families.

First, the conference report slashes the Office of Disability Employment Policy to $20 million, close to half of the funding in fiscal year 2005. The disabled community will no longer have the training, employment, and education needed to earn a decent wage. This is a community that already faces a 68 percent unemployment rate.

Second, reducing job training programs, dislocated worker assistance, and employment services by $530 million will make it close to impossible for dislocated workers to re-enter the workforce. This is particularly appalling given the recent bankruptcy and layoff announcements by Delta, Northwest, and General Motors, just to name a few.

Lastly, the reduction in trade adjustment assistance will leave workers to fend for themselves when industries change and jobs shift oversees. This is vital to the Nation's economic stability. The fast-moving pace of innovation requires that we have a flexible workforce provided with the training needed to transition to the next opportunity. Reducing this type of program will leave American workers behind.

The ability to work is the path to financial independence, economic stability, and the key to earning a better life. This conference report shamefully denies that opportunity to dislocated and disabled workers wanting to earn a better life.

And finally, this bill hurts our Nation's schools, educators, and students.

It cuts total Federal education funding by $59 million for the first time in over a decade.

Within education, No Child Left Behind is significantly cut by $779 million or 3 percent that will ultimately result in an estimated $3 million loss for California schools.

Furthermore, this bill shortchanges the authorized funding level for No Child Left Behind programs by $13.1 billion.

This major cut and underfunding is being done when the required math and reading performance levels under the law are increasing for school districts and schools are struggling to find the funds necessary to meet the law's requirements.

This bill also fails to provide any increase to the Pell grant student aid award of $4,050 for the fourth year in a row, even though a $100 increase was promised in the budget resolution.

Federal Pell grants are the cornerstone of our need-based financial aid system ensuring that all students have access to higher education.

Pell grants help over 5.3 million low- and middle-income students attend college, over 500,000 of them in California.

There could not be a worse time for freezing student's financial grant aid as the costs of attending a 4-year public college or private college have dramatically increased both nationwide and in California.

According to the College Board, the average cost nationwide of attending a public university for 1 year has increased 66 percent to $5,132 within the last 10 years, and yet Pell grant aid continues to remain stagnant.

This bill also drastically cuts other important education programs, such as Even Start literacy programs that help disadvantaged children and their parents increase their English skills are cut by 56 percent, from $200 million to $100 million; education technology State grants are cut by 45 percent, from $496 million to $275 million; and State grants for keeping schools safe and drug free are cut by 20 percent, from $437 million to $350 million.

The bill before us shortchanges American families, and I believe America can do better. The cuts in this bill for vital health, education, and workforce programs are a direct result of the agenda of this administration and

the leadership in Congress: to pass tax cuts and reconciliation bills that actually worsen the deficit, all the while doing nothing to address the long-term fiscal picture of entitlement spending.

As an appropriator, I recognize that tough decisions have to be made. However, the policy choices of this administration have put Members of this body in the position of having to vote on the elimination of health programs for the poorest and sickest of Americans and for cuts to education programs for low-income students. I reject that choice and believe we must rebalance our priorities.

The choice we should be making today is to improve our healthcare safety net, to fully fund our schools, and to help American workers find the path to financial independence and economic stability.

This conference report fails Americans on all those fronts, and I urge my colleagues to reject it.

● Mrs. BOXER. Mr. President, I strongly oppose the fiscal year 2006 Labor-HHS appropriations conference report because it undermines many of our Nation's highest priorities and jeopardizes our most vulnerable citizens and communities.

We have all heard the dire warnings about the avian flu pandemic. We know that we need to invest adequate resources to develop vaccines, stockpile medicines, and better prepare at the local, State, and Federal levels. That is why the Senate passed Senator HARKIN's amendment. Yet this conference report left out those vital funds and, in doing so, left us far less equipped to deal with a pandemic.

We know we must invest in the critical research that uncovers the secrets behind our greatest killers, saving the health and lives of our citizens. Yet this bill increases funding for the National Institutes of Health, NIH, by less than one percent, the smallest increase since 1970. Make no mistake: this will lead to cuts in the number of new research grants funded by NIH.

We know we have to invest in the education of our children at every level of schooling. We know our school districts, and our children, are being asked to meet tougher standards. Yet this conference report cuts education for the first time in a decade. No Child Left Behind, NCLB, programs have been cut 3 percent, now leaving them $13 billion below the authorized level. Fewer children will be served by afterschool programs, which keep our children safe after school and improve their academic performance. At a time when the costs of college are skyrocketing, this bill once again freezes Pell grants, which help low-income students afford a college education.

Now, this bill doesn't just cut critical funds; it also adds provisions that endanger our neediest citizens. None is more troubling to me than the Weldon amendment. I am extremely disappointed that the conference report rejected the real conscience clause in the Senate bill and instead included the House bill's sweeping and dangerous refusal clause.

Unlike the Senate language authored by Senator SPECTER and Senator HARKIN, the provision in this conference report is not a conscience clause. It never mentions religion or morals. It forces States to choose between losing billions of dollars in funding or enforcing Federal and State laws ensuring reproductive health information and services for women. And it could have devastating consequences, including further endangering women in emergency situations, allowing doctors to be gagged, hurting victims of rape and incest, and seriously undermining state sovereignty.

Mr. President, if we want to really meet the great challenges we face in our country, we must reject this bill. The American people deserve better and we, as Senators, can certainly do better.●

ADDITIONAL STATEMENTS

HONORING CARL W. SMITH

● Mr. ALLEN. Today I would like to honor a great man, Mr. Carl W. Smith, a native of Wise, VA, and a resident of Charlottesville, VA, who, sadly, passed away earlier this week.

Carl Smith was a truly wonderful leader for Virginia, and my wife Susan and I were deeply saddened to learn of the passing of our friend. His lovely wife Hunter and his children Carl, Stuart, and Hunter, will remain in our thoughts and prayers, as will their loved ones during this time of great sorrow.

Throughout his life, Carl was a truly special, invigorating friend and remarkable, insightful leader who was always a lap ahead of everyone else. I will always appreciate his discreet advice, his impressive perspective and his strong support. And I will be forever grateful for his trusted friendship that helped me win elections to become a Delegate and, later, Governor of Virginia.

Like me, Carl attended the University of Virginia, when he played football. After graduating, he served in the U.S. Army and worked as an investment banker. Just last year, Carl retired as head of AMVEST Corporation, a diversified energy and finance corporation based in Charlottesville that he founded in 1961. Throughout his successful career, Carl was the best, most loyal fan of the University of Virginia Cavaliers, and his generosity to his beloved alma mater and all those in his life was boundless. He donated millions of dollars to advance Virginia's academic, athletic and arts programs, and to support the construction and preservation of its facilities. He also served on the Board of Visitors for 8 years. Carl was known for his business savvy but also for his loyalty, his kindness and his sense of humor.

Susan and I grieve with Carl's dear wife Hunter and their family over this heart-aching loss. May God continue to bless Virginia and America with people of Carl W. Smith's unflinching character.●

REMEMBERING CLIFFORD BROWN AND LARUE BROWN WATSON

● Mr. BIDEN. Mr. President, October 30, 2005, marked the 75th birthday of Clifford Benjamin Brown, one of this Nation's great jazz musicians. Born into a large, middle-class, African-American family in Wilmington, DE, Clifford Brown was the youngest of eight children and inherited his love and passion for music from his father, Joe Brown. He began to show interest in the trumpet at a young age, and by the time he turned 12, he was engaged in private lessons. He attended Howard High School in Wilmington, where he was encouraged to play music by ear. He studied math at the University of Delaware and music at Maryland State College.

His career as a jazz trumpeter was monumental. He performed alongside such music legends as Miles Davis and Fats Navarro, while combining his sounds and style with those of Art Farmer, Dizzy Gillespie and Dinah Washington. Clifford played in Chris Powell's Blue Flames Band and the Brown-Roach Quintet. Sadly, Clifford Brown's promising and extraordinary career was tragically cut short when a car accident took his life on June 26, 1956. He was only 25 years old.

But the legacy of Clifford Brown extended far beyond his years through the efforts of his wife LaRue, whom he had married in 1954. LaRue helped to launch the Los Angeles Jazz Heritage Foundation's program which served underprivileged children, and founded the Clifford Brown Jazz Foundation.

LaRue Brown Watson passed away on Sunday, October 2, 2005 at the age of 72. She is survived by her children, Clifford Brown, Jr., Adrienne Traywick and Brian Watson, her son-in-law Clarence Traywick, and many grandchildren, cousins, nieces, nephews and friends.

Today, I stand and lead the Senate in paying tribute to the life of the great Clifford Brown and in lamenting the passing of his widow, LaRue Brown Watson.●

TRIBUTE TO SERGEANT MAJOR FRANK YOAKUM

● Mr. BOND. Mr. President, I rise to honor SGM Frank Yoakum, who serves as the enlisted congressional, liaison for the Chief, National Guard Bureau. Sergeant Major Yoakum is the only enlisted legislative liaison in the Army, facilitating communication flow between the Army National Guard, National Guard Bureau, and elected officials on Capitol Hill, as well as their staffs and professional committee staff. He is on the personal staff of the Chief, National Guard Bureau.

He began his military career by enlisting in the Regular Army in September 1971. He was trained in Infantry, Airborne, and Air Defense Artillery assignments, being released from Active Duty in July 1976. In June 1978, Sergeant Major Yoakum joined the Alaska Army National Guard and served in a military technician status as the administrative assistant to the state maintenance officer, and part-time as a flight operations coordinator with the 1898th Aviation Company, Attack. He moved to southeast Alaska and continued his service as a full-time Scout Battalion Attendant, Administrative Supply Technician, for Company B, 4th Battalion, 297th Infantry. He served in the Alaska Army National Guard until March 1981.

In August 1983, he rejoined the Army National Guard in Phoenix AZ, working as a unit administrator and battalion supply sergeant. In October 1985, he entered Federal Active Guard Reserve status and was assigned to the United States Property and Fiscal Office Guam, where he served as military pay supervisor and logistics NCO. He transferred his membership from the Arizona Army National Guard to the Wyoming Army National Guard in March 1996. Further assignments in Federal AGR status included instructor/writer, operations NCO, force structure NCO, first sergeant, manpower NCO, training center liaison NCO, G–1 personnel policy sergeant major, and congressional liaison.

Sergeant Major Yoakum holds an associate of arts degree in business administration from the University of Alaska and a bachelor of science degree in business administration from California Pacific University. He is a graduate of every level of NCO education up to and including the Sergeants Major Academy. Yoakum is a life member of the Enlisted Association of the National Guard of the United States and a life member of the Wyoming National Guard Association. He has been inducted into the Honorable Order of Saint Barbara by the Field Artillery Association and the Order of Samuel Sharpe by the Ordnance Corps Association.

As the former congressional liaison for the Chief, National Guard Bureau, my staff and I have found Sergeant Major Yoakum to be an invaluable resource and ally in advancing the interest of the Army National Guard. While his departure will be a major loss to the both NGB and the Federal Government, his new position as legislative director with the Enlisted Association of the National Guard of the U.S. is well deserved. It is with admiration that I honor Sergeant Major Yoakum today and congratulate him on his retirement. I wish him and his family all the best.●

CONGRATULATIONS TO SAINT JOSEPH'S HOSPITAL

● Mr. ISAKSON. Mr. President, I rise to memorialize in the RECORD of the Senate, one of the great institutions in the State of Georgia. This year, Saint Joseph's Hospital celebrates its 125th anniversary of providing the citizens of Atlanta and the Southeast with the highest quality and most compassionate health care services.

Let me speak for a moment on the significance of Saint Joseph's:

In 1880, 125 years ago, shortly after the Civil War, four young determined Sisters of Mercy traveled to Atlanta from Savannah with a meager 50 cents in their collective pockets to start a hospital. Hospitals were not common during this time. The Sisters' idea of creating a hospital that would serve the entire community, and not simply be a place to die, was truly bold and visionary.

With the goal of ''extending the mission of healing mercy begun by Christ, showing a just and compassionate regard for all who suffer,'' Saint Joseph's Infirmary was established as a 10-bed hospital in an old house located on Courtland and Baker Streets in downtown Atlanta.

Saint Joseph's established Georgia's first school of nursing in 1900, an indigent ward to care for the poor and rural population during the depression, diagnostic outpatient clinics, and a $10,000 operating room to begin a legacy of state-of-the-art medical technology.

The hospital became a national leader in treating heart disease, performing the first openheart surgery in the Southeast, the first angioplasty as an alternative to bypass surgery, and operated the first comprehensive cardiac catheterization laboratory. And, Saint Joseph's became one of only six medical centers in the world to perform percutaneous transluminal coronary angioplasty.

In 1978, the hospital moved to north Atlanta in order to continue its growing mission of service and changed the name to Saint Joseph's Hospital. To maintain close ties with those it served downtown, Saint Joseph's Mercy Care Services began. Starting as a simple signup sheet for volunteers to visit women's and homeless shelters, teams used their own vehicles and worked out of tackle boxes filled with medical supplies donated by physician offices. Today, Saint Joseph's Mercy Care Services is truly an integral part of the community. They now provide comprehensive services to the chronically homeless of Atlanta.

In 2003, the hospital formed the Saint Joseph's Research Institute, a comprehensive research center to provide patients access to some of the newest and most innovative therapies available in the world. The Research Institute provides preclinical research and trials and clinical trials in cardiology, pulmonology, radiation, oncology, gastroenterology, orthopaedics and more.

Saint Joseph's is among only 10 non-teaching hospitals in the country to have earned the Distinguished Hospital Award for Clinical Excellence and Patient Safety by HealthGrades, Inc., the Nations' leading provider of health care quality information. It is also among a prestigious group of hospitals on Solucients 100 Top Hospitals for Cardiovascular care—Saint Joseph's has been named a 100 Top Hospital 5 times. J.D. Power and Associates also has recognized Saint Joseph's as a Distinguished Hospital for Service Excellence, providing an outstanding patient experience, for 2 consecutive year, the first hospital in Atlanta to earn the distinction.

But it is the people behind the awards and recognitions that make Saint Joseph's so unique. From the Sisters of Mercy who still are intimately involved with the hospital to the nurses, physicians and medical support staff—the spirit of mercy is alive and vibrant. That spirit transcends the entire organization and is the foundation for the superior medical services and programs, the unique compassionate care, the volunteers who raise money for the homeless and underserved, and the auxiliary who put in tireless hours at the hospital without pay. The spirit of mercy is in all employees who come to work year after year with smiles on their faces and compassion in their hearts.

It gives me great pleasure to recognize on the Senate floor the contributions of Saint Joseph's Hospital to the citizens of Atlanta, GA, and the Southeast.●

HONORING CHARLES R. ADAMS

● Ms. LANDRIEU. Mr. President, I would like to take a moment and honor a man who has greatly served his community and his Nation for more than 38 years.

Charles R. Adams retired from his position of National Employee Development Center Director for the U.S. Department of Agriculture's Natural Resources Conservation Service, NRCS, in Fort Worth, TX, on November 3, 2005.

Charles learned the importance of self-development at an early age while growing up on his family farm in Logansport, LA. His parents, the late Mr. T.C. Adams and Elneva Adams, gave him and his 10 siblings firsthand experience in working the land, and he still carries those experiences with him today.

After leaving Logansport, Charles graduated from Southern University at Baton Rouge with a bachelor of science in agronomy. He received his master's degree in public administration from Harvard University in Cambridge, MA, in 1983 and has Ph.D. studies in urban and public affairs at the University of Texas in Arlington.

His impressive career with USDA spans some 38 years, having held some of the top positions in his Agency, including regional conservationist for the NRCS Southeast Region, based in Atlanta, GA, from 1997 to 2004, director of the National Employee Development

Center, based in Fort Worth, TX, from 1993 to 1997, South National Technical Center associate director, also based in Fort Worth, from 1992 to 1993, and water quality coordinator at the center from 1990 to 1992.

Before that Charles served as NRCS's State Conservationist for Arizona, based in Phoenix, from 1988 to 1990, after having been the State Conservationist for Nevada, based in Reno, from 1986 to 1988. He was the Deputy State Conservationist in New Mexico, based in Albuquerque, from 1985 to 1986, after having been the Assistant State Conservationist for Operations at that location from 1984 to 1985.

Charles worked as an area conservationist in Rio Rancho, NM, from 1983 to 1984, after working as an area conservationist in Flagstaff, AZ, from 1981 to 1982. From 1978 to 1981 he served as a district conservationist in Edinburg, TX, following service from 1976 to 1978 as a district conservationist in Eastland, TX. He was a soil conservationist for the agency in Abilene, TX, from 1973 to 1976. He began his full-time career with the agency as a soil scientist in Athens, TX, in 1969.

During his tenure with USDA, Charles founded some of the Agency's most innovative approaches to outreach, including the Student Trainees in Agriculture Related Sciences, STARS, program, an initiative to introduce underserved high school students in the Southeast to agriculture, as well as NRCS's American Indian Program Delivery Initiative, an annual conference linking USDA officials with American Indian leaders to promote tribal participation in USDA programs and services.

While working for NRCS, Charles Adams has received a number of awards and recognitions. Within the last few years alone, he received several USDA Honor Awards, including the Secretary's Award for his leadership of the Southeast Region American Indian Initiative Workgroup and the Sustainable Coffee Production Team, and his work in the Agency's Streamlining and Cost-saving Initiative. He received special recognition through a national volunteer award for his longstanding dedication to the NRCS Earth Team Volunteer Program and was the recipient of the Chief's Workforce Diversity Award which praised his encouragement and promotion of professional development among his employees. In addition, his extensive outreach efforts to minorities and women earned him a nomination for the Agency's highest Civil Rights Award in 2003.

Charles is married to the former Prenella Williamson of Port Gibson, MS. In his spare time, he enjoys raising horses on his ranch in Shreveport, LA, restoring his collection antique cars and fishing with his young grandsons.●

HONORING DR. ISAAC GREGGS

● Ms. LANDRIEU. Mr. President, I would like to take a moment and honor a man who has influenced the lives of so many students for more than 35 years.

A band director since 1969, Dr. Isaac Greggs has taken the half time show for Southern University to a different level, electrifying audiences with the band's energetic and precise performances. However, these performances could not have happened without a lot of hard work. Dr. Greggs' practices are legendary for being gruelling, but they paid off in the end.

In many ways, Dr. Greggs' practices are a metaphor for his life—when one demonstrates discipline and effort, one can succeed anywhere.

This motto certainly proved true for Dr. Greggs' band. Under his direction, the band performed around the world, including for three United States Presidential inaugurations, four Sugar Bowls, and five Super Bowls. The band has also appeared at the Astro Dome, Superdome, Yankee Stadium, and the Oakland Stadium Coliseum. For six weeks, the band played at Radio City Music Hall, and they have also made appearances on television shows such as the Bob Hope Show, Jim Nabors Show, Almost Anything Goes Show, Perry Como Show, Henry, The Fonz, Winkler Show, and the Telly Savalas Show.

In addition to the talent Dr. Greggs has brought as a band leader, he is also an accomplished musician and song writer and is the author of Southern University's fight song and alma mater. He is an honorary member of both Louisiana's House of Representatives and State Senate, and has won several major music festival awards for the marching division. Dr. Greggs has conducted honor bands throughout the country, and on behalf of Southern University he was presented with a special trophy by the National Football League for his band's outstanding performance at a Super Bowl.

Dr. Greggs' leadership is not limited to the sporting field. As president of the Louisiana College Band Directors Association, founder and president of the Lakeside Music Mart and School of Music, and State Chairman of the L.I.A.L.O. Band Festival, Dr. Greggs has proved his leadership skills and shown his commitment to the arts.

Dr. Greggs was presented with the Key of Life Award at the 31st NAACP Image Awards. The Key of Life Award was created in honor of musician Stevie Wonder and is presented to an individual or group who exemplifies Wonder's ''inner vision.'' The award also recognizes extraordinary achievements in the areas of civil rights, human rights, and community. It is clear through all of his career, Dr. Greggs exemplified these attributes.

Dr. Greggs' power to move people through music is an amazing gift. If one is lucky in life, one improves the life of one's own children. However, Dr. Greggs has improved the lives of thousands and has left an indelible mark on African-American students and fans.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF GUIDELINES AND REQUIREMENTS RELATIVE TO IMPLEMENTATION OF THE INFORMATION SHARING ENVIRONMENT CALLED FOR BY SECTION 1016 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004—PM 34

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 Select Committee on Intelligence:

To the Congress of the United States

The robust and effective sharing of terrorism information is vital to protecting Americans and the Homeland from terrorist attacks. To ensure that we succeed in this mission, my Administration is working to implement the Information Sharing Environment (ISE) called for by section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The ISE is intended to enable the Federal Government and our State, local, tribal, and private sector partners to share appropriate information relating to terrorists, their threats, plans, networks, supporters, and capabilities while, at the same time, respecting the information privacy and other legal rights of all Americans.

Today, I issued a set of guidelines and requirements that represent a significant step in the establishment of the ISE. These guidelines and requirements, which are consistent with the provisions of section 1016(d) of IRTPA, are set forth in a memorandum to the heads of executive departments and agencies. The guidelines and requirements also address collateral issues that are essential to any meaningful progress on information sharing. In sum, these guidelines will:

Clarify roles and authorities across executive departments and agencies;

Implement common standards and architectures to further facilitate timely and effective information sharing;

Improve the Federal Government's terrorism information sharing relationships with State, local, and tribal governments, the private sector, and foreign allies;

Revamp antiquated classification and marking systems, as they relate to sensitive but unclassified information;

Ensure that information privacy and other legal rights of Americans are protected in the development and implementation of the ISE; and

Ensure that departments and agencies promote a culture of information sharing by assigning personnel and dedicating resources to terrorism information sharing.

The guidelines build on the strong commitment that my Administration and the Congress have already made to strengthening information sharing, as evidenced by Executive Orders 13311 of July 27, 2003, and 13388 of October 25, 2005, section 892 of the Homeland Security Act of 2002, the USA PATRIOT Act, and sections 1011 and 1016 of the IRTPA. While much work has been done by executive departments and agencies, more is required to fully develop and implement the ISE.

To lead this national effort, I designated the Program Manager (PM) responsible for information sharing across the Federal Government, and directed that the PM and his office be part of the Office of the Director of National Intelligence (DNI), and that the DNI exercise authority, direction, and control over the PM and ensure that the PM carries out his responsibilities under section 1016 of IRTPA. I fully support the efforts of the PM and the Information Sharing Council to transform our current capabilities into the desired ISE, and I have directed all heads of executive departments and agencies to support the PM and the DNI to meet our stated objectives.

Creating the ISE is a difficult and complex task that will require a sustained effort and strong partnership with the Congress. I know that you share my commitment to achieve the goal of providing decision makers and the men and women on the front lines in the War on Terror with the best possible information to protect our Nation. I appreciate your support to date and look forward to working with you in the months ahead on this critical initiative.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 16, 2005*.

MESSAGES FROM THE HOUSE

At 1:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (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 for other purposes; and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. Loretta SANCHEZ of California, and Mrs. TAUSCHER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. HOEKSTRA, LAHOOD, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 561–563, 571, and 815 of the House bill, and sections 581–584 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, WILSON of South Carolina, and HOLT.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Financial Services, for consideration of sections 676 and 1073 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY, and FRANK of Massachusetts.

From the Committee on Governmental Reform, for consideration of sections 322, 665, 811, 812, 820A, 822–825, 901, 1101–1106, 1108, title XIV, sections 2832, 2841, and 2852 of the House bill, and sections 652, 679, 801, 802, 809E, 809F, 809G, 809H, 811, 824, 831, 843–845, 857, 922, 1073, 1106, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of sections 1032, 1033, and 1035 of the House bill, and section 907 of the Senate amendment, and modifications committed to conference: Messrs. LINDER, DANIEL E. LUNGREN of California, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 814, 1021, 1203–1206, and 1301–1305 of the House bill, and sections 803, 1033, 1203, 1205–1207, and 1301–1306 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 551, 673, 1021, 1043, and 1051 of the House bill, and sections 553, 615, 617, 619, 1072, 1075, 1077, and 1092 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and CONYERS.

From the Committee on Resources, for consideration of sections 341–346, 601, and 2813 of the House bill, and sections 1078, 2884, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, BROWN of South Carolina, and RAHALL.

From the Committee on Science, for consideration of section 223 of the House bill and sections 814 and 3115 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, AKIN, and GORDON.

From the Committee on Small Business, for consideration of section 223 of the House bill, and sections 814, 849–852, 855, and 901 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 314, 508, 601, and 1032–1034 of the House bill, and sections 312, 2890, 2893, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, and SALAZAR.

From the Committee on Veterans Affairs, for consideration of sections 641, 678, 714, and 1085 of the Senate amendment, and modifications committed to conference: Messrs. BUYER, MILLER of Florida, and Ms. BERKLEY.

From the Committee on Ways and Means, for consideration of section 677 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, HERGER, and MCDERMOTT.

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2830. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 294. Concurrent resolution 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. Con. Res. 312. Concurrent resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions.

H. Con. Res. 315. Concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month.

At 8:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agree to the

amendment of the Senate to the bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricane Rita and Wilma, and for other purposes.

The message also announced that the House insist upon its amendment to the bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

For consideration of the Senate bill, and the House amendment thereto, and modifications committed to conference: Mr. NUSSLE, Mr. RYUN of Kansas, Mr. CRENSHAW, Mr. PUTNAM, Mr. WICKER, Mr. HULSHOF, Mr. RYAN of Wisconsin, Mr. BLUNT, Mr. DELAY, Mr. SPRATT, Mr. MOORE of Kansas, Mr. NEAL of Massachusetts, Ms. DELAURO, Mr. EDWARDS, and Mr. FORD.

From the Committee on Agriculture, for consideration of title I of the Senate bill and title I of the House amendment, and modifications committed to conference: Mr. GOODLATTE, Mr. LUCAS, and Mr. PETERSON of Minnesota.

From the Committee on Education and the Workforce, for consideration of title VII of the Senate bill and title II and subtitle C of title III of the House amendment, and modifications committed to conference: Mr. BOEHNER, Mr. MCKEON, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Mr. UPTON, Mr. DEAL of Georgia, and Mr. DINGELL.

From the Committee on Financial Services, for consideration of title II of the Senate bill and title IV of the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, and Mr. FRANK of Massachusetts:

Provided, that Mr. NEY is appointed in lieu of Mr. BACHUS for consideration of subtitles C and D of title II of the Senate bill and subtitle B of title IV of the House amendment.

From the Committee on the Judiciary, for consideration of title VIII of the Senate bill and title V of the House amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. CONYERS.

From the Committee on Resources, for consideration of title IV of the Senate bill and title VI of the House amendment, and modifications committed to conference: Mr. POMBO, Mr. GIBBONS, and Mr. RAHALL.

From the Committee on Transportation and Infrastructure, for consideration of title V and division A of the Senate bill and title VII of the House amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. LOBIONDO, and Mr. OBERSTAR.

From the Committee on Ways and Means, for consideration of sections 6039, 6071, and subtitle B of title VI of the Senate bill and title VIII of the House amendment, and modifications committed to conference: Mr. THOMAS, Mr. HERGER, and Mr. RANGEL.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2892. An act to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, December 16, 2005, she had presented to the President of the United States the following enrolled bill:

S. 335. An act to reauthorize the Congressional Award Act.

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–4925. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations—Sanctions Compliance Certification'' (RIN3206–AK71) received on November 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4926. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Change in the Survey Cycle for the Harrison, Mississippi, Nonappropriated Fund Federal Wage System Wage Are a'' (RIN3206–AK96) received on November 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4927. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the Adams-Denver, CO, Nonappropriated Fund Wage Area'' (RIN3206–AK91) received on November 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4928. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter to Chairman Cropp and Members of the Council of the District of Columbia on the Auditor's Concerns Regarding Matters that May Adversely Affect the Financial Operations of the Washington Convention Center''; to the Committee on Homeland Security and Governmental Affairs.

EC–4929. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 1A for Fiscal Years 2003 Through 2005, as of March 31, 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4930. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Building a High-Quality Workforce: The Federal Career Intern Program''; to the Committee on Homeland Security and Governmental Affairs.

EC–4931. A communication from the Special Counsel, Office of Special Counsel, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act/Inspector General Act Reports for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4932. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Report to Congress on Grants Streamlining; to the Committee on Homeland Security and Governmental Affairs.

EC–4933. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act of 1982 for fiscal year 2005 ; to the Committee on Homeland Security and Governmental Affairs.

EC–4934. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law a report relative to the Inspector General Act of 1978 for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4935. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4936. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978 for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4937. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Semiannual Inspector General Report for the period April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4938. A communication from the Secretary of Transportation transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–4939. A communication from the Acting Assistant Secretary, Border and Transportation Security Policy, Department of Homeland Security, transmitting, pursuant to law, the Annual Report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor from the People's Republic of China; to the Committee on Homeland Security and Governmental Affairs.

EC–4940. A communication from the Chairman of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4941. A communication from the Chairman of the United States Postal Service,

transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4942. A communication from the Chief Executive Officer, Corporation for National Community Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4943. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4944. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Fiscal Year 2005 Annual Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4945. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4946. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4947. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4948. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4949. A communication from the Office of Special Counsel transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4950. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4951. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4952. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4953. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4954. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4955. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4956. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4957. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4958. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4959. A communication from the Chairman, Federal Communication Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4960. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4961. A communication from the Acting Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4962. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4963. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4964. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4965. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4966. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4967. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4968. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4969. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4970. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4971. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4972. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4973. A communication from Secretary of the Interior, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4974. A communication from the Chair of the Equal Employment Opportunities Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4975. A communication from Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4976. A communication from the Chairman, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4977. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4978. A communication from the President, Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4979. A communication from Chairman, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4980. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 16–213, ''District Department of the Environment Establishment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4981. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–212, ''Technical Amendments Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4982. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–210, ''Anti-Drunk Driving Clarification Temporary Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4983. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–208, ''Department of Small and Local Business Development Clarification Temporary Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4984. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–207, ''Natural Gas Taxation Relief Temporary Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4985. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–199, ''Producer Summary Suspension Temporary Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4986. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–198, ''Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Temporary Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4987. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–197, ''Heating Oil and Artificial Gas Consumer Relief Temporary Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–496, ''Gasoline Fuel Tax Examination Temporary Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–195, ''Closing of a Portion of a Public Alley in Square 5217, S.O. 03–1548 Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4990. A communication from the Administrator, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Validating Regulatory Analysis: 2005 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities''; to the Committee on Homeland Security and Governmental Affairs.

EC–4991. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Fiscal Year 2005 Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4992. A communication from the President's Pay Agent, transmitting, pursuant to law, a report on locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC–4993. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Auditor's Identification of District Government Employees Earning Annual Salaries of At Least $90,000 But Less Than $100,000 During Fiscal Years 2001 Through 2004''; to the Committee on Homeland Security and Governmental Affairs.

EC–4994. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the 2004 Annual Report of the National Center for Preservation Technology and Training; to the Committee on Energy and Natural Resources.

EC–4995. A communication from the Director, Holocaust Memorial Museum, transmitting, pursuant to law, the annual report on commercial activities inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–4996. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Reinstatement of Essential Fish Habitat Closed Areas under the Atlantic Sea Scallop Fishery Management Plan'' (RIN0648–AT99) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4997. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures—Emergency Rule and Extension of Expiration Date'' ((RIN0648–AT38)(I.D. 043605G)) received on December 5, 2005 to the Committee on Commerce, Science, and Transportation.

EC–4998. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Eastern U.S./Canada Area'' (I.D. 081705H) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4999. A communication from the Acting Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Continuation of Emergency Rule to Modify the Current Limited Prohibition on the Harvest of Certain Shellfish from Areas Contaminated by the Toxin that Causes Paralytic Shellfish Poisoning'' (RIN0648–AT48) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5000. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica SA Model EMB–135 Airplanes, and Model EMB–145, –145ER, –145MR, –145LR, 145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(2005–0559)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5001. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25, 25A, 25B, 25C, 25D, and 25F Airplanes'' ((RIN2120–AA64)(2005–0560)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5002. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319–100 Series Airplanes Model A320–111 Airplanes, Model A320–200 Airplanes Series, and Model A321–100 Series Airplanes'' ((RIN2120–AA64)(2005–0561)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5003. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and A330–300 Series Airplanes; and Model A340–200 and A340–300 Series Airplanes'' ((RIN2120–AA64)(2005–0562)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5004. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319–100, A320–200, and A321–100 and –200 Series Airplanes'' ((RIN2120–AA64)(2005–0563)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5005. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB 2000 Airplanes'' ((RIN2120–AA64)(2005–0564)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5006. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes'' ((RIN2120–AA64)(2005–0556)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5007. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes'' ((RIN2120–AA64)(2005–0553)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5008. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes'' ((RIN2120–AA64)(2005–0554)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737 Airplanes'' ((RIN2120–AA64)(2005–0555)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes'' ((RIN2120–AA64)(2005–0557)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes'' ((RIN2120–AA64)(2005–0558)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B–A, 24D, 24D–A, 24E, 24F, 25, 25A, 25B, 25C, 25D, and 25F Airplanes Modified by Supplemental Type Certificate SA1731SW, SA1669SW, or SA1670SW'' ((RIN2120–AA64)(2005–0565)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5013. A communication from the Attorney Advisor, United States Coast Guard, Department of Homeland Security, transmitting pursuant to law, the report of a rule entitled ''Escort Vessels for Certain Tankers—Crash Stop Criteria'' (RIN1625–AA65) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5014. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 7 regulations): [CGD01–05–099], [CGD01–05–097], [CGD01–05–098], [USCG–2005–22853], [CGD08–05–052] [CGD01–05–100], [CGD05–05–129]'' (RIN1625–AA09) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5015. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Offshore Super Series Boat Race, St. Petersburg Beach, FL'' (RIN1625–AA08) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5016. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 3 regulations): [CGD01–05–074], [CGD08–05–041], [CGD05–05–049]'' (RIN1625–AA09) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5017. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: San Diego Bay, Mission Bay and Their Approaches, California'' (RIN1625–AA11) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5018. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 2 regulations): [COPT St Petersburg 05–120], [COPT Western Alaska 04–003]'' (RIN1625–AA00) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5019. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC'' (RIN1625–AA87) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600 and A300 B4–600R Series Airplanes; and A300 F4–605R and A300 C4–605R Variant F Airplanes'' ((RIN2120–AA64)(2005–0566)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5021. A communication from the Attorney Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5022. A communication from the National ESA Listing Coordinator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Endangered Status for Southern Resident Killer Whales'' (RIN0648–AS95) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5023. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye Salmon Fisheries; Inseason Orders'' (I.D. No. 110905G) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5024. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9—Closure of the Recreational Fishery from Leadbetter Point, Washington, to Cape Falcon, Oregon'' (I.D. No. 110905D) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5025. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9—Adjustment of the Commercial Salmon Fishery from the Oregon-California Border to Humboldt South Jetty, California'' (I.D. No. 110905F) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5026. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (I.D. No. 102605A) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5027. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 111705A) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2113. A bill to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''.

H.R. 2346. To designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the ''John J. Hainkel, Jr. Post Office Building''.

H.R. 2413. A bill to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas as the ''Lillian McKay Post Office Building''.

H.R. 2630. A bill to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''.

H.R. 2894. A bill to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the ''Abraham Lincoln Birthplace Post Office Building''.

H.R. 3256. A bill to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building''.

H.R. 3368. A bill to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office''.

H.R. 3439. A bill to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office''.

H.R. 3548. A bill to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the ''Heinz Ahlmeyer, Jr. Post Office Building''.

H.R. 3703. A bill to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families. A bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster. A bill to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building''.

H.R. 3770. A bill to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''.

H.R. 3825. A bill to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building''.

H.R. 3830. A bill to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the ''U.S. Cleveland Post Office Building''.

H.R. 3989. To designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the ''Albert H. Quie Post Office''.

H.R. 4053. A bill to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office''.

S. 1445. A bill to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the ''William H. Emery Post Office''.

S. 1792. A bill to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''.

S. 1820. A bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''.

S. 2036. A bill to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the ''Raymond J. Salmon Post Office''.

S. 2064. A bill to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the ''Malcolm Melville 'Mac' Lawrence Post Office''.

S. 2089. A bill to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*David Steele Bohigian, of Missouri, to be an Assistant Secretary of Commerce.

*Antonio Fratto, of Pennsylvania, to be an Assistant Secretary of the Treasury.

*David M. Spooner, of Virginia, to be an Assistant Secretary of Commerce.

*Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 2119. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2006, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. REID, and Mrs. FEINSTEIN):

S. 2120. A bill to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; considered and passed.

By Mr. SCHUMER (for himself, Mr. SARBANES, and Mr. DAYTON):

S. 2121. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. ISAKSON:

S. 2122. A bill to terminate the Internal Revenue Code of 1986, and for other purposes; to the Committee on Finance.

By Mr. ALLARD (for himself, Mr. BAYH, and Mr. MARTINEZ):

S. 2123. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 2124. A bill to address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major disasters, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself, Mr. BROWNBACK, Mr. DURBIN, and Mr. DEWINE):

S. 2125. A bill to promote relief, security, and democracy in the Democratic Republic of the Congo; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mr. LIEBERMAN, and Mr. BAYH):

S. 2126. A bill to limit the exposure of children to violent video games; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2127. A bill to redesignate the Mason Neck National Wildlife Refuge in the State of Virginia as the ''Elizabeth Hartwell Mason Neck National Wildlife Refuge''; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 2128. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2129. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 2130. A bill to clarify the legal standard needed to use cellular telephones as tracking devices; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. HARKIN, and Mr. HAGEL):

S. 2131. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. BURNS, and Mr. CRAIG):

S. 2132. A bill to include Idaho and Montana as affected areas for purposes of making claims under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 2133. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include foreseeable catastrophic events as major disasters, to permit States affected by an event occurring elsewhere to receive assistance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH:

S. 2134. A bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. LAUTENBERG):

S. 2135. A bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to long-standing policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions of United States airlines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 2136. A bill to provide funds to help establish the William H. Rehnquist Center on Constitutional Structures and Judicial Independence at the University of Arizona James E. Rogers College of Law; to the Committee on the Judiciary.

By Mr. DURBIN:

S. 2137. A bill to amend title XXI of the Social Security Act to make all uninsured children eligible for the State children's health insurance program, to encourage States to increase the number of children enrolled in the medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. DODD, Ms. CANTWELL, Ms. MIKULSKI, Mr. OBAMA, and Ms. STABENOW):

S. 2138. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 2139. A bill to amend the Internal Revenue Code of 1986 to simplify the earned income tax credit eligibility requirements regarding filing status, presence of children, investment income, and work and immigrant status; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BROWNBACK):

S. 2140. A bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 335. A resolution honoring members of the radiation protection profession by designating the week of November 6 through November 12, 2005, as ''National Radiation Protection Professionals Week''; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. BROWNBACK, Ms. MIKULSKI, Ms. STABENOW, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. COLEMAN, Mr. BOND, Mrs. DOLE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SMITH, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. VITTER, Mr. ISAKSON, Mr. TALENT, Mr. STEVENS, Mr. MARTINEZ, Mr. VOINOVICH, Mr. ROCKEFELLER, and Mrs. FEINSTEIN):

S. Res. 336. A resolution to condemn the harmful, destructive and anti-Semitic statements of Mahmoud Ahmadinejad, the President of Iran, and to demand an apology for

those statements of hate and animosity towards all Jewish people of the world; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. BROWNBACK, Ms. MIKULSKI, Ms. STABENOW, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. COLEMAN, Mr. BOND, Mrs. DOLE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SMITH, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. VITTER, Mr. ISAKSON, Mr. TALENT, Mr. STEVENS, Mr. MARTINEZ, Mr. VOINOVICH, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. SALAZAR):

S. Res. 337. A resolution to condemn the harmful, destructive and anti-Semitic statements of Mahmoud Ahmadinejad, the President of Iran, and to demand an apology for those statements of hate and animosity towards all Jewish people of the world; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 338. A resolution honoring the memory of the members of the Armed Forces of the United States who have given their lives in service to the United States in Operation Iraqi Freedom and Operation Enduring Freedom; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. BIDEN, Mr. LIEBERMAN, and Mr. DURBIN):

S. Res. 339. A resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; considered and agreed to.

By Mr. INOUYE (for himself, Mr. COLEMAN, and Mr. KENNEDY):

S. Con. Res. 72. A concurrent resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Con. Res. 73. A concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 431

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 431, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 503

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 682

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 682, a bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 981

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 981, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1139

At the request of Mr. SANTORUM, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1180, a bill to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1902

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1902, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children.

S. 2008

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2008, a bill to improve cargo security, and for other purposes.

S. 2012

At the request of Mr. SMITH, his name was added as a cosponsor of 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.

S. 2014

At the request of Mr. DEWINE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2014, a bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans.

S. 2082

At the request of Mr. SUNUNU, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Connecticut (Mr. DODD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Hawaii (Mr. AKAKA), the Senator from Nebraska (Mr. NELSON), the Senator from Oregon (Mr. WYDEN), the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. LIEBERMAN)

were added as cosponsors of S. 2082, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2082, supra.

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wisconsin (Mr. KOHL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2082, supra.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2109

At the request of Mr. ENSIGN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2109, a bill to provide national innovation initiative.

S. 2113

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2113, a bill to promote the widespread availability of communications services and the integrity of communication facilities, and to encourage investment in communication networks.

S. 2118

At the request of Mr. SUNUNU, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2118, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of the Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006 and to combat methamphetamine abuse.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Colorado (Mr. SALAZAR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 2119. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2006, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am here to introduce bill to provide a 6-month extension of the Nation's largely successful welfare program. It is known as the Temporary Assistance for Needy Families Program, or TANF.

Congress enacted the TANF program in 1996, to help welfare recipients gain work skills and to help low-income families become economically self-sufficient.

Welfare reform has mostly succeeded. States have adopted creative policies to support low-income families making the transition from welfare to work. Millions have moved to self-sufficiency.

But the TANF law expired in 2002. And Congress has failed to reauthorize it. Instead, Congress has extended TANF on a short-term basis, 12 times. The latest short-term extension expires in just over 2 weeks.

This bill is a simple extension of the current welfare program. It would provide stability for the States to operate their welfare programs. And it would continue our successful partnership with the States in supporting needy families as they move from welfare to work.

Earlier this week, the Senate voted 64–27 to keep the welfare program out of the budget cutting reconciliation bill that the House has passed. The Senate voted instead to build on the bipartisan Finance Committee bill that Chairman GRASSLEY and I worked diligently on this year. That bill is called the Personal Responsibility Individual Development for Everyone or PRIDE Act. The Finance Committee reported it out in March with near unanimous support. The PRIDE Act has been awaiting full Senate consideration since then.

Despite broad support in the Finance Committee, the Senate has not taken this measure up for debate. Despite the broad support of governors, the Senate has not taken this measure up for debate. The Republican Governors Association said that TANF reauthorization ''is too important to leave to the limitations of the reconciliation process.'' But the Senate has not taken this measure up for debate.

This vote was a vote to debate this bill on the Senate floor. It was a vote to build on the broadly-supported bill from the Finance Committee. We are going to need some time to complete that debate.

The 6-month extension that I offer this afternoon will keep the welfare program operating. The 6-month extension will allow us the time to debate, pass, and go to conference on a fully considered PRIDE Act.

I urge my colleagues to do the responsible thing. I urge my colleagues to support this extension. I urge my colleagues to keep this important safety net program operating.

By Mr. OBAMA (for himself, Mr. BROWNBACK, Mr. DURBIN, and Mr. DEWINE):

S. 2125. A bill to promote relief, security, and democracy in the Democratic Republic of the Congo; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, I rise today, on behalf of Senator BROWNBACK, Senator DURBIN, and Senator DEWINE to introduce the Democratic Republic of the Congo Relief, Security and Democracy Promotion Act.

As we try to conclude our business for the year here in the Senate, we are in the midst of sharp debates on a large number of issues. In the foreign policy arena alone, the Administration and Congress are consumed with nurturing a political process and defeating insurgents in Iraq, attempting to halt proliferation by Iran and North Korea, and trying to end the bloodshed in Darfur, Sudan.

But there is another country embroiled in conflict that has not yet received the high-level attention or resources it needs. It's the Democratic Republic of Congo, and right now it is in the midst of a humanitarian catastrophe.

An International Rescue Committee report from 2004 found that 31,000 people were dying in the Congo each month and 3.8 million—3.8 million—people had died in the previous 6 years. This means that this conflict, which still smolders and burns in some regions, has cost more lives than any other conflict since World War II.

Beyond the humanitarian catastrophe, resolving the problems in the Congo will be critical if Africa is to achieve its promise. The country, which is the size of Western Europe, lies at the geographic heart of Africa and borders every major region across the continent. If left untended, Congo's tragedy will continue to infect Africa—from North to South; from East to West.

I believe that the United States can make a profound difference in this crisis. According to international aid agencies, there are innumerable cost-effective interventions that could be quickly undertaken—such as the provision of basic medical care, immunization and clean water—that could save thousands of lives. On the political front, sustained U.S. leadership could fill a perilous vacuum.

The bill that we are introducing here today is an important step on the long road towards bringing peace and prosperity to the Congo. I am proud to be a part of a collaborative, bipartisan effort with some of the Senate's leading voices on Africa—Senators BROWNBACK, DURBIN and DEWINE.

This bill establishes 14 core principles of U.S. policy across a range of issues; authorizes a 25 percent increase in U.S. assistance for the Democratic Republic of the Congo; calls for a Special Envoy to resolve the situation in Eastern Congo; and urges the Administration to use its voice and vote at the

United Nations Security Council to strengthen the U.N. peacekeeping force that is providing security in parts of the Congo.

The legislation has been endorsed by a number of faith-based and humanitarian nongovernmental organizations, including some with extensive field operations in Congo: CARE, Catholic Relief Services, Global Witness, International Crisis Group, International Rescue Committee, and Oxfam America. I ask unanimous consent that these letters of support be printed in the RECORD.

I want to stress something before closing. We are under no illusion that enacting the policies in this bill would be a panacea for Congo's many ills. But the one thing we do know is that the one way to ensure that a complex problem will not be resolved is to accept the status quo.

The other thing we know is that status quo in the Democratic Republic of Congo is unacceptable—unacceptable to the women and children caught up in the crossfire, unacceptable to the civilians being felled by preventable disease, unacceptable to a continent that is making great strides, and unacceptable to our country, the United States, which has the financial and diplomatic resources to make a profound difference.

I look forward to working with my colleagues and the administration to enacting this bill and working to promote peace and prosperity in the Congo.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CATHOLIC RELIEF SERVICES,
Baltimore, MD, December 2, 2005.

Hon. BARACK OBAMA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR OBAMA: Catholic Relief Services would like to commend you for your leadership in writing in ''Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2005''. We also want to sincerely thank you and your staff for giving us the opportunity to comment on an early draft of the bill and for incorporating some of our recommendations.

As an agency active on the ground in the Democratic Republic of the Congo (DRC) for many years, we support this legislation as a vehicle for elevating the priority of the DRC among lawmakers and policy makers. The bill advances key U.S. policy objectives for promoting peace, justice, democracy, and development in the DRC, and also allocates much-needed additional funds for the DRC.

We look forward to working with you and your staff to gain support for the bill and advance its goals.

Sincerely,

KEN HACKETT,
President.

DECEMBER 9, 2005.

Hon. BARACK OBAMA,
Senate Hart Building, Washington, DC.

DEAR SENATOR OBAMA: As representatives of humanitarian, civil society and conflict prevention organizations, we are writing to express our support for the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2005, and our appreciation of your efforts to ensure that the longstanding conflict in the region receives the attention it demands.

As stated in the legislation, the conflict in the eastern Democratic Republic of the Congo touches every major region of the continent and is one of the deadliest since World War II. Some 3.8 million people have lost their lives due to the conflict in the last six years.

Despite these troubling statistics, the DRC is not without hope. Landmark elections are planned for next year and, with strong support from the international community, they have the potential to help end the longstanding violence and put the country on the path toward peace and stability. Your legislation would ensure the active participation of the United States and authorizes critical funding to address humanitarian and development needs, promote good governance and rule of law, and help ensure transparent management of natural resource revenues.

We look forward to continuing work with you and your staff on this important issue and in particular, would like to note the effort Mr. Mark Lippert has made to reach out to our community and incorporate our recommendations.

Sincerely,

CARE USA,
Global Witness, International Rescue Committee, Oxfam America.

INTERNATIONAL CRISIS GROUP,
Washington, DC, December 8, 2005.

Senator BARACK OBAMA,
U.S. Senate, Hart Senate Office Building, Washington DC.

DEAR SENATOR OBAMA: The International Crisis Group strongly supports the Democratic Republic of Congo Relief, Security, and Democracy Promotion Act of 2005 and your efforts to raise the visibility of and define new policies to respond to this largely overlooked, longstanding, and deadly conflict.

The conflict in the Democratic Republic of Congo has had far reaching regional consequences and resulted in the loss of an estimated 4 million lives since 1998. The situation in the country, especially in the eastern region where armed groups continue to assault local communities, remains most precarious and in need of urgent action.

The country is now on the brink of landmark elections scheduled for next year. Crisis Group has advocated comprehensive action to stop the suffering of the Congolese people and ensure the success of the transition by June 2006.

Your legislation would ensure the active participation of the United States in this effort and help in promoting good governance and justice. It would further authorize critical funding to address development needs and provide life-saving humanitarian assistance to millions of conflict-affected civilians in the Democratic Republic of Congo.

Your leadership in introducing this legislation is greatly appreciated and we look forward to continue to work with you and your staff on this important issue.

Yours sincerely,

MARK L. SCHNEIDER,
Senior Vice President, International Crisis Group.

By Mrs. CLINTON (for herself, Mr. LIEBERMAN, and Mr. BAYH):

S. 2126. A bill to limit the exposure of children to violent video games; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, I rise today to introduce a bill to help parents protect their children against violent and sexual media. In rising, I stand with the parents and children of New York and of the Nation, all of whom are being victimized by a culture of violence.

As parents, we monitor the kind of people who interact with our children. We attend parent night at school. We meet our children's teachers. We look over their textbooks to make sure they are installing our values and attitudes in our children. We meet our children's friends and their parents to make sure they are a positive source of influence.

If somebody is exposing our children to material we find inappropriate, we remove our children from that person.

If you hired a babysitter who exposed your children to violence and sexual material that you thought was inappropriate, what would you do? If you are like me, you would fire that babysitter and never invite him or her to come back.

Yet our children spend more time consuming media than doing anything else but sleeping and attending school. Media culture is like having a stranger in your house, and it exerts a major influence over your children.

It is this attack on the sensibilities of our children that is the subject of the bill I introduce today. It is a bill that I consider to be of tremendous importance to our families.

This bill would take an important step towards helping parents protect their children against influences they often find to be inappropriate—violent and sexually explicit video games. Quite simply, the bill would put teeth into the video game industry's rating system, which specifies which video games are inappropriate for young people under 17. By fining retailers who do not abide by the ratings system, this bill sends a message that the ratings system is to be taken seriously.

I know many of my colleagues, myself included, don't play video games and aren't aware of exactly what is contained in these games. So, I hope you will listen as I describe a few scenes so we know what is at issue here today.

Consider the following scenario: You have been captured by a demented film-maker who drops you into a gang-infested slum. While the gangs think they are hunting you, they don't know the real plot: that you are hunting them, while the director records each act of murder on film. Since you are outnumbered and could easily be mobbed, you cannot just jump in and fight everyone. Rather, you must be silent and patient, tracking your prey so that you can strike from behind. You strangle a villain with a sharp wire, and a finely rendered mist of blood sprays from his severed carotid artery. . . .

This is just one scene from one game. It happens not to be a game that has gotten a tremendous amount of attention lately. Frankly, I don't know if it's one of the most popular games out

there or not. But I do know, if my daughter was still young, I wouldn't want her playing it.

Here is another one: Carl Johnson long ago escaped the hardships of street life in San Andreas. Now his mother is murdered, his old buddies are in trouble, and Carl must come home to clean up the mess—San Andreas style. That means spraying people with uzi bullets, blowing them up, or sniper shooting them from the top of buildings. It also means killing police officers and visiting prostitutes.

No one doubts that this material is inappropriate for children. The video game industry itself developed and implemented the ratings system that parents rely on today. They are responsible for developing the ''M'' for Mature or ''AO'' for Adults Only labels, which signal to parents that the content is too violent and/or sexually explicit for a child to play.

Unfortunately, enforcement has been lax and minors can purchase Mature-rated games with relative ease. A 2001 study by the Federal Trade Commission showed that 85 percent of unaccompanied minors, ages 13 to 16, could purchase games rated Mature. A study by the National Institute on Media and the Family found that nearly half of children, as young as age 9, succeed in buying Mature-rated games. And close to a quarter of retailers did not understand the ratings system and half did not provide any training to their employees.

This is a terrible problem that needs to be fixed. And this bill does just that.

I want to be clear—this bill is not an attack on video games. Video games are a fun part of the lives of millions of Americans, young and old alike. They can teach coordination and strategy. They can introduce children to computer technology. They can provide practice in learning to problem solve and they can help children hone their fine motor and spatial skills.

This bill is also not an attack on free and creative expression. Relying on the growing body of scientific evidence that demonstrates a causal link between exposure to these games and antisocial behavior in our children, this bill was carefully drafted to pass constitutional strict scrutiny.

Furthermore, nothing in this bill limits the production or sale of these games beyond current practice. If retailers are following the rules—established voluntarily by the video game industry—then this bill will have absolutely no impact on them.

And this bill does not overlook or undervalue the critical role parents play in protecting their children, and instilling in them, their own values. This bill is designed to buoy the efforts of parents, who too often feel like they are fighting an uphill battle against the violent and sexually explicit messages that are just a trip to the mall away.

The unfortunate truth is there is a darkside to some video games, which has lead to a universal agreement—among parents, advocates, policymakers, and the gaming industry—that some games are not suitable for children. What we are seeking to do today is to ensure that that value judgment is meaningful.

Much of the public concern about the exposure of children to M-rated games focuses on sexually explicit content. Parents are rightly worried about this content and we should come together to take steps to keep these games out of the hands of our kids. But let's not discount the awful effect of violence in the media because, frankly, the evidence on this point is overwhelming and deserves more of our attention.

Consider the Joint Statement on the Impact of Entertainment Violence on Children from the Congressional Public Health Summit in July of 2000. I quote: ''Well over 1,000 studies—including reports from the Surgeon General's office, the National Institute of Mental Health, and numerous studies conducted by leading figures within our medical and public health organizations . . . point overwhelmingly to a causal connection between media violence and aggressive behavior in some children,'' states their report.

The American Academy of Pediatrics stated, in a report entitled Media Exposure Feeding Children's Violent Acts, ''Playing violent video games is to an adolescent's violent behavior what smoking tobacco is to lung cancer.'' I ask to have printed in the RECORD a resolution adopted by the American Psychological Association about the effect of violence in video games and interactive media.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION ON VIOLENCE IN VIDEO GAMES AND INTERACTIVE MEDIA

Whereas, decades of social science research reveals the strong influence of televised violence on the aggressive behavior of children and youth (APA Task Force On Television and Society; 1992 Surgeon General's Scientific Advisory Committee on Television and Social Behavior, 1972); and

Whereas, psychological research reveals that the electronic media play an important role in the development of attitude, emotion, social behavior and intellectual functioning of children and youth (APA Task Force On Television and Society, 1992; Funk, J. B., et al. 2002; Singer, D. G. & Singer, J. L. 2005; Singer, D. G. & Singer, J. L. 2001); and

Whereas, there appears to be evidence that exposure to violent media increases feelings of hostility, thoughts about aggression, suspicions about the motives of others, and demonstrates violence as a method to deal with potential conflict situations (Anderson, C.A., 2000; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Gentile, D. A., Lynch, P. J., Linder, J. R., & Walsh, D. A., 2004; Huesmann, L. R., Moise, J., Podolski, C. P., & Eron, L. D., 2003; Singer, D. & Singer, J., 2001); and

Whereas, perpetrators go unpunished in 73% of all violent scenes, and therefore teach that violence is an effective means of resolving conflict. Only 16% of all programs portrayed negative psychological or financial effects, yet such visual depictions of pain and suffering can actually inhibit aggressive behavior in viewers (National Television Violence Study, 1996); and

Whereas, comprehensive analysis of violent interactive video game research suggests such exposure a.) increases aggressive behavior, b.) increases aggressive thoughts, c.) increases angry feelings, d.) decreases helpful behavior, and, e.) increases physiological arousal (Anderson, C.A., 2002b; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Anderson, C.A., & Dill, K. E., 2000; Bushman, B.J., & Anderson, C.A., 2002; Gentile, D. A, Lynch, P. J., Linder, J. R., & Walsh, D. A., 2004); and

Whereas, studies further suggest that sexualized violence in the media has been linked to increases in violence towards women, rape myth acceptance and anti-women attitudes. Research on interactive video games suggests that the most popular video games contain aggressive and violent content; depict women and girls, men and boys, and minorities in exaggerated stereotypical ways; and reward, glamorize and depict as humorous sexualized aggression against women, including assault, rape and murder (Dietz, T. L., 1998; Dill, K. E., & Dill, J. C., 2004; Dill, K. E., Gentile, D. A, Richter, W. A., & Dill, J.C., in press; Mulac, A., Jansma, L. L., & Linz, D. G., 2002; Walsh, D., Gentile, D. A., VanOverbeke, M., & Chasco, E., 2002); and

Whereas, the characteristics of violence in interactive video games appear to have similar detrimental effects as viewing television violence; however based upon learning theory (Bandura, 1977; Berkowitz, 1993), the practice, repetition, and rewards for acts of violence may be more conducive to increasing aggressive behavior among children and youth than passively watching violence on TV and in films (Carll, E. K., 1999a). With the development of more sophisticated interactive media, such as virtual reality, the implications for violent content are of further concern, due to the intensification of more realistic experiences, and may also be more conducive to increasing aggressive behavior than passively watching violence on TV and in films (Calvert, S. L., Jordan, A. B., Cocking, R. R. (Ed.) 2002; Carll, E. K., 2003; Turkle, S., 2002); and

Whereas, studies further suggest that videogames influence the learning processes in many ways more than in passively observing TV: a.) requiring identification of the participant with a violent character while playing video games, b.) actively participating increases learning, c.) rehearsing entire behavioral sequences rather than only a part of the sequence, facilitates learning, and d.) repetition increases learning (Anderson, C.A., 2002b; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Anderson, C.A. & Dill, K. E., 2000); and

Whereas the data dealing with media literacy curricula demonstrate that when children are taught how to view television critically, there is a reduction of TV viewing in general, and a clearer understanding of the messages conveyed by the medium. Studies on media literacy demonstrate when children are taught how to view television critically, children can feel less frightened and sad after discussions about the medium, can learn to differentiate between fantasy and reality, and can identify less with aggressive characters. on TV, and better understand commercial messages (Brown, 2001; Hobbs, R. & Frost, R., 2003; Hortin, J.A., 1982; Komaya, M., 2003; Rosenkoetter, L.J., Rosenkoetter, S.E., Ozretich, R.A., & Acock, A.C., 2004; Singer & Singer, 1998; Singer & Singer, 1994)

Therefore be it Resolved that APA advocate for the reduction of all violence in

videogames and interactive media marketed to children and youth.

Be it further Resolved that APA publicize information about research relating to violence in video games and interactive media on children and youth in the Association's publications and communications to the public.

Be it further Resolved that APA encourage academic, developmental, family, and media psychologists to teach media literacy that meets high standards of effectiveness to children, teachers, parents and caregivers to promote ability to critically evaluate interactive media and make more informed choices.

Be it further Resolved that APA advocate for funding to support basic and applied research, including special attention to the role of social learning, sexism, negative depiction of minorities, and gender on the effects of violence in video games and interactive media on children, adolescents, and young adults.

Be it further Resolved that APA engage those responsible for developing violent video games and interactive media in addressing the issue that playing violent video games may increase aggressive thoughts and aggressive behaviors in children, youth, and young adults and that these effects may be greater than the well documented effects of exposure to violent television and movies.

Be it further Resolved that APA recommend to the entertainment industry that the depiction of the consequences of violent behavior be associated with negative social consequences.

Be it further Resolved that APA (a) advocate for the development and dissemination of a content based rating system that accurately reflects the content of video games and interactive media, and (b) encourage the distribution and use of the rating system by the industry, the public, parents, caregivers and educational organizations.

Mrs. CLINTON. In June, a groundbreaking study by researchers at the University of Indiana School of Medicine, which was published in the Journal of Clinical Psychology, concluded that adolescents exposed to high levels of violent media were less able to control and to direct their thoughts and behavior, to stay focused on a task, to plan, to screen out distractions, and to use experience to guide inhibitions.

A 2004 meta-analysis of over 35 research studies that included over 4,000 participants, found similar results. It concluded that playing violent video games significantly increases aggressive behavior, physiological arousal and feelings of anger and hostility, and significantly decreases pro-social helping behavior.

And according to testimony by Craig Andersen before the Commerce Committee in 2000, violent video games have been found to increase violent adolescent behavior by 13 to 22 percent. Eighty-six percent of African American females in the games are victims of violence. And, the most common role for women in video games is prostitutes.

Research also demonstrates the opposite—reducing exposure to violence reduces aggressive behavior. A 2001 study by Stanford University School of Medicine found that reducing TV and video violence consumption to under one hour per day reduces verbal aggression by 50 percent and physical aggression by 40 percent among 3rd and 4th grade children.

Now, if you don't find the scientists compelling, consider a child named Devon Thompson, who shot three police officers after being brought in under suspicion of driving a stolen car. He grabbed one of the officer's guns, shot three men and then jumped into a police car, a scene remarkably like one found in the game Grand Theft Auto. When Thompson was apprehended he said ''Life is a video game. You've got to die sometime.''

In the face of this mountain of scientific and anecdotal evidence, the same company that developed Grand Theft Auto is coming out with a new game called Bully. In Bully, the player is a student who beats up other students in school.

Again, I am not here to argue that these games shouldn't be developed or made available. But, I am here to ask, can't we as a society do better by our kids? Can't we give parents the tools to make sure they know what may fall into the hands of their children?

That is what this bill is all about and I urge my colleagues to join me in supporting it.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 2128. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. MCCAIN. Mr. President, today I introduce legislation to provide greater transparency into the process of influencing our Government and ensure greater accountability among public officials.

The legislation does a number of things. It provides for faster reporting and greater public access to reports filed by lobbyists and their employers under the Lobbying Disclosure Act of 1995.

It requires greater disclosure of the activities of lobbyists, including for the first time grassroots lobbying firms.

The bill also requires greater disclosure from both lobbyists and Members and employees of Congress about travel that is arranged or financed by a lobbyist or his client.

To understand more thoroughly the actions lobbyists take to influence elected officials, the bill requires lobbying firms, lobbyists, and their political action committees to disclose their campaign contributions to Federal candidates and officeholders, their political action committees and political party committees. It further mandates disclosure of fundraisers hosted, cohosted, or otherwise sponsored by these entities, and disclosure of contributions for other events involving legislative and executive branch officials.

To get behind anonymous coalitions and associations and discover who actually is seeking to influence Government, the bill requires registrants to list as clients those entities that contribute $10,000 or more to a coalition or association. The bill expressly keeps intact, however, existing law governing the disclosure of the identities of members and donors to organizations designated as 501(c) groups under the Internal Revenue Code.

To address the problem of the revolving door between Government and the private sector, the bill lengthens the period during which senior members of the executive, Members of Congress, and senior congressional staff are restricted from lobbying.

The bill also modifies the provision in current law that exempts from the revolving door laws former employees who go to work for Indian tribes by applying these laws to those employees retained by tribes as outside lobbyists and agents.

To ensure compliance with congressional restrictions on accepting gifts, the bill requires registrants under the Lobbying Disclosure Act to report gifts worth $20 or more. I repeat that: The person who gives the gift is now responsible for reporting a gift of $20 or more.

To accurately reflect the true value of benefits received, the bill also requires Members of Congress and staff to pay the fair market value for travel on private planes and the value of sports and entertainment tickets and skyboxes at the cost of the highest priced ticket in the arena. The legislation increases the penalty for violating the reporting requirements, and it contains other provisions on enforcement and oversight.

This bill is regrettably necessary. Over the past year and a half, the Committee on Indian affairs has unearthed a story of excess and abuse by former lobbyists of a few Indian tribes. The story is alarming in its depth and breadth of potential wrongdoing. It has spanned across the United States, sweeping up tribes throughout Indian country. It has taken us from tribal reservations across America to luxury skyboxes in town, from a sham international think tank in Rehoboth Beach, DE, to a sniper workshop in Israel and beyond. It involves tens of millions of dollars that we know about and likely more that we do not.

Much of what the committee learned was extraordinary. Yet much of what we uncovered in the investigation was, unfortunately, the ordinary way of doing business in this town.

The bill I am introducing today seeks to address business as usual in the Nation's Capital. How these lobbyists sought to influence policy and opinionmakers is a case study in the ways lobbyists seek to curry favor with legislators and their aides. For example, they sought to ingratiate themselves with public servants with tickets to plush skyboxes at the MCI Center, FedEx Field, and Camden Yards for sports and entertainment events. They

arranged extravagant getaways to tropical islands, the famed golfing links of St. Andrews and elsewhere. They regularly treated people to meals and drinks. Fundraisers and contributions abounded. The bill casts some disinfectant on those practices by simply requiring greater disclosure. If there is nothing inherently wrong with such activities, then there is no good reason to hide them from public scrutiny. The American people deserve no less.

During its investigation, the committee also learned about unscrupulous tactics employed to lobby Members and to shape public opinion. We found a sham international think tank in Rehoboth Beach, DE, established in part to disguise the true identity of clients. We saw phony Christian grassroots organizations consisting of a box of cell phones and a desk drawer.

I submit that in the great marketplace of ideas we call public discourse, truth is a premium that we cannot sacrifice. Through these practices, the lobbyists distorted the truth not only with false messages but also with fake messengers.

I hope by having for the first time disclosure of grassroots activities in the financial interests beyond misleading front groups that such a fraud on Members and voters can be avoided. Many cast blame only on the lobbying industry. But we should not forget that we as Members owe it to the American people to conduct ourselves in a way that reinforces rather than diminishes the public's faith and confidence in Congress.

The bill thus requires more accurate accounting of the benefits and privileges that sometimes come with public office. Requiring lobbyists to disclose all gifts over $20 will cause not only the lobbyist but also the recipient to more scrupulously adhere to existing gift limits. Fair evaluation of tickets to sporting and entertainment events and for air travel aboard private planes is another way of giving real effect to the gift rules of Congress.

I have read news reports that the Department of Justice is investigating job negotiations that some public officials may have had with lobbying firms while still in Government, negotiations that may have compromised their job performance. I have long been concerned with the revolving door between public service and the private sector, how that door is spun to personal gain, and the corrupting influences that can creep through that door into Government decisionmaking. To address the problem, I am proposing to expand the cooling off period to 2 years for Members of Congress and senior staff and certain executive branch officials. And to ensure a level playing field, I am seeking to close a loophole that has existed in Federal conflict-of-interest laws for those who represent Indian tribes.

Informed citizenry is essential to a thriving democracy. A democratic government operates best in the disinfecting light of the public eye. The approach on this bill is thus one of greater disclosure of and transparency into the interactions of lobbyists with our public officials.

The bill is intended to balance the right of the public to know with its right to petition Government, the ability of lobbyists to advocate their clients' cause with a need for truthful public discourse, and the ability of Members to legislate with the imperative that our Government must be free from corrupting influences, both real and perceived.

We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence. That is why I would hope my colleagues would carefully examine this measure. I have had conversations with numerous other Members of this body, and I hope that both Republican and Democrat can join together on this issue.

I noted in today's—Friday, December 16—Congress Daily, there is a little chart in the corner, and it says: ''2005 Congressional Approval Ratings.'' I notice a very interesting trend. On February 1 of this year, approximately 40-some percent—about 44 percent—of the people approved, and about 43 percent disapproved. Those numbers have changed somewhat dramatically to a disapproval rating, in the last couple of days, of 64 percent, with a 26-percent approval rating. I repeat: 64 percent disapprove, 26 percent approve.

Now, I am not sure that is divided up between Democrats and Republicans. From my travels—and I have been traveling a lot lately in the last few weeks around the country—I find that disapproval is nonpartisan in nature. I think there are a number of reasons for that disapproval, and many of them I will not chronicle here. But one of them is that there is a deep perception that we do not act on the priorities of the American people, that special interests set our agenda here rather than the people's interest.

Now, I do not pretend that a lobbying reform bill will be the panacea for all the ills that I think beset this Capitol of ours, but I do believe it is part of an effort we all need to make—and seriously make—in order to try to turn these kinds of numbers around, not only for our individual well-being but for the well-being of the people of the United States because it will be more difficult to act effectively if we do not have at least a significant amount of support from the people whom we purport to represent.

I would like to say another word about lobbyists. Lobbying is an honorable profession. I have no problem with it. I have no problem with people working in order to bring the people's interests and agenda and priorities to the attention of Congress. Almost all of us who I know of rely on their input on various issues. Many supply us with policy papers, with data, et cetera.

But, Mr. President—Mr. President—when we have the behavior that we highlighted, what actually was brought to our attention during our Indian Affairs Committee hearings, it is not believable: luxury sports boxes, a sham international think tank in Rehoboth Beach, a sniper workshop in Israel, the list goes on and on. And, of course, the way the Native Americans were treated was especially insulting.

Congress, according to the Constitution, has a special obligation in regard to Indian affairs. But I will tell you what, I greatly fear that these practices we have uncovered concerning Native Americans are far more widespread than just lobbying efforts on behalf of Native Americans—or exploitation of Native Americans is probably the better description.

I do not think there is any doubt that one of the reasons the American people mistrust us is they think there is wrongdoing, if not corruption, in this town. We have an obligation to fix this system as well as we can, and I believe that one of the measures that needs to be taken is to have a lobbying transparency and accountability that can give us confidence.

I note the presence of my friend from Connecticut on the floor whom I have had discussions with on this issue. I have had them with my colleague, Senator FEINGOLD, and many others. I hope we can, over the recess, think about this issue and be prepared to address it as early as possible. We have a long way to go to restore accountability, transparency, and the confidence of the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Mr. President, I came to the floor to thank my friend from Arizona not just for the legislation he has just introduced but for his characteristically courageous investigation of the events surrounding a particular lobbyist, Jack Abramoff, and the way in which they demonstrate the extent to which the system has gone out of control.

The direct victims here, of course, are those whose money was essentially taken without cause, who were cheated. But the indirect, yet very real, victims of these abuses are the Members of Congress, and the extent to which there has been abuse of a classic and very critical function of our Government—lobbying—the extent to which there has been abuse of that role breaks the public trust in Congress itself.

Disclosures, investigations such as Senator MCCAIN and his committee have been involved in, fearlessly, are critically important, but these disclosures and revelations and abuses cry out to us now to take some legislative action. I have not had the opportunity yet to review fully the provisions of the legislation Senator MCCAIN has introduced. I look forward to doing that

over the recess. I hope that will put me in a position to join him as a sponsor of this legislation. It would be an honor and a privilege to work with him on this matter, as it has been to work on so many other matters.

For today, I did not want this moment to go by without thanking him for coming forward with this legislation. It makes the point we are due—perhaps, in fact, overdue—for a review of our lobbying and disclosure laws. They need strengthening, and they need strengthening because it is right to do so and it is necessary to do so to restore the public trust in our Government.

Mr. President, I am privileged to serve as the ranking member on the Homeland Security and Governmental Affairs Committee. In the normal course of the Senate rules, I believe this legislation would be referred to our committee, and there I look forward, along with the chairman, Senator COLLINS, to reviewing it. But in a personal sense, I want to work with Senator MCCAIN and his staff and mine over the recess and hope that I can join him as a cosponsor of this legislation after the first of the year.

I thank my friend, Senator DURBIN, for yielding me these few moments. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join in echoing the comments of the Senator from Connecticut about what we just heard from the Senator from Arizona. He has really touched an important issue. There is no doubt in my mind there is a crisis in confidence in terms of the integrity of Congress. Unless and until we deal with that directly, little else we might do will be noticed or believed. I believe he is on the right track.

But I would suggest to him there is something more to the story. It is not just a question of lobbyists larding Members of Congress with gifts, trips to Scotland for golf outings or lavish meals or whatever it happens to be. There is more to the story, and it really goes to the heart of the issue about how we get to Congress and how we get to the Senate.

It is no longer ''Mr. Smith Goes to Washington,'' if it ever was. It is no longer a matter of putting your candidacy before the people of the State and asking that they consider you and wait for the consequence. It is a money chase. It is a huge money chase. And unless you happen to be one of the fortunate few and independently wealthy, you have to spend an awful lot of time chasing it, an awful lot of time raising money.

If you come from a State, as I do, like Illinois, you know an ordinary Senate campaign in my State is going to cost anywhere from $5 million to $20 million to $40 million. Now, imagine, if you will, for a moment that you had to raise that sum of money, and the largest contribution was in the range of $4,000. It takes a lot of time, and it takes a lot of contacts, and it takes a lot of commitment. So what you find is that as people of the Senate are running for reelection, for example, they are spending more and more and more time on the road raising money. They are finding precious little time to dedicate to their constituents or to the work of Congress because they are out raising huge sums of money.

That is part of the reality of the relationship between Members of Congress and lobbyists. Many of these lobbyists also are fundraisers, so to have them on your side is to guarantee they will not only buy you diner, if that is what you are looking for, but also help you in this fundraising effort. I think real, ethical reform, which gets to the heart of the issue, has to get to the issue of how we finance these campaigns.

Unless and until we bring campaigns for election and reelection to the U.S. Senate and the House of Representatives to a level where they are affordable for common people, I am afraid we are going to continue to be enslaved by the current system, which requires us to raise so much money from so many people.

I can recall when the Republican leader TOM DELAY announced he was starting something called the K Street project. He was a House leader, and he said he was going to set out to make sure that the lobbyists who came to see him were all loyal Republicans, loyal contributors. He didn't want to see Democratic lobbyists. He prevailed on major associations and organizations not to hire anybody other than a Republican who had met with his approval.

For those of us who have been around this Hill for a while, it was pretty clear what he was creating. He was creating a very generous network of people, who would lobby him on legislation, whom he would possibly reward and then find their support in his campaign. It had built into it some very perilous opportunities. I won't talk about his situation in Texas. Let that be decided in Texas. But unless and until we get to the heart of the issue, the financing of campaigns, I am afraid we are not going to be able to deal forthrightly with the charges of corruption against Congress.

Let me add why campaigns cost so much money. Certainly in Illinois and most other States, it is all about television. It is all about millions of dollars which I have to raise to then give to television stations in my State. It troubles me because what those television stations are selling to me is something I own, something all Americans own—the airwaves. So we are paying premium dollars to television stations to run our ads for election and reelection. We are raising millions of dollars to make sure that we transfer this money as if it were a trust fund from our contributors directly to TV stations. It is about time we change the fundamentals in America. In changing the fundamentals, we can bring real reform.

I supported McCain-Feingold. Senators MCCAIN and FEINGOLD talked about limiting soft money. That is the tip of the iceberg. It is insidious, the soft money that came into campaigns, but the real problem is the cost of campaigns and the millions you have to raise to pay for television. If we said basically that in our country incumbents and challengers will have access to a certain amount of television to deliver their message at an affordable rate, we would dramatically drop the cost of campaigns, dramatically reduce the need to fund raise, and dramatically reduce our dependence on the sources of funds, whether they are generous individuals, special interest groups, or lobbyists.

We have to get to the heart of the issue. It isn't an appetite for golfing in Scotland; it is an appetite for money you need to run your campaign.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2129. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce a bill today to formally convey title a portion of the American Falls Reservoir District from the Bureau of Reclamation to the National Park Service. The Minidoka Internment National Monument Draft General Management Plan and Environment Impact Statement proposes the transfer of these two publicly owned parcels of land, which are both within and adjacent to the existing 73-acre NPS boundary, and have been identified as important for inclusion as part of the monument. The sites were both within the original 33,000-acre Minidoka Relocation Center that was operated by the War Relocation Authority, where approximately 13,500 Japanese and Japanese Americans were held from 1942 through 1945.

The smaller 2.31-acre parcel is located in the center of the monument in the old warehouse area and includes three historical buildings and other important cultural features. The Draft General Management Plan proposes to use this site for visitor services, including a Visitor Contact Station within an original warehouse to greet visitors and provide orientation for the monument. The other, a 7.87-acre parcel, is on the east end of the monument and was undeveloped during WWII. The NPS proposes to use this area for special events and to provide a site for the development of a memorial for the Issei, first-generation Japanese immigrants. These two publicly-owned properties are critical for long-term development, visitor services, and protection and preservation of historical structures and features at Minidoka Internment National Monument.

I would like to add that this legislation was developed with and is strongly supported by both the agencies involved and the local communities. I ask my colleagues to join me in enacting this small land transfer that we might move a step closer toward properly memorializing an important, but often forgotten, chapter of our Nation's history.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2129

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 ''American Falls Reservoir District Number 2 Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means Agreement No. 5-07-10-L1688 between the United States and the District, entitled ''Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2''.

(2) DISTRICT.—The term ''District'' means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, Idaho.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. AUTHORITY TO CONVEY TITLE.

(a) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(1) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(2) to the city of Gooding, located in Gooding County, Idaho, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(3) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(b) COMPLIANCE WITH AGREEMENT.—All parties to the conveyance under subsection (a) shall comply with the terms and conditions of the Agreement, to the extent consistent with this Act.

SEC. 4. TRANSFER.

As soon as practicable after the date of enactment of this Act, the Secretary shall direct the Director of the National Park Service to include in and manage as a part of the Minidoka Internment National Monument the 10.18 acres of land and improvements described in Appendix D of the Agreement.

SEC. 5. COMPLIANCE WITH OTHER LAWS.

(a) IN GENERAL.—On conveyance of the land and improvements under section 3(a)(1), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(b) APPLICABLE AUTHORITY.—Nothing in this Act modifies or otherwise affects the applicability of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

SEC. 6. REVOCATION OF WITHDRAWALS.

(a) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(b) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subsection (a) subject to valid existing rights.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Subject to subsection (b), upon completion of a conveyance under section 3, the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(b) EXCEPTION.—Subsection (a) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(c) FEDERAL TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

SEC. 8. FUTURE BENEFITS.

(a) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under section 3(a)(1), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(b) ELIGIBILITY FOR FEDERAL FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the District shall not be eligible to receive Federal funding to assist in any activity described in subsection (a) relating to land and improvements transferred under section 3(a)(1).

(2) EXCEPTION.—Paragraph (1) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

SEC. 9. NATIONAL ENVIRONMENTAL POLICY ACT.

Before completing any conveyance under this Act, the Secretary shall complete all actions required under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(4) all other applicable laws (including regulations).

SEC. 10. PAYMENT.

(a) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under section 3(a)(1), the District shall pay the fair market value for the withdrawn lands to be acquired by them, in accordance with the terms of the Agreement.

(b) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka Internment National Monument, the Secretary, acting through the Commission of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. HARKIN, and Mr. HAGEL):

S. 2131. A bill to amend title 9, United Stares Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to re-introduce the Fair Contracts for Growers Act of 2005. This bill would simply give farmers a choice of venues to resolve disputes associated with agricultural contracts. This legislation would not prohibit arbitration. Instead, it would ensure that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

I certainly recognize that arbitration has tremendous benefits. It can often be less costly than other dispute settlement means. It can also remove some of the workload from our Nation's overburdened court system. For these reasons, arbitration must be an option—but it should not be a coerced option.

Mandatory arbitration clauses are used in a growing number of agricultural contracts between individual farmers and processors. These provisions limit a farmer's ability to resolve a dispute with the company, even when a violation of Federal or State law is suspected. Rather than having the option to pursue a claim in court, disputes are required to go through an arbitration process that puts the farmer at a severe disadvantage. Such disputes often involve instances of discrimination, fraud, or negligent misrepresentation. The effect of these violations for the individual farmer can be bankruptcy and financial ruin, and mandatory arbitration clauses make it impossible for farmers to seek redress in court.

When a farmer chooses arbitration, the farmer is waving rights to access to the courts and the constitutional right to a jury trial. Certain standardized court rules are also waived, such as the right to discovery. This is important because the farmer must prove his case, the company has the relevant information, and the farmer can not prevail unless he can compel disclosure of relevant information.

Examples of farmers' concerns that have gone unaddressed due to limitations on dispute resolution options include; mis-weighed animals, bad feed cases, wrongful termination of contracts, diseased swine or birds provided by the company, fraud and misrepresentation to induce a grower to enter a contract, and retaliation by companies against farmers who join producer associations.

During consideration of the Farm Bill, the Senate passed, by a vote of 64–31, the Feingold-Grassley amendment

to give farmers a choice of venues to resolve disputes associated with agricultural contracts.

I have some letters supporting this legislation and ask unanimous consent that they be printed in the RECORD.

I also ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATION FOR COMPETITIVE MARKETS,
Lincoln, NE, November 15, 2005.

Re: Fair Contracts for Growers Act.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

SENATOR GRASSLEY:

1. The Organization for Competitive Markets would like to express its support for your Fair Contracts for Growers Act. Arbitration has a role in dispute resolution in the livestock industry, and in other economic sectors. It should not be an abuse tool. Your bill will remedy this.

2. The U.S. Constitution, Amendment 7 says this: ''. . . the right of trial by jury shall be preserved . . .''. The law says citizens can waive this right, but the law also says waivers should be knowing and voluntary.

3. It is a fact integrators and packers have more information and sophistication, and more power, when contracting with producers. Producers rely on integrator/packer representations when making business decisions including contract signing or rejection. Mandatory arbitration clauses are not explained or negotiated, but merely included in boilerplate language.

4. Producers are unable to knowingly and voluntarily waive their right to a court-resolved future dispute. This is true because they cannot anticipate the type of possible disputes which may arise. The American Medical Assn, American Arbitration Assn, and American Bar Assn have agreed with this principal in the context of consumer health care contracts.

5. Producers must be provided real, not illusory, choice. Your bill leaves producers free to agree to arbitration once a dispute arises, but prohibits this forced ''choice'' before. Thank you for your efforts for U.S. livestock and poultry producers.

Respectfully,

KEITH MUDD,
President.

IOWA FARMERS UNION,
Ames, IA.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of Iowa Farmers Union, Women, Food and Agriculture Network (WFAN) and the Iowa Chapter of National Farmers Organization to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation.

Contract livestock and poultry producers are being forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with large, vertically integrated processing firms. These producers forfeit their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control over the information needed for growers to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

Many assume that arbitration is a less costly way of resolving dispute than going to court, but for the producer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Independent family farmers all over the U.S. will benefit from a law that stops the abuse of arbitration clauses in livestock and poultry contracts.

Sincerely,

CHRIS PETERSEN,
President.

CENTER FOR RURAL AFFAIRS,
Lyons, NE.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Center for Rural Affairs to express our strong support for the Fair Contacts for Growers Act, and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

The Center for Rural Affairs believes this is important because of the number of small and mid-size farms that enter into contract livestock production. Small and mid-size farms that don't have the capital to invest in starting their own livestock operations often look to contract production as mechanism for diversifying their farming operations as well as their cash flow. However, when these farmers and ranchers are not allowed equal legal protection, their entire farming operations lay at risk.

Moreover, farmers who enter into contracts with meatpackers and large, corporate livestock producers will never have the power or negotiating position that those companies will enjoy in virtually every contract dispute. Producers often lack the financial and legal resources to challenge vertical integrators when their rights are violated. A legal agreement between smaller farm operations and integrators should, therefore, provide at least as much legal protection for producers as it does for the integrator.

Although the impetus behind this legislation emanates from the poultry industry, the rights of farmers who raise hogs and other livestock under contract are also threatened. And the increased use of production contracts in these sectors has made this issue that much more important to farmers in the Midwest and Great Plains as well.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

TRACI BRUCKNER,
Associate Director, Rural Policy Program.

SUSTAINABLE AGRICULTURE COALITION,
Washington, DC, November 17, 2005.

Senator CHUCK GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Sustainable Agriculture Coalition in support of the Fair Contract for Growers Act and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is necessary to help level the playing field for our farmers and ranchers who enter into production contracts with packers and processors. The rapid rise of vertically integrated production chains, combined with the high degree of concentration of poultry processors and meatpackers, leave farmers and ranchers in many regions of the country with few choices, or only a single choice, of buyers for their production. Increasingly, farmers and ranchers are confronted with ''take-it-or-leave-it,'' non-negotiable contracts, written by the company. These contracts require that farmers and ranchers give up the basic constitutional right of access to the courts and sign mandatory arbitration clauses if they want access to a market for their products. These clauses are signed before any dispute arises, leaving the producers little, if

any, ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Many basic legal processes are not available to farmers and ranchers in arbitration. In most agricultural production contract disputes, the company has control of the information needed for a grower to argue a case. In a civil court case, this evidence would be available to the grower's attorney through discovery. In an arbitration proceeding, however, the company is not required to provide access to this information, thus placing the grower at an extreme disadvantage. In addition, in most arbitration proceedings, a decision is issued without an opinion providing an explanation of the principles and standards or even the facts considered in reaching the decision. The arbitration proceeding is private, closed to effective pubic safeguards, and the arbitration decisions are often confidential and rarely subject to public oversight or judicial review.

Moreover, there is a growing perception that the arbitration system is biased towards the companies. This private system is basically supported financially by the companies which are involved repeatedly in arbitration cases. The companies also know the history of previous arbitrations, including which arbitrators repeatedly decide in the companies' favor. This arbitration history is rarely available to a farmer or rancher involved in a single arbitration proceeding.

Arbitration is often assumed to be a less costly way of resolving disputes than litigation. But this assumption must be tested in light of the relative resources of the parties. For most farmers and ranchers, arbitration is a significant expense in relation to their income. One immediate financial barrier is filing fees and case service fees, which in arbitration are usually divided between the parties. A few thousand dollars out of pocket is a miniscule expense for a well-heeled company but can be an insurmountable barrier for a farmer with a modest income, especially when the farmer is conflict with the farmer's chief source of income. This significant cost barrier, when coupled with the disadvantages of the arbitration process, can effectively deny farmers a remedy in contract dispute cases with merit.

The Sustainable Agriculture Coalition represents family farm, rural development, and conservation and environmental organizations that share a commitment to federal policy reform to promote sustainable agriculture and rural development. Coalition member organizations include the Agriculture and Land Based Training Association, American Natural Heritage Foundation, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Center for Rural Affairs, Dakota Rural Action, Delta Land and Community, Inc., Future Harvest-CASA (Chesapeake Alliance for Sustainable Agriculture), Illinois Stewardship Alliance, Innovative Farmers of Ohio, Institute for Agriculture and Trade Policy, Iowa Environmental Council, Iowa Natural Heritage Foundation, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, Michael Fields Agricultural Institute, Michigan Agricultural Stewardship Association, Midwest Organic and Sustainable Education Service, The Minnesota Project, National Catholic Rural Life Conference, National Center for Appropriate Technology, Northern Plains Sustainable Agriculture Society, Ohio Ecological Food and Farm Association, Organic Farming Research Foundation, and the Sierra Club Agriculture Committee. Our member organizations included thousands of farmers and ranchers with small and mid-size operations, a number of whom have entered into agricultural production contracts or are considering whether to sign these contracts. As individuals, these farmers and ranchers do not have the financial power or negotiating position that companies enjoy in virtually every contract dispute. We agree with Senator Grassley that, in the face of such unequal bargaining power, the Fair Contract for Growers Act is a modest and appropriate step which allows growers the choice of entering into arbitration or mediation or choosing to exercise their basic legal right of access to the courts.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of mandatory arbitration clauses in livestock and poultry contracts.

Sincerely,

MARTHA L. NOBLE,
Senior Policy Associate,
Sustainable Agriculture Coalition.

NATIONAL FAMILY FARM COALITION,
Washington, DC, November 17, 2005.

Senator CHARLES GRASSLEY,
Hart Building,
Washington, DC.

DEAR SENATOR GRASSLEY. I am writing as president of the National Family Farm Coalition to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation. As you know, the National Family Farm Coalition provides a voice for grassroots groups on farm, food, trade and rural economic issues to ensure fair prices for family farmers, safe and healthy food, and vibrant, environmentally sound rural communities here and around the world. Our organization is committed to promoting food sovereignty, which is stymied by current practices that give farmers unfair and unjust difficulties when they wish to arbitrate a contract dispute.

Therefore, the Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, nonnegotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce common sense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

GEORGE NAYLOR,
President,
National Family Farm Coalition.

CAMPAIGN FOR CONTRACT
AGRICULTURE REFORM,
November 18, 2005.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the Campaign for Contract Agriculture Reform, I would like to thank you for your leadership in introducing the Fair Contracts for Growers Act.

With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. In many cases, particularly in the livestock and poultry sector, the farmer never actually owns the product they produce, but instead makes large capital investments on their own land to build the facilities necessary to raise animals for an ''integrator.''

Under such contract arrangements, farmers and growers are often given take-it-or-leave-it, non-negotiable contracts, with language drafted by the integrator in a manner designed to maximize the company's profits and shift risk to the grower. In many cases, the farmer has little choice but to sign the contract presented to them, or accept bankruptcy. The legal term for such contracts is ''contract of adhesion.'' As contracts of adhesion become more commonplace in agriculture, the abuses that often characterize such contracts are also becoming more commonplace and more egregious.

One practice that has become common in livestock and poultry production contracts is the use of mandatory arbitration clauses, where growers are forced to sign away their constitutional rights to jury trial upon signing a contract with an integrator, and instead accept a dispute resolution forum that denies their basic legal rights and is too costly for most growers to pursue.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer,

the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself. For example, in one Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were $11,000. In contrast, filing fees for a civil court case are $150 to $250. Lawyer fees in a civil case are often paid on a contingent-fee basis.

In addition, the potential for mandatory arbitration clauses to be used abusively by a dominant party in a contract has also been recognized by Congress with regard to other sectors of our economy. In 2002, legislation was enacted with broad bipartisan support that prohibits the use of pre-dispute, mandatory arbitration clauses in contracts between car dealers and car manufacturers and distributors. The Fair Contract for Growers Act is nearly identical in structure to the ''car dealer'' arbitration bill passed by Congress in 2002.

Thank you again for introducing the Fair Contracts for Growers Act, to assure that arbitration in livestock and poultry contracts is truly voluntary, after mutual agreement of both parties after a dispute arises. If used, arbitration should be a tool for honest dispute resolution, not a weapon used to limit a farmer's right to seek justice for abusive trade practices.

I look forward to working with you toward enactment of this important legislation.

Sincerely,

STEVEN D. ETKA,
Legislative Coordinator.

S. 2131

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 ''Fair Contracts for Growers Act of 2005''.

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''§ 17. Livestock and poultry contracts

''(a) DEFINITIONS.—In this section:

''(1) LIVESTOCK.—The term 'livestock' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(2) LIVESTOCK OR POULTRY CONTRACT.—The term 'livestock or poultry contract' means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

''(3) LIVESTOCK OR POULTRY GROWER.—The term 'livestock or poultry grower' means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

''(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(b) CONSENT TO ARBITRATION.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

''(c) EXPLANATION OF BASIS FOR AWARDS.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''17. Livestock and poultry contracts''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. CRAPO (for himself, Mr. BURNS and Mr. CRAIG):

S. 2132. A bill to Include Idaho and Montana as affected areas for purposes of making claims under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise to introduce legislation on behalf of myself, Senator BURNS of Montana and my Colleague Senator CRAIG that would include the States of Idaho and Montana as affected areas under the Radiation Exposure Compensation Act, or RECA.

Since our goals of giving affected citizens in our States the opportunity to receive compensation under RECA, and the challenges faced by our constituents are the same, it is appropriate to combine our efforts toward rectifying the problem.

Nuclear testing in Nevada during the 1950s and 1960s released radiation into the atmosphere that settled in States far away from the original test site. Certain elements of this radiation such as the radioactive isotope Iodine–131 settled in States such as Idaho and Montana and found their way into the milk supply. After time, in some cases 25 to 50 years after the fact, this contamination manifested itself as various forms of cancer, leukemia and other illnesses, particularly thyroid cancer. Those affected in this way are often referred to as ''downwinders,'' to denote their location downwind from the fallout.

In 1990, Congress recognized the need for the Federal Government to make amends for the harm caused to innocent citizens by nuclear testing and the Radiation Exposure Compensation Act was passed into law. Unfortunately, the science at the time did not recognize that radioactive fallout did not restrict itself by State lines.

This was highlighted in 1999, when a group of Senators, led by Senator HATCH, amended the law to include additional counties in Arizona. During debate on this legislation, Senator HATCH said, ''Our current state of scientific knowledge allows us to pinpoint with more accuracy which diseases are reasonably believed to be related to radiation exposure, and that is what necessitated the legislation we are considering today.'' Since that time, even greater advances in science have been made in the area of radiation exposure.

When the RECA disparity was first brought to my attention by the Idaho downwinders, I met with them to discuss ways to help them. The National Academy of Sciences staff came to Idaho in 2004 to hear testimony from those affected and ensure that their concerns and comments were included in the process.

Their voices were heard; the NAS report released in April of 2005 recognized that, among the 25 counties with the highest per capita dosage of radiation, 20 of those counties are in Idaho and Montana. In fact, Idaho is home to four of the top five counties in this regard. The report also stated that, ''To be equitable, any compensation program needs to be based on scientific criteria and similar cases must be treated alike. The current geographic limitations are not based on the latest science.'' Understanding these facts, it is of prime importance that we rectify the problem quickly.

The NAS report recognizes that the RECA program needs to be updated and that affected Idahoans and Montanans deserve equal treatment with those in other States. The report makes several specific recommendations, chief among them that Congress should establish a new process for reviewing individual claims, based on probability of causation, or ''assigned share,'' a method which is used in the courts and for other radiation compensation programs. I am currently working with my colleagues to legislatively address the suggestions made by the NAS report and work out a long-term solution for the challenges currently posed by RECA.

We all recognize that this problem requires a two-part solution—expanding the current RECA program to include those left behind while at the same time working on the long-term fixes recommended by the NAS. These efforts must happen simultaneously and I am pleased that my colleagues are partnering with me on this course.

Tragically, for some, it is already too late. A long-time advocate for the downwinders, and personal friend, Sheri Garmon, passed away from cancer this summer. Others preceded her and some are sick right now. There are still a number of those affected who are still waiting for the Government to do the right thing and make them eligible for compensation for their injuries. The facts are in and the science shows that they should not have to wait any longer for their rightful opportunity to seek appropriate redress. Let's fix this while we still have some of those who are sick because of Government actions with us.

I would exhort my colleagues to join with me and Senators BURNS and CRAIG to take up this legislation we have introduced today and bring needed fairness to those in Idaho and Montana and extend them eligibility under the current Radiation Exposure Compensation Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2132

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

SECTION 1. INCLUSION OF IDAHO AND MONTANA IN RADIATION EXPOSURE COMPENSATION.

Section 4(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking ''and'' after the semicolon; and

(3) by adding after subparagraph (C) the following:

''(D) the State of Idaho; and

''(E) the State of Montana; and''.

By Mr. ROCKEFELLER:

S. 2133. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include foreseeable catastrophic events as major disasters, to permit States affected by an event occurring elsewhere to receive assistance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ROCKEFELLER. Mr. President, the massive devastation inflicted upon our southern States by hurricanes Katrina, Rita, and Wilma reminded all Americans how important it is that the Federal Government be able to respond quickly and effectively when disaster strikes. We also learned from those tragedies that we must assist in ways few of us had imagined—for example, to meet the needs of evacuees who were dispersed far from the disaster.

Other events of the past few years, both here at home and abroad, have taught us that we must prepare for more than just natural disasters. Accidents, acts of terrorism, and pandemic illnesses also threaten us with death, injury, and destruction. And while we work to minimize the threats, we must assume that such disasters will really happen.

I have concluded that the President's current statuary authority to respond to disasters is not sufficient to meet the threats that we all now recognize as real, though once they were unimaginable. Today, I am introducing the Disaster Relief Act 2005 to modernize our disaster response capability for the 21st century.

One of the principal authorities we have given the President for disaster management is the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This is the law that authorizes the President, at the request of a Governor, to declare an ''Emergency'' or a ''Major Disaster,'' which then enables various types of Federal assistance. Emergency is the lower level declaration. The President is given great latitude in the types of events that can be declared emergencies, but relief is generally limited to $5 million per declaration. A major disaster declaration allows much greater assistance, but can be made only for natural disasters or, from any cause, fire, flood, or explosion.

The Department of Homeland Security uses 15 disaster scenarios to guide planning for the types of catastrophes it has concluded threaten our country. Besides natural disasters, the list includes various types of terrorist attacks—chemical, biological, radiological, cyber—as well as major health disasters. Though the President could respond to any of these scenarios by issuing an Emergency declaration, only seven of the fifteen would currently qualify under the Stafford Act to be declared a major disaster.

This bill will modify the definition of a major disaster in the Stafford Act to direct the President to focus on the impacts of an event in determining whether to issue a declaration. It is indeed the suffering—deaths, injuries, destruction—and not the cause of that suffering, which should determine our response. Catastrophic events, foreseeable and yet unimagined, will be covered if the suffering exceeds the capacity of the State to respond.

Furthermore, under the Stafford Act it is not clear whether States affected indirectly by a disaster occurring elsewhere—for example, by receiving evacuees or by the spread of nuclear, toxic, or infectious agents—could receive a major disaster declaration. It became clear in the aftermath of Hurricane Katrina that meeting the needs of evacuees can be a difficult challenge. Four States received major disaster declarations following Katrina. Forty-four others received emergency declarations to assist evacuees, but not even Texas, which hosted over 200,000 evacuees, received a major disaster declaration to assist them. Even if it were possible to declare a major disaster in a State receiving evacuees, assistance to meet some of their needs—education, healthcare, long-term housing and resettlement—is not adequately authorized under the Stafford Act.

Being able to meet the needs of evacuees is an important issue for West Virginia. We hosted several hundred evacuees from Hurricane Katrina, just enough to understand the special needs of people who have lost their homes and livelihoods, have been moved to unfamiliar places without resources, have been separated from their families, and suffered in many other ways. A disaster in the Washington-Baltimore region, or in Pennsylvania or Ohio, could bring far more evacuees to West Virginia than we could assist with presently available resources.

This bill acknowledges the fact that the impacts of a major disaster can extend far beyond the location of the event, and enables the President to make major disaster declarations in affected States, wherever they may be located. Additional forms of assistance to evacuees, found necessary after hurricane Katrina—for education, healthcare, long-term housing, and resettlement—will be made available.

Several other aspects of the Stafford Act require our attention, and are addressed in the bill. Authorization for Predisaster Hazard Mitigation under Title II, set to expire at the end of this year, will be extended to 2010. The modest levels of direct assistance to individuals, though indexed to inflation, will be increased because of rapid increases in housing costs in recent years. The duration of assistance that can be provided by the Department of Defense, for the preservation of life and property, will be increased from 10 to 30 days, to meet needs following extreme disasters. It will be clarified that events occurring within the waters surrounding the United States are eligible for emergency and major disaster declarations, Efforts to recover costs of assistance when emergencies or major disasters are caused by gross negligence will be authorized. The process for appropriating funds for disaster relief will be improved. And other minor improvements will be made.

I ask my colleagues in the Senate to join me to pass this bill and improve our preparedness for disasters in the 21st century.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2133

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 ''Disaster Relief Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the current definition of a major disaster in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is insufficient to enable the President to respond quickly and efficiently to foreseeable catastrophic events, including many types of potential terrorists attacks, accidents, and health emergencies;

(2) more than ½ of the disaster planning scenarios used by the Department of Homeland Security to evaluate preparedness would not be covered by that present definition;

(3) States affected by a event occurring elsewhere, such as through mass evacuations, the propagation of radioactive or toxic substances, or the transmission of infectious agents, may not be eligible for the declaration of a major disaster or for certain types of assistance;

(4) emergency declarations, widely used to provide assistance to evacuees following Hurricane Katrina, may not adequate;

(5) some types of assistance found to be necessary following the evacuations associated with Hurricane Katrina, notably assistance for providing public services such as education, healthcare, long-term housing, and resettlement, are not authorized to be provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(6) the process for appropriating funds for disaster assistance is inefficient and often requires supplemental appropriations and certain assistance programs have been delayed by insufficient funds;

(7) authorization for the Predisaster Hazard Mitigation program, under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) will expire on December 31, 2005;

(8) while the Federal Government is authorized to recover the cost of providing assistance in the event of major disasters or emergencies caused by deliberate actions, costs resulting from negligent actions cannot be recovered;

(9) limits on assistance provided to individuals for repair or replacement of housing and total assistance, though indexed for inflation, do not adequately reflect increases in the costs of housing that have occurred in recent years; and

(10) the duration of assistance by the Department of Defense authorized under section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)) for activities ''essential for the preservation of life and property'' may be insufficient to meet needs following major disasters that are particularly severe or for which the period of recovery is lengthy.

(b) PURPOSES.—

(1) IN GENERAL.—The purpose of this Act is to expand and enhance the authority and capacity of the President of the United States to alleviate suffering and loss resulting from large catastrophic events by appropriately amending the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) MAJOR DISASTERS.—In amending the definition of the term major disaster in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), Congress intends to expand the types of events that constitute a major disaster and does not intend to exclude any type of event that would have constituted a major disaster prior to the date of the enactment of this Act.

SEC. 3. DEFINITIONS.

(a) MAJOR DISASTER.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by striking paragraph (2) and inserting the following:

''(2) MAJOR DISASTER.—The term 'major disaster' means a catastrophic event that—

''(A) involves or results in—

''(i) a large number of human deaths, injuries, or illnesses;

''(ii) substantial property damage or loss; or

''(iii) extensive disruption of public services; and

''(B) in the determination of the President, is of such severity and magnitude that effective response is beyond the capabilities of the affected State or local government.''.

(b) UNITED STATES.—Section 102(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(3)) is amended—

(1) by striking '''United States''' and inserting the following:

''(3) UNITED STATES.—The term 'United States' '';

(2) by striking ''and'' after ''Samoa,''; and

(3) by striking the period at the end and inserting the following: '', and the exclusive economic zone and continental shelf (as those terms are defined in the United Nations Convention on the Law of the Sea, done at Montego Bay December 10, 1982) surrounding those areas.''.

(c) AFFECTED STATE.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

''(10) AFFECTED STATE.—The term 'affected State' means any State—

''(A) that suffers damage, loss, or hardship as a result of an occasion or instance satisfying the criteria of paragraph (1) or a catastrophic event satisfying the criteria of paragraph (2);

''(B) regardless of location, that suffers indirect consequences due to an emergency or major disaster declared in another part of the United States, to the extent that, in the determination of the President, assistance provided for under this Act is required; or

''(C) that is included in a Presidential declaration of an Incident of National Significance under the National Response Plan (developed under Homeland Security Presidential Directive 5).''.

SEC. 4. EXTENSION OF PREDISASTER HAZARD MITIGATION PROGRAM.

Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2010''.

SEC. 5. COORDINATING OFFICERS.

Section 302(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(a)) is amended—

(1) by inserting ''(1)'' before ''Immediately''; and

(2) by adding at the end the following:

''(2) In the event the President declares an emergency or major disaster in more than 1 State as a result of an occasion, instance, or catastrophic event, the President may, as appropriate and efficient, appoint 1 or more regional coordinating officers, without regard to State borders. A regional coordinating officer shall report to the Federal coordinating officer appointed under paragraph (1) and the Principal Federal Official for the emergency or major disaster designated under the National Response Plan (developed under Homeland Security Presidential Directive 5).''.

SEC. 6. RECOVERY OF ASSISTANCE.

Section 317 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5160) is amended by inserting '', or through gross negligence,'' after ''Any person who intentionally''.

SEC. 7. UTILIZATION OF DOD RESOURCES.

Section 403(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)(1)) is amended—

(1) in the first sentence—

(A) by striking ''an incident which may ultimately qualify for assistance under this title or title V of this Act'' and inserting the following: ''a catastrophic event that the President has declared a major disaster''; and

(B) by striking ''the State in which such incident occurred'' and inserting the following: ''any State in the area for which the President has declared a major disaster''; and

(2) in the third sentence, by striking ''10 days'' and inserting ''30 days''.

SEC. 8. HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the first sentence, by striking ''any area affected by a major disaster'' and inserting ''any area in which the President has declared a major disaster''.

SEC. 9. CONGRESSIONAL NOTIFICATION.

Section 406(a)(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(4) is amended—

(1) in subparagraph (A), by striking ''Committee on Environment and Public Works'' and inserting ''Committee on Homeland Security and Governmental Affairs''; and

(2) in subparagraph (B), by inserting ''and the Committee on Homeland Security'' after ''Infrastructure''

SEC. 10. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) is amended—

(1) in subsection (a)(1), by striking ''in the State who, as a direct result of a major disaster,'' and inserting the following: ''in an area in which the President has declared a major disaster who'';

(2) in subsection (c)—

(A) in paragraph (2)(C), by striking ''$5,000'' and inserting ''$10,000''; and

(B) in paragraph (3)(B), by striking ''$10,000'' and inserting ''$20,000''; and

(3) in subsection (h)(1), by striking ''$25,000'' and inserting ''$50,000''.

SEC. 11. EMERGENCY PUBLIC TRANSPORTATION.

Section 419 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5186) is amended by striking ''an area affected by a major disaster to meet emergency needs'' and inserting the following: ''an area in which the President has declared a major disaster to meet emergency needs, including evacuation,''.

SEC. 12. EVACUEES.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

''SEC. 425. ASSISTANCE IN AREAS RECEIVING EVACUEES.

''If the President determines that other statutory authorities are insufficient, the President may award grants or other assistance to an affected State or local government to be used to meet the temporary health, education, food, and housing needs of evacuees.''.

SEC. 13. DISASTER RELIEF FUND.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 326. DISASTER RELIEF FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States, under the Office of the Secretary of the Treasury, a Disaster Relief Fund (referred to in this section as the 'Fund'). The Fund shall be available to provide financial resources to respond to domestic disasters and emergencies described in subsection (c).

''(b) APPROPRIATIONS.—

''(1) IN GENERAL.—The Fund shall consist of such sums as are appropriated in accordance with this subsection and such sums as are transferred from the Department of Homeland Security Disaster Relief Fund.

''(2) DEFINITION.—For purposes of this subsection, the term 'operating expenditures' means an amount equal to the average amount expended from the Fund, or any predecessor of the Fund, for the preceding 5 years, excluding the years during that 5-year period in which the greatest amount and least amount were expended from the Fund.

''(3) DEPOSITS INTO FUND.—On October 1 of each fiscal year, the Secretary of the Treasury shall make a cash deposit into the Fund of an amount sufficient to bring the Fund balance up the amount of operating expenditures as of that date.

''(4) REPLENISHMENT.—There shall be appropriated, for each fiscal year, sufficient amounts to restore the Fund to balance required under paragraph (3).

''(c) USE OF FUNDS.—Amounts in the Fund shall only be available to meet the emergency funding requirements for—

''(1) particular domestic disasters and security emergencies designated by a Joint Resolution of Congress; or

''(2) an emergency or major disaster declared by the President under this Act.

''(d) REPORTING.—Not later than November 30, 2006, and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report that lists the amounts expended from the Fund for the prior fiscal year for each disaster or emergency under subsection (c).''.

(b) ABOLITION OF EXISTING FUND.—

(1) TRANSFER OF FUNDS.—The Secretary of Homeland Security shall transfer any funds in Department of Homeland Security Disaster Relief Fund to the Disaster Relief Fund established in the Treasury of the United States by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by this Act).

(2) ABOLITION.—After all funds are transferred to the Disaster Relief Fund in the Treasury of the United States under paragraph (1), the Department of Homeland Security Disaster Relief Fund is abolished.

(c) CONFORMING AMENDMENTS.—

(1) PERMANENT APPROPRIATION.—Section 1305 of title 31, United States Code, is amended by adding at the end the following:

''(11) EMERGENCY RESERVE FUND.—To make payments into the Disaster Relief Fund established by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.''.

(d) CONGRESSIONAL BUDGET PROCESS.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively; and

(2) by inserting after paragraph (5) the following:

''(6) total new budget authority and total budget outlays for emergency funding requirements for domestic disasters and emergencies, which shall be transferred to the Disaster Relief Fund established by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.''.

By Mr. SMITH:

S. 2134. A bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senators KOHL and DEWINE to introduce the Manufacturing Technology Competitiveness Act of 2005.

The manufacturing sector is a critical component of our economy and an engine of job creation for millions of Americans. Investment and continued growth in this industry is vital in order to strengthen manufacturing in the United States and increase our global competitiveness.

Through a number of measures, my legislation is aimed at further improving productivity, advancing technology and increasing the competitiveness of the U.S. manufacturing industry.

My bill authorizes funding through fiscal year 2008 for the Manufacturing Extension Partnership (MEP) and the National Institute of Standards and Technology (NIST).

MEP is a nationwide network with centers in all 50 states that provide assistance to help small- and medium-sized manufacturers succeed by providing expertise and services customized to meet their critical needs.

Small and medium sized manufacturers in my home State of Oregon have benefited from the efforts of the Oregon MEP resulting in increased jobs, investment and overall productivity. In 2004, the Oregon MEP helped manufacturers generate new or retain sales of $6,835,400 and a save costs of $18,736,000. MEP's assistance has yielded similar success for countless manufacturers in states across the country.

In addition to authorizing funding for MEP, this bill will amend partnership to include a mechanism for review and re-competition of MEP Centers and establish an additional competitive grant program from which these centers can obtain supplemental funding for manufacturing-related projects.

The National Institute of Standards and Technology with its expertise in technology, measurement and standards helps U.S. industry manufacture leading products and deliver high quality services. NIST has aided U.S. companies in competing in domestic and foreign markets through technology-based innovations in areas such as biotechnology, information technology and advanced manufacturing. NIST's capabilities will allow them to make further valuable contributions with emerging technologies in the future.

My bill establishes programs aimed at enhancing research and advancements in the manufacturing industry including a fellowship program and a manufacturing research pilot program, which involves cost-sharing collaborations aimed at developing new processes and materials to improve manufacturing performance and productivity.

The Advanced Technology Program (ATP) which supports research and development of high-risk, cutting edge technologies is authorized funding in this legislation. ATP partners with private sector entities to invest in early stage, innovative technologies that enable U.S. companies to develop next generation products and services that improve the quality of life for all of us. These public-private partnerships lead to innovations that otherwise could not be developed by a single entity.

I urge my colleagues to support the Manufacturing Technology Competitiveness Act of 2005 and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2134

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 ''Manufacturing Technology Competitiveness Act of 2005''.

SEC. 2. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note; as redesignated by Public Law 105–309) as section 34; and

(2) by inserting before the section redesignated by paragraph (1) the following:

''SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

''(a) AUTHORITY.—

''(1) ESTABLISHMENT.—The Director shall establish a Manufacturing Research Pilot Grants program to make awards to partnerships consisting of participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

''(2) PARTICIPANTS.—The partnerships described in this paragraph shall include at least—

''(A) 1 manufacturing industry partner; and

''(B) 1 nonindustry partner.

''(3) PURPOSE.—The purpose of the program established under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and the manufacturing competitiveness of the United States, and build lasting alliances among collaborators.

''(b) PROGRAM CONTRIBUTION.—An award made under this section shall provide for not more than one-third of the costs of the partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

''(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

''(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

''(2) the research that the grant will fund; and

''(3) how the research to be funded with the award will contribute to improved performance, productivity, and the manufacturing competitiveness of the United States.

''(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

''(1) the degree to which projects will have a broad impact on manufacturing;

''(2) the novelty and scientific and technical merit of the proposed projects; and

''(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

''(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

''(f) DURATION.—In carrying out this section, the Director shall conduct a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.''.

SEC. 3. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Director is authorized''; and

(2) by adding at the end the following new subsection:

''(b) MANUFACTURING FELLOWSHIP PROGRAM.—

''(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

''(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

''(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

''(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(3) STIPEND LEVELS.—Under this section, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.''.

SEC. 4. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting ''A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center.'' after ''sixth year at declining levels.''.

(b) FEDERAL SHARE.—Section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) is amended to read as follows:

''(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).''.

(c) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsections:

''(e) COMPETITIVE GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

''(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

''(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond the traditional areas.

''(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

''(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

''(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

''(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

''(C) that will contribute to the long-term economic stability of that region.

''(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.

''(f) AUDITS.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A–133 and shall make such audits available to the public on request.''.

(d) PROGRAMMATIC AND OPERATIONAL PLAN.—Not later than 120 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year programmatic and operational plan for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278*l*). The plan shall include comments on the plan from the Manufacturing Extension Partnership State partners and the Manufacturing Extension Partnership National Advisory Board.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR MANUFACTURING SUPPORT PROGRAMS.

(a) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278*l*)—

(1) $110,000,000 for fiscal year 2006, of which not more than $1,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) $115,000,000 for fiscal year 2007, of which not more than $4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(3) $120,000,000 for fiscal year 2008, of which not more than $4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

(b) COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

(1) $10,000,000 for fiscal year 2006;

(2) $10,000,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

(c) FELLOWSHIPS.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards and Technology Act, as added by section 3 of this Act—

(1) $1,500,000 for fiscal year 2006;

(2) $1,750,000 for fiscal year 2007; and

(3) $2,000,000 for fiscal year 2008.

SEC. 6. TECHNICAL WORKFORCE EDUCATION AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Director of the National Science Foundation, from sums otherwise authorized to be appropriated, for the programs established under section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i)—

(A) $55,000,000 for fiscal year 2006, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification;

(B) $57,750,000 for fiscal year 2007, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification; and

(C) $60,600,000 for fiscal year 2008, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification.

(2) DISTRIBUTION.—Funds appropriated under this subsection shall be made available, to the maximum extent practicable, to diverse institutions, including historically Black colleges and universities and other minority-serving institutions.

(b) AMENDMENTS.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) in subsections (a)(1) and (c)(2), by inserting '', including manufacturing,'' after ''advanced-technology fields''; and

(2) by inserting '', including manufacturing'' after ''advanced-technology fields'' each place the term appears, other than in subsections (a)(1) and (c)(2).

SEC. 7. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) $426,267,000 for fiscal year 2006, of which—

(A) $50,833,000 shall be for Electronics and Electrical Engineering;

(B) $28,023,000 shall be for Manufacturing Engineering;

(C) $52,433,000 shall be for Chemical Science and Technology;

(D) $46,706,000 shall be for Physics;

(E) $33,500,000 shall be for Material Science and Engineering;

(F) $24,321,000 shall be for Building and Fire Research;

(G) $68,423,000 shall be for Computer Science and Applied Mathematics;

(H) $20,134,000 shall be for Technical Assistance;

(I) $48,326,000 shall be for Research Support Activities;

(J) $29,369,000 shall be for the National Institute of Standards and Technology Center for Neutron Research; and

(K) $18,543,000 shall be for the National Nanomanufacturing and Nanometrology Facility;

(2) $447,580,000 for fiscal year 2007; and

(3) $456,979,000 for fiscal year 2008.

(b) MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $5,654,000 for fiscal year 2006;

(2) $5,795,000 for fiscal year 2007; and

(3) $5,939,000 for fiscal year 2008.

(c) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) $58,898,000 for fiscal year 2006;

(2) $61,843,000 for fiscal year 2007; and

(3) $63,389,000 for fiscal year 2008.

SEC. 8. ADVANCED TECHNOLOGY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) $140,000,000 for each of the fiscal years 2006 through 2008.

(b) REPORT ON ELIMINATION.—Not later than 3 months after the date of enactment of this Act, the Secretary shall submit to Congress a report detailing the impacts of the possible elimination of the Advanced Technology Program on the laboratory programs at the National Institute of Standards Technology.

(c) LOSS OF FUNDING.—At the time of the President's budget request for fiscal year 2007, the Secretary shall submit to Congress a report on how the Department of Commerce plans to absorb the loss of Advanced Technology Program funds to the laboratory programs at the National Institute of Standards and Technology, or otherwise mitigate the effects of this loss on its programs and personnel.

SEC. 9. STANDARDS EDUCATION PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) $773,000 for fiscal year 2006;

(2) $796,000 for fiscal year 2007; and

(3) $820,000 for fiscal year 2008.

By Mr. DURBIN:

S. 2137. A bill to amend title XXI of the Social Security Act to make all uninsured children eligible for the State children's health insurance program, to encourage States to increase the number of children enrolled in the medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2137

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 ''All Kids Health Insurance Coverage Act of 2005''.

SEC. 2. FINDINGS.

The Senate finds the following:

(1) There are more than 9,000,000 children in the United States with no health insurance coverage.

(2) Uninsured children, when compared to privately insured children, are —

(A) 3.5 times more likely to have gone without needed medical, dental, or other health care;

(B) 4 times more likely to have delayed seeking medical care;

(C) 5 times more likely to go without needed prescription drugs; and

(D) 6.5 times less likely to have a regular source of care.

(3) Children without health insurance coverage are at a disadvantage in the classroom, as shown by the following studies:

(A) The Florida Healthy Kids Annual Report published in 1997, found that children who do not have health care coverage are 25 percent more likely to miss school.

(B) A study of the California Health Families program found that children enrolled in public health coverage experienced a 68 percent improvement in school performance and school attendance.

(C) A 2002 Building Bridges to Healthy Kids and Better Students study conducted by the Council of Chief State School Officers in Vermont concluded that children who started out without health insurance saw their reading scores more than double after obtaining health care coverage.

(4) More than half of uninsured children in the United States are eligible for coverage under either the State Children's Health Insurance Program (SCHIP) or Medicaid, but are not enrolled in those safety net programs.

(5) Some States, seeing that the Federal Government is not providing assistance to middle class families who are unable to afford health insurance, are trying to extend health care coverage to some or all children in the State.

(6) State efforts to cover all children may not be successful without financial assistance from the Federal Government.

SEC. 3. ELIGIBILITY OF ALL UNINSURED CHILDREN FOR SCHIP.

(a) IN GENERAL.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)—

(A) by striking ''include'' and all that follows through ''a child who is an'' and inserting ''include a child who is an''; and

(B) by striking the semicolon and all that follows through the period and inserting a period; and

(3) by striking paragraph (4).

(b) NO EXCLUSION OF CHILDREN WITH ACCESS TO HIGH-COST COVERAGE.—Section 2110(b)(3) of the Social Security Act (42 U.S.C. 1397jj(b)(3)) is amended—

(1) in the paragraph heading, by striking ''RULE'' and inserting ''RULES'';

(2) by striking ''A child shall not be considered to be described in paragraph (1)(C)'' and inserting the following:

''(A) CERTAIN NON FEDERALLY FUNDED COVERAGE.—A child shall not be considered to be described in paragraph (1)(C)''; and

(3) by adding at the end the following:

''(B) NO EXCLUSION OF CHILDREN WITH ACCESS TO HIGH-COST COVERAGE.—A State may include a child as a targeted vulnerable child if the child has access to coverage under a group health plan or health insurance coverage and the total annual aggregate cost for premiums, deductibles, cost sharing, and similar charges imposed under the group health plan or health insurance coverage with respect to all targeted vulnerable children in the child's family exceeds 5 percent of such family's income for the year involved.''.

(c) CONFORMING AMENDMENTS.—

(1) Titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et. seq.) are amended by striking ''targeted low-income'' each place it appears and inserting ''targeted vulnerable''.

(2) Section 2101(a) of such Act (42 U.S.C. 1397aa(a)) is amended by striking ''uninsured, low-income'' and inserting ''low-income''.

(3) Section 2102(b)(3)(C) of such Act (42 U.S.C. 1397bb(b)(3)(C)) is amended by inserting '', particularly with respect to children whose family income exceeds 200 percent of the poverty line'' before the semicolon.

(4) Section 2102(b)(3)(E), section 2105(a)(1)(D)(ii), paragraphs (1)(C) and (2) of section 2107, and subsections (a)(1) and (d)(1)(B) of section 2108 of such Act (42 U.S.C. 1397bb(b)(3)(E); 1397ee(a)(1)(D)(ii); 1397gg; 1397hh) are amended by striking ''low-income'' each place it appears.

(5) Section 2110(a)(27) of such Act (42 U.S.C. 1397jj(a)(27)) is amended by striking ''eligible low-income individuals'' and inserting ''targeted vulnerable individuals''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 4. INCREASE IN FEDERAL FINANCIAL PARTICIPATION UNDER SCHIP AND MEDICAID FOR STATES WITH SIMPLIFIED ENROLLMENT AND RENEWAL PROCEDURES FOR CHILDREN.

(a) SCHIP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

''(C) NONAPPLICATION OF LIMITATION AND INCREASE IN FEDERAL PAYMENT FOR STATES WITH SIMPLIFIED ENROLLMENT AND RENEWAL PROCEDURES.—

''(i) IN GENERAL.—Notwithstanding subsection (a)(1) and subparagraph (A)—

''(I) the limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply with respect to expenditures incurred to carry out any of the outreach strategies described in clause (ii), but only if the State carries out the same outreach strategies for children under title XIX; and

''(II) the enhanced FMAP for a State for a fiscal year otherwise determined under subsection (b) shall be increased by 5 percentage points (without regard to the application of the 85 percent limitation under that subsection) with respect to such expenditures.

''(ii) OUTREACH STRATEGIES DESCRIBED.—For purposes of clause (i), the outreach strategies described in this clause are the following:

''(I) PRESUMPTIVE ELIGIBILITY.—The State provides for presumptive eligibility for children under this title and under title XIX.

''(II) ADOPTION OF 12-MONTH CONTINUOUS ELIGIBILITY.—The State provides that eligibility for children shall not be redetermined more often than once every year under this title or under title XIX.

''(III) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under this title or title XIX with respect to children.

''(IV) PASSIVE RENEWAL.—The State provides for the automatic renewal of the eligibility of children for assistance under this title and under title XIX if the family of which such a child is a member does not report any changes to family income or other relevant circumstances, subject to verification of information from State databases.''.

(b) MEDICAID.—

(1) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (3), by inserting ''subject to paragraph (5)'', after ''Notwithstanding subsection (a)(17),''; and

(B) by adding at the end the following:

''(5)(A) Notwithstanding the first sentence of section 1905(b), with respect to expenditures incurred to carry out any of the outreach strategies described in subparagraph (B) for individuals under 19 years of age who are eligible for medical assistance under subsection (a)(10)(A), the Federal medical assistance percentage is equal to the enhanced FMAP described in section 2105(b) and increased under section 2105(c)(2)(C)(i)(II), but only if the State carries out the same outreach strategies for children under title XXI.

''(B) For purposes of subparagraph (A), the outreach strategies described in this subparagraph are the following:

''(i) PRESUMPTIVE ELIGIBILITY.—The State provides for presumptive eligibility for such individuals under this title and title XXI.

''(ii) ADOPTION OF 12-MONTH CONTINUOUS ELIGIBILITY.—The State provides that eligibility for such individuals shall not be redetermined more often than once every year under this title or under title XXI.

''(iii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under this title or title XXI with respect to such individuals.

''(iv) PASSIVE RENEWAL.—The State provides for the automatic renewal of the eligibility of such individuals for assistance under this title and under title XXI if the family of which such an individual is a member does not report any changes to family income or other relevant circumstances, subject to verification of information from State databases.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking ''section 1933(d)'' and inserting ''sections 1902(l)(5) and 1933(d)''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 5. LIMITATION ON PAYMENTS TO STATES THAT HAVE AN ENROLLMENT CAP BUT HAVE NOT EXHAUSTED THE STATE'S AVAILABLE ALLOTMENTS.

(a) IN GENERAL.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

''(h) LIMITATION ON PAYMENTS TO STATES THAT HAVE AN ENROLLMENT CAP BUT HAVE NOT EXHAUSTED THE STATE'S AVAILABLE ALLOTMENTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, payment shall not be made to a State under this section if the State has an enrollment freeze, enrollment cap, procedures to delay consideration of, or not to consider, submitted applications for child health assistance, or a waiting list for the submission or consideration of such applications or for such assistance, and the State has not fully expended the amount of all allotments available with respect to a fiscal year for expenditure by the State, including allotments for prior fiscal years that remain available for expenditure during the fiscal year under subsection (c) or (g) of section 2104 or that were redistributed to the State under subsection (f) or (g) of section 2104.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a State from establishing regular open enrollment periods for the submission of applications for child health assistance.''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 6. ADDITIONAL ENHANCEMENT TO FMAP TO PROMOTE EXPANSION OF COVERAGE TO ALL UNINSURED CHILDREN UNDER MEDICAID AND SCHIP.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

''SEC. 2111. ADDITIONAL ENHANCEMENT TO FMAP TO PROMOTE EXPANSION OF COVERAGE TO ALL UNINSURED CHILDREN UNDER MEDICAID AND SCHIP.

''(a) IN GENERAL.—Notwithstanding subsection (b) of section 2105 (and without regard to the application of the 85 percent limitation under that subsection), the enhanced FMAP with respect to expenditures in a quarter for providing child health assistance to uninsured children whose family income exceeds 200 percent of the poverty line, shall be increased by 5 percentage points.

''(b) UNINSURED CHILD DEFINED.—

''(1) IN GENERAL.—For purposes of subsection (a), subject to paragraph (2), the term 'uninsured child' means an uncovered child who has been without creditable coverage for a period determined by the Secretary, except that such period shall not be less than 6 months.

''(2) SPECIAL RULE FOR NEWBORN CHILDREN.—In the case of a child 12 months old or younger, the period determined under paragraph (1) shall be 0 months and such child shall be considered uninsured upon birth.

''(3) SPECIAL RULE FOR CHILDREN LOSING MEDICAID OR SCHIP COVERAGE DUE TO INCREASED FAMILY INCOME.—In the case of a child who, due to an increase in family income, becomes ineligible for coverage under title XIX or this title during the period beginning on the date that is 12 months prior to the date of enactment of the All Kids Health Insurance Coverage Act of 2005 and ending on the date of enactment of such Act, the period determined under paragraph (1) shall be 0 months and such child shall be considered uninsured upon the date of enactment of the All Kids Health Insurance Coverage Act of 2005.

''(4) MONITORING AND ADJUSTMENT OF PERIOD REQUIRED TO BE UNINSURED.—The Secretary shall—

''(A) monitor the availability and retention of employer-sponsored health insurance coverage of dependent children; and

''(B) adjust the period determined under paragraph (1) as needed for the purpose of promoting the retention of private or employer-sponsored health insurance coverage of dependent children and timely access to health care services for such children.''.

(b) COST-SHARING FOR CHILDREN IN FAMILIES WITH HIGH FAMILY INCOME.—Section 2103(e)(3) of the Social Security Act (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

''(C) CHILDREN IN FAMILIES WITH HIGH FAMILY INCOME.—

''(i) IN GENERAL.—For children not described in subparagraph (A) whose family income exceeds 400 percent of the poverty line for a family of the size involved, subject to paragraphs (1)(B) and (2), the State shall impose a premium that is not less than the cost of providing child health assistance to children in such families, and deductibles, cost sharing, or similar charges shall be imposed under the State child health plan (without regard to a sliding scale based on income), except that the total annual aggregate cost-sharing with respect to all such children in a family under this title may not exceed 5 percent of such family's income for the year involved.

''(ii) INFLATION ADJUSTMENT.—The dollar amount specified in clause (i) shall be increased, beginning with fiscal year 2008, from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average). Any dollar amount established under this clause that is not a multiple of $100 shall be rounded to the nearest multiple of $100.''.

(c) ADDITIONAL ALLOTMENTS FOR STATES PROVIDING COVERAGE TO ALL UNINSURED CHILDREN IN THE STATE.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ALLOTMENTS FOR STATES PROVIDING COVERAGE TO ALL UNINSURED CHILDREN IN THE STATE.—

''(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States to provide coverage of all uninsured children (as defined in section 2111(b)) in the State under the State child health plan, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(A) for fiscal years 2007, 2008, and 2009, $3,000,000,000;

''(B) for fiscal year 2010, $5,000,000,000; and

''(C) for fiscal year 2011, $7,000,000,000.

''(2) STATE AND TERRITORIAL ALLOTMENTS.—

''(A) IN GENERAL.—In addition to the allotments provided under subsections (b) and (c), subject to subparagraph (B) and paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan that provides coverage of all uninsured children (as so defined) in the State approved under this title—

''(i) in the case of such a State other than a commonwealth or territory described in subsection (ii), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to 98.95 percent of the total amount of the allotments under such section for such States eligible for an allotment under this subparagraph for such fiscal year; and

''(ii) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment

under subsection (c) (determined without regard to subsection (f)) to 1.05 percent of the total amount of the allotments under such section for commonwealths and territories eligible for an allotment under this subparagraph for such fiscal year.

''(B) MINIMUM ALLOTMENT.—

''(i) IN GENERAL.—No allotment to a State for a fiscal year under this subsection shall be less than 50 percent of the amount of the allotment to the State determined under subsections (b) and (c) for the preceding fiscal year.

''(ii) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the allotments determined under this subsection as are necessary to comply with the requirements of clause (i).

''(C) AVAILABILITY AND REDISTRIBUTION OF UNUSED ALLOTMENTS.—In applying subsections (e) and (f) with respect to additional allotments made available under this subsection, the procedures established under such subsections shall ensure such additional allotments are only made available to States which have elected to provide coverage under section 2111.

''(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2005. Such amounts are available for amounts expended on or after such date for child health assistance for uninsured children (as defined in section 2111(b)).

''(4) REQUIRING ELECTION TO PROVIDE COVERAGE.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State has made an election to provide child health assistance for all uninsured children (as so defined) in the State, including such children whose family income exceeds 200 percent of the poverty line.''.

(2) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a), by inserting ''subject to subsection (d),'' after ''under this section,'';

(B) in subsection (b)(1), by inserting ''and subsection (d)'' after ''Subject to paragraph (4)''; and

(C) in subsection (c)(1), by inserting ''subject to subsection (d),'' after ''for a fiscal year,''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 7. REPEAL OF THE SCHEDULED PHASEOUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(1) by striking subparagraphs (E) and (F) of section 151(d)(3), and

(2) by striking subsections (f) and (g) of section 68.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. DODD, Ms. CANTWELL, Ms. MIKULSKI, Mr. OBAMA, and Ms. STABENOW):

S. 2138. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce the End Racial Profiling Act of 2005. I am proud to be joined again by my friend from New Jersey, Senator CORZINE, and a number of other cosponsors. It is fitting that this bill will be introduced in one of the final days of Senator CORZINE's service in this body. He has been a major force in efforts to advance this legislation from the day he joined the Senate 4 years ago.

Ending racial profiling in America has been a priority for me for many years. I worked with the senior Senator from New Jersey, Mr. LAUTENBERG, back in 1999 on a bill to collect statistics on racial profiling. In 2001, in his first State of the Union address, President Bush told the American people that ''racial profiling is wrong and we will end it in America.'' He asked the Attorney General to implement a policy to end racial profiling.

The Department of Justice released a Fact Sheet and Policy Guidance addressing racial profiling in 2003, stating that racial profiling is wrong and ineffective and perpetuates negative racial stereotypes in our country. Though these guidelines are helpful, they do not end racial profiling and they do not have the force of law. Unfortunately, more than 4 years after the President's ringing endorsement of our goal, racial profiling has not ended in this country.

I am proud today, therefore, to introduce the End Racial Profiling Act of 2005. This bill will do what the President promised; it will help America achieve the goal of bringing an end to racial profiling. This bill bans racial profiling and requires Federal, State and local law enforcement officers to take steps to end it.

Racial profiling is the practice by which some law enforcement agents routinely stop African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, national origin, or perceived religion. Reports in States from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are being stopped by some police far more often than their share of the population and the crime rates for those racial categories.

Passing this bill is even more urgent after September 11, as we have seen racial profiling used against Arab and Muslim Americans or Americans perceived to be Arab or Muslim. The September 11 attacks were horrific, and I share the determination of many Americans that finding those responsible and preventing future attacks should be this Nation's top priority. This is a challenge that our country can and must meet. But we need improved intelligence and law enforcement. Making assumptions based on racial, ethnic, or religious stereotypes will not protect our nation from crime and future terrorist attacks.

Numerous Government studies have shown that racial profiling is entirely ineffective. Some police departments around the country have recognized the many problems with racial profiling. In response, those departments have developed programs and policies to prevent racial profiling and comply with the Department of Justice's policy guidance. In my own State of Wisconsin, law enforcement officials have taken steps to train police officers, improve academy training, establish model policies prohibiting racial profiling, and improve relations with our State's diverse communities. I applaud the efforts of Wisconsin law enforcement. This is excellent progress and shows widespread recognition that racial profiling harms our society. But like the DOJ policy guidance, local programs don't have the force of law behind them. The Federal Government must step up, as President Bush promised. The Government must play a vital role in protecting civil rights and acting as a model for State and local law enforcement.

Now, perhaps more than ever before, our Nation cannot afford to waste precious law enforcement resources or alienate Americans by tolerating discriminatory practices. It is past time for Congress and the President to enact comprehensive Federal legislation that will end racial profiling once and for all.

In clear language, the End Racial Profiling Act of 2005 bans racial profiling. It defines racial profiling in terms that are consistent with the Department of Justice's Policy Guidance. But this bill does more than prohibit and define racial profiling—it gives law enforcement agencies and officers the tools necessary to end the harmful practice. For that reason, the End Racial Profiling Act of 2005 is a pro-law enforcement bill.

This bill will allow the Justice Department or individuals the ability to enforce the prohibition by filing a suit for injunctive relief. The bill would also require Federal, State, and local law enforcement agencies to adopt policies prohibiting racial profiling, implement effective complaint procedures or create independent auditor programs, implement disciplinary procedures for officers who engage in the practice, and collect data on stops. In addition, it requires the Attorney General to report to Congress so Congress and the American people can monitor whether the steps outlined in the bill to prevent and end racial profiling have been effective.

Like the bills introduced in past Congresses, this bill also authorizes the Attorney General to provide incentive grants to help law enforcement comply with the ban on racial profiling, including funds to conduct training of police officers or purchase in-car video cameras.

This year's bill makes one significant improvement to ERPA. In past proposals, DOJ grants for State, local, and

tribal law enforcement agencies were tied to the agency having some kind of procedure for handling complaints of racial profiling. This year, at the suggestion of experts in the field, the bill requires law enforcement agencies to adopt either an administrative complaint procedure or an independent auditor program to be eligible for DOJ grants. The Attorney General must promulgate regulations that set out the types of procedures and audit programs that will be sufficient. We believe that the independent auditor option will be preferable for many local law enforcement agencies. And such programs have proven to be an effective way to discourage racial profiling. Also, under this year's bill, the Attorney General is required to conduct a 2-year demonstration project to help law enforcement agencies with data collection.

Let me emphasize that local, State, and Federal law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias and we are all indebted to them for their courage and dedication. This bill should not be misinterpreted as a criticism of those who put their lives on the line for the rest of us every day. Rather, it is a statement that the use of race, ethnicity, religion, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is wrong and ineffective, except where there is specific information linking persons of a particular race, ethnicity, religion, or national origin to a crime.

The provisions in this bill will help restore the trust and confidence of the communities that our law enforcement have pledged to serve and protect. That confidence is crucial to our success in stopping crime and in stopping terrorism. The End Racial Profiling Act of 2005 is good for law enforcement and good for America.

I urge the President to make good on his pledge to end racial profiling, and I urge my colleagues to join me in supporting the End Racial Profiling Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2138

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 ''End Racial Profiling Act of 2005'' or ''ERPA''.

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

SEC. 2. FINDINGS, PURPOSES, AND INTENT.

(a) FINDINGS.—Congress finds the following:

(1) Federal, State, and local law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias.

(2) The use by police officers of race, ethnicity, national origin, or religion in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is improper.

(3) In his address to a joint session of Congress on February 27, 2001, President George W. Bush declared that ''racial profiling is wrong and we will end it in America.''. He directed the Attorney General to implement this policy.

(4) In June 2003, the Department of Justice issued a Policy Guidance regarding racial profiling by Federal law enforcement agencies which stated: ''Racial profiling in law enforcement is not merely wrong, but also ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society.''.

(5) The Department of Justice Guidance is a useful first step, but does not achieve the President's stated goal of ending racial profiling in America, as—

(A) it does not apply to State and local law enforcement agencies;

(B) it does not contain a meaningful enforcement mechanism;

(C) it does not require data collection; and

(D) it contains an overbroad exception for immigration and national security matters.

(6) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while also laudable, have been limited in scope and insufficient to address this national problem. Therefore, Federal legislation is needed.

(7) Statistical evidence from across the country demonstrates that racial profiling is a real and measurable phenomenon.

(8) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed 5 pattern or practice lawsuits involving allegations of racial profiling, with 4 of those cases resolved through consent decrees.

(9) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, national origin, or religion are found to be law abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(10) A 2001 Department of Justice report on citizen-police contacts that occurred in 1999, found that, although Blacks and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of Black drivers yielded evidence only 8 percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of White drivers yielded evidence 17 percent of the time.

(11) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that—

(A) Black women who were United States citizens were 9 times more likely than White women who were United States citizens to be x-rayed after being frisked or patted down;

(B) Black women who were United States citizens were less than half as likely as White women who were United States citizens to be found carrying contraband; and

(C) in general, the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(12) A 2005 report of the Bureau of Justice Statistics of the Department of Justice on citizen-police contacts that occurred in 2002, found that, although Whites, Blacks, and Hispanics were stopped by the police at the same rate—

(A) Blacks and Hispanics were much more likely to be arrested than Whites;

(B) Hispanics were much more likely to be ticketed than Blacks or Whites;

(C) Blacks and Hispanics were much more likely to report the use or threatened use of force by a police officer;

(D) Blacks and Hispanics were much more likely to be handcuffed than Whites; and

(E) Blacks and Hispanics were much more likely to have their vehicles searched than Whites.

(13) In some jurisdictions, local law enforcement practices, such as ticket and arrest quotas and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(14) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(15) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(16) In the wake of the September 11, 2001, terrorist attacks, many Arabs, Muslims, Central and South Asians, and Sikhs, as well as other immigrants and Americans of foreign descent, were treated with generalized

suspicion and subjected to searches and seizures based upon religion and national origin, without trustworthy information linking specific individuals to criminal conduct. Such profiling has failed to produce tangible benefits, yet has created a fear and mistrust of law enforcement agencies in these communities.

(17) Racial profiling violates the equal protection clause of the fourteenth amendment to the Constitution of the United States. Using race, ethnicity, religion, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Batson v. Kentucky, 476 U.S. 79 (1986); Palmore v. Sidoti, 466 U.S. 429 (1984).

(18) Racial profiling is not adequately addressed through suppression motions in criminal cases for 2 reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence under the fourth amendment to the Constitution of the United States. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(19) A comprehensive national solution is needed to address racial profiling at the Federal, State, and local levels. Federal support is needed to combat racial profiling through specialized training of law enforcement agents, improved management systems, and the acquisition of technology such as in-car video cameras.

(b) PURPOSES.—The purposes of this Act are—

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the fifth amendment and section 5 of the fourteenth amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the fourteenth amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

(c) INTENT.—This Act is not intended to and should not impede the ability of Federal, State, and local law enforcement to protect the country and its people from any threat, be it foreign or domestic.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term ''covered program'' means any program or activity funded in whole or in part with funds made available under—

(A) the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.));

(B) the Edward Byrne Memorial Justice Assistance Grant Program, as described in appropriations Acts; and

(C) the ''Cops on the Beat'' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(d)(8) of that Act (42 U.S.C. 3796dd(d)(8)).

(2) GOVERNMENTAL BODY.—The term ''governmental body'' means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603)).

(4) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means any Federal, State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(5) LAW ENFORCEMENT AGENT.—The term ''law enforcement agent'' means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of a law enforcement agency.

(6) RACIAL PROFILING.—The term ''racial profiling'' means the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme.

(7) ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES.—The term ''routine or spontaneous investigatory activities'' means the following activities by a law enforcement agent:

(A) Interviews.

(B) Traffic stops.

(C) Pedestrian stops.

(D) Frisks and other types of body searches.

(E) Consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians.

(F) Inspections and interviews of entrants into the United States that are more extensive than those customarily carried out.

(G) Immigration related workplace investigations.

(H) Such other types of law enforcement encounters compiled by the Federal Bureau of Investigation and the Justice Departments Bureau of Justice Statistics.

(8) REASONABLE REQUEST.—The term ''reasonable request'' means all requests for information, except for those that—

(A) are immaterial to the investigation;

(B) would result in the unnecessary exposure of personal information; or

(C) would place a severe burden on the resources of the law enforcement agency given its size.

(9) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes;

(C) any Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; or

(ii) any Trust Territory of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States.

(b) PARTIES.—In any action brought under this title, relief may be obtained against—

(1) any governmental body that employed any law enforcement agent who engaged in racial profiling;

(2) any agent of such body who engaged in racial profiling; and

(3) any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine or spontaneous investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial, ethnic, or religious minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEY'S FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of Federal law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents;

(5) policies requiring that appropriate action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(6) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE, LOCAL, AND INDIAN TRIBAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State, a unit of local government, or a State, local, or Indian tribal law enforcement agency for funding under a covered program shall include a certification that such State, unit of local government, or law enforcement agency, and any law enforcement agency to which it will distribute funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) does not engage in any existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents, including procedures that allow a complaint to be made through any of the methods described in section 302(b)(2);

(5) mechanisms for providing information to the public relating to the administrative complaint procedure or independent auditor program established under section 302;

(6) policies requiring that appropriate action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(7) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) EFFECTIVE DATE.—This section shall take effect 12 months after the date of enactment of this Act.

SEC. 302. ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM REQUIRED FOR GRANTS.

(a) ESTABLISHMENT OF ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM.—An application by a State or unit of local government for funding under a covered program shall include a certification that the applicant has established and is maintaining, for each law enforcement agency of the applicant, either—

(1) an administrative complaint procedure that meets the requirements of subsection (b); or

(2) an independent auditor program that meets the requirements of subsection (c).

(b) REQUIREMENTS FOR ADMINISTRATIVE COMPLAINT PROCEDURE.—To meet the requirements of this subsection, an administrative complaint procedure shall—

(1) allow any person who believes there has been a violation of section 101 to file a complaint;

(2) allow a complaint to be made—

(A) in writing or orally;

(B) in person or by mail, telephone, facsimile, or electronic mail; and

(C) anonymously or through a third party;

(3) require that the complaint be investigated and heard by an independent review board that—

(A) is located outside of any law enforcement agency or the law office of the State or unit of local government;

(B) includes, as at least a majority of its members, individuals who are not employees of the State or unit of local government;

(C) does not include as a member any individual who is then serving as a law enforcement agent;

(D) possesses the power to request all relevant information from a law enforcement agency; and

(E) possesses staff and resources sufficient to perform the duties assigned to the independent review board under this subsection;

(4) provide that the law enforcement agency shall comply with all reasonable requests for information in a timely manner;

(5) require the review board to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;

(6) provide that a hearing be held, on the record, at the request of the complainant;

(7) provide for an appropriate remedy, and publication of the results of the inquiry by the review board, if the review board determines that a violation of section 101 has occurred;

(8) provide that the review board shall dismiss the complaint and publish the results of the inquiry by the review board, if the review board determines that no violation has occurred;

(9) provide that the review board shall make a final determination with respect to a complaint in a reasonably timely manner;

(10) provide that a record of all complaints and proceedings be sent to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(11) provide that no published information shall reveal the identity of the law enforcement officer, the complainant, or any other individual who is involved in a detention; and

(12) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(c) REQUIREMENTS FOR INDEPENDENT AUDITOR PROGRAM.—To meet the requirements of this subsection, an independent auditor program shall—

(1) provide for the appointment of an independent auditor who is not a sworn officer or employee of a law enforcement agency;

(2) provide that the independent auditor be given staff and resources sufficient to perform the duties of the independent auditor program under this section;

(3) provide that the independent auditor be given full access to all relevant documents and data of a law enforcement agency;

(4) require the independent auditor to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;

(5) require the independent auditor to issue a public report each year that—

(A) addresses the efforts of each law enforcement agency of the State or unit of local government to combat racial profiling; and

(B) recommends any necessary changes to the policies and procedures of any law enforcement agency;

(6) require that each law enforcement agency issue a public response to each report issued by the auditor under paragraph (5);

(7) provide that the independent auditor, upon determining that a law enforcement agency is not in compliance with this Act, shall forward the public report directly to the Attorney General;

(8) provide that the independent auditor shall engage in community outreach on racial profiling issues; and

(9) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(d) LOCAL USE OF STATE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM.—

(1) IN GENERAL.—A State shall permit a unit of local government within its borders to use the administrative complaint procedure or independent auditor program it establishes under this section.

(2) EFFECT OF USE.—A unit of local government shall be deemed to have established and maintained an administrative complaint procedure or independent auditor program for purposes of this section if the unit of local government uses the administrative complaint procedure or independent auditor program of either the State in which it is located, or another unit of local government in the State in which it is located.

(e) EFFECTIVE DATE.—This section shall go into effect 12 months after the date of enactment of this Act.

SEC. 303. INVOLVEMENT OF ATTORNEY GENERAL.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act and in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, the Attorney General shall issue regulations for the operation of the administrative complaint procedures and independent auditor programs required under subsections (b) and (c) of section 302.

(2) GUIDELINES.—The regulations issued under paragraph (1) shall contain guidelines that ensure the fairness, effectiveness, and independence of the administrative complaint procedures and independent auditor programs.

(b) NONCOMPLIANCE.—If the Attorney General determines that the recipient of any covered grant is not in compliance with the requirements of section 301 or 302 or the regulations issued under subsection (a), the Attorney General shall withhold, in whole or in part, funds for 1 or more covered grants, until the grantee establishes compliance.

(c) PRIVATE PARTIES.—The Attorney General shall provide notice and an opportunity for private parties to present evidence to the Attorney General that a grantee is not in compliance with the requirements of this title.

SEC. 304. DATA COLLECTION DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall, through competitive grants or contracts, carry out a 2-year demonstration project for the purpose of developing and implementing data collection on hit rates for stops and searches. The data shall be disaggregated by race, ethnicity, national origin, and religion.

(b) COMPETITIVE AWARDS.—The Attorney General shall provide not more than 5 grants or contracts to police departments that—

(1) are not already collecting data voluntarily or otherwise; and

(2) serve communities where there is a significant concentration of racial or ethnic minorities.

(c) REQUIRED ACTIVITIES.—Activities carried out under subsection (b) shall include—

(1) developing a data collection tool;

(2) training of law enforcement personnel on data collection;

(3) collecting data on hit rates for stops and searches; and

(4) reporting the compiled data to the Attorney General.

(d) EVALUATION.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall enter into a contract with an institution of higher education to analyze the data collected by each of the 5 sites funded under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out activities under this section—

(1) $5,000,000, over a 2-year period for a demonstration project on 5 sites; and

(2) $500,000 to carry out the evaluation in subsection (d).

SEC. 305. BEST PRACTICES DEVELOPMENT GRANTS.

(a) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance, may make grants to States, law enforcement agencies, and units of local government to develop and implement best practice devices and systems to eliminate racial profiling.

(b) USE OF FUNDS.—The funds provided under subsection (a) may be used for—

(1) the development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public;

(2) the acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities sufficient to permit an analysis of these activities by race, ethnicity, national origin, and religion;

(3) the analysis of data collected by law enforcement agencies to determine whether

the data indicate the existence of racial profiling;

(4) the acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems;

(5) the development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in, or at risk of engaging in, racial profiling or other misconduct, including the technology to support such systems;

(6) the establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial, ethnic, or religious bias by law enforcement agents;

(7) the establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates; and

(8) the establishment and maintenance of an administrative complaint procedure or independent auditor program under section 302.

(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.

(d) APPLICATION.—Each State, local law enforcement agency, or unit of local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IV—DATA COLLECTION

SEC. 401. ATTORNEY GENERAL TO ISSUE REGULATIONS.

(a) REGULATIONS.—Not later than 6 months after the enactment of this Act, the Attorney General, in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, shall issue regulations for the collection and compilation of data under sections 201 and 301.

(b) REQUIREMENTS.—The regulations issued under subsection (a) shall—

(1) provide for the collection of data on all routine or spontaneous investigatory activities;

(2) provide that the data collected shall—

(A) be collected by race, ethnicity, national origin, gender, and religion, as perceived by the law enforcement officer;

(B) include the date, time, and location of the investigatory activities; and

(C) include detail sufficient to permit an analysis of whether a law enforcement agency is engaging in racial profiling;

(3) provide that a standardized form shall be made available to law enforcement agencies for the submission of collected data to the Department of Justice;

(4) provide that law enforcement agencies shall compile data on the standardized form created under paragraph (3), and submit the form to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(5) provide that law enforcement agencies shall maintain all data collected under this Act for not less than 4 years;

(6) include guidelines for setting comparative benchmarks, consistent with best practices, against which collected data shall be measured; and

(7) provide that the Bureau of Justice Statistics shall—

(A) analyze the data for any statistically significant disparities, including—

(i) disparities in the percentage of drivers or pedestrians stopped relative to the proportion of the population passing through the neighborhood;

(ii) disparities in the percentage of false stops relative to the percentage of drivers or pedestrians stopped; and

(iii) disparities in the frequency of searches performed on minority drivers and the frequency of searches performed on nonminority drivers; and

(B) not later than 3 years after the date of enactment of this Act, and annually thereafter, prepare a report regarding the findings of the analysis conducted under subparagraph (A) and provide the report to Congress and make the report available to the public, including on a website of the Department of Justice.

SEC. 402. PUBLICATION OF DATA.

The Bureau of Justice Statistics shall provide to Congress and make available to the public, together with each annual report described in section 401, the data collected pursuant to this Act.

SEC. 403. LIMITATIONS ON PUBLICATION OF DATA.

The name or identifying information of a law enforcement officer, complainant, or any other individual involved in any activity for which data is collected and compiled under this Act shall not be—

(1) released to the public;

(2) disclosed to any person, except for such disclosures as are necessary to comply with this Act;

(3) subject to disclosure under section 552 of title 5, United States Code (commonly know as the Freedom of Information Act).

TITLE V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 501. ATTORNEY GENERAL TO ISSUE REGULATIONS AND REPORTS.

(a) REGULATIONS.—In addition to the regulations required under sections 303 and 401, the Attorney General shall issue such other regulations as the Attorney General determines are necessary to implement this Act.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by law enforcement agencies.

(2) SCOPE.—Each report submitted under paragraph (1) shall include—

(A) a summary of data collected under sections 201(b)(3) and 301(b)(1)(C) and from any other reliable source of information regarding racial profiling in the United States;

(B) a discussion of the findings in the most recent report prepared by the Bureau of Justice Statistics under section 401(a)(8);

(C) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies under section 201;

(D) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies under sections 301 and 302; and

(E) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of this Act to any person or circumstance shall not be affected thereby.

SEC. 602. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

Mr. CORZINE. Mr. President, I rise to in support of the End Racial Profiling Act a bill being introduced today by Senators FEINGOLD, OBAMA and myself. This bill addresses an issue that is critical to the people of my home State of New Jersey and to all Americans.

I start by recognizing two of my colleagues with whom I have been working to address the problem of racial profiling. Senator RUSS FEINGOLD has been a tremendous leader on this issue he held the first Senate hearings on racial profiling in 2001, and he and his staff have worked tirelessly to elevate the importance of this issue as a matter of civil rights. I also want to recognize Senator OBAMA he has been a constant champion of efforts to combat racial profiling. Senator OBAMA took the lead in writing one of the Nation's most innovative pieces of legislation on the collection of racial profiling data when he was in the Illinois State Senate, and he has been equally committed to the issue since joining the U.S. Senate. Both Senators FEINGOLD and OBAMA have worked tirelessly to make the bill we are introducing today a reality.

Racial profiling is anathema to the principles on which our Nation was founded, sowing division within our communities and striking at the heart of our democratic values.

Stopping people on our highways, our streets, and at our borders because of the color of their skin is simply wrong, and it is incompatible with the fundamental American belief in fairness, justice, and equal protection under the law.

Every American is entitled to equal protection under the law. Our Constitution tolerates nothing less, and we should demand nothing less.

There is no equal protection there is no equal justice if law enforcement agencies engage in policies and practices that are premised on a theory that the way to stop crime is to go after minorities on the hunch that they are more likely to be criminals.

Let me add that not only is racial profiling wrong, it is simply not an effective law enforcement tool. There is no evidence that stopping people of color adds up to catching the ''bad guys.''

In fact, empirical evidence shows that singling out Black motorists or Hispanic motorists for stops and searches doesn't lead to a higher percentage of arrests because minority motorists are no more likely to break the law than white motorists.

What is more, the practice of racial profiling actually undermines public

safety, by contributing to the perception in minority neighborhoods that the criminal justice system is unfair, and eroding the trust between communities and the police that is so essential to effective law enforcement.

Nonetheless, racial profiling persists.

Unfortunately, the practice is real and widespread throughout the Nation.

A 2005 report of the Department of Justice found that Blacks and Hispanics throughout the Nation were much more likely to be handcuffed and have their cars searched by law enforcement during traffic stops, even though they were less likely to be harboring contraband.

A Government Accountability Office report on the U.S. Customs Service released in March 2000 found that Black, Asian, and Hispanic women were four to nine times more likely than White women to be subjected to xrays after being frisked or patted down.

But on the basis of the xray results, Black women were less than half as likely as White women to be found carrying contraband.

This is law enforcement by hunch. No warrants. No probable cause.

And what is the hunch based on?

Race, ethnicity, national origin, or religion plain and simple. And that is plain wrong.

Now—we know that many law enforcement agencies, including some from my home state, have acknowledged the danger of the practice and have taken steps to combat it. I commend them for their efforts.

That said, it is clear that this is a national problem that requires a Federal response applicable to all.

Our legislation is a strong but measured response to the destructive problem of racial profiling.

First, it defines racial profiling and bans it.

Racial profiling is defined in the bill to include routine or spontaneous investigatory stops based on race, ethnicity, national origin, or religion. This conduct is wrong and must be stopped. The President and the Attorney General have said just that. The legislation would be the first Federal statute to prohibit this practice at the Federal, State, and local level.

To guarantee that the statute does not impede legitimate and responsible policing, the statute is careful to exclude from the ban on racial profiling those cases where there is trustworthy information that links a person of a particular race, ethnicity, national origin, or religion to a particular crime.

Our bill also gives the ban on racial profiling teeth by allowing the Department of Justice or an individual harmed by racial profiling to obtain declaratory or injunctive relief from a court if the Government does not take steps to end racial profiling.

Next, the statute will require the collection of statistical data to measure whether progress is being made. By collecting this data we will get a fair and honest picture of law enforcement at work. And we will provide law enforcement agencies with the information they need to detect problems early on.

Our bill directs the Attorney General to develop standards for data collection and instructs the Attorney General to consult with law enforcement and other stakeholders in developing those standards. It also specifically directs the Attorney General to establish standards for setting benchmarks against which the collected data should be measured so that no data is taken out of context, as some in law enforcement rightly fear. Finally, we will require the Bureau of Justice Statistics in the Department of Justice to analyze these statistics on an annual basis so that the Nation can gauge the success of its efforts to combat this corrosive practice.

Finally, we will encourage a change in law enforcement culture through the use of the carrot and the stick.

First, the carrot: We recognize that law enforcement shouldn't be expected to do this alone. So this bill says that if you do the job right fairly and equitably you are eligible to receive development grants to help pay for the following: Advanced training programs; computer technology to help collect data and statistics; video cameras and recorders for patrol cars; establishing or improving systems for handling complaints alleging ethnic or racial profiling; and establishing management systems to ensure that supervisors are held accountable for the conduct of subordinates.

Further, we will direct the Attorney General to conduct a demonstration project that will give grants to police departments to help them collect racial profiling data and then work with an institution of higher learning to analyze the collect data.

But if law enforcement agencies don't do the job right, there is also the stick. Our bill will require law enforcement agencies to put in place procedures to receive and investigate complaints alleging racial profiling. The bill gives the law enforcement agencies the flexibility and the options to adopt the procedures that best fit the needs of their local communities. Further, the bill permits localities to cooperate with other communities and with the State in which they are located to develop shared procedures to invest racial profiling problems in the community.

If State and local law enforcement agencies refuse to implement procedures to end and prevent profiling, they will be subject to a loss of Federal law enforcement funds.

Let me be clear this bill is not about blaming law enforcement. Most law enforcement officers discharge their duties responsibly. But stopping people based solely on race, ethnicity, national origin, or religion will be outlawed.

We have introduced two bills in the last 5 years to eliminate racial profiling. The President of the United States has condemned racial profiling in his State of the Union address. There is a broad and bipartisan consensus that it is an unfair and destructive practice. And yet we have failed to act.

In the meantime, racial profiling has continued to breed humiliation, anger, resentment, and cynicism throughout this country.

It has weakened respect for the law by everyone, not just those offended.

Simply put it is wrong and we must finally end it. Today we pledge to do just that to define it, to ban it, and to enforce this ban.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 2139. A bill to amend the Internal Revenue Code of 1986 to simplify the earned income tax credit eligibility requirements regarding filing status, presence of children, investment income, and work and immigrant status; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the Earned Income Tax Credit Simplification Act. This legislation will greatly improve one of our Nation's most important antipoverty programs and streamline one of the most complicated sections of our income tax code. And I am extremely pleased that my good friend from Maine, Senator OLYMPIA SNOWE, has agreed to be an original cosponsor of this bill. I look forward to working with her, as members of the Senate Finance Committee, to enact this important tax simplification proposal.

In 2003, almost 21 million hard-working Americans benefited from the earned income tax credit, including 141,707 in my own State of West Virginia. Many of those serving in our Armed Forces benefit from the EITC. The EITC rewards hard work and helps these families make ends meet. However, the eligibility criteria for claiming the credit are so complicated that many people legitimately entitled to benefit from the credit do not even realize it. And unfortunately, too many erroneous claims occur. The tax credit should not be so complicated that cash-strapped families need the help of an accountant to file their taxes.

The Earned Income Tax Credit Simplification Act would make four important changes to the eligibility requirements of the credit. First, it would simplify the ''abandoned spouse'' rule so that custodial parents who are separated but not divorced would be able to claim the credit. Second, it would allow a taxpayer living in the same house with a qualifying child but not claiming that child for the EITC benefit to qualify for EITC benefits available to taxpayers without children. Third, the bill would eliminate the qualifying investment income test for EITC claimants. Finally, the bill would make sure that only immigrants who comply with all of the immigration rules would qualify for the EITC, preventing people who are not allowed to

work in the United States from claiming the credit.

These are commonsense reforms based on recommendations in the budget submitted to Congress by the Bush administration. I hope that they can be enacted quickly so that taxpayers whom Congress intended to help with the EITC will be able to claim the benefits without unnecessary and intimidating paperwork. I look forward to working with my colleagues to enact this legislation.

BY Mr. HATCH (for himself and Mr. BROWNBACK):

S. 2140. A bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, joined by my friend from Kansas, Senator BROWNBACK, I am today introducing the Protecting Children from Sexual Exploitation Act of 2005.

This bill will strengthen an important tool for protecting children from the exploitation of child pornography.

Pornography is devastating communities, families, and individual lives.

On November 10, the Senator from Kansas chaired a hearing in the Judiciary Subcommittee on the Constitution titled ''Why the Government Should Care About Pornography.''

Witnesses at that hearing included authors and researchers documenting the devastation wrought by pornography.

Children are pornography's most vulnerable and most devastated victims.

Abusing children through early exposure to pornography has lifelong effects.

Even worse, however, is the actual use of children to make sexually explicit material.

This is perhaps the worst form of sexual exploitation because the abuse only begins with its production.

Children lack the maturity to choose participation in that activity and to accept its aftermath.

Everyone who intentionally copies, distributes, advertises, purchases, or consumes sexually explicit material involving children should be held responsible as part of the ongoing chain of exploitation.

For this compelling reason, Federal law prohibits using children to produce visual depictions of either actual or simulated sexually explicit conduct.

As an additional deterrent to this abhorrent practice, Federal law also requires those who produce sexually explicit material to keep records regarding the age of performers and to make those records available for inspection.

That recordkeeping statute is found in the United States Code in section 2257 of title 18.

Section 2257 is inadequate for its crucial task and the bill I introduce today strengthens it in four ways.

First, section 2257 defines actual sexually explicit conduct too narrowly, incorporating only four of the five. part definition found right next door in the definitional section 2256.

Our bill makes these definitions consistent.

Second, and more importantly, while Federal law prohibits using children to make depictions of either actual or simulated sexually explicit conduct, section 2257 applies only to those who produce depictions of actual conduct.

Our bill applies the same recordkeeping requirements to those who produce depictions of simulated conduct.

The purpose is obvious.

If you produce sexually explicit material, you have to keep age-related records.

Period.

Third, while section 2257 requires maintaining records and making them available for inspection, it only makes unlawful failure to maintain the records.

This implies that while making these important records available for inspection is a duty, refusing to do so is not a crime.

Our bill corrects that error by explicitly stating that refusal to permit inspection of these records is also a crime.

Eliminating such ambiguity is very important.

Maintaining records is necessary, but not sufficient, to ensure that children are not being exploited.

Because inspection of those records makes the circle of protection complete, we must make crystal clear that refusal to permit inspections is a crime.

Fourth, the definition in section 2257 of what it means to produce sexually explicit material is inadequate.

That definition must be guided by the nature of the harm that flows from this kind of sexual exploitation.

Filming or taking a picture of a child engaged in sexually explicit conduct is certainly sexual exploitation by itself.

But the abuse does not end there.

Those whose actions constitute links in the chain of exploitation must be covered by this recordkeeping statute if it is to be an effective tool to protect children.

My friend from Kansas, Senator BROWNBACK, graciously allowed me to participate in the latest hearing in his subcommittee on the effects of pornography.

Witnesses highlighted how new technology can magnify those effects.

While the Internet can be a powerful tool for good, it can also be an insidious tool for evil.

It can compound the sexual exploitation of children by disseminating and commercializing child pornography.

And while we all know how difficult it is for sound public policy to keep pace with developing and changing technology, failing to do so in this area leaves children even more exposed to ongoing victimization and exploitation.

For that reason, our bill provides both a substantive definition of that important term, ''produces,'' and lists five targeted exceptions, five specific categories of those who are not included in this definition.

The definition includes obvious activities such as filming or photographing someone but also activities such as duplicating or reissuing images for commercial distribution.

It also includes managing the sexually explicit content of a computer site.

At the same time, our bill does not include in the definition of the term ''produces'' activities that do not involve the hiring, managing, or arranging for the performers' participation.

It exempts provision of Web-hosting services when the provider does not manage sexually explicit content.

In strengthening section 2257, the bill we are introducing today meets three important objectives.

First and foremost, this bill will make the recordkeeping statute a more effective tool for protecting children from sexual exploitation.

Second, our bill strengthens the recordkeeping statute while minimizing unintended consequences.

I mentioned the care with which our bill defines key terms such as ''produces.''

Our bill also places the extension of recordkeeping requirements regarding depictions of simulated material in a separate section 2257A.

This step responded to a legitimate concern by the motion picture industry.

Third, our bill strengthens the recordkeeping statute in ways that make it a more workable and practical tool for the prosecutors who have to use it.

I believe that as the Congress deals with this difficult issue, we must keep all three of these objectives in mind.

Some might want to create a draconian statute that sweeps too broadly.

Others may want to water down the statute in ways that create obstacles for prosecutors and make the statute ineffective.

My bill strengthens this important tool for protecting children without sweeping too broadly and without needlessly hobbling prosecutors.

Finally, let me say just a few things about the process leading up to introduction of this bill today.

Two versions of this bill have been introduced in the other body, most recently last week as title VI of H.R.4472, the Children's Safety and Violent Crime Reduction Act of 2005.

Representatives of the motion picture industry and Internet companies have been working with us to refine this legislation.

I also commend my colleagues in the House, Representative MIKE PENCE and Chairman JIM SENSENBRENNER, for their leadership on this issue.

In addition, the Department of Justice has provided valuable input in this

process. I applaud Attorney General Gonzales for making the prosecution of obscenity, child pornography, and other forms of child exploitation a real priority.

I understand that the Attorney General today announced arrests in several States as part of its Innocence Lost initiative against child prostitution.

I want to be very clear here.

Those who produce either actual or simulated sexually explicit material are breaking the law if that material depicts children.

The primary goal of protecting those children from such exploitation requires that all producers of sexually explicit material must keep age-related records, make those records available for inspection, and face criminal penalties if they refuse.

We have taken several concrete steps to respond to legitimate concerns from the motion picture industry and Internet companies.

We have already modified our bill several times and in several ways as a response to our meetings with the Department of Justice and affected parties.

We remain open to making further refinements in this language if it will strengthen the bill.

But that process of compromise must stop if it undermines the primary objective of protecting children from sexual exploitation or begins to make the statute unenforceable or feckless.

I hope that those who are affected by this legislation and have participated in helping us craft this bill will demonstrate their concern for protecting children by supporting this straighforward and commonsense bill.

Again, I want to thank my friend from Kansas for joining me in cosponsoring this bill and for his efforts in this area.

I hope all my colleagues will join us in strengthening this tool for protecting children.

Mr. BROWNBACK. Mr. President, I applaud my colleague from Utah for helping lead the fight against child pornography. This is an issue upon which all Senators can unite, and it is a battle we must not lose.

Pornography is no longer isolated to a small segment of society. It has pervaded our culture. As we learned in a recent hearing I chaired in the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights, pornography has infiltrated homes and families and is having devastating effects. According to recent reports, 1 in 5 children between the ages of 10 and 17 have received a sexual solicitation over the Internet, and 9 out of 10 children between the ages of 8 and 16 who have Internet access have viewed porn Web sites, usually in the course of looking up information for homework.

Perhaps the ugliest aspect of the pornography epidemic is child pornography. Children as young as 5 years old are being used for profit in this fast-growing industry. We have a duty to protect the weakest members of our society from exploitation and abuse. I believe this bill is the first step in that fight.

First, this bill will expand recordkeeping requirements to those who produce soft-core, or simulated, pornography. Current law only requires that records be kept by producers of hardcore, or actual, pornography. Under this language, producers will now be required to verify the ages of their actors and keep records of such information, regardless of whether the material they produce contains actual sexual activity or only a simulation of such activity. Further, this bill will require producers of such materials to disclose such records to the Attorney General for inspection. It will make refusal to permit inspection of such records a crime. This will be effective not only as a tool in prosecutions as a means of deterrence. Producers will be less likely to use child actors if they know they may be required to disclose the ages of their actors.

Today, recordkeeping requirements apply only to ''actual'' sexual conduct, leaving a loophole for soft-core pornography. Such material is no less damaging to children than hardcore pornography and recordkeeping and disclosure requirements must apply to this material as well. This bill will close the current loophole.

Again, I appreciate the leadership of Senator HATCH, and I hope my colleagues will join us passing this legislation to protect children from victimization and abuse.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 335—HONORING MEMBERS OF THE RADIATION PROTECTION PROFESSION BY DESIGNATING THE WEEK OF NOVEMBER 6 THROUGH NOVEMBER 12, 2005, AS ''NATIONAL RADIATION PROTECTION PROFESSIONALS WEEK.''

Mr. DOMENICI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 335

Whereas the Conference of Radiation Control Program Directors has resolved that the week of November 6 through November 12, 2005, should be recognized as ''National Radiation Protection Professionals Week'';

Whereas, since the discovery of x rays by Wilhelm Conrad Roentgen on November 8, 1895, the use of radiation has become a vital tool for the health care, defense, security, energy, and industrial programs of the United States;

Whereas members of the radiation protection profession devote their careers to allow government, medicine, academia, and industry to safely use radiation; and

Whereas the leadership and technical expertise provided by members of the radiation protection profession has helped safeguard the public from the hazards of the use of radiation while enabling the public to reap its benefits: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 6 through November 12, 2005, as ''National Radiation Protection Professionals Week'';

(2) encourages all citizens to—

(A) recognize the importance of radiation protection professionals; and

(B) recognize the valuable resource provided by professional scientific organizations, such as—

(i) the Conference of Radiation Control Program Directors;

(ii) the Health Physics Society;

(iii) the Organization of Agreement States;

(iv) the American Academy of Health Physics;

(v) the National Registry of Radiation Protection Technologists; and

(C) the American Association of Physicists in Medicine; and

(3) recognizes the tremendous contributions that radiation protection professionals and their organizations have made for the betterment of the United States and the world.

SENATE RESOLUTION 336—TO CONDEMN THE HARMFUL, DESTRUCTIVE, AND ANTI-SEMITIC STATEMENTS OF MAHMOUD AHMADINEJAD, THE PRESIDENT OF IRAN, AND TO DEMAND AN APOLOGY FOR THOSE STATEMENTS OF HATE AND ANIMOSITY TOWARDS ALL JEWISH PEOPLE OF THE WORLD

Mr. SANTORUM (for himself, Mr. BROWNBACK, Ms. MIKULSKI, Ms. STABENOW, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. COLEMAN, Mr. BOND, Mrs. DOLE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SMITH, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. VITTER, Mr. ISAKSON, Mr. TALENT, Mr. STEVENS, Mr. MARTINEZ, Mr. VOINOVICH, Mr. ROCKEFELLER, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 336

Whereas Mahmoud Ahmadinejad, the President of Iran, declared in an October 26, 2005, address at the World Without Zionism conference in Tehran that ''the new wave that has started in Palestine, and we witness it in the Islamic World too, will eliminate this disgraceful stain from the Islamic World'' and that Israel ''must be wiped off the map.'';

Whereas the President of Iran told reporters on December 8th at an Islamic conference in Mecca, Saudi Arabia, ''Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces...although we don't accept this claim.'';

Whereas Mr. Ahmadinejad then stated, ''If the Europeans are honest they should give some of their provinces in Europe ... to the Zionists, and the Zionists can establish their state in Europe.'';

Whereas on December 14, 2005, Mr. Ahmadinejad said live on Iranian television, ''they have invented a myth that Jews were massacred and place this above God, religions and the prophets.'';

Whereas the leaders of the Islamic Republic of Iran, beginning with its founder, the Ayatollah Ruhollah Khomeini, have issued statements of hate against the United States, Israel, and Jewish peoples;

Whereas certain leaders, including Ahmadi Nezhad, and the Supreme Leader, Ali

Khamenei, have similarly called for the destruction of the United States, and the Islamic Republic of Iran has funded, armed, trained, assisted, and sheltered leading terrorists, including terrorists in Iraq who use Iranian support to kill military personnel of the United States;

Whereas an estimated 6,000,000 Jews were killed in the Nazi Holocaust;

Whereas the remarks of President Ahmadinejad have been denounced around the world and condemned by among others, the political leaders of the United States, Arab nations, Israel, Europe, and the United Nations;

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust; and

Whereas the United Nations, in General Assembly Resolution 181 (1947), recommended the adoption of the Plan of Partition with Economic Union for Palestine, which called for an independent Jewish State: Now, therefore, be it

Resolved, That the Senate—

(1) condemns recent statements by President Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe;

(2) demands an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust;

(4) supports efforts by the people of Iran to exercise self-determination over the form of government of their country;

(5) supports a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum; and

(6) reaffirms the need for Iran to—

(A) end its support for international terrorism; and

(B) join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process.

SENATE RESOLUTION 337—TO CONDEMN THE HARMFUL, DESTRUCTIVE, AND ANTI-SEMITIC STATEMENTS OF MAHMOUD AHMADINEJAD, THE PRESIDENT OF IRAN, AND TO DEMAND AN APOLOGY FOR THOSE STATEMENTS OF HATE AND ANIMOSITY TOWARDS ALL JEWISH PEOPLE OF THE WORLD

Mr. SANTORUM (for himself, Mr. BROWNBACK, Ms. MIKULSKI, Ms. STABENOW, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. COLEMAN, Mr. BOND, Mrs. DOLE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SMITH, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. VITTER, Mr. ISAKSON, Mr. TALENT, Mr. STEVENS, Mr. MARTINEZ, Mr. VOINOVICH, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Whereas Mahmoud Ahmadinejad, the President of Iran, declared in an October 26, 2005, address at the World Without Zionism conference in Tehran that ''the new wave that has started in Palestine, and we witness it in the Islamic World too, will eliminate this disgraceful stain from the Islamic World'' and that Israel ''must be wiped off the map.'';

Whereas the President of Iran told reporters on December 8th at an Islamic conference in Mecca, Saudi Arabia, ''Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces . . . although we don't accept this claim.'';

Whereas Mr. Ahmadinejad then stated, ''If the Europeans are honest they should give some of their provinces in Europe . . . to the Zionists, and the Zionists can establish their state in Europe.'';

Whereas on December 14, 2005, Mr. Ahmadinejad said live on Iranian television, ''they have invented a myth that Jews were massacred and place this above God, religions and the prophets.'';

Whereas the leaders of the Islamic Republic of Iran, beginning with its founder, the Ayatollah Ruhollah Khomeini, have issued statements of hate against the United States, Israel, and Jewish peoples;

Whereas certain leaders, including Ahmadi Nezhad, and the Supreme Leader, Ali Khamenei, have similarly called for the destruction of the United States, and the Islamic Republic of Iran has funded, armed, trained, assisted, and sheltered leading terrorists, including terrorists in Iraq who use Iranian support to kill military personnel of the United States;

Whereas an estimated 6,000,000 Jews were killed in the Nazi Holocaust;

Whereas the remarks of President Ahmadinejad have been denounced around the world and condemned by among others, the political leaders of the United States, Arab nations, Israel, Europe, and the United Nations;

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust; and

Whereas the United Nations, in General Assembly Resolution 181 (1947), recommended the adoption of the Plan of Partition with Economic Union for Palestine, which called for an independent Jewish State: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent statement by President Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe;

(2) demands an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust; and

(6) reaffirms the need for Iran to—

(A) end its support for international terrorism; and

(B) join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process.

SENATE RESOLUTION 338—HONORING THE MEMORY OF THE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO HAVE GIVEN THEIR LIVES IN SERVICE TO THE UNITED STATES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Mr. LAUTENBERG (for himself, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 338

Whereas the basic liberties that all Americans enjoy are secured through the valor and dedication of the members of the Armed Forces of the United States;

Whereas over 1,000,000 members of the Armed Forces are currently serving on active duty in over 120 countries worldwide;

Whereas the United States initiated Operation Enduring Freedom on October 19, 2001, and as of December 15, 2005, 322 members of the Armed Forces have died and 652 have been wounded in that Operation;

Whereas the United States initiated Operation Iraqi Freedom on March 22, 2003, and as of December 15, 2005, 2,153 members of the Armed Forces have died and 15,568 have been wounded in that Operation;

Whereas, in the words of President Franklin D. Roosevelt, each of America's fallen ''stands in the unbroken line of patriots who have dared to die that freedom might live, and grow, and increase its blessings. Freedom lives, and through it, he lives—in a way that humbles the undertakings of most men'';

Whereas all Americans owe the fallen, the wounded, and their families a debt that can never be fully repaid; and

Whereas the sacrifices of members of the Armed Forces are often invoked in general but the fallen are seldom recognized and honored individually: Now, therefore, be it

Resolved, That the Senate—

(1) honors the memory of Master Sergeant Evander E. Andrews, 36, of Solon, Maine, who died on October 10, 2001, in service to the United States in Operation Enduring Freedom;

(2) honors the memory of Specialist John J. Edmunds, 20, of Cheyenne, Wyoming, who died on October 19, 2001, in service to the United States in Operation Enduring Freedom;

(3) honors the memory of Private First Class Kristofor T. Stonesifer, 28, of Missoula, Montana, who died on October 19, 2001, in service to the United States in Operation Enduring Freedom;

(4) honors the memory of Machinist's Mate Fireman Apprentice Bryant L. Davis, 20, of Chicago, Illinois, who died on November 7, 2001, in service to the United States in Operation Enduring Freedom;

(5) honors the memory of Electronics Technician Third Class Benjamin Johnson, 21, of Rochester, New York, who died on November 18, 2001, in service to the United States in Operation Enduring Freedom;

(6) honors the memory of Engineman First Class Vincent Parker, 38, of Preston, Mississippi, who died on November 18, 2001, in service to the United States in Operation Enduring Freedom;

(7) honors the memory of CIA Officer Johnny Michael Spann, 32, of Winfield, Alabama, who died on November 25, 2001, in service to the United States in Operation Enduring Freedom;

(8) honors the memory of Private Giovanny Maria, 19, of New York, New York, who died on November 29, 2001, in service to the United States in Operation Enduring Freedom;

(9) honors the memory of Electrician's Mate Fireman Apprentice Michael J. Jakes, Jr., 20, of Brooklyn, New York, who died on December 4, 2001, in service to the United States in Operation Enduring Freedom;

(10) honors the memory of Master Sergeant Jefferson D. Davis, 39, of Clarksville, Tennessee, who died on December 5, 2001, in service to the United States in Operation Enduring Freedom;

(11) honors the memory of Sergeant First Class Daniel H. Petithory, 32, of Cheshire, Massachusetts, who died on December 5, 2001, in service to the United States in Operation Enduring Freedom;

(12) honors the memory of Staff Sergeant Brian C. Prosser, 28, of Frazier Park, California, who died on December 5, 2001, in service to the United States in Operation Enduring Freedom;

(13) honors the memory of Sergeant First Class Nathan R. Chapman, 31, of San Antonio, Texas, who died on January 4, 2002, in service to the United States in Operation Enduring Freedom;

(14) honors the memory of Captain Matthew W. Bancroft, 29, of Shasta, California, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(15) honors the memory of Lance Corporal Bryan P. Bertrand, 23, of Coos Bay, Oregon, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(16) honors the memory of Gunnery Sergeant Stephen L. Bryson, 35, of Montgomery, Alabama, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(17) honors the memory of Staff Sergeant Scott N. Germosen, 37, of Queens, New York, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(18) honors the memory of Sergeant Nathan P. Hays, 21, of Lincoln, Washington, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(19) honors the memory of Captain Daniel G. McCollum, 29, of Richland, South Carolina, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(20) honors the memory of Sergeant Jeannette L. Winters, 25, of Du Page, Illinois, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(21) honors the memory of Staff Sergeant Walter F. Cohee III, 26, of Wicomico, Maryland, who died on January 20, 2002, in service to the United States in Operation Enduring Freedom;

(22) honors the memory of Staff Sergeant Dwight J. Morgan, 24, of Mendocino, California, who died on January 20, 2002, in service to the United States in Operation Enduring Freedom;

(23) honors the memory of Specialist Jason A. Disney, 21, of Fallon, Nevada, who died on February 13, 2002, in service to the United States in Operation Enduring Freedom;

(24) honors the memory of Specialist Thomas F. Allison, 22, of Roy, Washington, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(25) honors the memory of Staff Sergeant James P. Dorrity, 32, of Goldsboro, North Carolina, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(26) honors the memory of Chief Warrant Officer Jody L. Egnor, 34, of Middletown, Ohio, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(27) honors the memory of Major Curtis D. Feistner, 25, of White Bear Lake, Minnesota, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(28) honors the memory of Staff Sergeant Kerry W. Frith, 37, of Las Vegas, Nevada, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(29) honors the memory of Master Sergeant William L. McDaniel II, 36, of Greenville, Ohio, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(30) honors the memory of Captain Bartt D. Owens, 29, of Middletown, Ohio, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(31) honors the memory of Staff Sergeant Juan M. Ridout, 36, of Maple Tree, Washington, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(32) honors the memory of Specialist Curtis A. Carter, 25, of Lafayette, Louisiana, who died on February 27, 2002, in service to the United States in Operation Enduring Freedom;

(33) honors the memory of Chief Warrant Officer 2 Stanley L. Harriman, 34, of Wade, North Carolina, who died on March 2, 2002, in service to the United States in Operation Enduring Freedom;

(34) honors the memory of Specialist Marc A. Anderson, 30, of Brandon, Florida, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(35) honors the memory of Technical Sergeant John A. Chapman, 36, of Waco, Texas, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(36) honors the memory of Private First Class Matthew A. Commons, 21, of Boulder City, Nevada, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(37) honors the memory of Sergeant Peter P. Crose, 22, of Orange Park, Florida, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(38) honors the memory of Senior Airman Jason D. Cunningham, 26, of Camarillo, California, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(39) honors the memory of Aviation Boatswain's Mate-Handling First Class Neil C. Roberts, 32, of Woodland, California, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(40) honors the memory of Sergeant Philip J. Svitak, 31, of Joplin, Missouri, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(41) honors the memory of Chief Petty Officer Matthew J. Bourgeois, 35, of Tallahassee, Florida, who died on March 27, 2002, in service to the United States in Operation Enduring Freedom;

(42) honors the memory of Staff Sergeant Brian T. Craig, 27, of Houston, Texas, who died on April 15, 2002, in service to the United States in Operation Enduring Freedom;

(43) honors the memory of Staff Sergeant Justin J. Galewski, 28, of Olathe, Kansas, who died on April 15, 2002, in service to the United States in Operation Enduring Freedom;

(44) honors the memory of Sergeant Jamie O. Maugans, 27, of Wichita, Kansas, who died on April 15, 2002, in service to the United States in Operation Enduring Freedom;

(45) honors the memory of Sergeant First Class Daniel A. Romero, 30, of Lafayette, Colorado, who died on April 15, 2002, in service to the United States in Operation Enduring Freedom;

(46) honors the memory of Sergeant Gene A. Vance Jr., 38, of Morgantown, West Virginia, who died on May 19, 2002, in service to the United States in Operation Enduring Freedom;

(47) honors the memory of Technical Sergeant Sean M. Corlew, 37, of Thousand Oaks, California, who died on June 12, 2002, in service to the United States in Operation Enduring Freedom;

(48) honors the memory of Staff Sergeant Anissa A. Shero, 31, of Grafton, West Virginia, who died on June 12, 2002, in service to the United States in Operation Enduring Freedom;

(49) honors the memory of Sergeant First Class Peter P. Tycz II, 32, of Tonawanda, New York, who died on June 12, 2002, in service to the United States in Operation Enduring Freedom;

(50) honors the memory of Sergeant First Class Christopher J. Speer, 28, of Albuquerque, New Mexico, who died on August 7, 2002, in service to the United States in Operation Enduring Freedom;

(51) honors the memory of Sergeant Ryan D. Foraker, 31, of Logan, Ohio, who died on September 24, 2002, in service to the United States in Operation Enduring Freedom;

(52) honors the memory of Lance Corporal Antonio J. Sledd, 20, of Tampa, Florida, who died on October 8, 2002, in service to the United States in Operation Enduring Freedom;

(53) honors the memory of Private James H. Ebbers, 19, of Bridgeview, Illinois, who died on October 14, 2002, in service to the United States in Operation Enduring Freedom;

(54) honors the memory of Specialist Pedro Pena, 35, of Florida, who died on November 7, 2002, in service to the United States in Operation Enduring Freedom;

(55) honors the memory of Sergeant Steven Checo, 22, of New York, New York, who died on December 20, 2002, in service to the United States in Operation Enduring Freedom;

(56) honors the memory of Sergeant Gregory Michael Frampton, 37, of Fresno, California, who died on January 30, 2003, in service to the United States in Operation Enduring Freedom;

(57) honors the memory of Chief Warrant Officer 2 Thomas J. Gibbons, 31, of Calvert County, Maryland, who died on January 30, 2003, in service to the United States in Operation Enduring Freedom;

(58) honors the memory of Staff Sergeant Daniel Leon Kisling, Jr., 31, of Neosho, Missouri, who died on January 30, 2003, in service to the United States in Operation Enduring Freedom;

(59) honors the memory of Chief Warrant Officer 3 Mark O'Steen, 43, of Ozark, Alabama, who died on January 30, 2003, in service to the United States in Operation Enduring Freedom;

(60) honors the memory of Sergeant Michael C. Barry, 29, of Overland Park, Kansas, who died on February 1, 2003, in service to the United States in Operation Enduring Freedom;

(61) honors the memory of Operations Officer Helge Boes, 32, of Virginia, who died on February 5, 2003, in service to the United States in Operation Enduring Freedom;

(62) honors the memory of Specialist Brian Michael Clemens, 19, of Kokomo, Indiana, who died on February 7, 2003, in service to the United States in Operation Enduring Freedom;

(63) honors the memory of Specialist Rodrigo Gonzalez-Garza, 26, of San Antonio, Texas, who died on February 25, 2003, in service to the United States in Operation Enduring Freedom;

(64) honors the memory of Chief Warrant Officer Timothy Wayne Moehling, 35, of Panama City, Florida, who died on February 25, 2003, in service to the United States in Operation Enduring Freedom;

(65) honors the memory of Chief Warrant Officer John D. Smith, 32, of West Valley City, Utah, who died on February 25, 2003, in service to the United States in Operation Enduring Freedom;

(66) honors the memory of Sergeant William John Tracy, Jr., 27, of Webster, New Hampshire, who died on February 25, 2003, in service to the United States in Operation Enduring Freedom;

(67) honors the memory of Petty Officer Second Class Darrell Jones, 22, of Wellston, Ohio, who died on March 8, 2003, in service to the United States in Operation Enduring Freedom;

(68) honors the memory of Private First Class Spence A. McNeil, 19, of Bennettsville, South Carolina, who died on March 8, 2003, in service to the United States in Operation Enduring Freedom;

(69) honors the memory of Private First Class James R. Dillon, Jr., 19, of Grove City, Pennsylvania, who died on March 13, 2003, in service to the United States in Operation Enduring Freedom;

(70) honors the memory of Navy Petty Officer Third Class Jason Profitt, 23, of Charlestown, Indiana, who died on March 17, 2003, in service to the United States in Operation Enduring Freedom;

(71) honors the memory of Major Jay Thomas Aubin, 36, of Waterville, Maine, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(72) honors the memory of Captain Ryan Anthony Beaupre, 30, of Bloomington, Illinois, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(73) honors the memory of Second Lieutenant Therrel Shane Childers, 30, of Harrison Co., Mississippi, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(74) honors the memory of Lance Corporal Jose Antonio Gutierrez, 22, of Guatemala City, Guatemala, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(75) honors the memory of Corporal Brian Matthew Kennedy, 25, of Houston, Texas, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(76) honors the memory of Staff Sergeant Kendall Damon Waters-Bey, 29, of Baltimore, Maryland, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(77) honors the memory of Lieutenant Thomas Mullen Adams, 27, of La Mesa, California, who died on March 22, 2003, in service to the United States in Operation Iraqi Freedom;

(78) honors the memory of Lance Corporal Eric James Orlowski, 26, of Buffalo, New York, who died on March 22, 2003, in service to the United States in Operation Iraqi Freedom;

(79) honors the memory of Specialist Brandon Scott Tobler, 19, of Portland, Oregon, who died on March 22, 2003, in service to the United States in Operation Iraqi Freedom;

(80) honors the memory of Specialist Jamaal Rashard Addison, 22, of Roswell, Georgia, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(81) honors the memory of Specialist Edward John Anguiano, 24, of Brownsville, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(82) honors the memory of First Lieutenant Tamara Long Archuleta, 23, of Belen, New Mexico, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(83) honors the memory of Sergeant Michael Edward Bitz, 31, of Ventura, California, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(84) honors the memory of Lance Corporal Brian Rory Buesing, 20, of Cedar Key, Florida, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(85) honors the memory of Sergeant George Edward Buggs, 31, of Barnwell, South Carolina, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(86) honors the memory of Private First Class Tamario Demetrice Burkett, 21, of Buffalo, New York, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(87) honors the memory of Corporal Kemaphoom ''Ahn'' Chanawongse, 22, of Waterford, Connecticut, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(88) honors the memory of Lance Corporal Donald John Cline, Jr., 21, of Sparks, Nevada, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(89) honors the memory of Master Sergeant Robert John Dowdy, 38, of Cleveland, Ohio, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(90) honors the memory of Private Ruben Estrella-Soto, 18, of El Paso, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(91) honors the memory of Lance Corporal David Keith Fribley, 26, of Lee, Florida, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(92) honors the memory of Corporal Jose Angel Garibay, 21, of Orange, California, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(93) honors the memory of Private Jonathan Lee Gifford, 30, of Macon, Illinois, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(94) honors the memory of Corporal Jorge Alonso Gonzalez, 20, of Los Angeles, California, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(95) honors the memory of Staff Sergeant Jason Carlyle Hicks, 25, of Jefferson, South Carolina, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(96) honors the memory of Sergeant Nicolas Michael Hodson, 22, of Smithville, Missouri, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(97) honors the memory of Private Nolen Ryan Hutchings, 19, of Boiling Springs, South Carolina, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(98) honors the memory of Private First Class Howard Johnson II, 21, of Mobile, Alabama, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(99) honors the memory of Staff Sergeant Phillip Andrew Jordan, 42, of Brazoria, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(100) honors the memory of Specialist James Michael Kiehl, 22, of Comfort, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(101) honors the memory of Master Sergeant Michael Maltz, 42, of St. Petersburg, Florida, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(102) honors the memory of Chief Warrant Officer Johnny Villareal Mata, 35, of Amarillo, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(103) honors the memory of Lance Corporal Patrick Ray Nixon, 21, of Nashville, Tennessee, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(104) honors the memory of Private First Class Lori Ann Piestewa, 23, of Tuba City, Arizona, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(105) honors the memory of Senior Airman Jason Thomas Plite, 21, of Lansing, Michigan, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(106) honors the memory of Second Lieutenant Frederick Eben Pokorney, Jr., 31, of Nye, Nevada, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(107) honors the memory of Sergeant Brendon Curtis Reiss, 23, of Casper, Wyoming, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(108) honors the memory of Corporal Randal Kent Rosacker, 21, of San Diego, California, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(109) honors the memory of Captain Christopher Scott Seifert, 27, of Easton, Pennsylvania, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(110) honors the memory of Private Brandon Ulysses Sloan, 19, of Cleveland, Ohio, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(111) honors the memory of Lance Corporal Thomas Jonathan Slocum, 22, of Adams, Colorado, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(112) honors the memory of Lieutenant Colonel John Stein, 39, of Bardolph, Illinois, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(113) honors the memory of Staff Sergeant John ''Mike'' Teal, 29, of Dallas, Texas, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(114) honors the memory of Sergeant Donald Ralph Walters, 33, of Kansas City, Missouri, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(115) honors the memory of Lance Corporal Michael Jason Williams, 31, of Yuma, Arizona, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(116) honors the memory of Lance Corporal Thomas Alan Blair, 24, of Wagoner, Oklahoma, who died on March 24, 2003, in service to the United States in Operation Iraqi Freedom;

(117) honors the memory of Corporal Evan Tyler James, 20, of Hancock, Illinois, who died on March 24, 2003, in service to the United States in Operation Iraqi Freedom;

(118) honors the memory of Sergeant Bradley Steven Korthaus, 28, of Scott, Iowa, who died on March 24, 2003, in service to the United States in Operation Iraqi Freedom;

(119) honors the memory of Specialist Gregory Paul Sanders, 19, of Hobart, Indiana, who died on March 24, 2003, in service to the United States in Operation Iraqi Freedom;

(120) honors the memory of Hospital Corpsman Third Class Michael Vann Johnson, Jr., 25, of Little Rock, Arkansas, who died on March 25, 2003, in service to the United States in Operation Iraqi Freedom;

(121) honors the memory of Major Gregory Lewis Stone, 40, of Boise, Idaho, who died on March 25, 2003, in service to the United States in Operation Iraqi Freedom;

(122) honors the memory of Major Kevin Gerard Nave, 36, of Union Lake, Michigan, who died on March 26, 2003, in service to the United States in Operation Iraqi Freedom;

(123) honors the memory of Private First Class Francisco Abraham Martinez-Flores, 21, of Los Angeles, California, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(124) honors the memory of Staff Sergeant Donald Charles May, Jr., 31, of Richmond, Virginia, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(125) honors the memory of Gunnery Sergeant Joseph Menusa, 33, of San Jose, California, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(126) honors the memory of Lance Corporal Patrick Terence O'Day, 20, of Sonoma, California, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(127) honors the memory of Corporal Robert Marcus Rodriguez, 21, of Queens, New York, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(128) honors the memory of Lance Corporal Jesus Alberto Suarez del Solar, 20, of Escondido, California, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(129) honors the memory of Sergeant Fernando Padilla-Ramirez, 26, of San Luis, Arizona, who died on March 28, 2003, in service to the United States in Operation Iraqi Freedom;

(130) honors the memory of Sergeant Roderic Antoine Solomon, 32, of Fayetteville, North Carolina, who died on March 28, 2003, in service to the United States in Operation Iraqi Freedom;

(131) honors the memory of Staff Sergeant James Wilford Cawley, 41, of Roy, Utah, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(132) honors the memory of Private First Class Michael Russell Creighton-Weldon, 20, of Palm Bay, Florida, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(133) honors the memory of Corporal Michael Edward Curtin, 23, of Howell, New Jersey, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(134) honors the memory of Staff Sergeant Jacob L. Frazier, 24, of St. Charles, Illinois, who died on March 29, 2003, in service to the United States in Operation Enduring Freedom;

(135) honors the memory of Sergeant Orlando Morales, 33, of Manati, Puerto Rico, who died on March 29, 2003, in service to the United States in Operation Enduring Freedom;

(136) honors the memory of Private First Class Diego Fernando Rincon, 19, of Conyers, Georgia, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(137) honors the memory of Lance Corporal William Wayne White, 24, of Brooklyn, New York, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(138) honors the memory of Sergeant Eugene Williams, 24, of Highland, New York, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(139) honors the memory of Captain Aaron Joseph Contreras, 31, of Sherwood, Oregon, who died on March 30, 2003, in service to the United States in Operation Iraqi Freedom;

(140) honors the memory of Sergeant Michael Vernon Lalush, 23, of Troutville, Virginia, who died on March 30, 2003, in service to the United States in Operation Iraqi Freedom;

(141) honors the memory of Sergeant Brian Daniel McGinnis, 23, of St. George, Delaware, who died on March 30, 2003, in service to the United States in Operation Iraqi Freedom;

(142) honors the memory of Specialist William Andrew Jeffries, 39, of Evansville, Indiana, who died on March 31, 2003, in service to the United States in Operation Iraqi Freedom;

(143) honors the memory of Specialist Brandon Jacob Rowe, 20, of Roscoe, Illinois, who died on March 31, 2003, in service to the United States in Operation Iraqi Freedom;

(144) honors the memory of Sergeant Jacob Lee Butler, 24, of Wellsville, Kansas, who died on April 1, 2003, in service to the United States in Operation Iraqi Freedom;

(145) honors the memory of Lance Corporal Joseph Basil Maglione III, 22, of Lansdale, Pennsylvania, who died on April 1, 2003, in service to the United States in Operation Iraqi Freedom;

(146) honors the memory of Captain James Francis Adamouski, 29, of Springfield, Virginia, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(147) honors the memory of Lance Corporal Brian Edward Anderson, 26, of Durham, North Carolina, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(148) honors the memory of Specialist Matthew George Boule, 22, of Dracut, Massachusetts, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(149) honors the memory of Master Sergeant George Andrew Fernandez, 36, of El Paso, Texas, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(150) honors the memory of Private First Class Christian Daniel Gurtner, 19, of Ohio City, Ohio, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(151) honors the memory of Chief Warrant Officer (CW4) Erik Anders Halvorsen, 40, of Bennington, Vermont, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(152) honors the memory of Chief Warrant Officer (CW2) Scott Jamar, 32, of Granbury, Texas, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(153) honors the memory of Sergeant Michael Francis Pedersen, 26, of Flint, Michigan, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(154) honors the memory of Chief Warrant Officer (CW3) Eric Allen Smith, 41, of Rochester, New York, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(155) honors the memory of Lieutenant Nathan Dennis White, 30, of Mesa, Arizona, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(156) honors the memory of Private First Class Chad Eric Bales, 20, of Coahoma, Texas, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(157) honors the memory of Staff Sergeant Wilbert Davis, 40, of Tampa, Florida, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(158) honors the memory of Corporal Mark Asher Evnin, 21, of Burlington, Vermont, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(159) honors the memory of Captain Edward Jason Korn, 31, of Savannah, Georgia, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(160) honors the memory of Staff Sergeant Nino Dugue Livaudais, 23, of Syracuse, Utah, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(161) honors the memory of Specialist Ryan Patrick Long, 21, of Seaford, Delaware, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(162) honors the memory of Specialist Donald Samuel Oaks, Jr., 20, of Erie, Pennsylvania, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(163) honors the memory of Sergeant First Class Randall Scott Rehn, 36, of Longmont, Colorado, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(164) honors the memory of Captain Russell Brian Rippetoe, 27, of Seaford, Delaware, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(165) honors the memory of Sergeant Todd James Robbins, 33, of Pentwater, Michigan, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(166) honors the memory of Corporal Erik Hernandez Silva, 22, of Chula Vista, California, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(167) honors the memory of Captain Tristan Neil Aitken, 31, of State College, Pennsylvania, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(168) honors the memory of Private First Class Wilfred Davyrussell Bellard, 20, of Lake Charles, Louisiana, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(169) honors the memory of Specialist Daniel Francis Cunningham, Jr., 33, of Lewiston, Maine, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(170) honors the memory of Captain Travis Allen Ford, 30, of Ogallala, Nebraska, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(171) honors the memory of Corporal Bernard George Gooden, 22, of Mt. Vernon, New York, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(172) honors the memory of Private Devon Demilo Jones, 19, of San Diego, California, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(173) honors the memory of First Lieutenant Brian Michael McPhillips, 25, of Pembroke, Massachusetts, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(174) honors the memory of Sergeant Duane Roy Rios, 25, of Hammond, Indiana, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(175) honors the memory of Captain Benjamin Wilson Sammis, 29, of Rehobeth, Massachusetts, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(176) honors the memory of Sergeant First Class Paul Ray Smith, 33, of Tampa, Florida, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(177) honors the memory of Staff Sergeant Stevon Alexander Booker, 34, of Apollo, Pennsylvania, who died on April 5, 2003, in service to the United States in Operation Iraqi Freedom;

(178) honors the memory of Specialist Larry Kenyatta Brown, 22, of Jackson, Mississippi, who died on April 5, 2003, in service to the United States in Operation Iraqi Freedom;

(179) honors the memory of First Sergeant Edward Smith, 38, of Chicago, Illinois, who died on April 5, 2003, in service to the United States in Operation Iraqi Freedom;

(180) honors the memory of Private First Class Gregory Paul Huxley, Jr., 19, of Forestport, New York, who died on April 6, 2003, in service to the United States in Operation Iraqi Freedom;

(181) honors the memory of Private Kelley Stephen Prewitt, 24, of Birmingham, Alabama, who died on April 6, 2003, in service to the United States in Operation Iraqi Freedom;

(182) honors the memory of Lance Corporal Andrew Julian Aviles, 18, of Palm Beach, Florida, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(183) honors the memory of Captain Eric Bruce Das, 30, of Amarillo, Texas, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(184) honors the memory of Staff Sergeant Lincoln Daniel Hollinsaid, 27, of Malden, Illinois, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(185) honors the memory of Second Lieutenant Jeffrey Joseph Kaylor, 24, of Clifton, Virginia, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(186) honors the memory of Corporal Jesus Martin Antonio Medellin, 21, of Fort Worth, Texas, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(187) honors the memory of Private First Class Anthony Scott Miller, 19, of San Antonio, Texas, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(188) honors the memory of Specialist George Arthur Mitchell, Jr., 35, of Rawlings, Maryland, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(189) honors the memory of Major William Randolph Watkins III, 37, of Danville, Virginia, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(190) honors the memory of Corporal Henry Levon Brown, 22, of Natchez, Mississippi, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(191) honors the memory of Private First Class Juan Guadalupe Garza, Jr., 20, of Temperance, Michigan, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(192) honors the memory of Sergeant First Class John Winston Marshall, 50, of Los Angeles, California, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(193) honors the memory of Private First Class Jason Michael Meyer, 23, of Swartz Creek, Michigan, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(194) honors the memory of Staff Sergeant Scott Douglas Sather, 29, of Clio, Michigan, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(195) honors the memory of Staff Sergeant Robert Anthony Stever, 36, of Pendleton, Oregon, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(196) honors the memory of Gunnery Sergeant Jeffrey Edward Bohr, Jr., 39, of Ossian, Iowa, who died on April 10, 2003, in service to the United States in Operation Iraqi Freedom;

(197) honors the memory of Staff Sergeant Terry Wayne Hemingway, 39, of Willingboro, New Jersey, who died on April 10, 2003, in service to the United States in Operation Iraqi Freedom;

(198) honors the memory of Staff Sergeant Riayan Augusto Tejeda, 26, of New York, New York, who died on April 11, 2003, in service to the United States in Operation Iraqi Freedom;

(199) honors the memory of Corporal Jesus Angel Gonzalez, 22, of Indio, California, who died on April 12, 2003, in service to the United States in Operation Iraqi Freedom;

(200) honors the memory of Lance Corporal David Edward Owens, Jr., 20, of Winchester, Virginia, who died on April 12, 2003, in service to the United States in Operation Iraqi Freedom;

(201) honors the memory of Commander Joseph Acevedo, 46, of Bronx, New York, who died on April 13, 2003, in service to the United States in Operation Iraqi Freedom;

(202) honors the memory of Specialist Gil Mercado, 25, of Paterson, New Jersey, who died on April 13, 2003, in service to the United States in Operation Iraqi Freedom;

(203) honors the memory of Private First Class John Eli Brown, 21, of Troy, Alabama, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(204) honors the memory of Specialist Thomas Arthur Foley III, 23, of Dresden, Tennessee, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(205) honors the memory of Corporal Armando Ariel Gonzalez, 25, of Hileah, Florida, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(206) honors the memory of Specialist Richard Allen Goward, 32, of Midland, Michigan, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(207) honors the memory of Private First Class Joseph Patrick Mayek, 20, of Rock Springs, Wyoming, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(208) honors the memory of Corporal Jason David Mileo, 20, of Centreville, Maryland, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(209) honors the memory of Corporal John Travis Rivero, 23, of Tampa, Florida, who died on April 17, 2003, in service to the United States in Operation Iraqi Freedom;

(210) honors the memory of Chief Warrant Officer (CW2) Andrew Todd Arnold, 30, of Spring, Texas, who died on April 22, 2003, in service to the United States in Operation Iraqi Freedom;

(211) honors the memory of Specialist Roy Russell Buckley, 24, of Snow Camp, North Carolina, who died on April 22, 2003, in service to the United States in Operation Iraqi Freedom;

(212) honors the memory of Chief Warrant Officer (CW2) Robert William Channell, Jr., 36, of Tuscaloosa, Alabama, who died on April 22, 2003, in service to the United States in Operation Iraqi Freedom;

(213) honors the memory of Lance Corporal Alan Dinh Lam, 19, of Snow Camp, North Carolina, who died on April 22, 2003, in service to the United States in Operation Iraqi Freedom;

(214) honors the memory of Sergeant Troy David Jenkins, 25, of Ridgecrest, California, who died on April 24, 2003, in service to the United States in Operation Iraqi Freedom;

(215) honors the memory of Private Jerod R. Dennis, 19, of Antlers, Oklahoma, who died on April 25, 2003, in service to the United States in Operation Enduring Freedom;

(216) honors the memory of Airman First Class Raymond Losano, 24, of Del Rio, Texas, who died on April 25, 2003, in service to the United States in Operation Enduring Freedom;

(217) honors the memory of First Lieutenant Osbaldo Orozco, 26, of Delano, California, who died on April 25, 2003, in service to the United States in Operation Iraqi Freedom;

(218) honors the memory of Specialist Narson Bertil Sullivan, 21, of North Brunswick, New Jersey, who died on April 25, 2003, in service to the United States in Operation Iraqi Freedom;

(219) honors the memory of First Sergeant Joe Jesus Garza, 43, of Robstown, Texas, who died on April 28, 2003, in service to the United States in Operation Iraqi Freedom;

(220) honors the memory of Private First Class Jesse Alan Givens, 34, of Springfield, Missouri, who died on May 1, 2003, in service to the United States in Operation Iraqi Freedom;

(221) honors the memory of Sergeant Sean C. Reynolds, 25, of East Lansing, Michigan, who died on May 3, 2003, in service to the United States in Operation Iraqi Freedom;

(222) honors the memory of Private Jason L. Deibler, 20, of Coeburn, Virginia, who died on May 4, 2003, in service to the United States in Operation Iraqi Freedom;

(223) honors the memory of Private First Class Marlin T. Rockhold, 23, of Hamilton, Ohio, who died on May 8, 2003, in service to the United States in Operation Iraqi Freedom;

(224) honors the memory of Lance Corporal Cedric E. Bruns, 22, of Vancouver, Washington, who died on May 9, 2003, in service to the United States in Operation Iraqi Freedom;

(225) honors the memory of Corporal Richard P. Carl, 26, of King Hill, Idaho, who died on May 9, 2003, in service to the United States in Operation Iraqi Freedom;

(226) honors the memory of Chief Warrant Officer Hans N. Gukeisen, 31, of Lead, South Dakota, who died on May 9, 2003, in service

to the United States in Operation Iraqi Freedom;

(227) honors the memory of Chief Warrant Officer Brian K. Van Dusen, 39, of Columbus, Ohio, who died on May 9, 2003, in service to the United States in Operation Iraqi Freedom;

(228) honors the memory of Lance Corporal Matthew R. Smith, 20, of Anderson, Indiana, who died on May 10, 2003, in service to the United States in Operation Iraqi Freedom;

(229) honors the memory of Lance Corporal Jakub Henryk Kowalik, 21, of Schaumburg, Illinois, who died on May 12, 2003, in service to the United States in Operation Iraqi Freedom;

(230) honors the memory of Private First Class Jose F. Gonzalez Rodriguez, 19, of Norwalk, California, who died on May 12, 2003, in service to the United States in Operation Iraqi Freedom;

(231) honors the memory of Staff Sergeant Patrick Lee Griffin, Jr., 31, of Elgin, South Carolina, who died on May 13, 2003, in service to the United States in Operation Iraqi Freedom;

(232) honors the memory of Lance Corporal Nicholas Brian Kleiboeker, 19, of Irvington, Illinois, who died on May 13, 2003, in service to the United States in Operation Iraqi Freedom;

(233) honors the memory of Specialist David T. Nutt, 22, of Blackshear, Georgia, who died on May 14, 2003, in service to the United States in Operation Iraqi Freedom;

(234) honors the memory of Master Sergeant William L. Payne, 46, of Otsego, Michigan, who died on May 16, 2003, in service to the United States in Operation Iraqi Freedom;

(235) honors the memory of Sergeant First Class John E. Taylor, 31, of Wichita Falls, Texas, who died on May 17, 2003, in service to the United States in Operation Enduring Freedom;

(236) honors the memory of Corporal Douglas Jose Marencoreyes, 28, of Chino, California, who died on May 18, 2003, in service to the United States in Operation Iraqi Freedom;

(237) honors the memory of Specialist Rasheed Sahib, 22, of Brooklyn, New York, who died on May 18, 2003, in service to the United States in Operation Iraqi Freedom;

(238) honors the memory of Lieutenant Colonel Dominic Rocco Baragona, 42, of Niles, Ohio, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(239) honors the memory of Captain Andrew David LaMont, 31, of Eureka, California, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(240) honors the memory of Lance Corporal Jason William Moore, 21, of San Marcos, California, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(241) honors the memory of First Lieutenant Timothy Louis Ryan, 30, of Aurora, Illinois, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(242) honors the memory of Sergeant Kirk Allen Straseskie, 23, of Beaver Dam, Wisconsin, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(243) honors the memory of Staff Sergeant Aaron Dean White, 27, of Shawnee, Oklahoma, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(244) honors the memory of Specialist Nathaniel A. Caldwell, 27, of Omaha, Nebraska, who died on May 21, 2003, in service to the United States in Operation Iraqi Freedom;

(245) honors the memory of Private David Evans, Jr., 18, of Buffalo, New York, who died on May 25, 2003, in service to the United States in Operation Iraqi Freedom;

(246) honors the memory of Sergeant Keman L. Mitchell, 24, of Hilliard, Florida, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(247) honors the memory of Private Kenneth A. Nalley, 19, of Hamburg, Iowa, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(248) honors the memory of Staff Sergeant Brett J. Petriken, 30, of Mundy Township, Michigan, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(249) honors the memory of Major Matthew E. Schram, 36, of Brookfield, Wisconsin, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(250) honors the memory of Private First Class Jeremiah D. Smith, 25, of Odessa, Missouri, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(251) honors the memory of Sergeant Thomas F. Broomhead, 34, of Cannon City, Colorado, who died on May 27, 2003, in service to the United States in Operation Iraqi Freedom;

(252) honors the memory of Staff Sergeant Michael B. Quinn, 37, of Tampa, Florida, who died on May 27, 2003, in service to the United States in Operation Iraqi Freedom;

(253) honors the memory of Staff Sergeant Kenneth R. Bradley, 39, of Utica, Mississippi, who died on May 28, 2003, in service to the United States in Operation Iraqi Freedom;

(254) honors the memory of Specialist Jose A. Perez III, 22, of San Diego, Texas, who died on May 28, 2003, in service to the United States in Operation Iraqi Freedom;

(255) honors the memory of Specialist Michael T. Gleason, 25, of Warren, Pennsylvania, who died on May 30, 2003, in service to the United States in Operation Iraqi Freedom;

(256) honors the memory of Specialist Kyle A. Griffin, 20, of Emerson, New Jersey, who died on May 30, 2003, in service to the United States in Operation Iraqi Freedom;

(257) honors the memory of Specialist Zachariah W. Long, 20, of Milton, Pennsylvania, who died on May 30, 2003, in service to the United States in Operation Iraqi Freedom;

(258) honors the memory of Sergeant Jonathan W. Lambert, 28, of Newsite, Mississippi, who died on June 1, 2003, in service to the United States in Operation Iraqi Freedom;

(259) honors the memory of Sergeant Atanasio Haro Marin, Jr., 27, of Baldwin Park, California, who died on June 3, 2003, in service to the United States in Operation Iraqi Freedom;

(260) honors the memory of Private First Class Branden F. Oberleitner, 20, of Worthington, Ohio, who died on June 5, 2003, in service to the United States in Operation Iraqi Freedom;

(261) honors the memory of Petty Officer Third Class Doyle W. Bollinger, Jr., 21, of Poteau, Oklahoma, who died on June 6, 2003, in service to the United States in Operation Iraqi Freedom;

(262) honors the memory of Sergeant Travis L. Burkhardt, 26, of Edina, Missouri, who died on June 6, 2003, in service to the United States in Operation Iraqi Freedom;

(263) honors the memory of Petty Officer Third Class David Sisung, 21, of Phoenix, Arizona, who died on June 6, 2003, in service to the United States in Operation Iraqi Freedom;

(264) honors the memory of Private Jesse M. Halling, 19, of Indianapolis, Indiana, who died on June 7, 2003, in service to the United States in Operation Iraqi Freedom;

(265) honors the memory of Sergeant Michael E. Dooley, 23, of Pulaski, Virginia, who died on June 8, 2003, in service to the United States in Operation Iraqi Freedom;

(266) honors the memory of Private First Class Gavin L. Neighbor, 20, of Somerset, Ohio, who died on June 10, 2003, in service to the United States in Operation Iraqi Freedom;

(267) honors the memory of Specialist John K. Klinesmith, Jr., 25, of Stockbridge, Georgia, who died on June 12, 2003, in service to the United States in Operation Iraqi Freedom;

(268) honors the memory of Staff Sergeant Andrew R. Pokorny, 30, of Naperville, Illinois, who died on June 13, 2003, in service to the United States in Operation Iraqi Freedom;

(269) honors the memory of Private First Class Ryan R. Cox, 19, of Derby, Kansas, who died on June 15, 2003, in service to the United States in Operation Iraqi Freedom;

(270) honors the memory of Private Shawn D. Pahnke, 25, of Shelbyville, Indiana, who died on June 16, 2003, in service to the United States in Operation Iraqi Freedom;

(271) honors the memory of Specialist Joseph D. Suell, 24, of Lufkin, Texas, who died on June 16, 2003, in service to the United States in Operation Iraqi Freedom;

(272) honors the memory of Private Robert L. Frantz, 19, of San Antonio, Texas, who died on June 17, 2003, in service to the United States in Operation Iraqi Freedom;

(273) honors the memory of Sergeant Michael L. Tosto, 24, of Apex, North Carolina, who died on June 17, 2003, in service to the United States in Operation Iraqi Freedom;

(274) honors the memory of Private First Class Michael R. Deuel, 21, of Nemo, South Dakota, who died on June 18, 2003, in service to the United States in Operation Iraqi Freedom;

(275) honors the memory of Staff Sergeant William T. Latham, 29, of Kingman, Arizona, who died on June 18, 2003, in service to the United States in Operation Iraqi Freedom;

(276) honors the memory of Specialist Paul T. Nakamura, 21, of Santa Fe Springs, California, who died on June 19, 2003, in service to the United States in Operation Iraqi Freedom;

(277) honors the memory of Captain Seth R. Michaud, 27, of Hudson, Massachusetts, who died on June 22, 2003, in service to the United States in Operation Enduring Freedom;

(278) honors the memory of Specialist Orenthial Javon Smith, 21, of Allendale, South Carolina, who died on June 22, 2003, in service to the United States in Operation Iraqi Freedom;

(279) honors the memory of Specialist Cedric Lamont Lennon, 32, of West Blocton, Alabama, who died on June 24, 2003, in service to the United States in Operation Iraqi Freedom;

(280) honors the memory of Specialist Andrew F. Chris, 25, of Huntsville, Alabama, who died on June 25, 2003, in service to the United States in Operation Iraqi Freedom;

(281) honors the memory of Lance Corporal Gregory E. MacDonald, 29, of Washington, District of Columbia, who died on June 25, 2003, in service to the United States in Operation Iraqi Freedom;

(282) honors the memory of Private First Class Kevin C. Ott, 27, of Columbus, Ohio, who died on June 25, 2003, in service to the United States in Operation Iraqi Freedom;

(283) honors the memory of Sergeant First Class Gladimir Philippe, 32, of Linden, New Jersey, who died on June 25, 2003, in service to the United States in Operation Iraqi Freedom;

(284) honors the memory of First Class Petty Officer Thomas E. Retzer, 30, of San Diego, California, who died on June 25, 2003, in service to the United States in Operation Enduring Freedom;

(285) honors the memory of Specialist Corey A. Hubbell, 20, of Urbana, Illinois, who died on June 26, 2003, in service to the United States in Operation Iraqi Freedom;

(286) honors the memory of Hospitalman Joshua McIntosh, 22, of Kingman, Arizona, who died on June 26, 2003, in service to the United States in Operation Iraqi Freedom;

(287) honors the memory of Specialist Richard P. Orengo, 32, of Toa Alta, Puerto Rico, who died on June 26, 2003, in service to the United States in Operation Iraqi Freedom;

(288) honors the memory of Corporal Tomas Sotelo, Jr., 20, of Houston, Texas, who died on June 27, 2003, in service to the United States in Operation Iraqi Freedom;

(289) honors the memory of Sergeant Timothy M. Conneway, 22, of Enterprise, Alabama, who died on June 28, 2003, in service to the United States in Operation Iraqi Freedom;

(290) honors the memory of Specialist Kelvin Feliciano Gutierrez, 21, of Anasco, Puerto Rico, who died on June 28, 2003, in service to the United States in Operation Enduring Freedom;

(291) honors the memory of First Sergeant Christopher D. Coffin, 51, of Bethlehem, Pennsylvania, who died on July 1, 2003, in service to the United States in Operation Iraqi Freedom;

(292) honors the memory of Corporal Travis J. Bradachnall, 21, of Multnomah County, Oregon, who died on July 2, 2003, in service to the United States in Operation Iraqi Freedom;

(293) honors the memory of Private First Class Edward J. Herrgott, 20, of Shakopee, Minnesota, who died on July 3, 2003, in service to the United States in Operation Iraqi Freedom;

(294) honors the memory of Private First Class Corey L. Small, 20, of East Berlin, Pennsylvania, who died on July 3, 2003, in service to the United States in Operation Iraqi Freedom;

(295) honors the memory of Master Sergeant James Curtis Coons, 35, of Conroe, Texas, who died on July 4, 2003, in service to the United States in Operation Iraqi Freedom;

(296) honors the memory of Sergeant David B. Parson, 30, of Kannapolis, North Carolina, who died on July 6, 2003, in service to the United States in Operation Iraqi Freedom;

(297) honors the memory of Specialist Jeffrey M. Wershow, 22, of Gainesville, Florida, who died on July 6, 2003, in service to the United States in Operation Iraqi Freedom;

(298) honors the memory of Specialist Chad L. Keith, 21, of Batesville, Indiana, who died on July 7, 2003, in service to the United States in Operation Iraqi Freedom;

(299) honors the memory of Staff Sergeant Barry Sanford, Sr., 46, of Aurora, Colorado, who died on July 7, 2003, in service to the United States in Operation Iraqi Freedom;

(300) honors the memory of Sergeant First Class Craig A. Boling, 38, of Elkhart, Indiana, who died on July 8, 2003, in service to the United States in Operation Iraqi Freedom;

(301) honors the memory of Private Robert L. McKinley, 23, of Kokomo, Indiana, who died on July 8, 2003, in service to the United States in Operation Iraqi Freedom;

(302) honors the memory of Sergeant First Class Dan H. Gabrielson, 39, of Spooner, Wisconsin, who died on July 9, 2003, in service to the United States in Operation Iraqi Freedom;

(303) honors the memory of Sergeant Christopher P. Geiger, 38, of Allentown, Pennsylvania, who died on July 9, 2003, in service to the United States in Operation Enduring Freedom;

(304) honors the memory of Sergeant Roger Dale Rowe, 54, of Bon Aqua, Tennessee, who died on July 9, 2003, in service to the United States in Operation Iraqi Freedom;

(305) honors the memory of Lance Corporal Jason Tetrault, 20, of Moreno Valley, California, who died on July 9, 2003, in service to the United States in Operation Iraqi Freedom;

(306) honors the memory of Sergeant Melissa Valles, 26, of Eagle Pass, Texas, who died on July 9, 2003, in service to the United States in Operation Iraqi Freedom;

(307) honors the memory of Specialist Christian C. Schultz, 20, of Colleyville, Texas, who died on July 11, 2003, in service to the United States in Operation Iraqi Freedom;

(308) honors the memory of Specialist Joshua M. Neusche, 20, of Montreal, Missouri, who died on July 12, 2003, in service to the United States in Operation Iraqi Freedom;

(309) honors the memory of Captain Paul J. Cassidy, 36, of Laingsburg, Michigan, who died on July 13, 2003, in service to the United States in Operation Iraqi Freedom;

(310) honors the memory of Sergeant Jaror C. Puello-Coronado, 36, of Pocono Summit, Pennsylvania, who died on July 13, 2003, in service to the United States in Operation Iraqi Freedom;

(311) honors the memory of Sergeant Michael T. Crockett, 27, of Soperton, Georgia, who died on July 14, 2003, in service to the United States in Operation Iraqi Freedom;

(312) honors the memory of Lance Corporal Cory Ryan Geurin, 18, of Santee, California, who died on July 15, 2003, in service to the United States in Operation Iraqi Freedom;

(313) honors the memory of Specialist Ramon Reyes Torres, 29, of Caguas, Puerto Rico, who died on July 16, 2003, in service to the United States in Operation Iraqi Freedom;

(314) honors the memory of Petty Officer Third Class David J. Moreno, 26, of Gering, Nebraska, who died on July 17, 2003, in service to the United States in Operation Iraqi Freedom;

(315) honors the memory of Sergeant Mason Douglas Whetstone, 30, of Anchorage, Alaska, who died on July 17, 2003, in service to the United States in Operation Iraqi Freedom;

(316) honors the memory of Specialist Joel L. Bertoldie, 20, of Independence, Missouri, who died on July 18, 2003, in service to the United States in Operation Iraqi Freedom;

(317) honors the memory of Second Lieutenant Jonathan D. Rozier, 25, of Katy, Texas, who died on July 19, 2003, in service to the United States in Operation Iraqi Freedom;

(318) honors the memory of Sergeant Justin W. Garvey, 23, of Townsend, Massachusetts, who died on July 20, 2003, in service to the United States in Operation Iraqi Freedom;

(319) honors the memory of Sergeant Jason D. Jordan, 24, of Elba, Alabama, who died on July 20, 2003, in service to the United States in Operation Iraqi Freedom;

(320) honors the memory of Master Sergeant David A. Scott, 51, of Union, Ohio, who died on July 20, 2003, in service to the United States in Operation Iraqi Freedom;

(321) honors the memory of Sergeant First Class Christopher R. Willoughby, 29, of Phenix City, Alabama, who died on July 20, 2003, in service to the United States in Operation Iraqi Freedom;

(322) honors the memory of Corporal Mark Anthony Bibby, 25, of Watha, North Carolina, who died on July 21, 2003, in service to the United States in Operation Iraqi Freedom;

(323) honors the memory of Specialist Jon P. Fettig, 30, of Dickinson, North Dakota, who died on July 22, 2003, in service to the United States in Operation Iraqi Freedom;

(324) honors the memory of Captain Joshua T. Byers, 29, of Mountville, South Carolina, who died on July 23, 2003, in service to the United States in Operation Iraqi Freedom;

(325) honors the memory of Specialist Brett T. Christian, 27, of North Royalton, Ohio, who died on July 23, 2003, in service to the United States in Operation Iraqi Freedom;

(326) honors the memory of Corporal Evan Asa Ashcraft, 24, of West Hills, California, who died on July 24, 2003, in service to the United States in Operation Iraqi Freedom;

(327) honors the memory of Private First Class Raheen Tyson Heighter, 22, of Bay Shore, New York, who died on July 24, 2003, in service to the United States in Operation Iraqi Freedom;

(328) honors the memory of Staff Sergeant Hector R. Perez, 40, of Corpus Christi, Texas, who died on July 24, 2003, in service to the United States in Operation Iraqi Freedom;

(329) honors the memory of Sergeant Juan M. Serrano, 31, of Manati, Puerto Rico, who died on July 24, 2003, in service to the United States in Operation Iraqi Freedom;

(330) honors the memory of Specialist Jonathan P. Barnes, 21, of Anderson, Missouri, who died on July 26, 2003, in service to the United States in Operation Iraqi Freedom;

(331) honors the memory of Private First Class Jonathan M. Cheatham, 19, of Camden, Arkansas, who died on July 26, 2003, in service to the United States in Operation Iraqi Freedom;

(332) honors the memory of Sergeant Daniel K. Methvin, 22, of Belton, Texas, who died on July 26, 2003, in service to the United States in Operation Iraqi Freedom;

(333) honors the memory of Specialist Wilfredo Perez, Jr., 24, of Norwalk, Connecticut, who died on July 26, 2003, in service to the United States in Operation Iraqi Freedom;

(334) honors the memory of Sergeant Heath A. McMillin, 29, of Canandaigua, New York, who died on July 27, 2003, in service to the United States in Operation Iraqi Freedom;

(335) honors the memory of Sergeant Nathaniel Hart, Jr., 29, of Valdosta, Georgia, who died on July 28, 2003, in service to the United States in Operation Iraqi Freedom;

(336) honors the memory of Specialist William J. Maher III, 35, of Yardley, Pennsylvania, who died on July 28, 2003, in service to the United States in Operation Iraqi Freedom;

(337) honors the memory of Captain Leif E. Nott, 24, of Cheyenne, Wyoming, who died on July 30, 2003, in service to the United States in Operation Iraqi Freedom;

(338) honors the memory of Private Michael J. Deutsch, 21, of Dubuque, Iowa, who died on July 31, 2003, in service to the United States in Operation Iraqi Freedom;

(339) honors the memory of Specialist James I. Lambert III, 22, of Raleigh, North Carolina, who died on July 31, 2003, in service to the United States in Operation Iraqi Freedom;

(340) honors the memory of Specialist Justin W. Hebert, 20, of Arlington, Washington, who died on August 1, 2003, in service to the United States in Operation Iraqi Freedom;

(341) honors the memory of Specialist Farao K. Letufuga, 20, of Pago Pago, American Samoa, who died on August 5, 2003, in service to the United States in Operation Iraqi Freedom;

(342) honors the memory of Staff Sergeant David L. Loyd, 44, of Jackson, Tennessee, who died on August 5, 2003, in service to the United States in Operation Iraqi Freedom;

(343) honors the memory of Specialist Zeferino E. Colunga, 20, of Bellville, Texas, who died on August 6, 2003, in service to the United States in Operation Iraqi Freedom;

(344) honors the memory of Private Kyle C. Gilbert, 20, of Brattleboro, Vermont, who died on August 6, 2003, in service to the United States in Operation Iraqi Freedom;

(345) honors the memory of Staff Sergeant Brian R. Hellerman, 35, of Freeport, Minnesota, who died on August 6, 2003, in service to the United States in Operation Iraqi Freedom;

(346) honors the memory of Sergeant Leonard D. Simmons, 33, of New Bern, North Carolina, who died on August 6, 2003, in service to the United States in Operation Iraqi Freedom;

(347) honors the memory of Private First Class Duane E. Longstreth, 19, of Tacoma, Washington, who died on August 7, 2003, in service to the United States in Operation Iraqi Freedom;

(348) honors the memory of Private Matthew D. Bush, 20, of East Alton, Illinois, who died on August 8, 2003, in service to the United States in Operation Iraqi Freedom;

(349) honors the memory of Private First Class Brandon Ramsey, 21, of Calumet City, Illinois, who died on August 8, 2003, in service to the United States in Operation Iraqi Freedom;

(350) honors the memory of Specialist Levi B. Kinchen, 21, of Tickfaw, Louisiana, who died on August 9, 2003, in service to the United States in Operation Iraqi Freedom;

(351) honors the memory of Sergeant Floyd G. Knighten, Jr., 55, of Olla, Louisiana, who died on August 9, 2003, in service to the United States in Operation Iraqi Freedom;

(352) honors the memory of Staff Sergeant David S. Perry, 36, of Bakersfield, California, who died on August 10, 2003, in service to the United States in Operation Iraqi Freedom;

(353) honors the memory of Private First Class Timmy R. Brown, Jr., 21, of Conway, Pennsylvania, who died on August 12, 2003, in service to the United States in Operation Iraqi Freedom;

(354) honors the memory of Staff Sergeant Richard S. Eaton, Jr., 37, of Guilford, Connecticut, who died on August 12, 2003, in service to the United States in Operation Iraqi Freedom;

(355) honors the memory of Private First Class Daniel R. Parker, 18, of Lake Elsinore, California, who died on August 12, 2003, in service to the United States in Operation Iraqi Freedom;

(356) honors the memory of Sergeant Taft V. Williams, 29, of New Orleans, Louisiana, who died on August 12, 2003, in service to the United States in Operation Iraqi Freedom;

(357) honors the memory of Sergeant Steven W. White, 29, of Lawton, Oklahoma, who died on August 13, 2003, in service to the United States in Operation Iraqi Freedom;

(358) honors the memory of Private First Class David M. Kirchhoff, 31, of Anamosa, Iowa, who died on August 14, 2003, in service to the United States in Operation Iraqi Freedom;

(359) honors the memory of Specialist Craig S. Ivory, 26, of Port Matilda, Pennsylvania, who died on August 17, 2003, in service to the United States in Operation Iraqi Freedom;

(360) honors the memory of Specialist Eric R. Hull, 23, of Uniontown, Pennsylvania, who died on August 18, 2003, in service to the United States in Operation Iraqi Freedom;

(361) honors the memory of Staff Sergeant Bobby C. Franklin, 38, of Mineral Bluff, Georgia, who died on August 20, 2003, in service to the United States in Operation Iraqi Freedom;

(362) honors the memory of Specialist Kenneth W. Harris, Jr., 23, of Charlotte, Tennessee, who died on August 20, 2003, in service to the United States in Operation Iraqi Freedom;

(363) honors the memory of Petty Officer First Class David M. Tapper, 32, of Camden County, New Jersey, who died on August 20, 2003, in service to the United States in Operation Enduring Freedom;

(364) honors the memory of Private First Class Michael S. Adams, 20, of Spartanburg, South Carolina, who died on August 21, 2003, in service to the United States in Operation Iraqi Freedom;

(365) honors the memory of Lieutenant Kylan A. Jones-Huffman, 31, of Aptos, California, who died on August 21, 2003, in service to the United States in Operation Iraqi Freedom;

(366) honors the memory of Private First Class Vorn J. Mack, 19, of Orangeburg, South Carolina, who died on August 23, 2003, in service to the United States in Operation Iraqi Freedom;

(367) honors the memory of Specialist Stephen M. Scott, 21, of Lawton, Oklahoma, who died on August 23, 2003, in service to the United States in Operation Iraqi Freedom;

(368) honors the memory of Specialist Ronald D. Allen, Jr., 22, of Mitchell, Indiana, who died on August 25, 2003, in service to the United States in Operation Iraqi Freedom;

(369) honors the memory of Private First Class Pablo Manzano, 19, of Heber, California, who died on August 25, 2003, in service to the United States in Operation Iraqi Freedom;

(370) honors the memory of Specialist Darryl T. Dent, 21, of Washington, District of Columbia, who died on August 26, 2003, in service to the United States in Operation Iraqi Freedom;

(371) honors the memory of Sergeant Gregory A. Belanger, 24, of Narragansett, Rhode Island, who died on August 27, 2003, in service to the United States in Operation Iraqi Freedom;

(372) honors the memory of Specialist Rafael L. Navea, 34, of Pittsburgh, Pennsylvania, who died on August 27, 2003, in service to the United States in Operation Iraqi Freedom;

(373) honors the memory of Lieutenant Colonel Anthony L. Sherman, 43, of Pottstown, Pennsylvania, who died on August 27, 2003, in service to the United States in Operation Iraqi Freedom;

(374) honors the memory of Sergeant First Class Mitchell A. Lane, 34, of Lompoc, California, who died on August 29, 2003, in service to the United States in Operation Enduring Freedom;

(375) honors the memory of Staff Sergeant Mark A. Lawton, 41, of Hayden, Colorado, who died on August 29, 2003, in service to the United States in Operation Iraqi Freedom;

(376) honors the memory of Sergeant Sean K. Cataudella, 28, of Tucson, Arizona, who died on August 30, 2003, in service to the United States in Operation Iraqi Freedom;

(377) honors the memory of Specialist Chad C. Fuller, 24, of Potsdam, New York, who died on August 31, 2003, in service to the United States in Operation Enduring Freedom;

(378) honors the memory of Private First Class Adam L. Thomas, 21, of Palos Hills, Illinois, who died on August 31, 2003, in service to the United States in Operation Enduring Freedom;

(379) honors the memory of Sergeant Charles Todd Caldwell, 38, of North Providence, Rhode Island, who died on September 1, 2003, in service to the United States in Operation Iraqi Freedom;

(380) honors the memory of Staff Sergeant Joseph Camara, 40, of New Bedford, Massachusetts, who died on September 1, 2003, in service to the United States in Operation Iraqi Freedom;

(381) honors the memory of Staff Sergeant Cameron B. Sarno, 43, of Waipahu, Hawaii, who died on September 1, 2003, in service to the United States in Operation Iraqi Freedom;

(382) honors the memory of Private First Class Christopher A. Sisson, 20, of Oak Park, Illinois, who died on September 2, 2003, in service to the United States in Operation Iraqi Freedom;

(383) honors the memory of Technical Sergeant Bruce E. Brown, 32, of Coatopa, Alabama, who died on September 4, 2003, in service to the United States in Operation Iraqi Freedom;

(384) honors the memory of Specialist Jarrett B. Thompson, 27, of Dover, Delaware, who died on September 7, 2003, in service to the United States in Operation Iraqi Freedom;

(385) honors the memory of Specialist Ryan G. Carlock, 25, of Macomb, Illinois, who died on September 9, 2003, in service to the United States in Operation Iraqi Freedom;

(386) honors the memory of Staff Sergeant Joseph E. Robsky, Jr., 31, of Elizaville, New York, who died on September 10, 2003, in service to the United States in Operation Iraqi Freedom;

(387) honors the memory of Sergeant Henry Ybarra III, 32, of Austin, Texas, who died on September 11, 2003, in service to the United States in Operation Iraqi Freedom;

(388) honors the memory of Sergeant First Class William M. Bennett, 35, of Seymour, Tennessee, who died on September 12, 2003, in service to the United States in Operation Iraqi Freedom;

(389) honors the memory of Master Sergeant Kevin N. Morehead, 33, of Little Rock, Arkansas, who died on September 12, 2003, in service to the United States in Operation Iraqi Freedom;

(390) honors the memory of Sergeant Trevor A. Blumberg, 22, of Canton, Michigan, who died on September 14, 2003, in service to the United States in Operation Iraqi Freedom;

(391) honors the memory of Staff Sergeant Kevin C. Kimmerly, 31, of North Creek, New York, who died on September 15, 2003, in service to the United States in Operation Iraqi Freedom;

(392) honors the memory of Specialist Alyssa R. Peterson, 27, of Flagstaff, Arizona, who died on September 15, 2003, in service to the United States in Operation Iraqi Freedom;

(393) honors the memory of Sergeant Foster Pinkston, 47, of Warrenton, Georgia, who died on September 16, 2003, in service to the United States in Operation Iraqi Freedom;

(394) honors the memory of Specialist Richard Arriaga, 20, of Ganado, Texas, who died on September 18, 2003, in service to the United States in Operation Iraqi Freedom;

(395) honors the memory of Captain Brian R. Faunce, 28, of Philadelphia, Pennsylvania, who died on September 18, 2003, in service to the United States in Operation Iraqi Freedom;

(396) honors the memory of Sergeant Anthony O. Thompson, 26, of Orangeburg, South Carolina, who died on September 18, 2003, in service to the United States in Operation Iraqi Freedom;

(397) honors the memory of Specialist James C. Wright, 27, of Morgan, Texas, who died on September 18, 2003, in service to the United States in Operation Iraqi Freedom;

(398) honors the memory of Specialist Lunsford B. Brown II, 27, of Creedmore, North Carolina, who died on September 20,

2003, in service to the United States in Operation Iraqi Freedom;

(399) honors the memory of Sergeant David Travis Friedrich, 26, of Hammond, New York, who died on September 20, 2003, in service to the United States in Operation Iraqi Freedom;

(400) honors the memory of Staff Sergeant Frederick L. Miller, Jr., 27, of Hagerstown, Indiana, who died on September 20, 2003, in service to the United States in Operation Iraqi Freedom;

(401) honors the memory of Specialist Paul J. Sturino, 21, of Rice Lake, Wisconsin, who died on September 22, 2003, in service to the United States in Operation Iraqi Freedom;

(402) honors the memory of Specialist Michael Andrade, 28, of Bristol, Rhode Island, who died on September 24, 2003, in service to the United States in Operation Iraqi Freedom;

(403) honors the memory of Captain Robert L. Lucero, 34, of Casper, Wyoming, who died on September 25, 2003, in service to the United States in Operation Iraqi Freedom;

(404) honors the memory of Sergeant First Class Robert E. Rooney, 43, of Nashua, New Hampshire, who died on September 25, 2003, in service to the United States in Operation Iraqi Freedom;

(405) honors the memory of Specialist Kyle G. Thomas, 23, of Topeka, Kansas, who died on September 25, 2003, in service to the United States in Operation Iraqi Freedom;

(406) honors the memory of Sergeant Andrew Joseph Baddick, 26, of Jim Thorpe, Pennsylvania, who died on September 29, 2003, in service to the United States in Operation Iraqi Freedom;

(407) honors the memory of Staff Sergeant Christopher E. Cutchall, 30, of McConnellsburg, Pennsylvania, who died on September 29, 2003, in service to the United States in Operation Iraqi Freedom;

(408) honors the memory of Private First Class Evan W. O'Neill, 19, of Haverhill, Massachusetts, who died on September 29, 2003, in service to the United States in Operation Enduring Freedom;

(409) honors the memory of Private First Class Kristian E. Parker, 23, of Slidell, Louisiana, who died on September 29, 2003, in service to the United States in Operation Enduring Freedom;

(410) honors the memory of Sergeant Darrin K. Potter, 24, of Louisville, Kentucky, who died on September 29, 2003, in service to the United States in Operation Iraqi Freedom;

(411) honors the memory of Specialist Dustin K. McGaugh, 20, of Derby, Kansas, who died on September 30, 2003, in service to the United States in Operation Iraqi Freedom;

(412) honors the memory of Command Sergeant James D. Blankenbecler, 40, of Alexandria, Virginia, who died on October 1, 2003, in service to the United States in Operation Iraqi Freedom;

(413) honors the memory of Private First Class Analaura Esparza Gutierrez, 21, of Houston, Texas, who died on October 1, 2003, in service to the United States in Operation Iraqi Freedom;

(414) honors the memory of Specialist Simeon Hunte, 23, of Essex, New Jersey, who died on October 1, 2003, in service to the United States in Operation Iraqi Freedom;

(415) honors the memory of Specialist Tamarra J. Ramos, 24, of Quakertown, Pennsylvania, who died on October 1, 2003, in service to the United States in Operation Iraqi Freedom;

(416) honors the memory of Lieutenant Colonel Paul W. Kimbrough, 44, of Little Rock, Arkansas, who died on October 3, 2003, in service to the United States in Operation Enduring Freedom;

(417) honors the memory of Specialist James H. Pirtle, 27, of La Mesa, New Mexico, who died on October 3, 2003, in service to the United States in Operation Iraqi Freedom;

(418) honors the memory of Private First Class Charles M. Sims, 18, of Miami, Florida, who died on October 3, 2003, in service to the United States in Operation Iraqi Freedom;

(419) honors the memory of Specialist Spencer Timothy Karol, 20, of Woodruff, Arizona, who died on October 6, 2003, in service to the United States in Operation Iraqi Freedom;

(420) honors the memory of Private First Class Kerry D. Scott, 21, of Mount Vernon, Washington, who died on October 6, 2003, in service to the United States in Operation Iraqi Freedom;

(421) honors the memory of Second Lieutenant Richard Torres, 25, of Clarksville, Tennessee, who died on October 6, 2003, in service to the United States in Operation Iraqi Freedom;

(422) honors the memory of Specialist Joseph C. Norquist, 26, of San Antonio, Texas, who died on October 9, 2003, in service to the United States in Operation Iraqi Freedom;

(423) honors the memory of Private Sean A. Silva, 23, of Roseville, California, who died on October 9, 2003, in service to the United States in Operation Iraqi Freedom;

(424) honors the memory of Staff Sergeant Christopher W. Swisher, 26, of Lincoln, Nebraska, who died on October 9, 2003, in service to the United States in Operation Iraqi Freedom;

(425) honors the memory of Specialist James E. Powell, 26, of Radcliff, Kentucky, who died on October 12, 2003, in service to the United States in Operation Iraqi Freedom;

(426) honors the memory of Private First Class Jose Casanova, 23, of El Monte, California, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(427) honors the memory of Private Benjamin L. Freeman, 19, of Valdosta, Georgia, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(428) honors the memory of Specialist Douglas J. Weismantle, 28, of Pittsburgh, Pennsylvania, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(429) honors the memory of Specialist Donald L. Wheeler, 22, of Concord, Michigan, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(430) honors the memory of Private First Class Stephen E. Wyatt, 19, of Kilgore, Texas, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(431) honors the memory of Staff Sergeant Joseph P. Bellavia, 28, of Wakefield, Massachusetts, who died on October 16, 2003, in service to the United States in Operation Iraqi Freedom;

(432) honors the memory of Corporal Sean R. Grilley, 24, of San Bernardino, California, who died on October 16, 2003, in service to the United States in Operation Iraqi Freedom;

(433) honors the memory of Lieutenant Colonel Kim S. Orlando, 43, of Tennessee, who died on October 16, 2003, in service to the United States in Operation Iraqi Freedom;

(434) honors the memory of Specialist Michael L. Williams, 46, of Buffalo, New York, who died on October 17, 2003, in service to the United States in Operation Iraqi Freedom;

(435) honors the memory of First Lieutenant David R. Bernstein, 24, of Phoenixville, Pennsylvania, who died on October 18, 2003, in service to the United States in Operation Iraqi Freedom;

(436) honors the memory of Private First Class John D. Hart, 20, of Bedford, Massachusetts, who died on October 18, 2003, in service to the United States in Operation Iraqi Freedom;

(437) honors the memory of Staff Sergeant Paul J. Johnson, 29, of Calumet, Michigan, who died on October 20, 2003, in service to the United States in Operation Iraqi Freedom;

(438) honors the memory of Private First Class Paul J. Bueche, 19, of Daphne, Alabama, who died on October 21, 2003, in service to the United States in Operation Iraqi Freedom;

(439) honors the memory of Specialist John P. Johnson, 24, of Houston, Texas, who died on October 22, 2003, in service to the United States in Operation Iraqi Freedom;

(440) honors the memory of Private Jason M. Ward, 25, of Tulsa, Oklahoma, who died on October 22, 2003, in service to the United States in Operation Iraqi Freedom;

(441) honors the memory of Captain John R. Teal, 31, of Mechanicsville, Virginia, who died on October 23, 2003, in service to the United States in Operation Iraqi Freedom;

(442) honors the memory of Specialist Artimus D. Brassfield, 22, of Flint, Michigan, who died on October 24, 2003, in service to the United States in Operation Iraqi Freedom;

(443) honors the memory of Sergeant Michael S. Hancock, 29, of Yreka, California, who died on October 24, 2003, in service to the United States in Operation Iraqi Freedom;

(444) honors the memory of Specialist Jose L. Mora, 26, of Bell Gardens, California, who died on October 24, 2003, in service to the United States in Operation Iraqi Freedom;

(445) honors the memory of Seaman Jakia Sheree Cannon, 20, of Baltimore, Maryland, who died on October 25, 2003, in service to the United States in Operation Iraqi Freedom;

(446) honors the memory of Civilian contractor William Carlson, 43, of Southern Pines, North Carolina, who died on October 25, 2003, in service to the United States in Operation Enduring Freedom;

(447) honors the memory of Civilian contractor Christopher Glenn Mueller, 32, of San Diego, California, who died on October 25, 2003, in service to the United States in Operation Enduring Freedom;

(448) honors the memory of Private First Class Steven Acosta, 19, of Calexico, California, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(449) honors the memory of Private First Class Rachel K. Bosveld, 19, of Waupun, Wisconsin, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(450) honors the memory of Lieutenant Colonel Charles H. Buehring, 40, of Fayetteville, North Carolina, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(451) honors the memory of Private Joseph R. Guerrera, 20, of Dunn, North Carolina, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(452) honors the memory of Staff Sergeant Jamie L. Huggins, 26, of Hume, Missouri, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(453) honors the memory of Sergeant Aubrey D. Bell, 33, of Tuskegee, Alabama, who died on October 27, 2003, in service to the United States in Operation Iraqi Freedom;

(454) honors the memory of Private Jonathan I. Falaniko, 20, of Pago Pago, American Samoa, who died on October 27, 2003, in service to the United States in Operation Iraqi Freedom;

(455) honors the memory of Private Algernon Adams, 36, of Aiken, South Carolina, who died on October 28, 2003, in service to the United States in Operation Iraqi Freedom;

(456) honors the memory of Sergeant Michael Paul Barrera, 26, of Von Ormy, Texas,

who died on October 28, 2003, in service to the United States in Operation Iraqi Freedom;

(457) honors the memory of Specialist Isaac Campoy, 21, of Douglas, Arizona, who died on October 28, 2003, in service to the United States in Operation Iraqi Freedom;

(458) honors the memory of Staff Sergeant Paul A. Sweeney, 32, of Lakeville, Pennsylvania, who died on October 30, 2003, in service to the United States in Operation Enduring Freedom;

(459) honors the memory of Second Lieutenant Todd J. Bryant, 23, of Riverside, California, who died on October 31, 2003, in service to the United States in Operation Iraqi Freedom;

(460) honors the memory of First Lieutenant Joshua C. Hurley, 24, of Virginia, who died on November 1, 2003, in service to the United States in Operation Iraqi Freedom;

(461) honors the memory of Specialist Maurice J. Johnson, 21, of Levittown, Pennsylvania, who died on November 1, 2003, in service to the United States in Operation Iraqi Freedom;

(462) honors the memory of Staff Sergeant Daniel A. Bader, 28, of Colorado Springs, Colorado, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(463) honors the memory of Sergeant Ernest G. Bucklew, 33, of Enon Valley, Pennsylvania, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(464) honors the memory of First Lieutenant Benjamin J. Colgan, 30, of Kent, Washington, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(465) honors the memory of Specialist Steven Daniel Conover, 21, of Wilmington, Ohio, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(466) honors the memory of Private First Class Anthony D. Dagostino, 20, of Waterbury, Connecticut, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(467) honors the memory of Specialist Darius T. Jennings, 22, of Cordova, South Carolina, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(468) honors the memory of Private First Class Karina S. Lau, 20, of Livingston, California, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(469) honors the memory of Sergeant Keelan L. Moss, 23, of Houston, Texas, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(470) honors the memory of Specialist Brian H. Penisten, 28, of Fort Wayne, Indiana, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(471) honors the memory of Sergeant Ross A. Pennanen, 36, of Shawnee, Oklahoma, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(472) honors the memory of Sergeant Joel Perez, 25, of Rio Grande, Puerto Rico, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(473) honors the memory of First Lieutenant Brian D. Slavenas, 30, of Genoa, Illinois, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(474) honors the memory of Chief Warrant Officer Bruce A. Smith, 41, of West Liberty, Iowa, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(475) honors the memory of Specialist Frances M. Vega, 20, of Fort Buchanan, Puerto Rico, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(476) honors the memory of Staff Sergeant Paul A. Velasquez, 29, of San Diego, California, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(477) honors the memory of Staff Sergeant Joe Nathan Wilson, 30, of Crystal Springs, Mississippi, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(478) honors the memory of Private First Class Rayshawn S. Johnson, 20, of Brooklyn, New York, who died on November 3, 2003, in service to the United States in Operation Iraqi Freedom;

(479) honors the memory of Specialist Robert T. Benson, 20, of Spokane, Washington, who died on November 4, 2003, in service to the United States in Operation Iraqi Freedom;

(480) honors the memory of Sergeant Francisco Martinez, 28, of Humacao, Puerto Rico, who died on November 4, 2003, in service to the United States in Operation Iraqi Freedom;

(481) honors the memory of Sergeant First Class Jose A. Rivera, 34, of Bayamon, Puerto Rico, who died on November 5, 2003, in service to the United States in Operation Iraqi Freedom;

(482) honors the memory of Specialist James A. Chance III, 25, of Kokomo, Mississippi, who died on November 6, 2003, in service to the United States in Operation Iraqi Freedom;

(483) honors the memory of Sergeant Paul F. Fisher, 39, of Cedar Rapids, Iowa, who died on November 6, 2003, in service to the United States in Operation Iraqi Freedom;

(484) honors the memory of Specialist James R. Wolf, 21, of Scottsbluff, Nebraska, who died on November 6, 2003, in service to the United States in Operation Iraqi Freedom;

(485) honors the memory of Command Sergeant Major Cornell W. Gilmore I, 45, of Baltimore, Maryland, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(486) honors the memory of Chief Warrant Officer (CW3) Kyran E. Kennedy, 43, of Boston, Massachusetts, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(487) honors the memory of Staff Sergeant Morgan DeShawn Kennon, 23, of Memphis, Tennessee, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(488) honors the memory of Staff Sergeant Paul M. Neff II, 30, of Fort Mill, South Carolina, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(489) honors the memory of Sergeant Scott C. Rose, 30, of Fayetteville, Kentucky, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(490) honors the memory of Captain Benedict J. Smith, 29, of Monroe City, Missouri, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(491) honors the memory of Chief Warrant Officer (CW5) Sharon T. Swartworth, 43, of Virginia, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(492) honors the memory of Staff Sergeant Gary L. Collins, 32, of Hardin, Texas, who died on November 8, 2003, in service to the United States in Operation Iraqi Freedom;

(493) honors the memory of Private Kurt R. Frosheiser, 22, of Des Moines, Iowa, who died on November 8, 2003, in service to the United States in Operation Iraqi Freedom;

(494) honors the memory of Sergeant Linda C. Jimenez, 39, of Brooklyn, New York, who died on November 8, 2003, in service to the United States in Operation Iraqi Freedom;

(495) honors the memory of Staff Sergeant Mark D. Vasquez, 35, of Port Huron, Michigan, who died on November 8, 2003, in service to the United States in Operation Iraqi Freedom;

(496) honors the memory of Sergeant Nicholas A. Tomko, 24, of Pittsburgh, Pennsylvania, who died on November 9, 2003, in service to the United States in Operation Iraqi Freedom;

(497) honors the memory of Specialist Genaro Acosta, 26, of Fair Oaks, California, who died on November 11, 2003, in service to the United States in Operation Iraqi Freedom;

(498) honors the memory of Specialist Marlon P. Jackson, 25, of Jersey City, New Jersey, who died on November 11, 2003, in service to the United States in Operation Iraqi Freedom;

(499) honors the memory of Staff Sergeant Nathan J. Bailey, 46, of Nashville, Tennessee, who died on November 12, 2003, in service to the United States in Operation Iraqi Freedom;

(500) honors the memory of Specialist Robert A. Wise, 21, of Tallahassee, Florida, who died on November 12, 2003, in service to the United States in Operation Iraqi Freedom;

(501) honors the memory of Private First Class Jacob S. Fletcher, 28, of Bay Shore, New York, who died on November 13, 2003, in service to the United States in Operation Iraqi Freedom;

(502) honors the memory of Sergeant Joseph Minucci II, 23, of Richeyville, Pennsylvania, who died on November 13, 2003, in service to the United States in Operation Iraqi Freedom;

(503) honors the memory of Sergeant Jay A. Blessing, 23, of Tacoma, Washington, who died on November 14, 2003, in service to the United States in Operation Enduring Freedom;

(504) honors the memory of Specialist Irving Medina, 22, of Middletown, New York, who died on November 14, 2003, in service to the United States in Operation Iraqi Freedom;

(505) honors the memory of Sergeant Michael D. Acklin II, 25, of Louisville, Kentucky, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(506) honors the memory of Specialist Ryan T. Baker, 24, of Brown Mills, New Jersey, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(507) honors the memory of Sergeant First Class Kelly Bolor, 37, of Whittier, California, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(508) honors the memory of Specialist Jeremiah J. DiGiovanni, 21, of Tylertown, Mississippi, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(509) honors the memory of Specialist William D. Dusenbery, 30, of Fairview Heights, Illinois, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(510) honors the memory of Private First Class Richard W. Hafer, 21, of Cross Lanes, West Virginia, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(511) honors the memory of Sergeant Warren S. Hansen, 36, of Clintonville, Wisconsin, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(512) honors the memory of Private First Class Sheldon R. Hawk Eagle, 21, of Grand Forks, North Dakota, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(513) honors the memory of Sergeant Timothy L. Hayslett, 26, of Newville, Pennsylvania, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(514) honors the memory of Private First Class Damian L. Heidelberg, 21, of Batesville, Mississippi, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(515) honors the memory of Chief Warrant Officer Erik C. Kesterson, 29, of Independence, Oregon, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(516) honors the memory of Captain Pierre E. Piche, 29, of Starksboro, Vermont, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(517) honors the memory of Sergeant John W. Russell, 26, of Portland, Texas, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(518) honors the memory of Chief Warrant Officer (CW2) Scott A. Saboe, 33, of Willow Lake, South Dakota, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(519) honors the memory of Specialist John R. Sullivan, 26, of Countryside, Illinois, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(520) honors the memory of Specialist Eugene A. Uhl III, 21, of Amherst, Wisconsin, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(521) honors the memory of Private First Class Joey D. Whitener, 19, of Nebo, North Carolina, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(522) honors the memory of Second Lieutenant Jeremy L. Wolfe, 27, of Menomonie, Wisconsin, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(523) honors the memory of Chief Warrant Officer Alexander S. Coulter, 35, of Bristol, Tennessee, who died on November 17, 2003, in service to the United States in Operation Iraqi Freedom;

(524) honors the memory of Captain Nathan S. Dalley, 27, of Kaysville, Utah, who died on November 17, 2003, in service to the United States in Operation Iraqi Freedom;

(525) honors the memory of Staff Sergeant Dale A. Panchot, 26, of Northome, Minnesota, who died on November 17, 2003, in service to the United States in Operation Iraqi Freedom;

(526) honors the memory of Captain James A. Shull, 32, of Kirkland, Washington, who died on November 17, 2003, in service to the United States in Operation Iraqi Freedom;

(527) honors the memory of Specialist Joseph L. Lister, 22, of Pleasanton, Kansas, who died on November 20, 2003, in service to the United States in Operation Iraqi Freedom;

(528) honors the memory of Private Scott Matthew Tyrrell, 21, of Sterling, Illinois, who died on November 20, 2003, in service to the United States in Operation Iraqi Freedom;

(529) honors the memory of Captain George A. Wood, 33, of New York, New York, who died on November 20, 2003, in service to the United States in Operation Iraqi Freedom;

(530) honors the memory of Corporal Gary B. Coleman, 24, of Pikeville, Kentucky, who died on November 21, 2003, in service to the United States in Operation Iraqi Freedom;

(531) honors the memory of Private First Class Damian S. Bushart, 22, of Waterford, Michigan, who died on November 22, 2003, in service to the United States in Operation Iraqi Freedom;

(532) honors the memory of Specialist Robert D. Roberts, 21, of Winter Park, Florida, who died on November 22, 2003, in service to the United States in Operation Iraqi Freedom;

(533) honors the memory of Sergeant Major Phillip R. Albert, 41, of Terryville, Connecticut, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(534) honors the memory of Technical Sergeant William J. Kerwood, 37, of Houston, Missouri, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(535) honors the memory of Staff Sergeant Eddie E. Menyweather, 35, of Los Angeles, California, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(536) honors the memory of Chief Warrant Officer (CW2) Christopher G. Nason, 39, of Los Angeles area, California, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(537) honors the memory of Major Steven Plumhoff, 33, of Neshanic Station, New Jersey, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(538) honors the memory of Specialist Rel A. Ravago IV, 21, of Glendale, California, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(539) honors the memory of Corporal Darrell L. Smith, 28, of Otwell, Indiana, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(540) honors the memory of Staff Sergeant Thomas A. Walkup, Jr., 25, of Millville, New Jersey, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(541) honors the memory of Technical Sergeant Howard A. Walters, 33, of Port Huron, Michigan, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(542) honors the memory of Command Sergeant Major Jerry L. Wilson, 45, of Thomson, Georgia, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(543) honors the memory of Specialist David J. Goldberg, 20, of Layton, Utah, who died on November 26, 2003, in service to the United States in Operation Iraqi Freedom;

(544) honors the memory of Specialist Thomas J. Sweet II, 23, of Bismarck, North Dakota, who died on November 27, 2003, in service to the United States in Operation Iraqi Freedom;

(545) honors the memory of Sergeant Ariel Rico, 25, of El Paso, Texas, who died on November 28, 2003, in service to the United States in Operation Iraqi Freedom;

(546) honors the memory of Staff Sergeant Stephen A. Bertolino, 40, of Orange, California, who died on November 29, 2003, in service to the United States in Operation Iraqi Freedom;

(547) honors the memory of Specialist Aaron J. Sissel, 22, of Tipton, Iowa, who died on November 29, 2003, in service to the United States in Operation Iraqi Freedom;

(548) honors the memory of Specialist Uday Singh, 21, of Lake Forest, Illinois, who died on December 1, 2003, in service to the United States in Operation Iraqi Freedom;

(549) honors the memory of Chief Warrant Officer Clarence E. Boone, 50, of Fort Worth, Texas, who died on December 2, 2003, in service to the United States in Operation Iraqi Freedom;

(550) honors the memory of Specialist Raphael S. Davis, 24, of Tutwiler, Mississippi, who died on December 2, 2003, in service to the United States in Operation Iraqi Freedom;

(551) honors the memory of Sergeant Ryan C. Young, 21, of Corona, California, who died on December 2, 2003, in service to the United States in Operation Iraqi Freedom;

(552) honors the memory of Specialist Arron R. Clark, 20, of Chico, California, who died on December 5, 2003, in service to the United States in Operation Iraqi Freedom;

(553) honors the memory of Private First Class Ray J. Hutchinson, 20, of League City, Texas, who died on December 7, 2003, in service to the United States in Operation Iraqi Freedom;

(554) honors the memory of Specialist Joseph M. Blickenstaff, 23, of Corvallis, Oregon, who died on December 8, 2003, in service to the United States in Operation Iraqi Freedom;

(555) honors the memory of Staff Sergeant Steven H. Bridges, 33, of Tracy, California, who died on December 8, 2003, in service to the United States in Operation Iraqi Freedom;

(556) honors the memory of Specialist Christopher Jude Rivera Wesley, 26, of Portland, Oregon, who died on December 8, 2003, in service to the United States in Operation Iraqi Freedom;

(557) honors the memory of Private First Class Jason G. Wright, 19, of Luzerne, Michigan, who died on December 8, 2003, in service to the United States in Operation Iraqi Freedom;

(558) honors the memory of Specialist Todd M. Bates, 20, of Bellaire, Ohio, who died on December 10, 2003, in service to the United States in Operation Iraqi Freedom;

(559) honors the memory of Staff Sergeant Richard A. Burdick, 24, of National City, California, who died on December 10, 2003, in service to the United States in Operation Iraqi Freedom;

(560) honors the memory of Private First Class Jerrick M. Petty, 25, of Idaho Falls, Idaho, who died on December 10, 2003, in service to the United States in Operation Iraqi Freedom;

(561) honors the memory of Staff Sergeant Aaron T. Reese, 31, of Reynoldsburg, Ohio, who died on December 10, 2003, in service to the United States in Operation Iraqi Freedom;

(562) honors the memory of Specialist Marshall L. Edgerton, 27, of Rocky Face, Georgia, who died on December 11, 2003, in service to the United States in Operation Iraqi Freedom;

(563) honors the memory of Sergeant Jarrod W. Black, 26, of Peru, Indiana, who died on December 12, 2003, in service to the United States in Operation Iraqi Freedom;

(564) honors the memory of Private First Class Jeffrey F. Braun, 19, of Stafford, Connecticut, who died on December 12, 2003, in service to the United States in Operation Iraqi Freedom;

(565) honors the memory of Specialist Rian C. Ferguson, 22, of Taylors, South Carolina, who died on December 14, 2003, in service to the United States in Operation Iraqi Freedom;

(566) honors the memory of Staff Sergeant Kimberly A. Voelz, 27, of Carlisle, Pennsylvania, who died on December 14, 2003, in service to the United States in Operation Iraqi Freedom;

(567) honors the memory of Specialist Nathan W. Nakis, 19, of Sedro-Woolley, Washington, who died on December 15, 2003, in service to the United States in Operation Iraqi Freedom;

(568) honors the memory of Private First Class Kenneth C. Souslin, 21, of Mansfield, Ohio, who died on December 15, 2003, in service to the United States in Operation Iraqi Freedom;

(569) honors the memory of Specialist Christopher J. Holland, 26, of Brunswick, Georgia, who died on December 17, 2003, in service to the United States in Operation Iraqi Freedom;

(570) honors the memory of Sergeant Glenn R. Allison, 24, of Pittsfield, Massachusetts, who died on December 18, 2003, in service to the United States in Operation Iraqi Freedom;

(571) honors the memory of Private First Class Charles E. Bush, Jr., 43, of Buffalo, New York, who died on December 19, 2003, in service to the United States in Operation Iraqi Freedom;

(572) honors the memory of Private First Class Stuart W. Moore, 21, of Livingston, Texas, who died on December 22, 2003, in service to the United States in Operation Iraqi Freedom;

(573) honors the memory of First Lieutenant Edward M. Saltz, 27, of Bigfork, Montana, who died on December 22, 2003, in service to the United States in Operation Iraqi Freedom;

(574) honors the memory of Sergeant Theodore L. Perreault, 33, of Webster, Massachusetts, who died on December 23, 2003, in service to the United States in Operation Enduring Freedom;

(575) honors the memory of Sergeant Benjamin W. Biskie, 27, of Vermilion, Ohio, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(576) honors the memory of Command Sergeant Major Eric F. Cooke, 43, of Scottsdale, Arizona, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(577) honors the memory of Captain Christopher F. Soelzer, 26, of South Dakota, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(578) honors the memory of Major Christopher J. Splinter, 43, of Platteville, Wisconsin, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(579) honors the memory of Sergeant Michael E. Yashinski, 24, of Monument, Colorado, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(580) honors the memory of Staff Sergeant Thomas W. Christensen, 42, of Atlantic Mine, Michigan, who died on December 25, 2003, in service to the United States in Operation Iraqi Freedom;

(581) honors the memory of Staff Sergeant Stephen C. Hattamer, 43, of Gwinn, Michigan, who died on December 25, 2003, in service to the United States in Operation Iraqi Freedom;

(582) honors the memory of Specialist Charles G. Haight, 23, of Jacksonville, Alabama, who died on December 26, 2003, in service to the United States in Operation Iraqi Freedom;

(583) honors the memory of Specialist Michael G. Mihalakis, 18, of San Jose, California, who died on December 26, 2003, in service to the United States in Operation Iraqi Freedom;

(584) honors the memory of Staff Sergeant Michael J. Sutter, 28, of Tinley Park, Illinois, who died on December 26, 2003, in service to the United States in Operation Iraqi Freedom;

(585) honors the memory of Captain Ernesto M. Blanco, 28, of Texas, who died on December 28, 2003, in service to the United States in Operation Iraqi Freedom;

(586) honors the memory of Private Rey D. Cuervo, 24, of Laguna Vista, Texas, who died on December 28, 2003, in service to the United States in Operation Iraqi Freedom;

(587) honors the memory of Sergeant Curt E. Jordan, Jr., 25, of Green Acres, Washington, who died on December 28, 2003, in service to the United States in Operation Iraqi Freedom;

(588) honors the memory of Specialist Justin W. Pollard, 21, of Foothill Ranch, California, who died on December 30, 2003, in service to the United States in Operation Iraqi Freedom;

(589) honors the memory of Specialist Solomon C. ''Kelly'' Bangayan, 24, of Jay, Vermont, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(590) honors the memory of Sergeant Dennis A. Corral, 33, of Kearney, Nebraska, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(591) honors the memory of Captain Kimberly N. Hampton, 27, of Easley, South Carolina, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(592) honors the memory of Captain Eric Thomas Paliwoda, 28, of Farmington, Connecticut, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(593) honors the memory of Specialist Marc S. Seiden, 26, of Brigantine, New Jersey, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(594) honors the memory of Specialist Luke P. Frist, 20, of Brookston, Indiana, who died on January 5, 2004, in service to the United States in Operation Iraqi Freedom;

(595) honors the memory of Private First Class Jesse D. Mizener, 24, of Auburn, California, who died on January 7, 2004, in service to the United States in Operation Iraqi Freedom;

(596) honors the memory of Staff Sergeant Craig Davis, 37, of Opelousas, Louisiana, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(597) honors the memory of Specialist Michael A. Diraimondo, 22, of Simi Valley, California, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(598) honors the memory of Specialist Christopher A. Golby, 26, of Johnstown, Pennsylvania, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(599) honors the memory of Sergeant First Class Gregory B. Hicks, 35, of Duff, Tennessee, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(600) honors the memory of Specialist Nathaniel H. Johnson, 22, of Augusta, Georgia, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(601) honors the memory of Chief Warrant Officer Philip A. Johnson, Jr., 31, of Alabama, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(602) honors the memory of Chief Warrant Officer Ian D. Manuel, 23, of Florida, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(603) honors the memory of Sergeant Jeffrey C. Walker, 33, of Havre de Grace, Maryland, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(604) honors the memory of Chief Warrant Officer Aaron A. Weaver, 32, of Inverness, Florida, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(605) honors the memory of Sergeant Roy A. Wood, 47, of Alva, Florida, who died on January 9, 2004, in service to the United States in Operation Enduring Freedom;

(606) honors the memory of Staff Sergeant Ricky L. Crockett, 37, of Broxton, Georgia, who died on January 12, 2004, in service to the United States in Operation Iraqi Freedom;

(607) honors the memory of Sergeant Keicia M. Hines, 27, of Citrus Heights, California, who died on January 13, 2004, in service to the United States in Operation Iraqi Freedom;

(608) honors the memory of Staff Sergeant Roland L. Castro, 26, of San Antonio, Texas, who died on January 16, 2004, in service to the United States in Operation Iraqi Freedom;

(609) honors the memory of Private First Class Cody J. Orr, 21, of Ruskin, Florida, who died on January 17, 2004, in service to the United States in Operation Iraqi Freedom;

(610) honors the memory of Specialist Larry E. Polley, Jr., 20, of Center, Texas, who died on January 17, 2004, in service to the United States in Operation Iraqi Freedom;

(611) honors the memory of Sergeant Edmond Lee Randle, Jr., 26, of Carol City, Florida, who died on January 17, 2004, in service to the United States in Operation Iraqi Freedom;

(612) honors the memory of Master Sergeant Kelly L. Hornbeck, 36, of Fort Worth, Texas, who died on January 18, 2004, in service to the United States in Operation Iraqi Freedom;

(613) honors the memory of Specialist Gabriel T. Palacios, 22, of Lynn, Massachusetts, who died on January 21, 2004, in service to the United States in Operation Iraqi Freedom;

(614) honors the memory of Private First Class James D. Parker, 20, of Bryan, Texas, who died on January 21, 2004, in service to the United States in Operation Iraqi Freedom;

(615) honors the memory of Chief Warrant Officer (CW2) Michael T. Blaise, 29, of Tennessee, who died on January 23, 2004, in service to the United States in Operation Iraqi Freedom;

(616) honors the memory of Chief Warrant Officer (CW2) Brian D. Hazelgrove, 29, of Fort Rucker, Alabama, who died on January 23, 2004, in service to the United States in Operation Iraqi Freedom;

(617) honors the memory of Specialist Jason K. Chappell, 22, of Hemet, California, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(618) honors the memory of Staff Sergeant Kenneth W. Hendrickson, 41, of Bismarck, North Dakota, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(619) honors the memory of Sergeant Randy S. Rosenberg, 23, of Berlin, New Hampshire, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(620) honors the memory of Sergeant Keith L. Smette, 25, of Makoti, North Dakota, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(621) honors the memory of Specialist William R. Sturges, Jr., 24, of Spring Church, Pennsylvania, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(622) honors the memory of Staff Sergeant Christopher Bunda, 29, of Bremerton, Washington, who died on January 25, 2004, in service to the United States in Operation Iraqi Freedom;

(623) honors the memory of Private First Class Ervin Dervishi, 21, of Fort Worth, Texas, who died on January 25, 2004, in service to the United States in Operation Iraqi Freedom;

(624) honors the memory of Chief Warrant Officer Patrick D. Dorff, 32, of Minnesota, who died on January 25, 2004, in service to the United States in Operation Iraqi Freedom;

(625) honors the memory of First Lieutenant Adam G. Mooney, 28, of Cambridge, Maryland, who died on January 25, 2004, in service to the United States in Operation Iraqi Freedom;

(626) honors the memory of Captain Matthew J. August, 28, of North Kingstown, Rhode Island, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(627) honors the memory of Sergeant First Class James T. Hoffman, 41, of Whitesburg, Kentucky, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(628) honors the memory of Second Lieutenant Luke S. James, 24, of Oklahoma, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(629) honors the memory of Staff Sergeant Lester O. Kinney II, 27, of Zanesville, Ohio, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(630) honors the memory of Sergeant Travis A. Moothart, 23, of Brownsville, Oregon, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(631) honors the memory of Sergeant Cory R. Mracek, 26, of Hay Springs, Nebraska, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(632) honors the memory of Staff Sergeant Shawn M. Clemens, 28, of Allegany, New York, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(633) honors the memory of Specialist Robert J. Cook, 24, of Sun Prairie, Wisconsin, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(634) honors the memory of Sergeant Benjamin L. Gilman, 28, of Meriden, Connecticut, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(635) honors the memory of Specialist Adam G. Kinser, 21, of Sacramento, California, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(636) honors the memory of Staff Sergeant Sean G. Landrus, 31, of Thompson, Ohio, who died on January 29, 2004, in service to the United States in Operation Iraqi Freedom;

(637) honors the memory of Sergeant First Class Curtis Mancini, 43, of Fort Lauderdale, Florida, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(638) honors the memory of Private First Class Luis A. Moreno, 19, of Bronx, New York, who died on January 29, 2004, in service to the United States in Operation Iraqi Freedom;

(639) honors the memory of Staff Sergeant James D. Mowris, 37, of Aurora, Missouri, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(640) honors the memory of Specialist Justin A. Scott, 22, of Bellevue, Kentucky, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(641) honors the memory of Sergeant Danton K. Seitsinger, 29, of Oklahoma City, Oklahoma, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(642) honors the memory of Corporal Juan C. Cabralbanuelos, 25, of Emporia, Kansas, who died on January 31, 2004, in service to the United States in Operation Iraqi Freedom;

(643) honors the memory of Private First Class Holly J. McGeogh, 19, of Taylor, Michigan, who died on January 31, 2004, in service to the United States in Operation Iraqi Freedom;

(644) honors the memory of Sergeant Eliu A. Miersandoval, 27, of San Clemente, California, who died on January 31, 2004, in service to the United States in Operation Iraqi Freedom;

(645) honors the memory of Private First Class Armando Soriano, 20, of Houston, Texas, who died on February 1, 2004, in service to the United States in Operation Iraqi Freedom;

(646) honors the memory of Staff Sergeant Roger C. Turner, Jr., 37, of Parkersburg, West Virginia, who died on February 1, 2004, in service to the United States in Operation Iraqi Freedom;

(647) honors the memory of Second Lieutenant Seth J. Dvorin, 24, of New Jersey, who died on February 3, 2004, in service to the United States in Operation Iraqi Freedom;

(648) honors the memory of Specialist Joshua L. Knowles, 23, of Sheffield, Iowa, who died on February 5, 2004, in service to the United States in Operation Iraqi Freedom;

(649) honors the memory of Staff Sergeant Richard P. Ramey, 27, of Canton, Ohio, who died on February 8, 2004, in service to the United States in Operation Iraqi Freedom;

(650) honors the memory of Sergeant Thomas D. Robbins, 27, of Schenectady, New York, who died on February 9, 2004, in service to the United States in Operation Iraqi Freedom;

(651) honors the memory of Sergeant Elijah Tai Wah Wong, 42, of Mesa, Arizona, who died on February 9, 2004, in service to the United States in Operation Iraqi Freedom;

(652) honors the memory of Master Sergeant Jude C. Mariano, 39, of Vallejo, California, who died on February 10, 2004, in service to the United States in Operation Iraqi Freedom;

(653) honors the memory of Private First Class William C. Ramirez, 19, of Portland, Oregon, who died on February 11, 2004, in service to the United States in Operation Iraqi Freedom;

(654) honors the memory of Sergeant Patrick S. Tainsh, 33, of Oceanside, California, who died on February 11, 2004, in service to the United States in Operation Iraqi Freedom;

(655) honors the memory of Specialist Eric U. Ramirez, 31, of San Diego, California, who died on February 12, 2004, in service to the United States in Operation Iraqi Freedom;

(656) honors the memory of Sergeant Nicholes Darwin Golding, 24, of Addison, Maine, who died on February 13, 2004, in service to the United States in Operation Enduring Freedom;

(657) honors the memory of Private Bryan N. Spry, 19, of Chestertown, Maryland, who died on February 14, 2004, in service to the United States in Operation Iraqi Freedom;

(658) honors the memory of Private First Class Nichole M. Frye, 19, of Lena, Wisconsin, who died on February 16, 2004, in service to the United States in Operation Iraqi Freedom;

(659) honors the memory of Specialist Michael M. Merila, 23, of Sierra Vista, Arizona, who died on February 16, 2004, in service to the United States in Operation Iraqi Freedom;

(660) honors the memory of Specialist Christopher M. Taylor, 25, of Daphne, Alabama, who died on February 16, 2004, in service to the United States in Operation Iraqi Freedom;

(661) honors the memory of Second Lieutenant Jeffrey C. Graham, 24, of Elizabethtown, Kentucky, who died on February 19, 2004, in service to the United States in Operation Iraqi Freedom;

(662) honors the memory of Specialist Roger G. Ling, 20, of Douglaston, New York, who died on February 19, 2004, in service to the United States in Operation Iraqi Freedom;

(663) honors the memory of Sergeant First Class Henry A. Bacon, 45, of Wagram, North Carolina, who died on February 20, 2004, in service to the United States in Operation Iraqi Freedom;

(664) honors the memory of Specialist David E. Hall, 21, of Uniontown, Kansas, who died on February 25, 2004, in service to the United States in Operation Enduring Freedom;

(665) honors the memory of Chief Warrant Officer Matthew C. Laskowski, 32, of Phoenix, Arizona, who died on February 25, 2004, in service to the United States in Operation Iraqi Freedom;

(666) honors the memory of Chief Warrant Officer Stephen M. Wells, 29, of Massachusetts, who died on February 25, 2004, in service to the United States in Operation Iraqi Freedom;

(667) honors the memory of Specialist Michael R. Woodliff, 22, of Port Charlotte, Florida, who died on March 2, 2004, in service to the United States in Operation Iraqi Freedom;

(668) honors the memory of Petty Officer Second Class Michael J. Gray, 32, of Richmond, Virginia, who died on March 5, 2004, in service to the United States in Operation Iraqi Freedom;

(669) honors the memory of Captain Gussie M. Jones, 41, of Louisiana, who died on March 7, 2004, in service to the United States in Operation Iraqi Freedom;

(670) honors the memory of Private First Class Matthew G. Milczark, 18, of Kettle River, Minnesota, who died on March 8, 2004, in service to the United States in Operation Iraqi Freedom;

(671) honors the memory of Specialist Edward W. Brabazon, 20, of Philadelphia, Pennsylvania, who died on March 9, 2004, in service to the United States in Operation Iraqi Freedom;

(672) honors the memory of Sergeant First Class Richard S. Gottfried, 42, of Lake Ozark, Missouri, who died on March 9, 2004, in service to the United States in Operation Iraqi Freedom;

(673) honors the memory of Civilian Fern L. Holland, 33, of Miami, Oklahoma, who died on March 9, 2004, in service to the United States in Operation Iraqi Freedom;

(674) honors the memory of Civilian Robert J. Zangas, 44, of Prince William County, Virginia, who died on March 9, 2004, in service to the United States in Operation Iraqi Freedom;

(675) honors the memory of Private First Class Bert Edward Hoyer, 23, of Ellsworth, Wisconsin, who died on March 10, 2004, in service to the United States in Operation Iraqi Freedom;

(676) honors the memory of Staff Sergeant Joe L. Dunigan, Jr., 37, of Belton, Texas, who died on March 11, 2004, in service to the United States in Operation Iraqi Freedom;

(677) honors the memory of Specialist Christopher K. Hill, 26, of Ventura, California, who died on March 11, 2004, in service to the United States in Operation Iraqi Freedom;

(678) honors the memory of Private First Class Joel K. Brattain, 21, of Yorba Linda/Brea, California, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(679) honors the memory of Sergeant First Class Clint D. Ferrin, 31, of Picayune, Mississippi, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(680) honors the memory of Specialist Jason C. Ford, 21, of Bowie, Maryland, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(681) honors the memory of Captain John F. ''Hans'' Kurth, 31, of Columbus, Wisconsin, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(682) honors the memory of Sergeant Daniel J. Londono, 22, of Boston, Massachusetts, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(683) honors the memory of Specialist Jocelyn ''Joce'' L. Carrasquillo, 28, of Wrightsville Beach, North Carolina, who died on March 14, 2004, in service to the United States in Operation Iraqi Freedom;

(684) honors the memory of Sergeant William J. Normandy, 42, of East Barre, Vermont, who died on March 14, 2004, in service to the United States in Operation Iraqi Freedom;

(685) honors the memory of First Lieutenant Michael R. Adams, 24, of Seattle, Washington, who died on March 16, 2004, in service to the United States in Operation Iraqi Freedom;

(686) honors the memory of Master Sergeant Thomas R. Thigpen, Sr., 52, of Augusta, Georgia, who died on March 16, 2004, in service to the United States in Operation Iraqi Freedom;

(687) honors the memory of Sergeant Jr. Esposito, 22, of Brentwood, New York, who died on March 17, 2004, in service to the United States in Operation Enduring Freedom;

(688) honors the memory of Staff Sergeant Anthony S. Lagman, 26, of Yonkers, New York, who died on March 17, 2004, in service to the United States in Operation Enduring Freedom;

(689) honors the memory of Specialist Tracy L. Laramore, 30, of Okaloosa, Florida, who died on March 17, 2004, in service to the United States in Operation Iraqi Freedom;

(690) honors the memory of Sergeant Ivory L. Phipps, 44, of Chicago, Illinois, who died on March 17, 2004, in service to the United States in Operation Iraqi Freedom;

(691) honors the memory of Corporal Andrew D. Brownfield, 24, of Akron, Ohio, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(692) honors the memory of Specialist Doron Chan, 20, of Highland, New York, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(693) honors the memory of Private First Class Ricky A. Morris, Jr., 20, of Lubbock, Texas, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(694) honors the memory of Private First Class Brandon C. Smith, 20, of Washington, Arkansas, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(695) honors the memory of Private First Class Ernest Harold Sutphin, 21, of Parkersburg, West Virginia, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(696) honors the memory of Private First Class Jason C. Ludlam, 22, of Arlington, Texas, who died on March 19, 2004, in service to the United States in Operation Iraqi Freedom;

(697) honors the memory of Specialist Clint Richard ''Bones'' Matthews, 31, of Bedford, Pennsylvania, who died on March 19, 2004, in service to the United States in Operation Iraqi Freedom;

(698) honors the memory of Corporal David M. Vicente, 25, of Methuen, Massachusetts, who died on March 19, 2004, in service to the United States in Operation Iraqi Freedom;

(699) honors the memory of Specialist Matthew J. Sandri, 24, of Shamokin, Pennsylvania, who died on March 20, 2004, in service to the United States in Operation Iraqi Freedom;

(700) honors the memory of Major Mark D. Taylor, 41, of Stockton, California, who died on March 20, 2004, in service to the United States in Operation Iraqi Freedom;

(701) honors the memory of First Lieutenant Michael W. Vega, 41, of Lathrop, California, who died on March 20, 2004, in service to the United States in Operation Iraqi Freedom;

(702) honors the memory of Private First Class Christopher E. Hudson, 21, of Carmel, Indiana, who died on March 21, 2004, in service to the United States in Operation Iraqi Freedom;

(703) honors the memory of Private Dustin L. Kreider, 19, of Riverton, Kansas, who died on March 21, 2004, in service to the United States in Operation Iraqi Freedom;

(704) honors the memory of Lance Corporal Andrew S. Dang, 20, of Foster City, California, who died on March 22, 2004, in service to the United States in Operation Iraqi Freedom;

(705) honors the memory of Private First Class Bruce Miller, Jr., 23, of Orange, New Jersey, who died on March 22, 2004, in service to the United States in Operation Iraqi Freedom;

(706) honors the memory of Staff Sergeant Wentz Jerome Henry Shanaberger III, 33, of Naples, Florida, who died on March 24, 2004, in service to the United States in Operation Iraqi Freedom;

(707) honors the memory of Lance Corporal Jeffrey C. Burgess, 20, of Plymouth, Massachusetts, who died on March 25, 2004, in service to the United States in Operation Iraqi Freedom;

(708) honors the memory of Lance Corporal James A. Casper, 20, of Coolidge, Texas, who died on March 25, 2004, in service to the United States in Operation Iraqi Freedom;

(709) honors the memory of Specialist Adam D. Froehlich, 21, of Pine Hill, New Jersey, who died on March 25, 2004, in service to the United States in Operation Iraqi Freedom;

(710) honors the memory of Private First Class Leroy Sandoval, Jr., 21, of Houston, Texas, who died on March 26, 2004, in service to the United States in Operation Iraqi Freedom;

(711) honors the memory of Master Sergeant Timothy Toney, 37, of Manhattan, New York, who died on March 27, 2004, in service to the United States in Operation Iraqi Freedom;

(712) honors the memory of Command Sergeant Jr. Jallah, 49, of Fayetteville, North Carolina, who died on March 28, 2004, in service to the United States in Operation Enduring Freedom;

(713) honors the memory of Specialist Jeremiah J. Holmes, 27, of North Berwick, Maine, who died on March 29, 2004, in service to the United States in Operation Iraqi Freedom;

(714) honors the memory of Private First Class Sean M. Schneider, 22, of Janesville, Wisconsin, who died on March 29, 2004, in service to the United States in Operation Iraqi Freedom;

(715) honors the memory of Master Sergeant Richard L. Ferguson, 45, of Conway, New Hampshire, who died on March 30, 2004, in service to the United States in Operation Iraqi Freedom;

(716) honors the memory of Lance Corporal William J. Wiscowiche, 20, of Victorville, California, who died on March 30, 2004, in service to the United States in Operation Iraqi Freedom;

(717) honors the memory of Private Brandon L. Davis, 20, of Cumberland, Maryland, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(718) honors the memory of First Lieutenant Doyle M. Hufstedler, 25, of Abilene, Texas, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(719) honors the memory of Specialist Michael G. Karr, Jr., 23, of San Antonio, Texas, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(720) honors the memory of Specialist Sean R. Mitchell, 24, of Youngsville, Pennsylvania, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(721) honors the memory of Private First Class Cleston C. Raney, 20, of Rupert, Idaho, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(722) honors the memory of Private First Class Dustin M. Sekula, 18, of Edinburg, Texas, who died on April 1, 2004, in service to the United States in Operation Iraqi Freedom;

(723) honors the memory of Private First Class William R. Strange, 19, of Adrian, Georgia, who died on April 2, 2004, in service to the United States in Operation Iraqi Freedom;

(724) honors the memory of Private First Class Geoffrey S. Morris, 19, of Gurnee, Illinois, who died on April 3, 2004, in service to the United States in Operation Iraqi Freedom;

(725) honors the memory of Private First Class John D. Amos II, 20, of Valparaiso, Indiana, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(726) honors the memory of Specialist Robert R. Arsiaga, 25, of Greenwood, Texas, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(727) honors the memory of Lance Corporal Aric J. Barr, 22, of Allegheny, Pennsylvania, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(728) honors the memory of Specialist Ahmed Akil ''Mel'' Cason, 24, of McGehee, Arkansas, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(729) honors the memory of Sergeant Yihiyh L. Chen, 31, of Saipan, Northern Mariana Islands, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(730) honors the memory of Corporal Tyler R. Fey, 22, of Eden Prairie, Minnesota, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(731) honors the memory of Specialist Israel Garza, 25, of Lubbock, Texas, who died

on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(732) honors the memory of Specialist Stephen D. ''Dusty'' Hiller, 25, of Opelika, Alabama, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(733) honors the memory of Corporal Forest Joseph Jostes, 22, of Albion, Illinois, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(734) honors the memory of Sergeant Michael W. Mitchell, 25, of Porterville, California, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(735) honors the memory of Specialist Philip G. Rogers, 23, of Gresham, Oregon, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(736) honors the memory of Specialist Casey Sheehan, 24, of Vacaville, California, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(737) honors the memory of Lance Corporal Shane Lee Goldman, 19, of Orange, Texas, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(738) honors the memory of Private First Class Deryk L. Hallal, 24, of Indianapolis, Indiana, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(739) honors the memory of Private First Class Moises A. Langhorst, 19, of Moose Lake, Minnesota, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(740) honors the memory of Specialist Scott Quentin Larson, Jr., 22, of Houston, Texas, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(741) honors the memory of Sergeant David M. McKeever, 25, of Buffalo, New York, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(742) honors the memory of Private First Class Christopher Ramos, 26, of Albuquerque, New Mexico, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(743) honors the memory of Lance Corporal Matthew K. Serio, 21, of North Providence, Rhode Island, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(744) honors the memory of Corporal Jesse L. Thiry, 23, of Casco, Wisconsin, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(745) honors the memory of Private First Class Benjamin R. Carman, 20, of Jefferson, Iowa, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(746) honors the memory of Lance Corporal Marcus M. Cherry, 18, of Imperial, California, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(747) honors the memory of Private First Class Christopher R. Cobb, 19, of Bradenton, Florida, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(748) honors the memory of Lance Corporal Kyle D. Crowley, 18, of San Ramon, California, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(749) honors the memory of Private First Class Ryan M. Jerabek, 18, of Oneida, Wisconsin, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(750) honors the memory of Lance Corporal Travis J. Layfield, 19, of Fremont, California, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(751) honors the memory of Private First Class Christopher D. Mabry, 19, of Chunky, Mississippi, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(752) honors the memory of Petty Officer Third Class Fernando A. Mendez-Aceves, 27, of Ponce, Puerto Rico, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(753) honors the memory of Sergeant Gerardo Moreno, 23, of Terrell, Texas, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(754) honors the memory of Lance Corporal Anthony P. Roberts, 18, of Bear, Delaware, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(755) honors the memory of Sergeant Lee Duane Todacheene, 29, of Farmington, New Mexico, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(756) honors the memory of Staff Sergeant Allan K. Walker, 28, of Lancaster, California, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(757) honors the memory of Specialist Tyanna S. Felder, 22, of Bridgeport, Connecticut, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(758) honors the memory of Sergeant First Class William W. Labadie, Jr., 45, of Bauxite, Arkansas, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(759) honors the memory of Sergeant First Class Marvin Lee Miller, 38, of Dunn, North Carolina, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(760) honors the memory of Captain Brent L. Morel, 27, of Martin, Tennessee, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(761) honors the memory of Staff Sergeant George S. Rentschler, 31, of Louisville, Kentucky, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(762) honors the memory of Second Lieutenant John Thomas ''J.T.'' Wroblewski, 25, of Oak Ridge, New Jersey, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(763) honors the memory of Lance Corporal Levi T. Angell, 20, of Cloquet, Minnesota, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(764) honors the memory of Corporal Nicholas J. Dieruf, 21, of Versailles, Kentucky, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(765) honors the memory of Lance Corporal Phillip E. Frank, 20, of Elk Grove, Illinois, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(766) honors the memory of Staff Sergeant William M. Harrell, 30, of Placentia, California, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(767) honors the memory of Specialist Isaac Michael Nieves, 20, of Unadilla, New York, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(768) honors the memory of First Lieutenant Joshua M. Palmer, 25, of Banning, California, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(769) honors the memory of Lance Corporal Michael B. Wafford, 20, of Spring, Texas, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(770) honors the memory of Lance Corporal Christopher B. Wasser, 21, of Ottawa, Kansas, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(771) honors the memory of Private First Class Eric A. Ayon, 26, of Arleta, California, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(772) honors the memory of Sergeant Felix M. Delgreco, 22, of Simsbury, Connecticut, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(773) honors the memory of Specialist Peter G. Enos, 24, of South Dartmouth, Massachusetts, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(774) honors the memory of Private First Class Gregory R. Goodrich, 37, of Bartonville, Illinois, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(775) honors the memory of Staff Sergeant Raymond Edison Jones, Jr., 31, of Gainesville, Florida, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(776) honors the memory of Specialist Jonathan Roy Kephart, 21, of Oil City, Pennsylvania, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(777) honors the memory of Sergeant Elmer C. Krause, 40, of Greensboro, North Carolina, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(778) honors the memory of Staff Sergeant Toby W. Mallet, 26, of Kaplan, Louisiana, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(779) honors the memory of Corporal Matthew E. Matula, 20, of Spicewood, Texas, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(780) honors the memory of Staff Sergeant Don Steven McMahan, 31, of Nashville, Tennessee, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(781) honors the memory of Private First Class Chance R. Phelps, 19, of Clifton, Colorado, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(782) honors the memory of Corporal Michael Raymond Speer, 24, of Redfield, Kansas, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(783) honors the memory of Lance Corporal Elias Torrez III, 21, of Veribest, Texas, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(784) honors the memory of Specialist Allen Jeffrey ''A.J.'' Vandayburg, 20, of Mansfield, Ohio, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(785) honors the memory of Specialist Michelle M. Witmer, 20, of New Berlin, Wisconsin, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(786) honors the memory of Specialist Adolf C. Carballo, 20, of Houston, Texas, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(787) honors the memory of Sergeant William C. Eckhart, 25, of Rocksprings, Texas, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(788) honors the memory of Airman First Class Antoine J. Holt, 20, of Kennesaw, Georgia, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(789) honors the memory of Specialist Justin W. Johnson, 22, of Rome, Georgia, who

died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(790) honors the memory of Lance Corporal John T. Sims, Jr., 21, of Alexander City, Alabama, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(791) honors the memory of Corporal Daniel R. Amaya, 22, of Odessa, Texas, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(792) honors the memory of Private First Class Nathan P. Brown, 21, of South Glens Falls, New York, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(793) honors the memory of Chief Warrant Officer Lawrence S. Colton, 32, of Oklahoma City, Oklahoma, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(794) honors the memory of Chief Warrant Officer Wesley C. Fortenberry, 38, of Woodville, Texas, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(795) honors the memory of Lance Corporal Torrey L. Gray, 19, of Patoka, Illinois, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(796) honors the memory of First Lieutenant Oscar Jimenez, 34, of San Diego, California, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(797) honors the memory of Sergeant Major Michael Boyd Stack, 48, of Lake City, South Carolina, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(798) honors the memory of Private First Class George D. Torres, 23, of Long Beach, California, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(799) honors the memory of Lance Corporal Brad S. Shuder, 21, of El Dorado, California, who died on April 12, 2004, in service to the United States in Operation Iraqi Freedom;

(800) honors the memory of Commander Adrian Basil Szwec, 43, of Chicago, Illinois, who died on April 12, 2004, in service to the United States in Operation Enduring Freedom;

(801) honors the memory of Lance Corporal Robert Paul Zurheide, Jr., 20, of Tucson, Arizona, who died on April 12, 2004, in service to the United States in Operation Iraqi Freedom;

(802) honors the memory of Private Noah L. Boye, 21, of Grand Island, Nebraska, who died on April 13, 2004, in service to the United States in Operation Iraqi Freedom;

(803) honors the memory of Corporal Kevin T. Kolm, 23, of Hicksville, New York, who died on April 13, 2004, in service to the United States in Operation Iraqi Freedom;

(804) honors the memory of Staff Sergeant Victor A. Rosaleslomeli, 29, of Westminster, California, who died on April 13, 2004, in service to the United States in Operation Iraqi Freedom;

(805) honors the memory of Sergeant Christopher Ramirez, 34, of Edinburg (McAllen), Texas, who died on April 14, 2004, in service to the United States in Operation Iraqi Freedom;

(806) honors the memory of Specialist Frank K. Rivers, Jr., 23, of Woodbridge, Virginia, who died on April 14, 2004, in service to the United States in Operation Iraqi Freedom;

(807) honors the memory of Specialist Richard K. Trevithick, 20, of Gaines, Michigan, who died on April 14, 2004, in service to the United States in Operation Iraqi Freedom;

(808) honors the memory of Staff Sergeant Jimmy J. Arroyave, 30, of Woodland, California, who died on April 15, 2004, in service to the United States in Operation Iraqi Freedom;

(809) honors the memory of Sergeant Brian M. Wood, 21, of Torrance, California, who died on April 16, 2004, in service to the United States in Operation Iraqi Freedom;

(810) honors the memory of Specialist Marvin A. Camposiles, 25, of Austell, Georgia, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(811) honors the memory of Staff Sergeant Edward W. Carman, 27, of McKeesport, Pennsylvania, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(812) honors the memory of Captain Richard J. Gannon II, 31, of Escondido, California, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(813) honors the memory of Corporal Christopher A. Gibson, 23, of Simi Valley, California, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(814) honors the memory of Sergeant Jonathan N. Hartman, 27, of Jacksonville, Florida, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(815) honors the memory of First Lieutenant Robert L. Henderson II, 33, of Alvaton, Kentucky, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(816) honors the memory of Private First Class Clayton Welch Henson, 20, of Stanton, Texas, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(817) honors the memory of Specialist Michael A. McGlothin, 21, of Milwaukee, Wisconsin, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(818) honors the memory of Specialist Dennis B. Morgan, 22, of Valentine, Nebraska, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(819) honors the memory of Lance Corporal Michael J. Smith, Jr., 21, of Jefferson, Ohio, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(820) honors the memory of Lance Corporal Ruben Valdez, Jr., 21, of San Diego, Texas, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(821) honors the memory of Lance Corporal Gary F. Van Leuven, 20, of Klamath Falls, Oregon, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(822) honors the memory of Master Sergeant Herbert R. Claunch, 58, of Wetumpka, Alabama, who died on April 18, 2004, in service to the United States in Operation Enduring Freedom;

(823) honors the memory of First Sergeant Bradley C. Fox, 34, of Adrian, Michigan, who died on April 20, 2004, in service to the United States in Operation Iraqi Freedom;

(824) honors the memory of Specialist Christopher D. Gelineau, 23, of Portland, Maine, who died on April 20, 2004, in service to the United States in Operation Iraqi Freedom;

(825) honors the memory of Private First Class Leroy Harris-Kelly, 20, of Azusa, California, who died on April 20, 2004, in service to the United States in Operation Iraqi Freedom;

(826) honors the memory of Corporal Jason L. Dunham, 22, of Scio (Allegany Co.), New York, who died on April 22, 2004, in service to the United States in Operation Iraqi Freedom;

(827) honors the memory of Specialist Patrick D. Tillman, 27, of Chandler, Arizona, who died on April 22, 2004, in service to the United States in Operation Enduring Freedom;

(828) honors the memory of Private First Class Shawn C. Edwards, 20, of Bensenville, Illinois, who died on April 23, 2004, in service to the United States in Operation Iraqi Freedom;

(829) honors the memory of Staff Sergeant Stacey C. Brandon, 35, of Hazen, Arkansas, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(830) honors the memory of Staff Sergeant Cory W. Brooks, 32, of Philip, South Dakota, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(831) honors the memory of Captain Arthur L. ''Bo'' Felder, 36, of Lewisville, Arkansas, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(832) honors the memory of Chief Warrant Officer Patrick W. Kordsmeier, 49, of North Little Rock, Arkansas, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(833) honors the memory of Staff Sergeant Billy J. Orton, 41, of Humnoke, Arkansas, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(834) honors the memory of Petty Officer First Class Michael J. Pernaselli, 27, of Monroe, New York, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(835) honors the memory of Petty Officer Second Class Christopher E. Watts, 28, of Knoxville, Tennessee, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(836) honors the memory of Petty Officer Third Class Nathan B. Bruckenthal, 24, of Stony Brook (Long Island), New York, who died on April 25, 2004, in service to the United States in Operation Iraqi Freedom;

(837) honors the memory of Specialist Kenneth A. Melton, 30, of Westplains, Missouri, who died on April 25, 2004, in service to the United States in Operation Iraqi Freedom;

(838) honors the memory of Lance Corporal Aaron C. Austin, 21, of Sunray, Texas, who died on April 26, 2004, in service to the United States in Operation Iraqi Freedom;

(839) honors the memory of Sergeant Sherwood R. Baker, 30, of Plymouth, Pennsylvania, who died on April 26, 2004, in service to the United States in Operation Iraqi Freedom;

(840) honors the memory of Sergeant Lawrence A. Roukey, 33, of Westbrook, Maine, who died on April 26, 2004, in service to the United States in Operation Iraqi Freedom;

(841) honors the memory of Staff Sergeant Abraham D. Penamedina, 32, of Los Angeles, California, who died on April 27, 2004, in service to the United States in Operation Iraqi Freedom;

(842) honors the memory of Private First Class Marquis A. Whitaker, 20, of Columbus, Georgia, who died on April 27, 2004, in service to the United States in Operation Iraqi Freedom;

(843) honors the memory of Specialist Jacob R. Herring, 21, of Kirkland, Washington, who died on April 28, 2004, in service to the United States in Operation Iraqi Freedom;

(844) honors the memory of Staff Sergeant Kendall Thomas, 36, of St. Thomas, Virgin Islands, who died on April 28, 2004, in service to the United States in Operation Iraqi Freedom;

(845) honors the memory of Specialist James L. Beckstrand, 27, of Escondido, California, who died on April 29, 2004, in service

to the United States in Operation Iraqi Freedom;

(846) honors the memory of Sergeant Ryan M. Campbell, 25, of Kirksville, Missouri, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(847) honors the memory of Private First Class Norman Darling, 29, of Middleboro, Massachusetts, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(848) honors the memory of Staff Sergeant Jeffrey F. Dayton, 27, of Caledonia, Mississippi, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(849) honors the memory of Sergeant Adam W. Estep, 23, of Campbell, California, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(850) honors the memory of Private First Class Jeremy Ricardo Ewing, 22, of Miami, Florida, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(851) honors the memory of Sergeant Landis W. Garrison, 23, of Rapids City, Illinois, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(852) honors the memory of Specialist Martin W. Kondor, 20, of York, Pennsylvania, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(853) honors the memory of Staff Sergeant Esau G. Patterson, Jr., 25, of Ridgeland, South Carolina, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(854) honors the memory of Private First Class Ryan E. Reed, 20, of Colorado Springs, Colorado, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(855) honors the memory of Specialist Justin B. Schmidt, 23, of Bradenton, Florida, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(856) honors the memory of Petty Officer Third Class Christopher M. Dickerson, 33, of Eastman, Georgia, who died on April 30, 2004, in service to the United States in Operation Iraqi Freedom;

(857) honors the memory of Petty Officer Second Class Jason B. Dwelley, 31, of Apopka, Florida, who died on April 30, 2004, in service to the United States in Operation Iraqi Freedom;

(858) honors the memory of Corporal Scott M. Vincent, 21, of Bokoshe, Oklahoma, who died on April 30, 2004, in service to the United States in Operation Iraqi Freedom;

(859) honors the memory of Corporal Joshua S. Wilfong, 22, of Walker, West Virginia, who died on April 30, 2004, in service to the United States in Operation Iraqi Freedom;

(860) honors the memory of Sergeant Joshua S. Ladd, 20, of Port Gibson, Mississippi, who died on May 1, 2004, in service to the United States in Operation Iraqi Freedom;

(861) honors the memory of Specialist Ramon C. Ojeda, 22, of Ramona, California, who died on May 1, 2004, in service to the United States in Operation Iraqi Freedom;

(862) honors the memory of Staff Sergeant Oscar D. Vargas-Medina, 32, of Chicago, Illinois, who died on May 1, 2004, in service to the United States in Operation Iraqi Freedom;

(863) honors the memory of Specialist Trevor A. Wine, 22, of Orange, California, who died on May 1, 2004, in service to the United States in Operation Iraqi Freedom;

(864) honors the memory of Specialist Phillip L. Witkowski, 24, of Fredonia, New York, who died on May 1, 2004, in service to the United States in Operation Enduring Freedom;

(865) honors the memory of Petty Officer Second Class Michael C. Anderson, 36, of Daytona, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(866) honors the memory of Specialist Ervin Caradine, Jr., 33, of Memphis, Tennessee, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(867) honors the memory of Petty Officer Second Class Trace W. Dossett, 37, of Orlando, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(868) honors the memory of Private Jeremy L. Drexler, 23, of Topeka, Kansas, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(869) honors the memory of Petty Officer Third Class Ronald A. Ginther, 37, of Auburndale, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(870) honors the memory of Petty Officer Second Class Robert B. Jenkins, 35, of Stuart, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(871) honors the memory of Petty Officer Second Class Scott R. McHugh, 33, of Boca Raton, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(872) honors the memory of Staff Sergeant Todd E. Nunes, 29, of Chapel Hills, Tennessee, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(873) honors the memory of Captain John E. Tipton, 32, of Fort Walton Beach, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(874) honors the memory of Gunnery Sergeant Ronald E. Baum, 38, of Hollidaysburg, Pennsylvania, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(875) honors the memory of First Lieutenant Christopher J. Kenny, 32, of Miami, Florida, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(876) honors the memory of Private First Class Lyndon A. Marcus, Jr., 21, of Long Beach, California, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(877) honors the memory of Staff Sergeant Erickson H. Petty, 28, of Fort Gibson, Oklahoma, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(878) honors the memory of Sergeant Marvin R. Sprayberry III, 24, of Tehachapi, California, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(879) honors the memory of Sergeant Gregory L. Wahl, 30, of Salisbury, North Carolina, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(880) honors the memory of Private First Class Jesse R. Buryj, 21, of Canton, Ohio, who died on May 5, 2004, in service to the United States in Operation Iraqi Freedom;

(881) honors the memory of Corporal Jeffrey G. Green, 20, of Dallas, Texas, who died on May 5, 2004, in service to the United States in Operation Iraqi Freedom;

(882) honors the memory of Private First Class Bradley G. Kritzer, 18, of Irvona, Pennsylvania, who died on May 5, 2004, in service to the United States in Operation Iraqi Freedom;

(883) honors the memory of Specialist James E. Marshall, 19, of Tulsa, Oklahoma, who died on May 5, 2004, in service to the United States in Operation Iraqi Freedom;

(884) honors the memory of Private First Class Brandon James Wadman, 19, of West Palm Beach, Florida, who died on May 5, 2004, in service to the United States in Operation Enduring Freedom;

(885) honors the memory of Staff Sergeant Hesley Box, Jr., 24, of Nashville, Arkansas, who died on May 6, 2004, in service to the United States in Operation Iraqi Freedom;

(886) honors the memory of Corporal Dustin H. Schrage, 20, of Brevard, Florida, who died on May 6, 2004, in service to the United States in Operation Iraqi Freedom;

(887) honors the memory of Corporal Ronald R. Payne, Jr., 23, of Lakeland, Florida, who died on May 7, 2004, in service to the United States in Operation Enduring Freedom;

(888) honors the memory of Specialist Philip D. Brown, 21, of Jamestown, North Dakota, who died on May 8, 2004, in service to the United States in Operation Iraqi Freedom;

(889) honors the memory of Specialist James J. Holmes, 28, of East Grand Forks, Minnesota, who died on May 8, 2004, in service to the United States in Operation Iraqi Freedom;

(890) honors the memory of Specialist Isela Rubalcava, 25, of El Paso, Texas, who died on May 8, 2004, in service to the United States in Operation Iraqi Freedom;

(891) honors the memory of Specialist Chase R. Whitman, 21, of Oregon, who died on May 8, 2004, in service to the United States in Operation Iraqi Freedom;

(892) honors the memory of Sergeant Rodney A. Murray, 28, of Ayden, North Carolina, who died on May 9, 2004, in service to the United States in Operation Iraqi Freedom;

(893) honors the memory of Private First Class Andrew L. Tuazon, 21, of Chesapeake, Virginia, who died on May 10, 2004, in service to the United States in Operation Iraqi Freedom;

(894) honors the memory of Specialist Kyle A. Brinlee, 21, of Pryor, Oklahoma, who died on May 11, 2004, in service to the United States in Operation Iraqi Freedom;

(895) honors the memory of Lance Corporal Jeremiah E. Savage, 21, of Livingston, Tennessee, who died on May 12, 2004, in service to the United States in Operation Iraqi Freedom;

(896) honors the memory of Specialist Jeffrey R. Shaver, 26, of Maple Valley, Washington, who died on May 12, 2004, in service to the United States in Operation Iraqi Freedom;

(897) honors the memory of Private First Class Brian K. Cutter, 19, of Riverside, California, who died on May 13, 2004, in service to the United States in Operation Iraqi Freedom;

(898) honors the memory of Private First Class Brandon C. Sturdy, 19, of Urbandale, Iowa, who died on May 13, 2004, in service to the United States in Operation Iraqi Freedom;

(899) honors the memory of Command Sergeant Major Edward C. Barnhill, 50, of Shreveport, Louisiana, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(900) honors the memory of Sergeant Brud J. Cronkrite, 22, of Spring Valley, California, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(901) honors the memory of Sergeant James William Harlan, 44, of Owensboro, Kentucky, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(902) honors the memory of Private First Class Michael A. Mora, 19, of Arroyo Grande, California, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(903) honors the memory of Specialist Philip I. Spakosky, 25, of Browns Mill, New Jersey, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(904) honors the memory of Senior Airman Pedro I. Espaillat, Jr., 20, of Columbia, Tennessee, who died on May 15, 2004, in service to the United States in Operation Iraqi Freedom;

(905) honors the memory of Staff Sergeant Rene Ledesma, 34, of Abilene, Texas, who died on May 15, 2004, in service to the United States in Operation Iraqi Freedom;

(906) honors the memory of Chief Warrant Officer Bruce E. Price, 37, of Maryland, who died on May 15, 2004, in service to the United States in Operation Enduring Freedom;

(907) honors the memory of Second Lieutenant Leonard M. Cowherd, Jr., 22, of Culpeper, Virginia, who died on May 16, 2004, in service to the United States in Operation Iraqi Freedom;

(908) honors the memory of Specialist Carl F. Curran, 22, of Union City, Pennsylvania, who died on May 17, 2004, in service to the United States in Operation Iraqi Freedom;

(909) honors the memory of Specialist Mark Joseph Kasecky, 20, of McKees Rocks, Pennsylvania, who died on May 17, 2004, in service to the United States in Operation Iraqi Freedom;

(910) honors the memory of Lance Corporal Bob W. Roberts, 30, of Newport, Oregon, who died on May 17, 2004, in service to the United States in Operation Iraqi Freedom;

(911) honors the memory of Private First Class Michael M. Carey, 20, of Prince George, Virginia, who died on May 18, 2004, in service to the United States in Operation Iraqi Freedom;

(912) honors the memory of Staff Sergeant William D. Chaney, 59, of Schaumburg, Illinois, who died on May 18, 2004, in service to the United States in Operation Iraqi Freedom;

(913) honors the memory of Staff Sergeant Joseph P. Garyantes, 34, of Rehoboth, Delaware, who died on May 18, 2004, in service to the United States in Operation Iraqi Freedom;

(914) honors the memory of Specialist Marcos O. Nolasco, 34, of Chino, California, who died on May 18, 2004, in service to the United States in Operation Iraqi Freedom;

(915) honors the memory of Specialist Michael C. Campbell, 34, of Marshfield, Missouri, who died on May 19, 2004, in service to the United States in Operation Iraqi Freedom;

(916) honors the memory of Private First Class Leslie D. Jackson, 18, of Richmond, Virginia, who died on May 20, 2004, in service to the United States in Operation Iraqi Freedom;

(917) honors the memory of Sergeant First Class Troy ''Leon'' Miranda, 44, of DeQueen, Arkansas, who died on May 20, 2004, in service to the United States in Operation Iraqi Freedom;

(918) honors the memory of Corporal Rudy Salas, 20, of Baldwin Park, California, who died on May 20, 2004, in service to the United States in Operation Iraqi Freedom;

(919) honors the memory of Staff Sergeant Jeremy R. Horton, 24, of Carneys Point, Pennsylvania, who died on May 21, 2004, in service to the United States in Operation Iraqi Freedom;

(920) honors the memory of Lance Corporal Andrew J. Zabierek, 25, of Chelmsford, Massachusetts, who died on May 21, 2004, in service to the United States in Operation Iraqi Freedom;

(921) honors the memory of Staff Sergeant Jorge A. Molina Bautista, 37, of Rialto, California, who died on May 23, 2004, in service to the United States in Operation Iraqi Freedom;

(922) honors the memory of Specialist Jeremy L. Ridlen, 23, of Paris, Illinois, who died on May 23, 2004, in service to the United States in Operation Iraqi Freedom;

(923) honors the memory of Specialist Beau R. Beaulieu, 20, of Lisbon, Maine, who died on May 24, 2004, in service to the United States in Operation Iraqi Freedom;

(924) honors the memory of Private First Class Owen D. Witt, 20, of Sand Springs, Montana, who died on May 24, 2004, in service to the United States in Operation Iraqi Freedom;

(925) honors the memory of Specialist Alan N. Bean, Jr., 22, of Bridport, Vermont, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(926) honors the memory of Private First Class James P. Lambert, 23, of New Orleans, Louisiana, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(927) honors the memory of Private First Class Richard H. Rosas, 21, of Saint Louis, Michigan, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(928) honors the memory of Sergeant Kevin F. Sheehan, 36, of Milton, Vermont, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(929) honors the memory of Private First Class Daniel Paul Unger, 19, of Exeter, California, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(930) honors the memory of Lance Corporal Kyle W. Codner, 19, of Wood River, Nebraska, who died on May 26, 2004, in service to the United States in Operation Iraqi Freedom;

(931) honors the memory of Corporal Matthew C. Henderson, 25, of Lincoln, Nebraska, who died on May 26, 2004, in service to the United States in Operation Iraqi Freedom;

(932) honors the memory of Corporal Dominique J. Nicolas, 25, of Maricopa, Arizona, who died on May 26, 2004, in service to the United States in Operation Iraqi Freedom;

(933) honors the memory of Specialist Michael J. Wiesemann, 20, of North Judson, Indiana, who died on May 28, 2004, in service to the United States in Operation Iraqi Freedom;

(934) honors the memory of Private First Class Cody S. Calavan, 19, of Lake Stevens, Washington, who died on May 29, 2004, in service to the United States in Operation Iraqi Freedom;

(935) honors the memory of Captain Daniel W. Eggers, 28, of Cape Coral, Florida, who died on May 29, 2004, in service to the United States in Operation Enduring Freedom;

(936) honors the memory of Lance Corporal Benjamin R. Gonzalez, 23, of Los Angeles, California, who died on May 29, 2004, in service to the United States in Operation Iraqi Freedom;

(937) honors the memory of Private First Class Joseph A. Jeffries, 21, of Beaverton, Oregon, who died on May 29, 2004, in service to the United States in Operation Enduring Freedom;

(938) honors the memory of Staff Sergeant Robert J. Mogensen, 26, of Leesville, Louisiana, who died on May 29, 2004, in service to the United States in Operation Enduring Freedom;

(939) honors the memory of Petty Officer First Class Brian J. Ouellette, 37, of Needham, Massachusetts, who died on May 29, 2004, in service to the United States in Operation Enduring Freedom;

(940) honors the memory of Lance Corporal Rafael Reynosasuarez, 28, of Santa Ana, California, who died on May 29, 2004, in service to the United States in Operation Iraqi Freedom;

(941) honors the memory of First Lieutenant Kenneth Michael Ballard, 26, of Mountain View, California, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(942) honors the memory of Private Bradli N. Coleman, 19, of Ford City, Pennsylvania, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(943) honors the memory of Sergeant Aaron C. Elandt, 23, of Lowell, Michigan, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(944) honors the memory of Specialist Charles E. Odums II, 22, of Sandusky, Ohio, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(945) honors the memory of Private First Class Nicholaus E. Zimmer, 20, of Columbus, Ohio, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(946) honors the memory of Captain Robert C. Scheetz, Jr., 31, of Dothan, Alabama, who died on May 31, 2004, in service to the United States in Operation Iraqi Freedom;

(947) honors the memory of Lance Corporal Dustin L. Sides, 22, of Yakima, Washington, who died on May 31, 2004, in service to the United States in Operation Iraqi Freedom;

(948) honors the memory of Private First Class Markus J. Johnson, 20, of Springfield, Massachusetts, who died on June 1, 2004, in service to the United States in Operation Iraqi Freedom;

(949) honors the memory of Corporal Bumrok Lee, 21, of Sunnyvale, California, who died on June 2, 2004, in service to the United States in Operation Iraqi Freedom;

(950) honors the memory of Lance Corporal Todd J. Bolding, 23, of Manvel, Texas, who died on June 3, 2004, in service to the United States in Operation Iraqi Freedom;

(951) honors the memory of Sergeant Frank T. Carvill, 51, of Carlstadt, New Jersey, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(952) honors the memory of Specialist Christopher M. Duffy, 26, of Brick, New Jersey, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(953) honors the memory of Sergeant Justin L. Eyerly, 23, of Salem, Oregon, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(954) honors the memory of Specialist Justin W. Linden, 22, of Portland, Oregon, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(955) honors the memory of First Lieutenant Erik S. McCrae, 25, of Portland, Oregon, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(956) honors the memory of Specialist Ryan E. Doltz, 26, of Mine Hill, New Jersey, who died on June 5, 2004, in service to the United States in Operation Iraqi Freedom;

(957) honors the memory of Sergeant Humberto F. Timoteo, 25, of Newark, New Jersey, who died on June 5, 2004, in service to the United States in Operation Iraqi Freedom;

(958) honors the memory of Private First Class Melissa J. Hobart, 22, of Ladson, South Carolina, who died on June 6, 2004, in service to the United States in Operation Iraqi Freedom;

(959) honors the memory of Sergeant Melvin Y. Mora Lopez, 27, of Arecibo, Puerto Rico, who died on June 6, 2004, in service to the United States in Operation Iraqi Freedom;

(960) honors the memory of Lance Corporal Jeremy L. Bohlman, 21, of Sioux Falls, South Dakota, who died on June 7, 2004, in

service to the United States in Operation Iraqi Freedom;

(961) honors the memory of Corporal David M. Fraise, 24, of New Orleans, Louisiana, who died on June 7, 2004, in service to the United States in Operation Enduring Freedom;

(962) honors the memory of Sergeant Jamie A. Gray, 29, of Montpelier, Vermont, who died on June 7, 2004, in service to the United States in Operation Iraqi Freedom;

(963) honors the memory of Captain Humayun S. M. Khan, 27, of Bristow, Virginia, who died on June 8, 2004, in service to the United States in Operation Iraqi Freedom;

(964) honors the memory of Private First Class Thomas D. Caughman, 20, of Lexington, South Carolina, who died on June 9, 2004, in service to the United States in Operation Iraqi Freedom;

(965) honors the memory of Specialist Eric S. McKinley, 24, of Corvallis, Oregon, who died on June 13, 2004, in service to the United States in Operation Iraqi Freedom;

(966) honors the memory of Private First Class Shawn M. Atkins, 20, of Parker, Colorado, who died on June 14, 2004, in service to the United States in Operation Iraqi Freedom;

(967) honors the memory of Specialist Jeremy M. Dimaranan, 29, of Virginia Beach, Virginia, who died on June 16, 2004, in service to the United States in Operation Iraqi Freedom;

(968) honors the memory of Sergeant Arthur S. (Stacey) Mastrapa, 35, of Apopka, Florida, who died on June 16, 2004, in service to the United States in Operation Iraqi Freedom;

(969) honors the memory of Major Paul R. Syverson III, 32, of Lake Zurich, Illinois, who died on June 16, 2004, in service to the United States in Operation Iraqi Freedom;

(970) honors the memory of Private First Class Jason N. Lynch, 21, of St. Croix, Virgin Islands, who died on June 18, 2004, in service to the United States in Operation Iraqi Freedom;

(971) honors the memory of Specialist Thai Vue, 22, of Willows, California, who died on June 18, 2004, in service to the United States in Operation Iraqi Freedom;

(972) honors the memory of Private First Class Sean Horn, 19, of Irvine, California, who died on June 19, 2004, in service to the United States in Operation Iraqi Freedom;

(973) honors the memory of Staff Sergeant Marvin Best, 33, of Prosser, Washington, who died on June 20, 2004, in service to the United States in Operation Iraqi Freedom;

(974) honors the memory of Lance Corporal Russell P. White, 19, of Dagsboro, Delaware, who died on June 20, 2004, in service to the United States in Operation Enduring Freedom;

(975) honors the memory of Lance Corporal Pedro Contreras, 27, of Harris, Texas, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(976) honors the memory of Lance Corporal Juan Lopez, 22, of Whitfield, Georgia, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(977) honors the memory of Lance Corporal Deshon E. Otey, 24, of Hardin, Kentucky, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(978) honors the memory of Corporal Tommy L. Parker, Jr., 21, of Cleburne, Arkansas, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(979) honors the memory of Staff Sergeant Gregory V. Pennington, 36, of Glade Spring, Virginia, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(980) honors the memory of Sergeant Patrick R. McCaffrey, Sr., 34, of Tracy, California, who died on June 22, 2004, in service to the United States in Operation Iraqi Freedom;

(981) honors the memory of First Lieutenant Andre D. Tyson, 33, of Riverside, California, who died on June 22, 2004, in service to the United States in Operation Iraqi Freedom;

(982) honors the memory of Captain Christopher S. Cash, 36, of Winterville, North Carolina, who died on June 24, 2004, in service to the United States in Operation Iraqi Freedom;

(983) honors the memory of Specialist Daniel A. Desens, 20, of Jacksonville, North Carolina, who died on June 24, 2004, in service to the United States in Operation Iraqi Freedom;

(984) honors the memory of Staff Sergeant Charles A. Kiser, 37, of Cleveland, Wisconsin, who died on June 24, 2004, in service to the United States in Operation Iraqi Freedom;

(985) honors the memory of Private First Class Daniel B. McClenney, 19, of Shelbyville, Tennessee, who died on June 24, 2004, in service to the United States in Operation Enduring Freedom;

(986) honors the memory of Lance Corporal Juston Tyler Thacker, 21, of Bluefield, West Virginia, who died on June 24, 2004, in service to the United States in Operation Enduring Freedom;

(987) honors the memory of Lance Corporal Manuel A. Ceniceros, 23, of Santa Ana, California, who died on June 26, 2004, in service to the United States in Operation Iraqi Freedom;

(988) honors the memory of Specialist Jeremy M. Heines, 25, of New Orleans, Louisiana, who died on June 26, 2004, in service to the United States in Operation Iraqi Freedom;

(989) honors the memory of First Sergeant Ernest E. Utt, 38, of Hammond, Illinois, who died on June 27, 2004, in service to the United States in Operation Iraqi Freedom;

(990) honors the memory of Lance Corporal Patrick R. Adle, 21, of Bel Air, Maryland, who died on June 29, 2004, in service to the United States in Operation Iraqi Freedom;

(991) honors the memory of Sergeant Alan David Sherman, 36, of Wanamassa, New Jersey, who died on June 29, 2004, in service to the United States in Operation Iraqi Freedom;

(992) honors the memory of Corporal John H. Todd III, 24, of Bridgeport, Pennsylvania, who died on June 29, 2004, in service to the United States in Operation Iraqi Freedom;

(993) honors the memory of Specialist Robert L. DuSang, 24, of Mandeville, Louisiana, who died on June 30, 2004, in service to the United States in Operation Iraqi Freedom;

(994) honors the memory of Staff Sergeant Robert K. McGee, 38, of Martinsville, Virginia, who died on June 30, 2004, in service to the United States in Operation Enduring Freedom;

(995) honors the memory of Sergeant Kenneth Conde, Jr., 23, of Orlando, Florida, who died on July 1, 2004, in service to the United States in Operation Iraqi Freedom;

(996) honors the memory of Lance Corporal Timothy R. Creager, 21, of Millington, Tennessee, who died on July 1, 2004, in service to the United States in Operation Iraqi Freedom;

(997) honors the memory of Sergeant Christopher A. Wagener, 24, of Fairview Heights, Illinois, who died on July 1, 2004, in service to the United States in Operation Iraqi Freedom;

(998) honors the memory of Lance Corporal James B. Huston, Jr., 22, of Umatilla, Oregon, who died on July 2, 2004, in service to the United States in Operation Iraqi Freedom;

(999) honors the memory of Staff Sergeant Stephen G. Martin, 39, of Wausau/Rhinelander, Wisconsin, who died on July 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1000) honors the memory of Second Lieutenant Brian D. Smith, 30, of McKinney, Texas, who died on July 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1001) honors the memory of Specialist Julie R. Hickey, 20, of Galloway, Ohio, who died on July 4, 2004, in service to the United States in Operation Enduring Freedom;

(1002) honors the memory of Corporal Dallas L. Kerns, 21, of Mountain Grove, Missouri, who died on July 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1003) honors the memory of Lance Corporal Michael S. Torres, 21, of El Paso, Texas, who died on July 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1004) honors the memory of Lance Corporal John J. Vangyzen IV, 21, of Bristol, Massachusetts, who died on July 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1005) honors the memory of Lance Corporal Scott Eugene Dougherty, 20, of Bradenton, Florida, who died on July 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1006) honors the memory of Lance Corporal Justin T. Hunt, 22, of Riverside, California, who died on July 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1007) honors the memory of Corporal Jeffrey D. Lawrence, 22, of Tucson, Arizona, who died on July 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1008) honors the memory of Private First Class Rodricka Antwan Youmans, 22, of Allendale, South Carolina, who died on July 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1009) honors the memory of Sergeant Michael C. Barkey, 22, of Canal Fulton, Ohio, who died on July 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1010) honors the memory of Private First Class Samuel R. Bowen, 38, of Cleveland, Ohio, who died on July 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1011) honors the memory of Private First Class Collier Edwin Barcus, 21, of McHenry, Illinois, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1012) honors the memory of Sergeant Robert E. Colvill, Jr., 31, of Anderson, Indiana, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1013) honors the memory of Specialist Shawn M. Davies, 22, of Aliquippa/Hopewell, Pennsylvania, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1014) honors the memory of Specialist William River Emanuel IV, 19, of Stockton, California, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1015) honors the memory of Specialist Joseph M. Garmback, Jr., 24, of Cleveland, Ohio, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1016) honors the memory of Specialist Sonny Gene Sampler, 23, of Oklahoma City, Oklahoma, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1017) honors the memory of Specialist Jeremiah W. Schmunk, 21, of Richland/Kennewick, Washington, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1018) honors the memory of Corporal Terry Holmes Ordóñez, 22, of Hollywood, Florida, who died on July 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1019) honors the memory of Sergeant Krisna Nachampassak, 27, of Burke, Virginia, who died on July 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1020) honors the memory of Private First Class Christopher J. Reed, 20, of Craigmont, Idaho, who died on July 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1021) honors the memory of Staff Sergeant Trevor Spink, 36, of Farmington, Missouri, who died on July 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1022) honors the memory of Sergeant Jeremy J. Fischer, 26, of Lincoln, Nebraska, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1023) honors the memory of Staff Sergeant Dustin W. Peters, 25, of El Dorado, Kansas, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1024) honors the memory of Sergeant First Class Linda Ann Tarango-Griess, 33, of Sutton, Nebraska, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1025) honors the memory of Sergeant James G. West, 34, of Watertown, New York, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1026) honors the memory of Specialist Dana N. Wilson, 26, of Fountain, Colorado, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1027) honors the memory of Specialist Juan Manuel Torres, 25, of Houston, Texas, who died on July 12, 2004, in service to the United States in Operation Enduring Freedom;

(1028) honors the memory of Private First Class Torry D. Harris, 21, of Chicago, Illinois, who died on July 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1029) honors the memory of Private First Class Jesse J. Martinez, 20, of Tracy, California, who died on July 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1030) honors the memory of Corporal Demetrius Lamont Rice, 24, of Ortonville, Minnesota, who died on July 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1031) honors the memory of Staff Sergeant Paul C. Mardis, Jr., 25, of Palmetto, Florida, who died on July 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1032) honors the memory of Lance Corporal Bryan P. Kelly, 21, of Klamath Falls, Oregon, who died on July 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1033) honors the memory of Specialist Craig S. Frank, 24, of Lincoln Park, Michigan, who died on July 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1034) honors the memory of Sergeant First Class David A. Hartman, 41, of Akron, Tuscola Co., Michigan, who died on July 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1035) honors the memory of Sergeant Dale Thomas Lloyd, 22, of Watsontown, Pennsylvania, who died on July 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1036) honors the memory of Private First Class Charles C. ''C.C.'' Persing, 20, of Albany, Louisiana, who died on July 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1037) honors the memory of Staff Sergeant Michael J. Clark, 29, of Leesburg Lake, Florida, who died on July 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1038) honors the memory of Specialist Danny B. Daniels II, 23, of Varney, West Virginia, who died on July 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1039) honors the memory of Corporal Todd J. Godwin, 21, of Muskingum County, Ohio, who died on July 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1040) honors the memory of Private First Class Nicholas H. Blodgett, 21, of Wyoming, Michigan, who died on July 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1041) honors the memory of Lance Corporal Mark E. Engel, 21, of Grand Junction, Colorado, who died on July 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1042) honors the memory of Private First Class Torey J. Dantzler, 22, of Columbia, Louisiana, who died on July 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1043) honors the memory of Sergeant Tatjana Reed, 34, of Fort Campbell, Kentucky, who died on July 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1044) honors the memory of Lance Corporal Vincent M. Sullivan, 23, of Chatham, New Jersey, who died on July 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1045) honors the memory of Specialist Nicholas J. Zangara, 21, of Philadelphia, Pennsylvania, who died on July 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1046) honors the memory of Sergeant DeForest L. ''Dee'' Talbert, 24, of Charleston, West Virginia, who died on July 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1047) honors the memory of Lieutenant Colonel David S. Greene, 39, of Raleigh, North Carolina, who died on July 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1048) honors the memory of Gunnery Sergeant Shawn A. Lane, 33, of Corning, New York, who died on July 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1049) honors the memory of Private First Class Ken W. Leisten, 20, of Warrenton/Cornelius, Oregon, who died on July 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1050) honors the memory of Specialist Joseph F. Herndon II, 21, of Derby, Kansas, who died on July 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1051) honors the memory of Specialist Anthony J. Dixon, 20, of Lindenwold, New Jersey, who died on August 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1052) honors the memory of Specialist Armando Hernandez, 22, of Hesperia, California, who died on August 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1053) honors the memory of Sergeant Juan Calderon, Jr., 26, of Weslaco, Texas, who died on August 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1054) honors the memory of Specialist Justin B. Onwordi, 28, of Chandler, Arizona, who died on August 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1055) honors the memory of Corporal Dean P. Pratt, 22, of Stevensville, Montana, who died on August 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1056) honors the memory of Sergeant Tommy L. Gray, 34, of Roswell, New Mexico, who died on August 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1057) honors the memory of Captain Gregory A. Ratzlaff, 36, of Olympia, Washington, who died on August 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1058) honors the memory of Private First Class Harry N. Shondee, Jr., 19, of Ganado, Arizona, who died on August 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1059) honors the memory of Gunnery Sergeant Elia P. Fontecchio, 30, of Milford, Massachusetts, who died on August 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1060) honors the memory of Lance Corporal Joseph L. Nice, 19, of Nicoma Park, Oklahoma, who died on August 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1061) honors the memory of Private First Class Raymond J. Faulstich, Jr., 24, of Leonardtown, Maryland, who died on August 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1062) honors the memory of Specialist Donald R. McCune, 20, of Ypsilanti, Michigan, who died on August 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1063) honors the memory of Sergeant Yadir G. Reynoso, 27, of Wapato, Washington, who died on August 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1064) honors the memory of Sergeant Moses Daniel Rocha, 33, of Roswell, New Mexico, who died on August 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1065) honors the memory of Corporal Roberto Abad, 22, of Los Angeles, California, who died on August 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1066) honors the memory of Specialist Joshua I. Bunch, 23, of Hattiesburg, Mississippi, who died on August 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1067) honors the memory of Lance Corporal Larry L. Wells, 22, of Mount Hermon, Louisiana, who died on August 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1068) honors the memory of Sergeant Bobby E. Beasley, 36, of Inwood, West Virginia, who died on August 7, 2004, in service to the United States in Operation Enduring Freedom;

(1069) honors the memory of Staff Sergeant Craig W. Cherry, 39, of Winchester, Virginia, who died on August 7, 2004, in service to the United States in Operation Enduring Freedom;

(1070) honors the memory of Private First Class David L. Potter, 22, of Johnson City, Tennessee, who died on August 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1071) honors the memory of Lance Corporal Jonathan W. Collins, 19, of Crystal Lake, Illinois, who died on August 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1072) honors the memory of Civilian Rick A. Ulbright, 49, of Waldorf, Maryland, who

died on August 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1073) honors the memory of Captain Andrew R. Houghton, 25, of Houston, Texas, who died on August 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1074) honors the memory of Staff Sergeant John R. Howard, 26, of Covington, Virginia, who died on August 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1075) honors the memory of Lance Corporal Tavon L. Hubbard, 24, of Reston, Virginia, who died on August 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1076) honors the memory of Sergeant Daniel Lee Galvan, 30, of Moore, Oklahoma, who died on August 12, 2004, in service to the United States in Operation Enduring Freedom;

(1077) honors the memory of Captain Michael Yury Tarlavsky, 30, of Passaic, New Jersey, who died on August 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1078) honors the memory of Lance Corporal Kane M. Funke, 20, of Vancouver, Washington, who died on August 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1079) honors the memory of Lance Corporal Nicholas B. Morrison, 23, of Carlisle, Pennsylvania, who died on August 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1080) honors the memory of First Lieutenant Neil Anthony Santoriello, 24, of Verona, Pennsylvania, who died on August 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1081) honors the memory of Second Lieutenant James Michael Goins, 23, of Bonner Springs, Kansas, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1082) honors the memory of Private First Class Fernando B. Hannon, 19, of Wildomar, California, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1083) honors the memory of Private First Class Geoffrey Perez, 24, of Los Angeles, California, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1084) honors the memory of Private First Class Brandon R. Sapp, 21, of Lake Worth, Florida, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1085) honors the memory of Sergeant Daniel Michael Shepherd, 23, of Elyria, Ohio, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1086) honors the memory of Specialist Mark Anthony Zapata, 27, of Edinburg, Texas, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1087) honors the memory of Sergeant David M. Heath, 30, of LaPorte, Indiana, who died on August 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1088) honors the memory of Lance Corporal Caleb J. Powers, 21, of Manfield, Washington, who died on August 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1089) honors the memory of Specialist Brandon T. Titus, 20, of Boise, Idaho, who died on August 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1090) honors the memory of Lance Corporal Dustin R. Fitzgerald, 22, of Huber Heights, Ohio, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1091) honors the memory of Sergeant Richard M. Lord, 24, of Jacksonville, Florida, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1092) honors the memory of Specialist Jacob D. Martir, 21, of Norwich, Connecticut, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1093) honors the memory of Sergeant Harvey Emmett Parkerson III, 27, of Yuba City, California, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1094) honors the memory of Private First Class Henry C. Risner, 26, of Golden, Colorado, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1095) honors the memory of Corporal Brad Preston McCormick, 23, of Overton, Tennessee, who died on August 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1096) honors the memory of Private First Class Ryan A. Martin, 22, of Mount Vernon, Ohio, who died on August 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1097) honors the memory of First Lieutenant Charles L. Wilkins III, 38, of Columbus, Ohio, who died on August 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1098) honors the memory of Corporal Nicanor Alvarez, 22, of San Bernardino, California, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1099) honors the memory of Sergeant Jason Cook, 25, of Okanogan, Washington, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1100) honors the memory of Private First Class Kevin A. Cuming, 22, of North White Plains, New York, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1101) honors the memory of Lance Corporal Seth Huston, 19, of Perryton, Texas, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1102) honors the memory of Gunnery Sergeant Edward T. Reeder, 32, of Camp Verde, Arizona, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1103) honors the memory of Private First Class Nachez Washalanta, 21, of Bryan, Oklahoma, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1104) honors the memory of Corporal Christopher Belchik, 30, of Jersey, Illinois, who died on August 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1105) honors the memory of Second Lieutenant Matthew R. Stovall, 25, of Horn Lake, Mississippi, who died on August 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1106) honors the memory of Staff Sergeant Robert C. Thornton, Jr., 35, of Rainbow City, Alabama, who died on August 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1107) honors the memory of Staff Sergeant Donald N. Davis, 42, of Saginaw, Michigan, who died on August 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1108) honors the memory of Lance Corporal Jacob R. Lugo, 21, of Flower Mound, Texas, who died on August 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1109) honors the memory of Lance Corporal Alexander S. Arredondo, 20, of Randolph, Massachusetts, who died on August 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1110) honors the memory of Specialist Charles L. Neeley, 19, of Mattoon, Illinois, who died on August 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1111) honors the memory of Specialist Marco D. Ross, 20, of Memphis, Tennessee, who died on August 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1112) honors the memory of Corporal Barton R. Humlhanz, 23, of Hellertown, Pennsylvania, who died on August 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1113) honors the memory of Private First Class Nicholas M. Skinner, 20, of Davenport, Iowa, who died on August 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1114) honors the memory of Lance Corporal Nickalous N. Aldrich, 21, of Austin, Texas, who died on August 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1115) honors the memory of Private First Class Luis A. Perez, 19, of Theresa, New York, who died on August 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1116) honors the memory of Specialist Omead H. Razani, 19, of Los Angeles, California, who died on August 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1117) honors the memory of Sergeant Edgar E. Lopez, 27, of Los Angeles, California, who died on August 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1118) honors the memory of Airman First Class Carl L. Anderson, Jr., 21, of Georgetown, South Carolina, who died on August 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1119) honors the memory of Staff Sergeant Aaron N. Holleyman, 26, of Glasgow, Montana, who died on August 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1120) honors the memory of Specialist Joseph C. Thibodeaux III, 24, of Lafayette, Louisiana, who died on September 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1121) honors the memory of Lance Corporal Nicholas Perez, 19, of Austin, Texas, who died on September 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1122) honors the memory of Captain Alan Rowe, 35, of Hagerman, Idaho, who died on September 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1123) honors the memory of Lance Corporal Nicholas Wilt, 23, of Tampa, Florida, who died on September 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1124) honors the memory of First Lieutenant Ronald Winchester, 25, of Rockville Center, New York, who died on September 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1125) honors the memory of Petty Officer Third Class Eric L. Knott, 21, of Grand Island, Nebraska, who died on September 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1126) honors the memory of Specialist Charles R. Lamb, 23, of Martinsville/Casey, Illinois, who died on September 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1127) honors the memory of Private First Class Ryan Michael McCauley, 20, of Lewisville, Texas, who died on September 5,

2004, in service to the United States in Operation Iraqi Freedom;

(1128) honors the memory of Sergeant Shawna M. Morrison, 26, of Paris/Champaign, Illinois, who died on September 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1129) honors the memory of Staff Sergeant Gary A. Vaillant, 41, of Trujillo, Puerto Rico, who died on September 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1130) honors the memory of Lance Corporal Michael J. Allred, 22, of Hyde Park, Utah, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1131) honors the memory of Captain John J. Boria, 29, of Broken Arrow, Oklahoma, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1132) honors the memory of Staff Sergeant Elvis Bourdon, 36, of Youngstown, Ohio, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1133) honors the memory of Private First Class David Paul Burridge, 19, of Lafayette, Louisiana, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1134) honors the memory of Specialist Tomas Garces, 19, of Weslaco, Texas, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1135) honors the memory of Lance Corporal Derek L. Gardner, 20, of San Juan Capistrano, California, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1136) honors the memory of Private First Class Devin J. Grella, 21, of Medina, Ohio, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1137) honors the memory of Lance Corporal Quinn A. Keith, 21, of Page, Arizona, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1138) honors the memory of Lance Corporal Joseph C. McCarthy, 21, of Concho, California, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1139) honors the memory of Corporal Mick R. Nygardbekowsky, 21, of Concord, California, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1140) honors the memory of Specialist Brandon Michael Read, 21, of Greeneville, Tennessee, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1141) honors the memory of Lance Corporal Lamont N. Wilson, 20, of Lawton, Oklahoma, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1142) honors the memory of Specialist Clarence Adams III, 28, of Richmond, Virginia, who died on September 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1143) honors the memory of Specialist Yoe M. Aneiros, 20, of Newark, New Jersey, who died on September 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1144) honors the memory of Specialist Chad H. Drake, 23, of Garland, Texas, who died on September 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1145) honors the memory of First Lieutenant Timothy E. Price, 25, of Midlothian, Virginia, who died on September 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1146) honors the memory of Specialist Lauro G. DeLeon, Jr., 20, of Floresville, Texas, who died on September 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1147) honors the memory of Sergeant James Daniel Faulkner, 23, of Clarksville, Indiana, who died on September 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1148) honors the memory of Specialist Michael A. Martinez, 29, of Juana Diaz, Puerto Rico, who died on September 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1149) honors the memory of Private First Class Jason L. Sparks, 19, of Monroeville, Ohio, who died on September 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1150) honors the memory of Specialist Edgar P. Daclan, Jr., 24, of Cypress, California, who died on September 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1151) honors the memory of Petty Officer Third Class David A. Cedergren, 25, of South St. Paul, Minnesota, who died on September 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1152) honors the memory of Private First Class Jason T. Poindexter, 20, of San Angelo, Texas, who died on September 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1153) honors the memory of First Lieutenant Alexander E. Wetherbee, 27, of Fairfax, Virginia, who died on September 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1154) honors the memory of Lance Corporal Dominic C. Brown, 19, of Austin, Texas, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1155) honors the memory of Staff Sergeant Guy Stanley Hagy, Jr., 31, of Lodi, California, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1156) honors the memory of Lance Corporal Michael J. Halal, 22, of Glendale, Arizona, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1157) honors the memory of Specialist Benjamin W. Isenberg, 27, of Sheridan, Oregon, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1158) honors the memory of Lance Corporal Cesar F. Machado-Olmos, 20, of Spanish Fork, Utah, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1159) honors the memory of Corporal Jaygee Ngirmidol Meluat, 24, of Tamuning, Guam, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1160) honors the memory of Lance Corporal Mathew D. Puckett, 19, of Mason, Texas, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1161) honors the memory of Corporal Adrian V. Soltau, 21, of Milwaukee, Wisconsin, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1162) honors the memory of Sergeant Carl Thomas, 29, of Phoenix, Arizona, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1163) honors the memory of Staff Sergeant David J. Weisenburg, 26, of Portland, Oregon, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1164) honors the memory of First Lieutenant Tyler Hall Brown, 26, of Atlanta, Georgia, who died on September 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1165) honors the memory of Sergeant Jacob H. Demand, 29, of Palouse, Washington, who died on September 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1166) honors the memory of Major Kevin M. Shea, 38, of Washington, District of Columbia, who died on September 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1167) honors the memory of Lance Corporal Gregory C. Howman, 28, of Charlotte, North Carolina, who died on September 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1168) honors the memory of Lance Corporal Drew M. Uhles, 20, of Du Quoin, Illinois, who died on September 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1169) honors the memory of Corporal Steven A. Rintamaki, 21, of Lynnwood, Washington, who died on September 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1170) honors the memory of First Lieutenant Andrew K. Stern, 24, of Germantown, Tennessee, who died on September 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1171) honors the memory of Corporal Christopher S. Ebert, 21, of Mooresboro, North Carolina, who died on September 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1172) honors the memory of Private First Class James W. Price, 22, of Cleveland, Tennessee, who died on September 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1173) honors the memory of Sergeant Thomas Chad Rosenbaum, 25, of Hope, Arkansas, who died on September 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1174) honors the memory of Sergeant Brandon E. Adams, 22, of Hollidaysburg, Pennsylvania, who died on September 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1175) honors the memory of Lance Corporal Steven C.T. Cates, 22, of Mount Juliet, Tennessee, who died on September 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1176) honors the memory of Staff Sergeant Robert S. Goodwin, 35, of Albany, Georgia, who died on September 20, 2004, in service to the United States in Operation Enduring Freedom;

(1177) honors the memory of Sergeant Foster L. Harrington, 31, of Fort Worth, Texas, who died on September 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1178) honors the memory of Specialist Joshua J. Henry, 21, of Avonmore, Pennsylvania, who died on September 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1179) honors the memory of Staff Sergeant Tony B. Olaes, 30, of Walhalla, South Carolina, who died on September 20, 2004, in service to the United States in Operation Enduring Freedom;

(1180) honors the memory of Specialist Wesley R. Wells, 21, of Libertyville, Illinois, who died on September 20, 2004, in service to the United States in Operation Enduring Freedom;

(1181) honors the memory of Private First Class Nathan E. Stahl, 20, of Highland, Indiana, who died on September 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1182) honors the memory of Private First Class Adam J. Harris, 21, of Abilene, Texas, who died on September 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1183) honors the memory of Staff Sergeant Lance J. Koenig, 33, of Fargo, North Dakota, who died on September 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1184) honors the memory of Sergeant Benjamin K. Smith, 24, of Carterville, Illinois, who died on September 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1185) honors the memory of Sergeant Skipper Soram, 23, of Kolonia Pohnpei, Fed. Sts. of Micronesia, who died on September 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1186) honors the memory of Lance Corporal Aaron Boyles, 24, of Alameda, California, who died on September 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1187) honors the memory of Sergeant Timothy Folmar, 21, of Sonora, Texas, who died on September 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1188) honors the memory of Second Lieutenant Ryan Leduc, 28, of Pana, Illinois, who died on September 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1189) honors the memory of Lance Corporal Ramon Mateo, 20, of Suffolk, New York, who died on September 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1190) honors the memory of Specialist David W. Johnson, 37, of Portland, Oregon, who died on September 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1191) honors the memory of Specialist Clifford L. Moxley, Jr., 51, of New Castle, Pennsylvania, who died on September 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1192) honors the memory of Specialist Robert Oliver Unruh, 25, of Tucson, Arizona, who died on September 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1193) honors the memory of Captain Eric L. Allton, 34, of Houston, Texas, who died on September 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1194) honors the memory of Specialist Gregory A. Cox, 21, of Carmichaels, Pennsylvania, who died on September 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1195) honors the memory of Private First Class Kenneth L. Sickels, 20, of Apple Valley, California, who died on September 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1196) honors the memory of Sergeant First Class Joselito O. Villanueva, 36, of Los Angeles, California, who died on September 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1197) honors the memory of Sergeant Tyler D. Prewitt, 22, of Phoenix, Arizona, who died on September 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1198) honors the memory of Staff Sergeant Mike A. Dennie, 31, of Fayetteville, North Carolina, who died on September 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1199) honors the memory of Staff Sergeant Alan L. Rogers, 49, of Kearns, Utah, who died on September 29, 2004, in service to the United States in Operation Enduring Freedom;

(1200) honors the memory of Private First Class Joshua K. Titcomb, 20, of Somerset, Kentucky, who died on September 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1201) honors the memory of Staff Sergeant Darren J. Cunningham, 40, of Groton, Massachusetts, who died on September 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1202) honors the memory of Specialist Rodney A. Jones, 21, of Philadelphia, Pennsylvania, who died on September 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1203) honors the memory of Specialist Allen Nolan, 38, of Marietta, Ohio, who died on September 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1204) honors the memory of Sergeant Jack Taft Hennessy, 21, of Naperville, Illinois, who died on October 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1205) honors the memory of Sergeant Michael A. Uvanni, 27, of Rome, New York, who died on October 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1206) honors the memory of Sergeant Russell L. Collier, 48, of Harrison, Arkansas, who died on October 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1207) honors the memory of Staff Sergeant James L. Pettaway, Jr., 37, of Baltimore, Maryland, who died on October 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1208) honors the memory of Sergeant Christopher S. Potts, 38, of Tiverton, Rhode Island, who died on October 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1209) honors the memory of Staff Sergeant Richard L. Morgan, Jr., 38, of Maynard/St. Clairsville, Ohio, who died on October 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1210) honors the memory of Specialist Jessica L. Cawvey, 21, of Normal, Illinois, who died on October 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1211) honors the memory of Private Jeungjin Na ''Nikky'' Kim, 23, of Honolulu, Hawaii, who died on October 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1212) honors the memory of Specialist Morgen N. Jacobs, 20, of Santa Cruz, California, who died on October 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1213) honors the memory of Sergeant Andrew W. Brown, 22, of Pleasant Mount, Pennsylvania, who died on October 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1214) honors the memory of Staff Sergeant Michael S. Voss, 35, of Aberdeen, North Carolina, who died on October 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1215) honors the memory of Private First Class Andrew Halverson, 19, of Grant, Wisconsin, who died on October 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1216) honors the memory of Private First Class James E. Prevete, 22, of Whitestone, New York, who died on October 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1217) honors the memory of Private Carson J. Ramsey, 22, of Winkelman, Arizona, who died on October 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1218) honors the memory of Staff Sergeant Michael Lee Burbank, 34, of Bremerton, Washington, who died on October 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1219) honors the memory of Private First Class Anthony W. Monroe, 20, of Bismarck, North Dakota, who died on October 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1220) honors the memory of Sergeant Pamela G. Osbourne, 38, of Hollywood, Florida, who died on October 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1221) honors the memory of Private First Class Aaron J. Rusin, 19, of Johnstown, Pennsylvania, who died on October 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1222) honors the memory of Private First Class Oscar A. Martinez, 19, of North Lauderdale, Florida, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1223) honors the memory of Specialist Christopher A. Merville, 26, of Albuquerque, New Mexico, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1224) honors the memory of Captain Dennis L. Pintor, 30, of Lima, Ohio, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1225) honors the memory of Specialist Michael S. Weger, 30, of Houston, Texas, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1226) honors the memory of Lance Corporal Daniel R. Wyatt, 22, of Calendonia, Wisconsin, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1227) honors the memory of Corporal Ian T. Zook, 24, of Port St. Lucie, Florida, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1228) honors the memory of Specialist Ronald W. Baker, 34, of Cabot, Arkansas, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1229) honors the memory of Second Lieutenant Paul M. Felsberg, 27, of West Palm Beach, Florida, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1230) honors the memory of Lance Corporal Victor A. Gonzalez, 19, of Watsonville, California, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1231) honors the memory of Specialist Jaime Moreno, 28, of Round Lake Beach, Illinois, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1232) honors the memory of Lieutenant Colonel Mark P. Phelan, 44, of Green Lane, Pennsylvania, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1233) honors the memory of Specialist Jeremy F. Regnier, 22, of Littleton, New Hampshire, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1234) honors the memory of Major Charles R. Soltes, Jr., 36, of Irvine, California, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1235) honors the memory of Private First Class Mark A. Barbret, 22, of Shelby Township, Michigan, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1236) honors the memory of Specialist Bradley S. Beard, 22, of Chapel Hill, North

Carolina, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1237) honors the memory of Specialist Kyle Ka Eo Fernandez, 26, of Waipahu, Hawaii, who died on October 14, 2004, in service to the United States in Operation Enduring Freedom;

(1238) honors the memory of Staff Sergeant Omer T. Hawkins II, 31, of Cherry Fork, Ohio, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1239) honors the memory of Staff Sergeant Brian S. Hobbs, 28, of Mesa, Arizona, who died on October 14, 2004, in service to the United States in Operation Enduring Freedom;

(1240) honors the memory of Specialist Josiah H. Vandertulip, 21, of Irving, Texas, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1241) honors the memory of Private David L. Waters, 19, of Auburn, California, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1242) honors the memory of Specialist Alan J. Burgess, 24, of Landaff, New Hampshire, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1243) honors the memory of Sergeant Michael G. Owen, 31, of Phoenix, Arizona, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1244) honors the memory of Corporal William I. Salazar, 26, of Las Vegas, Nevada, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1245) honors the memory of Specialist Jonathan J. Santos, 22, of Bellingham, Washington, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1246) honors the memory of Lance Corporal Brian K. Schramm, 22, of Rochester, New York, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1247) honors the memory of Chief Warrant Officer William I. Brennan, 36, of Bethlehem, Connecticut, who died on October 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1248) honors the memory of Captain Christopher B. Johnson, 29, of Excelsior Springs, Missouri, who died on October 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1249) honors the memory of Specialist Andrew C. Ehrlich, 21, of Mesa, Arizona, who died on October 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1250) honors the memory of Corporal William M. Amundson, Jr., 21, of The Woodlands, Texas, who died on October 19, 2004, in service to the United States in Operation Enduring Freedom;

(1251) honors the memory of Sergeant Douglas E. Bascom, 25, of Colorado Springs, Colorado, who died on October 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1252) honors the memory of Airman First Class Jesse M. Samek, 21, of Rogers, Arkansas, who died on October 21, 2004, in service to the United States in Operation Enduring Freedom;

(1253) honors the memory of Lance Corporal Jonathan E. Gadsden, 21, of Charleston, South Carolina, who died on October 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1254) honors the memory of Sergeant Dennis J. Boles, 46, of Homosassa, Florida, who died on October 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1255) honors the memory of Lance Corporal Richard Patrick Slocum, 19, of Saugus, California, who died on October 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1256) honors the memory of Corporal Brian Oliveira, 22, of Raynham, Massachusetts, who died on October 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1257) honors the memory of Corporal Billy Gomez, 25, of Perris, California, who died on October 27, 2004, in service to the United States in Operation Enduring Freedom;

(1258) honors the memory of Staff Sergeant Jerome Lemon, 42, of North Charleston, South Carolina, who died on October 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1259) honors the memory of Specialist Segun Frederick Akintade, 34, of Brooklyn, New York, who died on October 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1260) honors the memory of Sergeant First Class Michael Battles, Sr., 38, of San Antonio, Texas, who died on October 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1261) honors the memory of Private First Class Stephen P. Downing II, 30, of Burkesville, Kentucky, who died on October 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1262) honors the memory of Sergeant Maurice Keith Fortune, 25, of Forestville, Maryland, who died on October 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1263) honors the memory of Lance Corporal Jeremy D. Bow, 20, of Lemoore, California, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1264) honors the memory of Lance Corporal John T. Byrd II, 23, of Fairview, West Virginia, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1265) honors the memory of Sergeant Kelley L. Courtney, 28, of Macon, Georgia, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1266) honors the memory of Lance Corporal Travis A. Fox, 25, of Cowpens, South Carolina, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1267) honors the memory of Corporal Christopher J. Lapka, 22, of Peoria, Arizona, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1268) honors the memory of Private First Class John Lukac, 19, of Las Vegas, Nevada, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1269) honors the memory of Private First Class Andrew G. Riedel, 19, of Northglenn, Colorado, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1270) honors the memory of Lance Corporal Michael P. Scarborough, 28, of Washington, Georgia, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1271) honors the memory of First Lieutenant Matthew D. Lynch, 25, of Jericho, New York, who died on October 31, 2004, in service to the United States in Operation Iraqi Freedom;

(1272) honors the memory of Specialist James C. Kearney III, 22, of Emerson, Iowa, who died on November 1, 2004, in service to the United States in Operation Enduring Freedom;

(1273) honors the memory of Sergeant Charles Joseph Webb, 22, of Hamilton, Ohio, who died on November 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1274) honors the memory of Corporal Jeremiah A. Baro, 21, of Fresno, California, who died on November 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1275) honors the memory of Lance Corporal Jared P. Hubbard, 22, of Clovis, California, who died on November 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1276) honors the memory of Specialist Cody L. Wentz, 21, of Williston, North Dakota, who died on November 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1277) honors the memory of Sergeant Carlos M. Camacho-Rivera, 24, of Carolina, Puerto Rico, who died on November 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1278) honors the memory of Private Justin R. Yoemans, 20, of Eufaula, Alabama, who died on November 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1279) honors the memory of Specialist Brian K. Baker, 27, of West Seneca, New York, who died on November 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1280) honors the memory of Lance Corporal Sean M. Langley, 20, of Lexington, Kentucky, who died on November 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1281) honors the memory of Sergeant First Class Otie Joseph McVey, 53, of Oak Hill, West Virginia, who died on November 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1282) honors the memory of Specialist Quoc Binh Tran, 26, of Mission Viejo, California, who died on November 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1283) honors the memory of Specialist Don Allen Clary, 21, of Troy, Kansas, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1284) honors the memory of Specialist Bryan L. Freeman, 31, of Lumberton, New Jersey, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1285) honors the memory of Corporal Nathaniel T. Hammond, 24, of Tulsa, Oklahoma, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1286) honors the memory of Lance Corporal Jeffrey Lam, 22, of Queens, New York, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1287) honors the memory of Lance Corporal Shane K. O'Donnell, 24, of DeForest, Wisconsin, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1288) honors the memory of Corporal Joshua D. Palmer, 24, of Blandinsville, Illinois, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1289) honors the memory of Lance Corporal Branden P. Ramey, 22, of Boone, Illinois, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1290) honors the memory of Staff Sergeant David G. Ries, 29, of Clark, Washington, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1291) honors the memory of Corporal Robert P. Warns II, 23, of Waukesha, Wisconsin, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1292) honors the memory of Staff Sergeant Clinton Lee Wisdom, 39, of Atchison, Kansas, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1293) honors the memory of Lance Corporal Thomas J. Zapp, 20, of Houston, Texas, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1294) honors the memory of Master Sergeant Steven E. Auchman, 37, of Waterloo, New York, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1295) honors the memory of Specialist Travis A. Babbitt, 24, of Uvalde, Texas, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1296) honors the memory of Sergeant David M. Caruso, 25, of Naperville, Illinois, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1297) honors the memory of Staff Sergeant Todd R. Cornell, 38, of West Bend, Wisconsin, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1298) honors the memory of Command Sergeant Major Steven W. Faulkenburg, 45, of Huntingburg, Indiana, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1299) honors the memory of Corporal William C. James, 24, of Huntington Beach, California, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1300) honors the memory of Lance Corporal Nicholas D. Larson, 19, of Wheaton, Illinois, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1301) honors the memory of Major Horst Gerhard ''Gary'' Moore, 38, of Los Fresnos/San Antonio, Texas, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1302) honors the memory of Lance Corporal Juan E. Segura, 26, of Homestead, Florida, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1303) honors the memory of Lance Corporal Abraham Simpson, 19, of Chino, California, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1304) honors the memory of Staff Sergeant Russell L. Slay, 28, of Humble, Texas, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1305) honors the memory of Sergeant John Byron Trotter, 25, of Marble Falls, Texas, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1306) honors the memory of Sergeant Lonny D. Wells, 29, of Vandergrift, Pennsylvania, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1307) honors the memory of Lance Corporal Nathan R. Wood, 19, of Kirkland, Washington, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1308) honors the memory of Lance Corporal Wesley J. Canning, 21, of Friendswood, Texas, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1309) honors the memory of Lance Corporal Erick J. Hodges, 21, of Bay Point, California, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1310) honors the memory of Corporal Romulo J. Jimenez II, 21, of Miami, Florida, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1311) honors the memory of First Lieutenant Dan T. Malcom, Jr., 25, of Brinson, Georgia, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1312) honors the memory of Private First Class Dennis J. Miller, Jr., 21, of La Salle, Michigan, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1313) honors the memory of Staff Sergeant Michael C. Ottolini, 45, of Sebastopol, California, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1314) honors the memory of Lance Corporal Aaron C. Pickering, 20, of Marion, Illinois, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1315) honors the memory of Staff Sergeant Gene Ramirez, 28, of San Antonio, Texas, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1316) honors the memory of Petty Officer Third Class Julian Woods, 22, of Jacksonville, Florida, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1317) honors the memory of Second Lieutenant James P. ''JP'' Blecksmith, 24, of San Marino, California, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1318) honors the memory of Corporal Theodore A. Bowling, 25, of Casselberry, Florida, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1319) honors the memory of Lance Corporal Kyle W. Burns, 20, of Laramie, Wyoming, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1320) honors the memory of Specialist Thomas K. Doerflinger, 20, of Silver Spring, Maryland, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1321) honors the memory of Corporal Peter J. Giannopoulos, 22, of Inverness, Illinois, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1322) honors the memory of Staff Sergeant Theodore S. ''Sam'' Holder II, 27, of Littleton, Colorado, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1323) honors the memory of Staff Sergeant Sean P. Huey, 28, of Fredericktown, Pennsylvania, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1324) honors the memory of Lance Corporal Justin D. Reppuhn, 20, of Hemlock, Michigan, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1325) honors the memory of Lance Corporal Nicholas H. Anderson, 19, of Las Vegas, Nevada, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1326) honors the memory of Corporal Nathan R. Anderson, 22, of Howard, Ohio, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1327) honors the memory of Lance Corporal David M. Branning, 21, of Cockeysville, Maryland, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1328) honors the memory of First Lieutenant Edward D. Iwan, 28, of Albion, Nebraska, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1329) honors the memory of Corporal Jarrod L. Maher, 21, of Imogene, Iowa, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1330) honors the memory of Sergeant James C. ''J.C.'' Matteson, 23, of Jamestown/Celoron, New York, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1331) honors the memory of Lance Corporal Brian A. Medina, 20, of Woodbridge, Virginia, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1332) honors the memory of Corporal Brian P. Prening, 24, of Sheboygan, Wisconsin, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1333) honors the memory of Sergeant Jonathan B. Shields, 25, of Atlanta, Georgia, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1334) honors the memory of Sergeant Morgan W. Strader, 23, of Croosville, Indiana, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1335) honors the memory of Specialist Raymond L. White, 22, of Elwood, Indiana, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1336) honors the memory of Lance Corporal Benjamin S. Bryan, 23, of Lumberton, North Carolina, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1337) honors the memory of Corporal Kevin J. Dempsey, 23, of Monroe, Connecticut, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1338) honors the memory of Sergeant Catalin D. Dima, 36, of White Lake, New York, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1339) honors the memory of Lance Corporal Justin M. Ellsworth, 20, of Mount Pleasant, Michigan, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1340) honors the memory of Private First Class Cole W. Larsen, 19, of Canyon Country, California, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1341) honors the memory of Lance Corporal Victor R. Lu, 22, of Los Angeles, California, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1342) honors the memory of Lance Corporal Justin D. McLeese, 19, of Covington, Louisiana, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1343) honors the memory of Sergeant Byron W. Norwood, 25, of Pflugerville, Texas, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1344) honors the memory of Captain Sean P. Sims, 32, of El Paso, Texas, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1345) honors the memory of Specialist Jose A. Velez, 23, of Lubbock, Texas, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1346) honors the memory of Corporal Dale A. Burger, Jr., 21, of Port Deposit, Maryland, who died on November 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1347) honors the memory of Lance Corporal George J. Payton, 20, of Culver City, California, who died on November 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1348) honors the memory of Corporal Andres H. Perez, 21, of Santa Cruz, California, who died on November 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1349) honors the memory of Corporal Nicholas L. Ziolkowski, 22, of Towson, Maryland, who died on November 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1350) honors the memory of Lance Corporal Jeramy A. Ailes, 22, of Gilroy, California, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1351) honors the memory of Lance Corporal Travis R. Desiato, 19, of Bedford, Massachusetts, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1352) honors the memory of Private First Class Isaiah R. Hunt, 20, of Suamico (Green Bay), Wisconsin, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1353) honors the memory of Lance Corporal Shane E. Kielion, 23, of La Vista, Nebraska, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1354) honors the memory of Lance Corporal William L. Miller, 22, of Pearland, Texas, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1355) honors the memory of Lance Corporal Bradley L. Parker, 19, of Marion, West Virginia, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1356) honors the memory of Sergeant Rafael Peralta, 25, of San Diego, California, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1357) honors the memory of Captain Patrick Marc M. Rapicault, 34, of St. Augustine, Florida, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1358) honors the memory of Corporal Marc T. Ryan, 25, of Gloucester City, New Jersey, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1359) honors the memory of Lance Corporal Antoine D. Smith, 22, of Orlando, Florida, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1360) honors the memory of Lance Corporal James E. Swain, 20, of Kokomo, Indiana, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1361) honors the memory of Corporal Lance M. Thompson, 21, of Marion/Upland, Indiana, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1362) honors the memory of Staff Sergeant Marshall H. Caddy, 27, of Nags Head, North Carolina, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1363) honors the memory of Private First Class Jose Ricardo Flores-Mejia, 21, of Santa Clarita, California, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1364) honors the memory of Sergeant Christopher T. Heflin, 26, of Paducah, Kentucky, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1365) honors the memory of Specialist Daniel James McConnell, 27, of Duluth, Minnesota, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1366) honors the memory of Lance Corporal Louis W. Qualls, 20, of Temple, Texas, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1367) honors the memory of First Lieutenant Luke C. Wullenwaber, 24, of Lewiston, Idaho, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1368) honors the memory of Lance Corporal Michael Wayne Hanks, 22, of Gregory, Michigan, who died on November 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1369) honors the memory of Lance Corporal Luis A. Figueroa, 21, of Los Angeles, California, who died on November 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1370) honors the memory of Sergeant Joseph M. Nolan, 27, of Philadelphia, Pennsylvania, who died on November 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1371) honors the memory of Corporal Bradley Thomas Arms, 20, of Charlottesville, Virginia, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1372) honors the memory of Lance Corporal Demarkus D. Brown, 22, of Martinsville, Virginia, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1373) honors the memory of Lance Corporal Michael A. Downey, 21, of Phoenix, Arizona, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1374) honors the memory of Lance Corporal Dimitrios Gavriel, 29, of New York, New York, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1375) honors the memory of Lance Corporal Phillip G. West, 19, of American Canyon, California, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1376) honors the memory of Sergeant Jack Bryant, Jr., 23, of Dale City, Virginia, who died on November 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1377) honors the memory of Corporal Joseph J. Heredia, 22, of Santa Maria, California, who died on November 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1378) honors the memory of Specialist David L. Roustum, 22, of Orchard Park/W. Seneca, New York, who died on November 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1379) honors the memory of Lance Corporal Joseph T. Welke, 20, of Rapid City, South Dakota, who died on November 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1380) honors the memory of Sergeant Michael C. O'Neill, 22, of Mansfield, Ohio, who died on November 21, 2004, in service to the United States in Operation Enduring Freedom;

(1381) honors the memory of Corporal Michael R. Cohen, 23, of Jacobus, Pennsylvania, who died on November 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1382) honors the memory of Specialist Blain M. Ebert, 22, of Washtucna, Washington, who died on November 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1383) honors the memory of Sergeant Benjamin C. Edinger, 24, of Green Bay, Wisconsin, who died on November 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1384) honors the memory of Specialist Sergio R. Diaz Varela, 21, of Lomita, California, who died on November 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1385) honors the memory of Corporal Jacob R. Fleischer, 25, of St. Louis, Missouri, who died on November 24, 2004, in service to the United States in Operation Enduring Freedom;

(1386) honors the memory of Corporal Dale E. Fracker, Jr., 23, of Apple Valley, California, who died on November 24, 2004, in service to the United States in Operation Enduring Freedom;

(1387) honors the memory of Sergeant Nicholas S. Nolte, 25, of Falls City, Nebraska, who died on November 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1388) honors the memory of Private First Class Ryan J. Cantafio, 22, of Beaver Dam, Wisconsin, who died on November 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1389) honors the memory of Lance Corporal Jeffery Scott Holmes, 20, of Hartford/White River Jct., Vermont, who died on November 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1390) honors the memory of Corporal Gentian Marku, 22, of Warren, Michigan, who died on November 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1391) honors the memory of Lance Corporal Bradley M. Faircloth, 20, of Mobile, Alabama, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1392) honors the memory of Private Brian K. Grant, 31, of Dallas, Texas, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1393) honors the memory of Lance Corporal David B. Houck, 25, of Winston Salem, North Carolina, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1394) honors the memory of Private First Class Harrison J. Meyer, 20, of Worthington, Ohio, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1395) honors the memory of Lance Corporal Jordan D. Winkler, 19, of Tulsa, Oklahoma, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1396) honors the memory of Corporal Kirk J. Bosselmann, 21, of Napa, California, who died on November 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1397) honors the memory of Specialist Jeremy E. Christensen, 27, of Albuquerque, New Mexico, who died on November 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1398) honors the memory of Chief Warrant Officer Travis W. Grogan, 31, of Virginia Beach, Virginia, who died on November 27, 2004, in service to the United States in Operation Enduring Freedom;

(1399) honors the memory of Lance Corporal Joshua E. Lucero, 19, of Tucson, Arizona, who died on November 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1400) honors the memory of Lieutenant Colonel Michael J. McMahon, 41, of West Hartford, Connecticut, who died on November 27, 2004, in service to the United States in Operation Enduring Freedom;

(1401) honors the memory of Specialist Harley D.R. Miller, 21, of Spokane, Washington, who died on November 27, 2004, in service to the United States in Operation Enduring Freedom;

(1402) honors the memory of Sergeant Michael A. Smith, 24, of Camden, Arkansas, who died on November 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1403) honors the memory of Private First Class Stephen C. Benish, 20, of Clark, New Jersey, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1404) honors the memory of Lance Corporal Adam R. Brooks, 20, of Manchester, New Hampshire, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1405) honors the memory of Lance Corporal Charles A. Hanson, Jr., 22, of Panacea, Florida, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1406) honors the memory of Sergeant Carl W. Lee, 23, of Oklahoma City, Oklahoma, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1407) honors the memory of Sergeant Trinidad R. Martinezluis, 22, of Los Angeles, California, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1408) honors the memory of Staff Sergeant Michael B. Shackelford, 25, of Grand Junction, Colorado, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1409) honors the memory of Specialist Daryl A. Davis, 20, of Orlando, Florida, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1410) honors the memory of Sergeant Christian P. Engeldrum, 39, of Bronx, New York, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1411) honors the memory of Specialist Erik W. Hayes, 24, of Harney/Cascade, Maryland, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1412) honors the memory of Lance Corporal Blake A. Magaoay, 20, of Pearl City, Hawaii, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1413) honors the memory of Private First Class Wilfredo F. Urbina, 29, of Baldwin, New York, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1414) honors the memory of Sergeant Pablo A. Calderon, 26, of Brooklyn, New York, who died on November 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1415) honors the memory of Sergeant Jose Guereca, Jr., 24, of Stafford/Missouri City, Texas, who died on November 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1416) honors the memory of Specialist David M. Fisher, 21, of Watervliet/Green Island, New York, who died on December 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1417) honors the memory of Corporal Zachary A. Kolda, 23, of Corpus Christi, Texas, who died on December 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1418) honors the memory of Gunnery Sergeant Javier Obleas-Prado Pena, 36, of Falls Church, Virginia, who died on December 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1419) honors the memory of Corporal Bryan S. Wilson, 22, of Otterbein, Indiana, who died on December 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1420) honors the memory of Specialist Isaac E. Diaz, 26, of Rio Hondo, Texas, who died on December 2, 2004, in service to the United States in Operation Enduring Freedom;

(1421) honors the memory of Private First Class George Daniel Harrison, 22, of Knoxville, Tennessee, who died on December 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1422) honors the memory of Staff Sergeant Henry E. Irizarry, 38, of Bronx, New York, who died on December 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1423) honors the memory of Corporal Binh N. Le, 20, of Alexandria, Virginia, who died on December 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1424) honors the memory of Specialist David P. Mahlenbrock, 20, of Maple Shade, New Jersey, who died on December 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1425) honors the memory of Corporal Matthew A. Wyatt, 21, of Millstadt, Illinois, who died on December 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1426) honors the memory of Corporal Joseph O. Behnke, 45, of Brooklyn, New York, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1427) honors the memory of Sergeant Michael L. Boatright, 24, of Whitesboro, Texas, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1428) honors the memory of Sergeant Cari Anne Gasiewicz, 28, of Depew/Cheektowaga, New York, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1429) honors the memory of Sergeant David A. Mitts, 24, of Hammond, Oregon, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1430) honors the memory of Staff Sergeant Salamo J. Tuialuuluu, 23, of Pago Pago, American Samoa, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1431) honors the memory of Staff Sergeant Kyle A. Eggers, 27, of Euless, Texas, who died on December 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1432) honors the memory of Specialist Edwin William Roodhouse, 36, of San Jose, California, who died on December 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1433) honors the memory of Staff Sergeant Marvin Lee Trost III, 28, of Goshen, Indiana, who died on December 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1434) honors the memory of Private First Class Andrew M. Ward, 25, of Kirkland, Washington, who died on December 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1435) honors the memory of Sergeant First Class Todd Clayton Gibbs, 37, of Lufkin, Texas, who died on December 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1436) honors the memory of Corporal In C. Kim, 23, of Warren, Michigan, who died on December 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1437) honors the memory of Captain Mark N. Stubenhofer, 30, of Springfield, Virginia, who died on December 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1438) honors the memory of Sergeant Arthur C. Williams IV, 31, of Edgewater, Florida, who died on December 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1439) honors the memory of Private First Class Christopher S. Adlesperger, 20, of Albuquerque, New Mexico, who died on December 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1440) honors the memory of Chief Warrant Officer Patrick D. Leach, 39, of Rock Hill, South Carolina, who died on December 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1441) honors the memory of Corporal Kyle J. Renehan, 21, of Oxford, Pennsylvania, who died on December 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1442) honors the memory of First Lieutenant Andrew C. Shields, 25, of Campobello, South Carolina, who died on December 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1443) honors the memory of Specialist Robert W. Hoyt, 21, of Ashford, Connecticut, who died on December 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1444) honors the memory of Lance Corporal Gregory P. Rund, 21, of Littleton, Colorado, who died on December 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1445) honors the memory of Lance Corporal Jeffery S. Blanton, 23, of Fayetteville, Georgia, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1446) honors the memory of Staff Sergeant Melvin L. Blazer, 38, of Moore, Oklahoma, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1447) honors the memory of Corporal Jason S. Clairday, 21, of Camp Fulton, Arkansas, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1448) honors the memory of Lance Corporal Joshua W. Dickinson, 25, of Pasco, Florida, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1449) honors the memory of Sergeant Jeffrey L. Kirk, 24, of Baton Rouge, Louisiana, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1450) honors the memory of Lance Corporal Hilario F. Lopez, 22, of Ingleside, Texas, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1451) honors the memory of Private First Class Joshua A. Ramsey, 19, of Defiance, Ohio, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1452) honors the memory of Corporal Ian W. Stewart, 21, of Lake Hughes, California, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1453) honors the memory of Sergeant Tina Safaira Time, 22, of Tucson, Arizona, who died on December 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1454) honors the memory of Private First Class Brent T. Vroman, 21, of Oshkosh, Wisconsin, who died on December 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1455) honors the memory of Lance Corporal Richard D. Warner, 22, of Waukesha, Wisconsin, who died on December 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1456) honors the memory of Corporal Michael D. Anderson, 21, of Modesto, California, who died on December 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1457) honors the memory of Specialist Victor A. Martinez, 21, of Bronx, New York, who died on December 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1458) honors the memory of Lance Corporal Franklin A. Sweger, 24, of San Antonio, Texas, who died on December 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1459) honors the memory of Staff Sergeant Donald B. Farmer, 33, of Zion, Illinois, who died on December 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1460) honors the memory of Sergeant Barry K. Meza, 23, of League City, Texas, who died on December 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1461) honors the memory of Private First Class Lionel Ayro, 22, of Jeanerette, Louisiana, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1462) honors the memory of Chief Petty Officer Joel Egan Baldwin, 37, of Arlington, Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1463) honors the memory of Specialist Jonathan Castro, 21, of Corona, California, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1464) honors the memory of Specialist Thomas John Dostie, 20, of Somerville, Maine, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1465) honors the memory of Specialist Cory Michael Hewitt, 26, of Stewart, Tennessee, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1466) honors the memory of Captain William W. Jacobsen, Jr., 31, of Charlotte, North Carolina, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1467) honors the memory of Staff Sergeant Robert S. Johnson, 23, of Castro Valley, California, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1468) honors the memory of Sergeant First Class Paul D. Karpowich, 30, of Bridgeport, Pennsylvania, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1469) honors the memory of Specialist Nicholas C. ''Nick'' Mason, 20, of King George, Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1470) honors the memory of Staff Sergeant Julian S. Melo, 47, of Brooklyn, New York, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1471) honors the memory of Sergeant Major Robert D. O'Dell, 38, of Manassas, Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1472) honors the memory of Lance Corporal Neil D. Petsche, 21, of Lena, Illinois, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1473) honors the memory of Sergeant Lynn Robert Poulin, Sr., 47, of Freedom, Maine, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1474) honors the memory of Sergeant David A. Ruhren, 20, of North Stafford, Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1475) honors the memory of Staff Sergeant Darren D. VanKomen, 33, of Bluefield, West Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1476) honors the memory of First Lieutenant Christopher W. Barnett, 32, of Baton Rouge, Louisiana, who died on December 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1477) honors the memory of Lance Corporal Eric Hillenburg, 21, of Indianapolis, Indiana, who died on December 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1478) honors the memory of Lance Corporal James R. Phillips, 21, of Hillsboro, Florida, who died on December 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1479) honors the memory of Corporal Raleigh C. Smith, 21, of Troy, Lincoln County, Montana, who died on December 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1480) honors the memory of Staff Sergeant Todd D. Olson, 36, of Loyal, Wisconsin, who died on December 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1481) honors the memory of Specialist Jose A. Rivera-Serrano, 26, of Mayaguez, Puerto Rico, who died on December 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1482) honors the memory of Seaman Pablito Pena Briones, Jr., 22, of Anaheim, California, who died on December 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1483) honors the memory of Staff Sergeant Jason A. Lehto, 31, of Mount Clemens, Michigan, who died on December 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1484) honors the memory of Staff Sergeant Nathaniel J. Nyren, 31, of Reston, Virginia, who died on December 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1485) honors the memory of Specialist Craig L. Nelson, 21, of Bossier City, Louisiana, who died on December 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1486) honors the memory of Private First Class Oscar Sanchez, 19, of Modesto, California, who died on December 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1487) honors the memory of Sergeant Damien T. Ficek, 26, of Pullman, Washington, who died on December 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1488) honors the memory of Lance Corporal Jason E. Smith, 21, of Phoenix, Arizona, who died on December 31, 2004, in service to the United States in Operation Iraqi Freedom;

(1489) honors the memory of Specialist Jeff LeBrun, 21, of Buffalo, New York, who died on January 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1490) honors the memory of Lance Corporal Brian P. Parrello, 19, of West Milford, New Jersey, who died on January 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1491) honors the memory of Sergeant First Class Pedro A. Munoz, 47, of Aquada, Puerto Rico, who died on January 2, 2005, in service to the United States in Operation Enduring Freedom;

(1492) honors the memory of Sergeant Thomas E. Houser, 22, of Council Bluffs, Iowa, who died on January 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1493) honors the memory of Sergeant Jeremy R. Wright, 31, of Shelbyville, Indiana, who died on January 3, 2005, in service to the United States in Operation Enduring Freedom;

(1494) honors the memory of Specialist Jimmy D. Buie, 44, of Floral, Arkansas, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1495) honors the memory of Private Cory R. Depew, 21, of Beech Grove, Indiana, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1496) honors the memory of Specialist Joshua S. Marcum, 33, of Evening Shade, Arkansas, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1497) honors the memory of Specialist Jeremy W. McHalffey, 28, of Mabelvale, Arkansas, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1498) honors the memory of Sergeant Bennie J. Washington, 25, of Atlanta, Georgia, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1499) honors the memory of Private First Class Curtis L. Wooten III, 20, of Spanaway, Washington, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1500) honors the memory of Sergeant Christopher J. Babin, 27, of Houma, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1501) honors the memory of Specialist Bradley J. Bergeron, 25, of Houma, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1502) honors the memory of Lance Corporal Julio C. Cisneros-Alvarez, 22, of Pharr, Texas, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1503) honors the memory of Sergeant First Class Kurt J. Comeaux, 34, of Raceland, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1504) honors the memory of Sergeant Zachariah Scott Davis, 25, of Spiro, Oklahoma, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1505) honors the memory of Specialist Huey P.L. Fassbender, 24, of LaPlace, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1506) honors the memory of Specialist Armand L. Frickey, 20, of Houma, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1507) honors the memory of Specialist Warren A. Murphy, 29, of Marrero, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1508) honors the memory of Private First Class Kenneth G. Vonronn, 20, of Bloomingburg, New York, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1509) honors the memory of Private First Class Daniel F. Guastaferro, 27, of Las Vegas, Nevada, who died on January 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1510) honors the memory of Corporal Joseph E. Fite, 23, of Round Rock, Texas, who died on January 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1511) honors the memory of Specialist Dwayne James McFarlane, Jr., 20, of Cass Lake, Minnesota, who died on January 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1512) honors the memory of Staff Sergeant William F. Manuel, 34, of Kinder, Louisiana, who died on January 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1513) honors the memory of Sergeant Robert Wesley Sweeney III, 22, of Pineville, Louisiana, who died on January 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1514) honors the memory of Specialist Michael J. Smith, 24, of Media, Pennsylvania, who died on January 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1515) honors the memory of Private First Class Gunnar D. Becker, 19, of Forestburg, South Dakota, who died on January 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1516) honors the memory of Lance Corporal Matthew W. Holloway, 21, of Fulton, Texas, who died on January 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1517) honors the memory of Sergeant First Class Brian A. Mack, 36, of Phoenix, Arizona, who died on January 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1518) honors the memory of Lance Corporal Juan Rodrigo Rodriguez Velasco, 23, of Laredo/El Cenizo, Texas, who died on January 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1519) honors the memory of Corporal Paul C. Holter III, 21, of Corpus Christi, Texas, who died on January 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1520) honors the memory of Sergeant Jayton D. Patterson, 26, of Wakefield/Sedley, Virginia, who died on January 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1521) honors the memory of Sergeant Nathaniel T. Swindell, 24, of Bronx, New York, who died on January 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1522) honors the memory of Specialist Alain L. Kamolvathin, 21, of Blairstown, New Jersey, who died on January 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1523) honors the memory of Private First Class Jesus Fonseca, 19, of Marietta, Georgia, who died on January 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1524) honors the memory of Private First Class George R. Geer, 27, of Cortez, Colorado, who died on January 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1525) honors the memory of Private First Class Francis C. Obaji, 21, of Queens Village, New York, who died on January 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1526) honors the memory of Staff Sergeant Thomas E. Vitagliano, 33, of New Haven, Connecticut, who died on January 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1527) honors the memory of Captain Christopher J. Sullivan, 29, of Princeton, Massachusetts, who died on January 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1528) honors the memory of Sergeant Kyle William Childress, 29, of Terre Haute, Indiana, who died on January 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1529) honors the memory of Captain Joe Fenton Lusk II, 25, of Reedley, California, who died on January 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1530) honors the memory of First Lieutenant Nainoa K. Hoe, 27, of Kailua, Hawaii, who died on January 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1531) honors the memory of Staff Sergeant Jose C. Rangel, 43, of Fresno, California, who died on January 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1532) honors the memory of Sergeant Leonard W. Adams, 42, of Mooresville, North Carolina, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1533) honors the memory of Sergeant Michael C. Carlson, 22, of St. Paul, Minnesota, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1534) honors the memory of Private First Class Jesus A. Leon-Perez, 20, of Houston, Texas, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1535) honors the memory of Sergeant Javier Marin, Jr., 29, of Mission, Texas, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1536) honors the memory of Staff Sergeant Joseph W. Stevens, 26, of Sacramento, California, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1537) honors the memory of Sergeant Brett D. Swank, 21, of Northumberland Co., Pennsylvania, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1538) honors the memory of Specialist Viktar V. Yolkin, 24, of Spring Branch, Texas, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1539) honors the memory of Captain Paul C. Alaniz, 32, of Corpus Christi, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1540) honors the memory of Staff Sergeant Brian D. Bland, 26, of Newcastle/Weston, Wyoming, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1541) honors the memory of Corporal Jonathan W. Bowling, 23, of Patrick, Virginia, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1542) honors the memory of Specialist Taylor J. Burk, 21, of Amarillo, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1543) honors the memory of Lance Corporal Jonathan Edward Etterling, 22, of Wheelersburg, Ohio, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1544) honors the memory of Sergeant Michael W. Finke, Jr., 28, of Wadsworth/Huron, Ohio, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1545) honors the memory of First Lieutenant Travis J. Fuller, 26, of Granville, Massachusetts, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1546) honors the memory of Corporal Timothy M. Gibson, 23, of Merrimack/Hillsborough, New Hampshire, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1547) honors the memory of Corporal Richard A. Gilbert, Jr., 26, of Dayton/Montgomery, Ohio, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1548) honors the memory of Captain Lyle L. Gordon, 30, of Midlothian, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1549) honors the memory of Corporal Kyle J. Grimes, 21, of Northampton, Pennsylvania, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1550) honors the memory of Lance Corporal Tony L. Hernandez, 22, of Canyon Lake, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1551) honors the memory of Lance Corporal Brian C. Hopper, 21, of Wynne, Arkansas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1552) honors the memory of Petty Officer Third Class John Daniel House, 28, of Ventura, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1553) honors the memory of Lance Corporal Saeed Jafarkhani-Torshizi, Jr., 24, of Fort Worth, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1554) honors the memory of Corporal Stephen P. Johnson, 24, of Covina, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1555) honors the memory of Corporal Sean P. Kelly, 23, of Pitman/Gloucester, New Jersey, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1556) honors the memory of Staff Sergeant Dexter S. Kimble, 30, of Houston, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1557) honors the memory of Sergeant William S. Kinzer, Jr., 27, of Hendersonville, North Carolina, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1558) honors the memory of Lance Corporal Allan Klein, 34, of Clinton Township, Michigan, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1559) honors the memory of Corporal Timothy A. Knight, 22, of Brooklyn, Ohio, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1560) honors the memory of Lance Corporal Karl R. Linn, 20, of Chesterfield, Virginia, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1561) honors the memory of Lance Corporal Fred L. Maciel, 20, of Spring, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1562) honors the memory of Corporal Nathaniel K. Moore, 22, of Champaign, Illinois, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1563) honors the memory of Corporal James Lee Moore, 24, of Roseburg, Oregon, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1564) honors the memory of Lance Corporal Mourad Ragimov, 20, of San Diego, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1565) honors the memory of Lance Corporal Rhonald Dain Rairdan, 20, of Castroville/San Antonio, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1566) honors the memory of Lance Corporal Hector Ramos, 20, of Aurora, Illinois, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1567) honors the memory of Lance Corporal Gael Saintvil, 24, of Orlando/Orange, Florida, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1568) honors the memory of Corporal Nathan A. Schubert, 22, of Cherokee, Iowa, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1569) honors the memory of Lance Corporal Darrell J. Schumann, 25, of Hampton, Virginia, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1570) honors the memory of First Lieutenant Dustin M. Shumney, 30, of Benicia/Vallejo, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1571) honors the memory of Corporal Matthew R. Smith, 24, of West Valley City, Utah, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1572) honors the memory of Lance Corporal Joseph B. Spence, 24, of Scotts Valley, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1573) honors the memory of Lance Corporal Michael L. Starr, Jr., 21, of Baltimore, Maryland, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1574) honors the memory of Sergeant Jesse W. Strong, 24, of Irasburg, Vermont, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1575) honors the memory of Corporal Christopher L. Weaver, 24, of Fredericksburg, Virginia, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1576) honors the memory of Corporal Jonathan S. Beatty, 22, of Streator, Illinois, who died on January 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1577) honors the memory of Private First Class Kevin M. Luna, 26, of Oxnard, California, who died on January 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1578) honors the memory of Captain Orlando A. Bonilla, 27, of Killeen, Texas, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1579) honors the memory of Private First Class Stephen A. Castellano, 21, of Long Beach, California, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1580) honors the memory of Specialist Michael S. Evans II, 22, of Marrero, Louisiana, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1581) honors the memory of Sergeant Andrew K. Farrar, Jr., 31, of Weymouth, Massachusetts, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1582) honors the memory of Chief Warrant Officer Charles S. Jones, 34, of Lawtey, Florida, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1583) honors the memory of Specialist Christopher J. Ramsey, 20, of Batchelor, Louisiana, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1584) honors the memory of Staff Sergeant Jonathan Ray Reed, 25, of Krotz Springs/Opelousa, Louisiana, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1585) honors the memory of Staff Sergeant Joseph E. Rodriguez, 25, of Las Cruces, New Mexico, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1586) honors the memory of Specialist Lyle W. Rymer II, 24, of Fort Smith, Arkansas, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1587) honors the memory of Sergeant First Class Mickey E. Zaun, 27, of Brooklyn Park, Minnesota, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1588) honors the memory of Civilian Barbara Heald, 60, of Stamford, Connecticut, who died on January 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1589) honors the memory of Lieutenant Commander Edward E. Jack, 51, of Detroit, Michigan, who died on January 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1590) honors the memory of Sergeant Lindsey T. James, 23, of Urbana, Missouri, who died on January 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1591) honors the memory of Lieutenant Commander Keith Edward Taylor, 47, of Irvine, California, who died on January 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1592) honors the memory of Private First Class James H. Miller IV, 22, of Cincinnati, Ohio, who died on January 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1593) honors the memory of Lance Corporal Nazario Serrano, 20, of Irving, Texas, who died on January 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1594) honors the memory of Lance Corporal Jason C. Redifer, 19, of Stuarts Draft, Virginia, who died on January 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1595) honors the memory of Lance Corporal Harry R. Swain IV, 21, of Cumberland, New Jersey, who died on January 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1596) honors the memory of Sergeant First Class Mark C. Warren, 44, of La Grande, Oregon, who died on January 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1597) honors the memory of Corporal Christopher E. Zimny, 27, of Cook, Illinois, who died on January 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1598) honors the memory of Specialist Robert T. Hendrickson, 24, of Broken Bow, Oklahoma, who died on February 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1599) honors the memory of Captain Sean Lee Brock, 29, of Redondo Beach, California, who died on February 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1600) honors the memory of Lance Corporal Sean P. Maher, 19, of Grayslake, Illinois, who died on February 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1601) honors the memory of Lance Corporal Richard C. Clifton, 19, of Milford, Delaware, who died on February 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1602) honors the memory of Sergeant First Class Sean Michael Cooley, 35, of Ocean Springs, Mississippi, who died on February 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1603) honors the memory of Sergeant Stephen R. Sherman, 27, of Neptune, New Jersey, who died on February 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1604) honors the memory of Staff Sergeant Steven G. Bayow, 42, of Colonia Yap, Fed. Sts. of Micronesia, who died on February 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1605) honors the memory of Sergeant Daniel Torres, 23, of Fort Worth, Texas, who died on February 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1606) honors the memory of Lance Corporal Travis M. Wichlacz, 22, of West Bend, Wisconsin, who died on February 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1607) honors the memory of Specialist Jeremy O. Allmon, 22, of Cleburne, Texas, who died on February 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1608) honors the memory of Staff Sergeant Zachary Ryan Wobler, 24, of Ottawa, Ohio, who died on February 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1609) honors the memory of Specialist Richard M. Crane, 25, of Independence, Missouri, who died on February 8, 2005, in service to the United States in Operation Enduring Freedom;

(1610) honors the memory of Specialist Jeffrey S. Henthorn, 25, of Choctaw, Oklahoma, who died on February 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1611) honors the memory of Sergeant Jessica M. Housby, 23, of Rock Island, Illinois, who died on February 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1612) honors the memory of Lance Corporal Richard A. Perez, Jr., 19, of Las Vegas, Nevada, who died on February 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1613) honors the memory of Staff Sergeant William T. Robbins, 31, of North Little Rock, Arkansas, who died on February 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1614) honors the memory of Specialist Robert A. McNail, 30, of Meridian, Mississippi, who died on February 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1615) honors the memory of Staff Sergeant Kristopher L. Shepherd, 26, of Lynchburg, Virginia, who died on February 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1616) honors the memory of Private First Class David J. Brangman, 20, of Lake Worth, Florida, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1617) honors the memory of Specialist Dakotah L. Gooding, 21, of Des Moines, Iowa, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1618) honors the memory of Sergeant Rene Knox, Jr., 22, of New Orleans, Louisiana, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1619) honors the memory of Sergeant Chad W. Lake, 26, of Ocala, Florida, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1620) honors the memory of Staff Sergeant Ray Rangel, 29, of San Antonio, Texas, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1621) honors the memory of Sergeant First Class David J. Salie, 34, of Columbus, Georgia, who died on February 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1622) honors the memory of Private First Class Michael A. Arciola, 20, of Elmsford, New York, who died on February 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1623) honors the memory of Specialist Katrina Lani Bell-Johnson, 32, of Orangeburg, South Carolina, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1624) honors the memory of Specialist Justin B. Carter, 21, of Mansfield, Missouri, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1625) honors the memory of Staff Sergeant Jason R. Hendrix, 28, of Freedom, California, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1626) honors the memory of Sergeant Timothy R. Osbey, 34, of Magnolia, Mississippi, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1627) honors the memory of Sergeant Adam J. Plumondore, 22, of Gresham, Oregon, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1628) honors the memory of Sergeant Christopher M. Pusateri, 21, of Corning, New York, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1629) honors the memory of Specialist Joseph A. Rahaim, 22, of Laurel, Mississippi, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1630) honors the memory of Sergeant Frank B. Hernandez, 21, of Phoenix, Arizona, who died on February 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1631) honors the memory of Sergeant Carlos J. Gil, 30, of Orlando, Florida, who died on February 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1632) honors the memory of Corporal Kevin Michael Clarke, 21, of Tinley Park, Illinois, who died on February 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1633) honors the memory of Specialist Clinton R. Gertson, 26, of Houston, Texas, who died on February 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1634) honors the memory of First Lieutenant Adam Malson, 23, of Rochester Hills, Michigan, who died on February 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1635) honors the memory of Specialist Seth R. Trahan, 20, of Crowley, Louisiana, who died on February 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1636) honors the memory of Staff Sergeant David F. Day, 25, of Saint Louis Park, Minnesota, who died on February 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1637) honors the memory of Sergeant Jesse M. Lhotka, 24, of Alexandria, Minnesota, who died on February 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1638) honors the memory of Corporal John T. Olson, 21, of Elk Grove Village, Illinois, who died on February 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1639) honors the memory of First Lieutenant Jason G. Timmerman, 24, of Cottonwood/Tracy, Minnesota, who died on February 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1640) honors the memory of Lance Corporal Trevor D. Aston, 32, of Austin, Texas, who died on February 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1641) honors the memory of Sergeant Nicholas J. Olivier, 26, of Ruston, Louisiana, who died on February 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1642) honors the memory of Staff Sergeant Eric M. Steffeney, 28, of Waterloo, Iowa, who died on February 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1643) honors the memory of Staff Sergeant Alexander B. Crackel, 31, of Wilstead, nr. Bedford, England, who died on February 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1644) honors the memory of Specialist Michael S. Deem, 35, of Rockledge, Florida, who died on February 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1645) honors the memory of Staff Sergeant Daniel G. Gresham, 23, of Lincoln, Illinois, who died on February 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1646) honors the memory of Specialist Jacob C. Palmatier, 29, of Springfield, Illinois, who died on February 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1647) honors the memory of Specialist Adam Noel Brewer, 22, of Dewey/Bartlesville, Oklahoma, who died on February 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1648) honors the memory of Private First Class Colby M. Farnan, 22, of Weston, Missouri, who died on February 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1649) honors the memory of Private First Class Chassan S. Henry, 20, of West Palm Beach, Florida, who died on February 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1650) honors the memory of Specialist Jason L. Moski, 24, of Blackville/Wagener, South Carolina, who died on February 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1651) honors the memory of Private First Class Min-su Choi, 21, of River Vale, New Jersey, who died on February 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1652) honors the memory of Private Landon S. Giles, 19, of Indiana, Pennsylvania, who died on February 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1653) honors the memory of Lance Corporal Andrew W. Nowacki, 24, of South Euclid, Ohio, who died on February 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1654) honors the memory of Private First Class Danny L. Anderson, 29, of Corpus Christi, Texas, who died on February 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1655) honors the memory of Second Lieutenant Richard Brian Gienau, 29, of Longview, Iowa, who died on February 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1656) honors the memory of Sergeant Julio E. Negron, 28, of Pompano Beach, Florida, who died on February 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1657) honors the memory of Specialist Lizbeth Robles, 31, of Vega Baja, Puerto Rico, who died on March 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1658) honors the memory of Specialist Azhar Ali, 27, of Flushing, New York, who died on March 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1659) honors the memory of Specialist Wai Pyoe Lwin, 27, of Queens, New York, who died on March 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1660) honors the memory of Specialist Robert Shane Pugh, 25, of Meridian, Mississippi, who died on March 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1661) honors the memory of Sergeant First Class Michael D. Jones, 43, of Unity, Maine, who died on March 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1662) honors the memory of Sergeant First Class Donald W. Eacho, 38, of Black Creek, Wisconsin, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1663) honors the memory of Sergeant Seth K. Garceau, 27, of Oelwein, Iowa, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1664) honors the memory of Captain Sean Grimes, 31, of Southfield, Michigan, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1665) honors the memory of Corporal Stephen M. McGowan, 26, of Newark, Delaware, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1666) honors the memory of Specialist Adriana N. Salem, 21, of Elk Grove Village, Illinois, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1667) honors the memory of Staff Sergeant Juan M. Solorio, 32, of Dallas, Texas, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1668) honors the memory of Specialist Wade Michael Twyman, 27, of Vista, California, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1669) honors the memory of Sergeant Andrew L. Bossert, 24, of Fountain City, Wisconsin, who died on March 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1670) honors the memory of Private First Class Michael W. Franklin, 22, of Coudersport, Pennsylvania, who died on

March 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1671) honors the memory of Specialist Matthew A. Koch, 23, of West Henrietta, New York, who died on March 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1672) honors the memory of Petty Officer First Class Alec Mazur, 35, of Vernon, New York, who died on March 9, 2005, in service to the United States in Operation Enduring Freedom;

(1673) honors the memory of Staff Sergeant Donald D. Griffith, Jr., 29, of Mechanicsville, Iowa, who died on March 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1674) honors the memory of Specialist Nicholas E. Wilson, 21, of Glendale, Arizona, who died on March 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1675) honors the memory of Lance Corporal Joshua L. Torrence, 20, of Lexington, South Carolina, who died on March 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1676) honors the memory of Specialist Paul M. Heltzel, 39, of Baton Rouge, Louisiana, who died on March 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1677) honors the memory of Staff Sergeant Ricky A. Kieffer, 36, of Ovid, Michigan, who died on March 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1678) honors the memory of Staff Sergeant Shane M. Koele, 25, of Wayne, Nebraska, who died on March 16, 2005, in service to the United States in Operation Enduring Freedom;

(1679) honors the memory of Specialist Rocky D. Payne, 26, of Howell, Utah, who died on March 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1680) honors the memory of Private First Class Lee A. Lewis, Jr., 28, of Norfolk, Virginia, who died on March 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1681) honors the memory of Specialist Jonathan A. Hughes, 21, of Lebanon, Kentucky, who died on March 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1682) honors the memory of Specialist Francisco G. Martinez, 20, of Fort Worth, Texas, who died on March 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1683) honors the memory of Sergeant Paul W. Thomason III, 37, of Talbot, Tennessee, who died on March 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1684) honors the memory of Lance Corporal Kevin S. Smith, 20, of Springfield, Ohio, who died on March 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1685) honors the memory of Specialist Travis R. Bruce, 22, of Rochester/Byron, Minnesota, who died on March 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1686) honors the memory of Corporal Bryan J. Richardson, 23, of Summersville, West Virginia, who died on March 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1687) honors the memory of Captain Michael T. Fiscus, 36, of Milford, Indiana, who died on March 26, 2005, in service to the United States in Operation Enduring Freedom;

(1688) honors the memory of Sergeant Lee M. Godbolt, 23, of New Orleans, Louisiana, who died on March 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1689) honors the memory of Specialist Brett M. Hershey, 23, of State College, Pennsylvania, who died on March 26, 2005, in service to the United States in Operation Enduring Freedom;

(1690) honors the memory of Master Sergeant Michael T. Hiester, 33, of Bluffton, Indiana, who died on March 26, 2005, in service to the United States in Operation Enduring Freedom;

(1691) honors the memory of Sergeant Isiah J. Sinclair, 31, of Natchitoches, Louisiana, who died on March 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1692) honors the memory of Private First Class Norman K. Snyder, 21, of Carlisle, Indiana, who died on March 26, 2005, in service to the United States in Operation Enduring Freedom;

(1693) honors the memory of Private First Class Samuel S. Lee, 19, of Anaheim, California, who died on March 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1694) honors the memory of Sergeant Kelly S. Morris, 24, of Boise, Idaho, who died on March 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1695) honors the memory of Sergeant Kenneth L. Ridgley, 30, of Olney, Illinois, who died on March 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1696) honors the memory of Specialist Eric L. Toth, 21, of Edmonton, Kentucky, who died on March 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1697) honors the memory of Warrant Officer Charles G. Wells, Jr., 32, of Montgomery, Alabama, who died on March 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1698) honors the memory of Sergeant First Class Robbie D. McNary, 42, of Lewistown, Montana, who died on March 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1699) honors the memory of Corporal Garrywesley Tan Rimes, 30, of Santa Maria, California, who died on April 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1700) honors the memory of Lance Corporal Tenzin Dengkhim, 19, of Falls Church, Virginia, who died on April 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1701) honors the memory of Staff Sergeant Ioasa F. Tavae, Jr., 29, of Pago Pago, American Samoa, who died on April 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1702) honors the memory of Corporal William D. Richardson, 23, of Moreno Valley, California, who died on April 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1703) honors the memory of Sergeant James Alexander Sherrill, 27, of Ekron, Kentucky, who died on April 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1704) honors the memory of Staff Sergeant Christopher W. Dill, 32, of Tonawanda, New York, who died on April 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1705) honors the memory of Sergeant First Class Stephen C. Kennedy, 35, of Oak Ridge, Tennessee, who died on April 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1706) honors the memory of Lance Corporal Jeremiah C. Kinchen, 22, of Salcha, Alaska, who died on April 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1707) honors the memory of Sergeant Javier J. Garcia, 25, of Crawfordville, Florida, who died on April 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1708) honors the memory of Specialist Glenn J. Watkins, 42, of Carlsbad, California, who died on April 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1709) honors the memory of Chief Warrant Officer David Ayala, 24, of New York, New York, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1710) honors the memory of Sergeant Major Barbaralien Banks, 41, of Harvey, Louisiana, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1711) honors the memory of Captain David S. Connolly, 37, of Boston, Massachusetts, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1712) honors the memory of Specialist Daniel J. Freeman, 20, of Cincinnati, Ohio, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1713) honors the memory of Sergeant Stephen C. High, 45, of Spartanburg, South Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1714) honors the memory of Sergeant James Shawn Lee, 26, of Mount Vernon, Indiana, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1715) honors the memory of Master Sergeant Edwin A. Matoscolon, 42, of Juana Diaz, Puerto Rico, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1716) honors the memory of Major Edward J. Murphy, 36, of Mount Pleasant, South Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1717) honors the memory of Chief Warrant Officer Clint J. Prather, 32, of Cheney, Washington, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1718) honors the memory of Staff Sergeant Charles R. Sanders, Jr., 29, of Charleston, Missouri, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1719) honors the memory of Specialist Michael K. Spivey, 21, of Fayetteville, North Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1720) honors the memory of Specialist Chrystal Gaye Stout, 23, of Travelers Rest, South Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1721) honors the memory of Specialist Sascha Struble, 20, of Philadelphia, New York, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1722) honors the memory of Private First Class Pendelton L. Sykes II, 25, of Chesapeake, Virginia, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1723) honors the memory of Staff Sergeant Romanes L. Woodard, 30, of Hertford, North Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1724) honors the memory of Lance Corporal Juan C. Venegas, 21, of Simi Valley, California, who died on April 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1725) honors the memory of Staff Sergeant Kevin Dewayne Davis, 41, of Lebanon, Oregon, who died on April 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1726) honors the memory of Private First Class Casey M. LaWare, 19, of Redding, California, who died on April 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1727) honors the memory of Corporal Tyler J. Dickens, 20, of Columbus, Georgia, who died on April 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1728) honors the memory of Specialist Manuel Lopez III, 20, of Cape Coral, Florida, who died on April 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1729) honors the memory of Specialist John W. Miller, 21, of West Burlington, Iowa, who died on April 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1730) honors the memory of Corporal Michael B. Lindemuth, 27, of Petoskey, Michigan, who died on April 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1731) honors the memory of Captain James C. Edge, 31, of Virginia Beach, Virginia, who died on April 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1732) honors the memory of Specialist Aleina Ramirezgonzalez, 33, of Hormigueros, Puerto Rico, who died on April 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1733) honors the memory of Private Aaron M. Hudson, 20, of Highland Village, Texas, who died on April 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1734) honors the memory of Sergeant Angelo L. Lozada, Jr., 36, of Brooklyn, New York, who died on April 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1735) honors the memory of Specialist Randy Lee Stevens, 21, of Swartz Creek, Michigan, who died on April 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1736) honors the memory of Sergeant Tromaine K. Toy, Sr., 24, of Eastville, Virginia, who died on April 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1737) honors the memory of Private Joseph L. Knott, 21, of Yuma, Arizona, who died on April 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1738) honors the memory of Private First Class Steven F. Sirko, 20, of Portage, Indiana, who died on April 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1739) honors the memory of Private First Class Sam W. Huff, 18, of Tucson, Arizona, who died on April 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1740) honors the memory of Major Steven W. Thornton, 46, of Eugene, Oregon, who died on April 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1741) honors the memory of Specialist Jacob M. Pfister, 27, of Buffalo, New York, who died on April 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1742) honors the memory of Private First Class Kevin S.K. Wessel, 20, of Newport, Oregon, who died on April 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1743) honors the memory of Corporal Kelly M. Cannan, 21, of Lowville, New York, who died on April 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1744) honors the memory of Lance Corporal Marty G. Mortenson, 22, of Flagstaff, Arizona, who died on April 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1745) honors the memory of Private First Class Robert A. ''Bobby'' Guy, 26, of Willards, Maryland, who died on April 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1746) honors the memory of Private First Class Gavin J. Colburn, 20, of Frankfort, Ohio, who died on April 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1747) honors the memory of Sergeant Anthony J. Davis, Jr., 22, of Long Beach, California, who died on April 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1748) honors the memory of Seaman Aaron A. Kent, 28, of Portland, Oregon, who died on April 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1749) honors the memory of Corporal Kevin William Prince, 22, of Plain City, Ohio, who died on April 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1750) honors the memory of Private Robert C. White III, 21, of Camden, New Jersey, who died on April 23, 2005, in service to the United States in Operation Enduring Freedom;

(1751) honors the memory of Specialist Robert W. Defazio, 21, of West Babylon, New York, who died on April 24, 2005, in service to the United States in Operation Enduring Freedom;

(1752) honors the memory of Specialist Gary W. Walters, Jr., 31, of Victoria, Texas, who died on April 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1753) honors the memory of First Sergeant Timmy J. Millsap, 39, of Wichita, Kansas, who died on April 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1754) honors the memory of Sergeant First Class Allen C. Johnson, 31, of Los Molinos, California, who died on April 26, 2005, in service to the United States in Operation Enduring Freedom;

(1755) honors the memory of Specialist David L. Rice, 22, of Sioux City, Iowa, who died on April 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1756) honors the memory of Corporal Joseph S. Tremblay, 23, of New Windsor, New York, who died on April 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1757) honors the memory of First Lieutenant William A. Edens, 29, of Columbia, Missouri, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1758) honors the memory of Sergeant Timothy Craig Kiser, 37, of Tehama, California, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1759) honors the memory of Sergeant Eric Wayne Morris, 31, of Sparks, Nevada, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1760) honors the memory of Private First Class Robert W. Murray, Jr., 21, of Westfield, Indiana, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1761) honors the memory of Specialist Ricky W. Rockholt, Jr., 28, of Winston, Oregon, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1762) honors the memory of Private Charles S. Cooper, Jr., 19, of Jamestown, New York, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1763) honors the memory of Private First Class Darren A. Deblanc, 20, of Evansville, Indiana, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1764) honors the memory of Captain Stephen W. Frank, 29, of Lansing, Michigan, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1765) honors the memory of Second Lieutenant Clifford V. ''CC'' Gadsden, 25, of Red Top, South Carolina, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1766) honors the memory of Captain Ralph J. ''Jay'' Harting III, 28, of Union Lake, Michigan, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1767) honors the memory of Staff Sergeant Juan de Dios Garcia-Arana, 27, of Los Angeles, California, who died on April 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1768) honors the memory of Sergeant Kenya A. Parker, 26, of Fairfield, Alabama, who died on April 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1769) honors the memory of Specialist Derrick Joseph Lutters, 24, of Burlington, Colorado, who died on May 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1770) honors the memory of Captain Kelly C. Hinz, 30, of Woodbury, Minnesota, who died on May 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1771) honors the memory of Staff Sergeant Tommy S. Little, 47, of Aliceville, Alabama, who died on May 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1772) honors the memory of Sergeant John E. McGee, 36, of Columbus, Georgia, who died on May 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1773) honors the memory of Major John C. Spahr, 42, of Cherry Hill, New Jersey, who died on May 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1774) honors the memory of Staff Sergeant William J. Brooks, 30, of Birmingham, Alabama, who died on May 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1775) honors the memory of Sergeant Stephen P. Saxton, 24, of Temecula, California, who died on May 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1776) honors the memory of Sergeant Aaron N. Cepeda, Sr., 22, of San Antonio, Texas, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1777) honors the memory of Lance Corporal Lance Tanner Graham, 26, of San Antonio, Texas, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1778) honors the memory of Sergeant Michael A. Marzano, 28, of Greenville, Pennsylvania, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1779) honors the memory of Lance Corporal Michael V. Postal, 21, of Glen Oaks, New York, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1780) honors the memory of Petty Officer Third Class Jeffery L. Wiener, 32, of Louisville, Kentucky, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1781) honors the memory of Corporal Dustin A. Derga, 24, of Columbus, Ohio, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1782) honors the memory of Sergeant Gary A. ''Andy'' Eckert, Jr., 24, of Sylvania, Ohio, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1783) honors the memory of Specialist Steven Ray Givens, 26, of Mobile, Alabama, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1784) honors the memory of Staff Sergeant Thor H. Ingraham, 24, of Murrysville, Pennsylvania, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1785) honors the memory of Lance Corporal Nicholas C. Kirven, 21, of Fairfax/Richmond, Virginia, who died on May 8, 2005, in service to the United States in Operation Enduring Freedom;

(1786) honors the memory of Private First Class Nicolas E. Messmer, 20, of Gahanna/Franklin, Ohio, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1787) honors the memory of Lance Corporal Lawrence R. Philippon, 22, of Hartford, Connecticut, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1788) honors the memory of Corporal Richard P. Schoener, 22, of Hayes, Louisiana, who died on May 8, 2005, in service to the United States in Operation Enduring Freedom;

(1789) honors the memory of Private First Class Stephen P. Baldwyn, 19, of Saltillo, Mississippi, who died on May 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1790) honors the memory of Staff Sergeant Anthony L. Goodwin, 33, of Mount Holly, New Jersey, who died on May 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1791) honors the memory of Lance Corporal Marcus Mahdee, 20, of Fort Walton Beach, Florida, who died on May 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1792) honors the memory of Lance Corporal Taylor B. Prazynski, 20, of Fairfield, Ohio, who died on May 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1793) honors the memory of First Sergeant Michael J. Bordelon, 37, of Morgan City, Louisiana, who died on May 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1794) honors the memory of Staff Sergeant Samuel Tyrone Castle, 26, of Naples, Texas, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1795) honors the memory of Lance Corporal Wesley G. Davids, 20, of Dublin, Ohio, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1796) honors the memory of Private First Class Christopher R. Dixon, 18, of Columbus, Ohio, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1797) honors the memory of Lance Corporal Nicholas B. Erdy, 21, of Williamsburg, Ohio, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1798) honors the memory of Lance Corporal Jonathan Walter Grant, 23, of Santa Fe, New Mexico, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1799) honors the memory of Lance Corporal Jourdan L. Grez, 24, of Harrisonburg, Virginia, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1800) honors the memory of Staff Sergeant Kendall H. Ivy II, 28, of Galion/Crawford, Ohio, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1801) honors the memory of Lance Corporal John T. Schmidt III, 21, of Brookfield, Connecticut, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1802) honors the memory of Sergeant Andrew R. Jodon, 27, of Karthaus, Pennsylvania, who died on May 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1803) honors the memory of Sergeant John M. Smith, 22, of Wilmington, North Carolina, who died on May 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1804) honors the memory of Private First Class Kenneth E. Zeigler II, 22, of Dillsburg, Pennsylvania, who died on May 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1805) honors the memory of Private First Class Travis W. Anderson, 28, of Hooper, Colorado, who died on May 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1806) honors the memory of Sergeant Charles C. Gillican III, 35, of Brunswick, Georgia, who died on May 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1807) honors the memory of Sergeant Jacob M. Simpson, 24, of Hood River/Ashland, Oregon, who died on May 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1808) honors the memory of Private First Class Wesley R. Riggs, 19, of Baytown, Texas, who died on May 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1809) honors the memory of Sergeant Antwan L. ''Twan'' Walker, 22, of Tampa, Florida, who died on May 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1810) honors the memory of Private First Class Wyatt D. Eisenhauer, 26, of Pinckneyville, Illinois, who died on May 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1811) honors the memory of Sergeant Robin V. Fell, 22, of Shreveport, Louisiana, who died on May 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1812) honors the memory of Specialist Bernard L. Sembly, 25, of Bossier City, Louisiana, who died on May 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1813) honors the memory of Sergeant Kurt D. Schamberg, 26, of Euclid, Ohio, who died on May 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1814) honors the memory of Sergeant Brad A. Wentz, 21, of Gladwin, Michigan, who died on May 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1815) honors the memory of Corporal Steven Charles Tucker, 19, of Grapevine, Texas, who died on May 21, 2005, in service to the United States in Operation Enduring Freedom;

(1816) honors the memory of Specialist Tyler L. Creamean, 21, of Jacksonville, Arkansas, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1817) honors the memory of Sergeant Carl J. Morgain, 40, of Butler, Pennsylvania, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1818) honors the memory of Sergeant Benjamin C. Morton, 24, of Wright, Kansas, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1819) honors the memory of Sergeant John B. Ogburn III, 45, of Fruitland, Idaho, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1820) honors the memory of Sergeant Kenneth J. Schall, 22, of Peoria, Arizona, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1821) honors the memory of First Lieutenant Aaron N. Seesan, 25, of Massillon, Ohio, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1822) honors the memory of Sergeant Charles T. Wilkerson, 30, of Kansas City, Missouri, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1823) honors the memory of Specialist Bryan Edward Barron, 26, of Biloxi, Mississippi, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1824) honors the memory of Specialist Joshua T. Brazee, 25, of Sand Creek, Michigan, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1825) honors the memory of Private First Class Kyle M. Hemauer, 21, of Chilton, Wisconsin, who died on May 23, 2005, in service to the United States in Operation Enduring Freedom;

(1826) honors the memory of Specialist Audrey Daron Lunsford, 29, of Sardis, Mississippi, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1827) honors the memory of Staff Sergeant Saburant ''Sabe'' Parker, 43, of Foxworth, Mississippi, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1828) honors the memory of Sergeant Christopher S. Perez, 30, of Hutchinson, Kansas, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1829) honors the memory of Sergeant Daniel Ryan Varnado, 23, of Saucier, Mississippi, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1830) honors the memory of Staff Sergeant Russell J. Verdugo, 34, of Phoenix, Arizona, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1831) honors the memory of Sergeant First Class Randy D. Collins, 36, of Long Beach, California, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1832) honors the memory of Sergeant Charles A. ''Chuck'' Drier, 28, of Tuscola County, Michigan, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1833) honors the memory of Specialist Dustin C. Fisher, 22, of Fort Smith, Arkansas, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1834) honors the memory of Sergeant First Class Peter J. Hahn, 31, of Metairie, Louisiana, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1835) honors the memory of Private First Class Jeffrey R. Wallace, 20, of Hoopeston, Illinois, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1836) honors the memory of Sergeant Alfred Barton Siler, 33, of Duff, Tennessee, who died on May 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1837) honors the memory of Sergeant David Neil Wimberg, 24, of Louisville, Kentucky, who died on May 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1838) honors the memory of Major Ricardo A. Crocker, 39, of Mission Viejo, California, who died on May 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1839) honors the memory of Chief Warrant Officer (CW4) Matthew Scott Lourey, 40, of East Bethel, Minnesota, who died on May 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1840) honors the memory of Sergeant Mark A. Maida, 22, of Madison, Wisconsin, who died on May 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1841) honors the memory of Chief Warrant Officer (CW2) Joshua Michael Scott, 28, of Sun Prairie, Wisconsin, who died on May 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1842) honors the memory of First Sergeant Michael S. Barnhill, 39, of Folsom, California, who died on May 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1843) honors the memory of Specialist Phillip N. Sayles, 26, of Jacksonville, Arkansas, who died on May 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1844) honors the memory of Lieutenant Colonel Albert E. Smart, 41, of San Antonio, Texas, who died on May 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1845) honors the memory of Staff Sergeant Victor M. Cortes III, 29, of Erie, Pennsylvania, who died on May 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1846) honors the memory of Captain Derek Argel, 28, of Lompoc, California, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1847) honors the memory of Staff Sergeant Casey Crate, 26, of Spanaway, Washington, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1848) honors the memory of Major William Downs, 40, of Winchester, Virginia, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1849) honors the memory of Captain Jeremy Fresques, 26, of Clarkdale, Arizona, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1850) honors the memory of Corporal Jeffrey B. Starr, 22, of Snohomish, Washington, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1851) honors the memory of Sergeant First Class Steven M. Langmack, 33, of Seattle, Washington, who died on May 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1852) honors the memory of Sergeant Miguel A. Ramos, 39, of Mayaguez, Puerto Rico, who died on May 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1853) honors the memory of Staff Sergeant Virgil R. Case, 37, of Mountain Home, Idaho, who died on June 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1854) honors the memory of Specialist Phillip C. Edmundson, 22, of Wilson, North Carolina, who died on June 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1855) honors the memory of Private First Class Louis E. Niedermeier, 20, of Largo, Florida, who died on June 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1856) honors the memory of Staff Sergeant Leroy E. Alexander, 27, of Dale City, Virginia, who died on June 3, 2005, in service to the United States in Operation Enduring Freedom;

(1857) honors the memory of Corporal Antonio Mendoza, 21, of Santa Ana, California, who died on June 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1858) honors the memory of Captain Charles D. Robinson, 29, of Haddon Heights, New Jersey, who died on June 3, 2005, in service to the United States in Operation Enduring Freedom;

(1859) honors the memory of Civilian Linda J. Villar, 41, of Franklinton, Louisiana, who died on June 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1860) honors the memory of Specialist Carrie L. French, 19, of Caldwell, Idaho, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1861) honors the memory of Specialist Eric J. Poelman, 21, of Racine, Wisconsin, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1862) honors the memory of Private First Class Brian Scott ''Scotty'' Ulbrich, 23, of Chapmanville, West Virginia, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1863) honors the memory of Staff Sergeant Justin L. Vasquez, 26, of Manzanola, Colorado, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1864) honors the memory of Colonel Theodore S. Westhusing, 44, of Dallas, Texas, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1865) honors the memory of Lance Corporal Robert T. Mininger, 21, of Sellersville, Pennsylvania, who died on June 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1866) honors the memory of Specialist Brian M. Romines, 20, of Simpson, Illinois, who died on June 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1867) honors the memory of Lance Corporal Jonathan L. Smith, 22, of Eva, Alabama, who died on June 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1868) honors the memory of Specialist Eric T. Burri, 21, of Wyoming, Michigan, who died on June 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1869) honors the memory of Lieutenant Colonel Terrence K. Crowe, 44, of New York, New York, who died on June 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1870) honors the memory of First Lieutenant Louis E. Allen, 34, of Milford, Pennsylvania, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1871) honors the memory of Sergeant Roberto Arizola, Jr., 31, of Laredo, Texas, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1872) honors the memory of Captain Phillip T. Esposito, 30, of Suffern, New York, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1873) honors the memory of First Lieutenant Michael J. Fasnacht, 25, of Mankato, Minnesota, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1874) honors the memory of Private First Class Emmanuel Hernandez, 22, of Yauco, Puerto Rico, who died on June 8, 2005, in service to the United States in Operation Enduring Freedom;

(1875) honors the memory of Private First Class Douglas E. Kashmer, 27, of Sharon, Pennsylvania, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1876) honors the memory of Sergeant Michael J. Kelley, 26, of Scituate, Massachusetts, who died on June 8, 2005, in service to the United States in Operation Enduring Freedom;

(1877) honors the memory of Lance Corporal Marc Lucas Tucker, 24, of Pontotoc, Mississippi, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1878) honors the memory of Lance Corporal Dustin V. Birch, 22, of Saint Anthony, Idaho, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1879) honors the memory of Lance Corporal Daniel Chavez, 20, of Seattle, Washington, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1880) honors the memory of Staff Sergeant Mark O. Edwards, 40, of Unicoi, Tennessee, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1881) honors the memory of Lance Corporal Thomas O. Keeling, 23, of Strongsville, Ohio, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1882) honors the memory of Sergeant David Joseph Murray, 23, of Felixville/Clinton, Louisiana, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1883) honors the memory of Lance Corporal Devon Paul Seymour, 21, of St. Louisville, Ohio, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1884) honors the memory of Corporal Brad D. Squires, 26, of Middleburg Heights, Ohio, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1885) honors the memory of Lance Corporal Mario Alberto Castillo, 20, of Brownwood, Texas, who died on June 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1886) honors the memory of Sergeant First Class Victor H. Cervantes, 27, of Stockton, California, who died on June 10, 2005, in service to the United States in Operation Enduring Freedom;

(1887) honors the memory of Lance Corporal Andrew J. Kilpela, 22, of Fowlerville, Michigan, who died on June 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1888) honors the memory of Sergeant Larry R. Arnold, Sr., 46, of Carriere, Mississippi, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1889) honors the memory of Specialist Casey Byers, 22, of Schleswig, Iowa, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1890) honors the memory of Corporal Stanley J. Lapinski, 35, of Las Vegas, Nevada, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1891) honors the memory of Specialist Terrance D. Lee, Sr., 25, of Moss Point, Mississippi, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1892) honors the memory of Sergeant First Class Neil A. Prince, 35, of Baltimore, Maryland, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1893) honors the memory of Specialist Anthony D. Kinslow, 21, of Westerville, Ohio, who died on June 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1894) honors the memory of Sergeant Larry R. Kuhns, Jr., 24, of Austintown, Ohio, who died on June 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1895) honors the memory of Lance Corporal John J. Mattek, Jr., 24, of Stevens Point, Wisconsin, who died on June 13, 2005,

in service to the United States in Operation Iraqi Freedom;

(1896) honors the memory of Private First Class Nathan B. Clemons, 20, of Winchester, Tennessee, who died on June 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1897) honors the memory of Private First Class Michael Ray Hayes, 29, of Morgantown, Kentucky, who died on June 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1898) honors the memory of Sergeant Anthony G. Jones, 25, of Greenville, South Carolina, who died on June 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1899) honors the memory of Private First Class Joshua P. Klinger, 21, of Easton, Pennsylvania, who died on June 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1900) honors the memory of Petty Officer Second Class Cesar O. Baez, 37, of Pomona, California, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1901) honors the memory of Lance Corporal Jonathan R. Flores, 18, of San Antonio, Texas, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1902) honors the memory of Corporal Jesse Jaime, 22, of Henderson, Nevada, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1903) honors the memory of Lance Corporal Chad B. Maynard, 19, of Montrose, Colorado, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1904) honors the memory of Corporal Tyler S. Trovillion, 23, of Richardson, Texas, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1905) honors the memory of Lance Corporal Dion M. Whitley, 21, of Los Angeles, California, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1906) honors the memory of Specialist Anthony S. Cometa, 21, of Las Vegas, Nevada, who died on June 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1907) honors the memory of Lance Corporal Erik R. Heldt, 26, of Hermann, Missouri, who died on June 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1908) honors the memory of Captain John W. Maloney, 36, of Chicopee, Massachusetts, who died on June 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1909) honors the memory of Staff Sergeant Christopher N. Piper, 43, of Marblehead, Massachusetts, who died on June 16, 2005, in service to the United States in Operation Enduring Freedom;

(1910) honors the memory of Master Sergeant Robert M. Horrigan, 40, of Austin, Texas, who died on June 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1911) honors the memory of Master Sergeant Michael L. McNulty, 36, of Knoxville, Tennessee, who died on June 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1912) honors the memory of Lance Corporal Adam J. Crumpler, 19, of Charleston, West Virginia, who died on June 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1913) honors the memory of First Lieutenant Noah Harris, 23, of Ellijay, Georgia, who died on June 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1914) honors the memory of Corporal William A. Long, 26, of Lilburn, Georgia, who died on June 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1915) honors the memory of Private First Class Christopher R. Kilpatrick, 18, of Columbus, Texas, who died on June 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1916) honors the memory of Specialist Christopher L. Hoskins, 21, of Danielson, Connecticut, who died on June 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1917) honors the memory of Specialist Nicholas R. Idalski, 23, of Crown Point, Indiana, who died on June 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1918) honors the memory of Sergeant James D. Stewart, 29, of Chattanooga, Tennessee, who died on June 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1919) honors the memory of Specialist Brian A. Vaughn, 23, of Pell City, Alabama, who died on June 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1920) honors the memory of Major Duane W. Dively, 43, of Rancho California, California, who died on June 22, 2005, in service to the United States in Operation Enduring Freedom;

(1921) honors the memory of Sergeant Arnold Duplantier II, 26, of Sacramento, California, who died on June 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1922) honors the memory of Lance Corporal Holly A. Charette, 21, of Cranston, Rhode Island, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1923) honors the memory of Petty Officer First Class Regina R. Clark, 43, of Centralia, Washington, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1924) honors the memory of Lance Corporal Veashna Muy, 20, of Los Angeles, California, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1925) honors the memory of Sergeant First Class Christopher W. Phelps, 39, of Louisville, Kentucky, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1926) honors the memory of Corporal Chad W. Powell, 22, of West Monroe, Louisiana, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1927) honors the memory of Sergeant Joseph M. Tackett, 22, of Whitehouse, Kentucky, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1928) honors the memory of Corporal Ramona M. Valdez, 20, of Bronx, New York, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1929) honors the memory of Corporal Carlos Pineda, 23, of Los Angeles, California, who died on June 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1930) honors the memory of Lance Corporal Kevin B. Joyce, 19, of Ganado, Arizona, who died on June 25, 2005, in service to the United States in Operation Enduring Freedom;

(1931) honors the memory of Specialist Charles A. Kaufman, 20, of Fairchild, Wisconsin, who died on June 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1932) honors the memory of Second Lieutenant Matthew S. Coutu, 23, of North Kingstown, Rhode Island, who died on June 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1933) honors the memory of Chief Warrant Officer Keith R. Mariotti, 39, of Elkton, Maryland, who died on June 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1934) honors the memory of Chief Warrant Officer Steven E. Shepard, 30, of Purcell, Oklahoma, who died on June 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1935) honors the memory of Petty Officer Second Class Matthew G. Axelson, 29, of Cupertino, California, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1936) honors the memory of Specialist Rafael A. ''T.J.'' Carrillo, Jr., 21, of Boys Ranch, Texas, who died on June 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1937) honors the memory of Petty Officer Second Class Danny P. Dietz, 25, of Littleton, Colorado, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1938) honors the memory of Chief Petty Officer Jacques J. Fontan, 36, of New Orleans, Louisiana, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1939) honors the memory of Staff Sergeant Shamus O. Goare, 29, of Danville, Ohio, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1940) honors the memory of Chief Warrant Officer Corey J. Goodnature, 35, of Clarks Grove, Minnesota, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1941) honors the memory of Specialist Robert E. Hall, Jr., 30, of Pittsburgh, Pennsylvania, who died on June 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1942) honors the memory of Senior Chief Petty Officer Daniel R. Healy, 36, of Exeter, New Hampshire, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1943) honors the memory of Sergeant Manny Hornedo, 27, of Brooklyn, New York, who died on June 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1944) honors the memory of Sergeant Kip A. Jacoby, 21, of Pompano Beach, Florida, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1945) honors the memory of Lieutenant Commander Erik S. Kristensen, 33, of San Diego, California, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1946) honors the memory of Petty Officer First Class Jeffery A. Lucas, 33, of Corbett, Oregon, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1947) honors the memory of Lieutenant Michael M. McGreevy, Jr., 30, of Portville, New York, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1948) honors the memory of Sergeant First Class Marcus V. Muralles, 33, of Shelbyville, Indiana, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1949) honors the memory of Lieutenant Michael P. Murphy, 29, of Patchogue, New York, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1950) honors the memory of Petty Officer Second Class Eric Shane Patton, 22, of Boulder City, Nevada, who died on June 28, 2005,

in service to the United States in Operation Enduring Freedom;

(1951) honors the memory of Master Sergeant James W. ''Tré'' Ponder III, 36, of Franklin, Tennessee, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1952) honors the memory of Major Stephen C. Reich, 34, of Washington Depot, Connecticut, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1953) honors the memory of Sergeant First Class Michael L. Russell, 31, of Stafford, Virginia, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1954) honors the memory of Chief Warrant Officer Chris J. Scherkenbach, 40, of Jacksonville, Florida, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1955) honors the memory of Petty Officer Second Class James Suh, 28, of Deerfield Beach, Florida, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1956) honors the memory of Petty Officer First Class Jeffrey S. Taylor, 30, of Midway, West Virginia, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1957) honors the memory of Sergeant Chad M. Mercer, 25, of Waycross, Georgia, who died on June 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1958) honors the memory of Staff Sergeant Jeremy A. Brown, 26, of Mabscott, West Virginia, who died on July 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1959) honors the memory of Specialist Ryan J. Montgomery, 22, of Greensburg, Kentucky, who died on July 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1960) honors the memory of Staff Sergeant Scottie L. Bright, 36, of Montgomery, Alabama, who died on July 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1961) honors the memory of Corporal Lyle J. Cambridge, 23, of Shiprock, New Mexico, who died on July 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1962) honors the memory of Specialist Christopher W. Dickison, 26, of Seattle, Washington, who died on July 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1963) honors the memory of Private Anthony M. Mazzarella, 22, of Blue Springs, Missouri, who died on July 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1964) honors the memory of Sergeant Deyson K. Cariaga, 20, of Honolulu, Hawaii, who died on July 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1965) honors the memory of Specialist Hoby F. Bradfield, Jr., 22, of The Woodlands, Texas, who died on July 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1966) honors the memory of Private First Class Eric Paul Woods, 26, of Omaha, Nebraska, who died on July 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1967) honors the memory of Staff Sergeant Joseph P. Goodrich, 32, of Allegheny, Pennsylvania, who died on July 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1968) honors the memory of Lance Corporal Ryan J. Kovacicek, 22, of Washington, Pennsylvania, who died on July 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1969) honors the memory of Sergeant Timothy J. Sutton, 22, of Springfield, Missouri, who died on July 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1970) honors the memory of Specialist Benyahmin B. Yahudah, 24, of Bogart, Georgia, who died on July 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1971) honors the memory of Private First Class Timothy J. Hines, Jr., 21, of Deer Park/Fairfield, Ohio, who died on July 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1972) honors the memory of Staff Sergeant Tricia L. Jameson, 34, of Omaha, Nebraska, who died on July 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1973) honors the memory of Corporal Clifton Blake Mounce, 22, of Pontotoc, Mississippi, who died on July 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1974) honors the memory of Corporal Christopher D. Winchester, 23, of Flomaton, Alabama, who died on July 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1975) honors the memory of Specialist Jared D. Hartley, 22, of Newkirk, Oklahoma, who died on July 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1976) honors the memory of Sergeant Travis S. Cooper, 24, of Macon, Mississippi, who died on July 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1977) honors the memory of Staff Sergeant Jorge Luis Pena-Romero, 29, of Fallbrook, California, who died on July 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1978) honors the memory of Sergeant First Class Ronald T. Wood, 28, of Cedar City, Utah, who died on July 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1979) honors the memory of Lance Corporal Efrain Sanchez, Jr., 26, of Port Chester, New York, who died on July 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1980) honors the memory of Staff Sergeant Frank F. Tiai, 45, of Pago Pago, American Samoa, who died on July 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1981) honors the memory of Specialist Ronnie D. Williams, 26, of Erlanger, Kentucky, who died on July 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1982) honors the memory of Staff Sergeant Jefferey J. Farrow, 28, of Birmingham, Alabama, who died on July 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1983) honors the memory of Private Lavena L. Johnson, 19, of Florissant, Missouri, who died on July 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1984) honors the memory of Sergeant Arthur R. McGill, 25, of Gravette, Arkansas, who died on July 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1985) honors the memory of Corporal Steven P. Gill, 24, of Round Rock, Texas, who died on July 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1986) honors the memory of Petty Officer Third Class Travis L. Youngblood, 26, of Surrency, Georgia, who died on July 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1987) honors the memory of Sergeant Bryan James Opskar, 32, of Princeton, Minnesota, who died on July 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1988) honors the memory of Sergeant Jason T. Palmerton, 25, of Auburn, Nebraska, who died on July 23, 2005, in service to the United States in Operation Enduring Freedom;

(1989) honors the memory of Specialist Jacques Earl ''Gus'' Brunson, 30, of Americus, Georgia, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1990) honors the memory of Specialist Ernest W. Dallas, Jr., 21, of Denton, Texas, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1991) honors the memory of Staff Sergeant Carl Ray Fuller, 44, of Covington, Georgia, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1992) honors the memory of Sergeant James Ondra Kinlow, 35, of Thompson, Georgia, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1993) honors the memory of Staff Sergeant Jason W. Montefering, 27, of Parkston, South Dakota, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1994) honors the memory of Sergeant Milton M. Monzon, Jr., 21, of Los Angeles, California, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1995) honors the memory of Sergeant Christopher J. Taylor, 22, of Opelika, Alabama, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1996) honors the memory of Sergeant John Frank Thomas, 33, of Valdosta, Georgia, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1997) honors the memory of Private First Class Ramon A. Villatoro, Jr., 19, of Bakersfield, California, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1998) honors the memory of Specialist Adam J. Harting, 21, of Portage, Indiana, who died on July 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1999) honors the memory of Staff Sergeant Michael W. Schafer, 25, of Spring Hill, Florida, who died on July 25, 2005, in service to the United States in Operation Enduring Freedom;

(2000) honors the memory of Specialist Adrian J. Butler, 28, of East Lansing, Michigan, who died on July 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2001) honors the memory of Captain Benjamin D. Jansky, 28, of Oshkosh, Wisconsin, who died on July 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2002) honors the memory of Specialist Edward L. Myers, 21, of St. Joseph, Missouri, who died on July 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2003) honors the memory of Specialist John O. Tollefson, 22, of Fond du Lac, Wisconsin, who died on July 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2004) honors the memory of Lance Corporal Christopher P. Lyons, 24, of Mansfield/Shelby, Ohio, who died on July 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2005) honors the memory of Corporal Andre L. Williams, 23, of Galloway, Ohio, who died on July 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2006) honors the memory of Private Ernesto R. Guerra, 20, of Long Beach, California, who died on July 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2007) honors the memory of Sergeant First Class Victor A. Anderson, 39, of Ellaville, Georgia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2008) honors the memory of Sergeant Jonathon C. Haggin, 26, of Kingsland, Georgia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2009) honors the memory of Staff Sergeant David R. Jones, Sr., 45, of Augusta, Georgia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2010) honors the memory of Private First Class Jason D. Scheuerman, 20, of Lynchburg, Virginia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2011) honors the memory of Sergeant Ronnie L. ''Rod'' Shelley, Sr., 34, of Valdosta, Georgia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2012) honors the memory of Private First Class Robert A. Swaney, 21, of West Jefferson, Ohio, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2013) honors the memory of Specialist James D. Carroll, 23, of McKenzie, Tennessee, who died on July 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2014) honors the memory of Corporal Jeffrey A. Boskovitch, 25, of Seven Hills, Ohio, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2015) honors the memory of Lance Corporal Roger D. Castleberry, Jr., 26, of Austin, Texas, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2016) honors the memory of Sergeant David J. Coullard, 32, of Glastonbury, Connecticut, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2017) honors the memory of Lance Corporal Daniel Nathan Deyarmin, Jr., 22, of Tallmadge, Ohio, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2018) honors the memory of Sergeant James R. Graham III, 25, of Coweta, Oklahoma, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2019) honors the memory of Lance Corporal Brian P. Montgomery, 26, of Willoughby, Ohio, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2020) honors the memory of Sergeant Nathaniel S. Rock, 26, of Toronto, Ohio, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2021) honors the memory of Petty Officer First Class Thomas C. Hull, 41, of Princeton, Illinois, who died on August 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2022) honors the memory of Staff Sergeant James D. McNaughton, 27, of Middle Village, New York, who died on August 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2023) honors the memory of Lance Corporal Timothy Michael Bell, Jr., 22, of West Chester, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2024) honors the memory of Lance Corporal Eric J. Bernholtz, 23, of Grove City, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2025) honors the memory of Lance Corporal Nicholas William B. Bloem, 20, of Belgrade, Montana, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2026) honors the memory of Lance Corporal Michael J. Cifuentes, 25, of Fairfield, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2027) honors the memory of Lance Corporal Christopher Jenkins Dyer, 19, of Cincinnati, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2028) honors the memory of Lance Corporal Grant B. Fraser, 22, of Anchorage, Alaska, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2029) honors the memory of Specialist Jerry Lewis Ganey, Jr., 29, of Folkston, Georgia, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2030) honors the memory of Specialist Mathew V. Gibbs, 21, of Ambrose, Georgia, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2031) honors the memory of Sergeant Bradley J. Harper, 25, of Dresden, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2032) honors the memory of Sergeant Justin F. Hoffman, 27, of Delaware, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2033) honors the memory of Corporal David Kenneth J. Kreuter, 26, of Cincinnati, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2034) honors the memory of Lance Corporal Aaron H. Reed, 21, of Chillicothe, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2035) honors the memory of Lance Corporal Edward August Schroeder II, 23, of Columbus, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2036) honors the memory of Corporal David S. Stewart, 24, of Bogalusa, Louisiana, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2037) honors the memory of Lance Corporal Adam J. Strain, 20, of Smartville, California, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2038) honors the memory of Sergeant First Class Charles Houghton Warren, 36, of Duluth, Georgia, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2039) honors the memory of Lance Corporal Kevin G. Waruinge, 22, of Tampa, Florida, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2040) honors the memory of Lance Corporal William Brett Wightman, 22, of Sabina, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2041) honors the memory of Gunnery Sergeant Theodore Clark, Jr., 31, of Emporia, Virginia, who died on August 4, 2005, in service to the United States in Operation Enduring Freedom;

(2042) honors the memory of Private First Class Damian J. Garza, 19, of Odessa, Texas, who died on August 4, 2005, in service to the United States in Operation Enduring Freedom;

(2043) honors the memory of Private John M. Henderson, Jr., 21, of Columbus, Georgia, who died on August 4, 2005, in service to the United States in Operation Enduring Freedom;

(2044) honors the memory of Staff Sergeant Chad J. Simon, 32, of Monona/Madison, Wisconsin, who died on August 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2045) honors the memory of Private First Class Nils George Thompson, 19, of Confluence, Pennsylvania, who died on August 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2046) honors the memory of Gunnery Sergeant Terry W. Ball, Jr., 36, of East Peoria, Illinois, who died on August 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2047) honors the memory of Sergeant First Class Robert V. Derenda, 42, of Ledbetter, Kentucky, who died on August 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2048) honors the memory of Sergeant First Class Brett Eugene Walden, 40, of Fort Walton Beach, Florida, who died on August 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2049) honors the memory of Lance Corporal Chase Johnson Comley, 21, of Lexington, Kentucky, who died on August 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2050) honors the memory of Sergeant Brahim J. Jeffcoat, 25, of Philadelphia, Pennsylvania, who died on August 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2051) honors the memory of Specialist Kurt E. Krout, 43, of Spinnerstown, Pennsylvania, who died on August 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2052) honors the memory of Private First Class Seferino J. Reyna, 20, of Phoenix, Arizona, who died on August 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2053) honors the memory of Staff Sergeant Christopher M. Falkel, 22, of Highlands Ranch, Colorado, who died on August 8, 2005, in service to the United States in Operation Enduring Freedom;

(2054) honors the memory of Staff Sergeant Ramon E. Gonzales Cordova, 30, of Davie, Florida, who died on August 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2055) honors the memory of Specialist Anthony N. Kalladeen, 26, of Purchase, New York, who died on August 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2056) honors the memory of Private First Class Hernando Rios, 29, of Queens, New York, who died on August 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2057) honors the memory of Specialist Miguel Carrasquillo, 25, of River Grove, Illinois, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2058) honors the memory of Private First Class Nathaniel E. ''Nate'' Detample, 19, of Morrisville, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2059) honors the memory of Specialist Christopher M. Katzenberger, 25, of St. Louis, Missouri, who died on August 9, 2005, in service to the United States in Operation Enduring Freedom;

(2060) honors the memory of Specialist John Kulick, 35, of Harleysville, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2061) honors the memory of Staff Sergeant Ryan S. Ostrom, 25, of Liberty, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2062) honors the memory of Specialist Gennaro Pellegrini, Jr., 31, of Philadelphia, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2063) honors the memory of Sergeant Francis J. Straub, Jr., 24, of Philadelphia, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2064) honors the memory of Sergeant First Class Michael A. Benson, 40, of Winona, Minnesota, who died on August 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2065) honors the memory of Lance Corporal Evenor C. Herrera, 22, of Gypsum, Colorado, who died on August 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2066) honors the memory of Captain Jeremy A. Chandler, 30, of Clarksville, Tennessee, who died on August 11, 2005, in service to the United States in Operation Enduring Freedom;

(2067) honors the memory of Sergeant Edward R. Heselton, 23, of Easley, South Carolina, who died on August 11, 2005, in service to the United States in Operation Enduring Freedom;

(2068) honors the memory of Specialist Rusty W. Bell, 21, of Pocahontas, Arkansas, who died on August 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2069) honors the memory of First Lieutenant David L. Giaimo, 24, of Waukegan, Illinois, who died on August 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2070) honors the memory of Specialist Brian K. Derks, 21, of White Cloud, Michigan, who died on August 13, 2005, in service to the United States in Operation Iraqi Freedom;

(2071) honors the memory of Specialist Toccara R. Green, 23, of Rosedale, Maryland, who died on August 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2072) honors the memory of Staff Sergeant Asbury F. Hawn II, 35, of Lebanon, Tennessee, who died on August 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2073) honors the memory of Specialist Gary L. Reese, Jr., 22, of Ashland City, Tennessee, who died on August 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2074) honors the memory of Sergeant Shannon D. Taylor, 30, of Smithville, Tennessee, who died on August 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2075) honors the memory of Specialist Joshua P. Dingler, 19, of Hiram, Georgia, who died on August 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2076) honors the memory of Specialist Jose L. Ruiz, 28, of Brentwood, New York, who died on August 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2077) honors the memory of Sergeant Paul A. Saylor, 21, of Norcross, Georgia, who died on August 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2078) honors the memory of Sergeant Thomas J. Strickland, 27, of Douglasville, Georgia, who died on August 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2079) honors the memory of Specialist Michael J. Stokely, 23, of Sharpsburg, Georgia, who died on August 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2080) honors the memory of Sergeant Nathan K. Bouchard, 24, of Wildomar, California, who died on August 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2081) honors the memory of Sergeant Robert G. Davis, 23, of Jackson, Missouri, who died on August 18, 2005, in service to the United States in Operation Enduring Freedom;

(2082) honors the memory of Staff Sergeant Jeremy W. Doyle, 24, of Chesterton, Maryland, who died on August 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2083) honors the memory of Specialist Ray M. Fuhrmann II, 28, of Novato, California, who died on August 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2084) honors the memory of Lance Corporal Phillip C. George, 22, of Houston, Texas, who died on August 18, 2005, in service to the United States in Operation Enduring Freedom;

(2085) honors the memory of Private First Class Timothy J. Seamans, 20, of Jacksonville, Florida, who died on August 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2086) honors the memory of First Lieutenant Laura M. Walker, 24, of Texas, who died on August 18, 2005, in service to the United States in Operation Enduring Freedom;

(2087) honors the memory of Sergeant Willard Todd Partridge, 35, of Ferriday, Louisiana, who died on August 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2088) honors the memory of Private First Class Elden D. Arcand, 22, of White Bear Lake, Minnesota, who died on August 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2089) honors the memory of Second Lieutenant James J. Cathey, 24, of Reno, Nevada, who died on August 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2090) honors the memory of Specialist Blake W. Hall, 20, of East Prairie, Missouri, who died on August 21, 2005, in service to the United States in Operation Enduring Freedom;

(2091) honors the memory of First Lieutenant Joshua M. Hyland, 31, of Missoula, Montana, who died on August 21, 2005, in service to the United States in Operation Enduring Freedom;

(2092) honors the memory of Sergeant Michael R. Lehmiller, 23, of Anderson, South Carolina, who died on August 21, 2005, in service to the United States in Operation Enduring Freedom;

(2093) honors the memory of Staff Sergeant Brian Lee Morris, 38, of Centreville, Michigan, who died on August 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2094) honors the memory of Specialist Joseph C. Nurre, 22, of Wilton, California, who died on August 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2095) honors the memory of Private Christopher L. Palmer, 22, of Sacramento, California, who died on August 21, 2005, in service to the United States in Operation Enduring Freedom;

(2096) honors the memory of Sergeant Joseph Daniel Hunt, 27, of Sweetwater, Tennessee, who died on August 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2097) honors the memory of Specialist Hatim S. Kathiria, 23, of Fort Worth, Texas, who died on August 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2098) honors the memory of Staff Sergeant Victoir P. Lieurance, 34, of Seymour, Tennessee, who died on August 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2099) honors the memory of Private First Class Ramon Romero, 19, of Huntington Park, California, who died on August 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2100) honors the memory of Master Sergeant Chris S. Chapin, 39, of Proctor, Vermont, who died on August 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2101) honors the memory of First Lieutenant Carlos J. Diaz, 27, of Juana Diaz, Puerto Rico, who died on August 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2102) honors the memory of Sergeant First Class Trevor J. Diesing, 30, of Plum City, Wisconsin, who died on August 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2103) honors the memory of Master Sergeant Ivica Jerak, 42, of Houston, Texas, who died on August 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2104) honors the memory of Corporal Timothy M. Shea, 22, of Sonoma, California, who died on August 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2105) honors the memory of Staff Sergeant Damion G. Campbell, 23, of Baltimore, Maryland, who died on August 26, 2005, in service to the United States in Operation Enduring Freedom;

(2106) honors the memory of Specialist Joseph L. Martinez, 21, of Las Vegas, Nevada, who died on August 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2107) honors the memory of Sergeant First Class Obediah J. Kolath, 32, of Louisburg, Missouri, who died on August 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2108) honors the memory of Chief Warrant Officer Dennis P. Hay, 32, of Valdosta, Georgia, who died on August 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2109) honors the memory of Second Lieutenant Charles R. Rubado, 23, of Clearwater, Florida, who died on August 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2110) honors the memory of Major Gregory J. Fester, 41, of Grand Rapids, Michigan, who died on August 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2111) honors the memory of Specialist Jason E. Ames, 21, of Cerulean, Kentucky, who died on August 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2112) honors the memory of Captain Lowell T. Miller II, 35, of Flint, Michigan, who died on August 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2113) honors the memory of Sergeant Monta S. Ruth, 26, of Winston-Salem, North Carolina, who died on August 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2114) honors the memory of Sergeant George Ray Draughn, Jr., 29, of Decatur, Georgia, who died on September 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2115) honors the memory of First Lieutenant Derek S. Hines, 25, of Newburyport, Massachusetts, who died on September 1, 2005, in service to the United States in Operation Enduring Freedom;

(2116) honors the memory of Staff Sergeant Robert Lee Hollar, Jr., 35, of Griffin, Georgia, who died on September 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2117) honors the memory of Sergeant First Class Lonnie J. Parson, 39, of Norcross, Georgia, who died on September 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2118) honors the memory of Lance Corporal Ryan J. Nass, 21, of Franklin, Wisconsin, who died on September 3, 2005, in service to the United States in Operation Enduring Freedom;

(2119) honors the memory of Sergeant Matthew Charles Bohling, 22, of Eagle River, Alaska, who died on September 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2120) honors the memory of Specialist Luke C. Williams, 35, of Knoxville, Tennessee, who died on September 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2121) honors the memory of Specialist Jeffrey A. Williams, 20, of Warrenville, Illinois, who died on September 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2122) honors the memory of Staff Sergeant Jude R. Jonaus, 27, of Miami, Florida, who died on September 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2123) honors the memory of Hospitalman Robert N. Martens, 20, of Queen Creek, Arizona, who died on September 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2124) honors the memory of Sergeant Franklin R. Vilorio, 26, of Miami, Florida, who died on September 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2125) honors the memory of Staff Sergeant Christopher L. Everett, 23, of Huntsville, Texas, who died on September 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2126) honors the memory of Sergeant Kurtis Dean K. Arcala, 22, of Palmer, Alaska, who died on September 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2127) honors the memory of Specialist Jeremy M. Campbell, 21, of Middlebury, Pennsylvania, who died on September 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2128) honors the memory of Seaman Apprentice Robert D. Macrum, 22, of Sugarland, Texas, who died on September 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2129) honors the memory of Sergeant Alfredo B. Silva, 35, of Calexico, California, who died on September 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2130) honors the memory of Lance Corporal Shane C. Swanberg, 24, of Kirkland, Washington, who died on September 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2131) honors the memory of Sergeant Matthew L. Deckard, 29, of Elizabethtown, Kentucky, who died on September 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2132) honors the memory of Specialist David H. Ford IV, 20, of Ironton, Ohio, who died on September 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2133) honors the memory of First Sergeant Alan Nye Gifford, 39, of Tallahassee, Florida, who died on September 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2134) honors the memory of Staff Sergeant Regilio E. Nelom, 45, of Queens, New York, who died on September 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2135) honors the memory of First Lieutenant Mark H. Dooley, 27, of Wallkill, New York, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2136) honors the memory of Sergeant Michael Egan, 36, of Pennsauken, New Jersey, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2137) honors the memory of Specialist William L. Evans, 22, of Hallstead, Pennsylvania, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2138) honors the memory of Specialist William V. Fernandez, 37, of Reading, Pennsylvania, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2139) honors the memory of Sergeant First Class Lawrence E. Morrison, 45, of Yakima, Washington, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2140) honors the memory of Staff Sergeant William Alvin Allers III, 28, of Leitchfield, Kentucky, who died on September 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2141) honors the memory of Sergeant Pierre A. Raymond, 28, of Lawrence, Massachusetts, who died on September 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2142) honors the memory of Sergeant Travis M. Arndt, 23, of Bozeman, Montana, who died on September 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2143) honors the memory of Specialist Kevin M. Jones, 21, of Washington, North Carolina, who died on September 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2144) honors the memory of Specialist Scott P. McLaughlin, 29, of Hardwick, Vermont, who died on September 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2145) honors the memory of Specialist Mike T. Sonoda, Jr., 34, of Fallbrook, California, who died on September 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2146) honors the memory of Sergeant Andrew Joseph Derrick, 25, of Columbia, South Carolina, who died on September 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2147) honors the memory of Sergeant Paul C. Neubauer, 40, of Oceanside, California, who died on September 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2148) honors the memory of Sergeant Brian E. Dunlap, 34, of Vista, California, who died on September 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2149) honors the memory of Staff Sergeant Daniel R. Schelle, 37, of Antioch, California, who died on September 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2150) honors the memory of Sergeant Tane T. Baum, 30, of Pendleton, Oregon, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2151) honors the memory of Chief Warrant Officer John M. Flynn, 36, of Sparks, Nevada, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2152) honors the memory of Sergeant Shawn A. Graham, 34, of Red Oak, Texas, who died on September 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2153) honors the memory of Sergeant Kenneth G. Ross, 24, of Peoria, Arizona, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2154) honors the memory of Sergeant Patrick D. Stewart, 35, of Fernley, Nevada, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2155) honors the memory of Warrant Officer Adrian B. Stump, 22, of Pendleton, Oregon, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2156) honors the memory of Sergeant Howard P. Allen, 31, of Mesa, Arizona, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2157) honors the memory of Sergeant First Class Casey E. Howe, 32, of Philadelphia, New York, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2158) honors the memory of Private Elijah M. Ortega, 19, of Oxnard, California, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2159) honors the memory of Master Sergeant Tulsa T. Tuliau, 33, of Watertown, New York, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2160) honors the memory of Lance Corporal Steven A. Valdez, 20, of McRea, Arkansas, who died on September 26, 2005, in service to the United States in Operation Enduring Freedom;

(2161) honors the memory of Sergeant Andrew P. Wallace, 25, of Oshkosh, Wisconsin, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2162) honors the memory of Specialist Michael J. Wendling, 20, of Mayville, Wisconsin, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2163) honors the memory of Staff Sergeant Robert F. White, 34, of Cross Lanes, West Virginia, who died on September 26, 2005, in service to the United States in Operation Enduring Freedom;

(2164) honors the memory of Staff Sergeant Jason A. Benford, 30, of Toledo, Ohio, who died on September 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2165) honors the memory of Staff Sergeant Daniel L. Arnold, 27, of Montrose, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2166) honors the memory of Private First Class Oliver J. Brown, 19, of Carbondale, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2167) honors the memory of Airman First Class Elizabeth Nicole Jacobson, 21, of Riviera Beach, Florida, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2168) honors the memory of Sergeant Steve Morin, Jr., 34, of Arlington, Texas, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2169) honors the memory of Staff Sergeant George A. Pugliese, 39, of Carbondale, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2170) honors the memory of Sergeant Eric W. Slebodnik, 21, of Greenfield Township, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2171) honors the memory of Specialist Lee A. Wiegand, 20, of Hallstead, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2172) honors the memory of Staff Sergeant John G. Doles, 29, of Claremore, Oklahoma, who died on September 30, 2005, in service to the United States in Operation Enduring Freedom;

(2173) honors the memory of Sergeant First Class James J. Stoddard, Jr., 29, of Crofton, Maryland, who died on September 30, 2005, in service to the United States in Operation Enduring Freedom;

(2174) honors the memory of Specialist Joshua J. Kynoch, 23, of Santa Rosa, California, who died on October 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2175) honors the memory of Staff Sergeant Jens E. Schelbert, 31, of New Orleans, Louisiana, who died on October 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2176) honors the memory of Sergeant Marshall A. Westbrook, 43, of Farmington, New Mexico, who died on October 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2177) honors the memory of Staff Sergeant Timothy J. Roark, 29, of Houston, Texas, who died on October 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2178) honors the memory of Private First Class Roberto C. Baez, 19, of Tampa, Florida, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2179) honors the memory of Sergeant Sean B. Berry, 26, of Mansfield, Texas, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2180) honors the memory of Sergeant Bryan W. Large, 31, of Cuyahoga Falls, Ohio, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2181) honors the memory of Sergeant Larry Wayne Pankey, Jr., 34, of Morrison, Colorado, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2182) honors the memory of Corporal John R. Stalvey, 22, of Conroe, Texas, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2183) honors the memory of Specialist Jacob T. Vanderbosch, 21, of Vadnais Heights, Minnesota, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2184) honors the memory of Private First Class Andrew D. Bedard, 19, of Missoula, Montana, who died on October 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2185) honors the memory of Petty Officer Second Class Brian K. Joplin, 32, of Hugo, Oklahoma, who died on October 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2186) honors the memory of Sergeant First Class Moses E. Armstead, 44, of Rochester, New York, who died on October 6, 2005, in service to the United States in Operation Enduring Freedom;

(2187) honors the memory of Lance Corporal Shayne M. Cabino, 19, of Canton, Massachusetts, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2188) honors the memory of Corporal Nicholas O. Cherava, 21, of Ontonagon, Michigan, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2189) honors the memory of Private First Class Jason L. Frye, 19, of Landisburg, Pennsylvania, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2190) honors the memory of Lance Corporal Patrick Brian Kenny, 20, of Pittsburgh, Pennsylvania, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2191) honors the memory of Lance Corporal Daniel M. McVicker, 20, of Alliance, Ohio, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2192) honors the memory of Lance Corporal Carl L. Raines II, 20, of Coffee, Alabama, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2193) honors the memory of Specialist Jeremiah W. Robinson, 20, of Mesa, Arizona, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2194) honors the memory of Sergeant Eric A. Fifer, 22, of Knoxville, Tennessee, who died on October 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2195) honors the memory of Private First Class Benny S. Franklin, 19, of Hammond, Louisiana, who died on October 7, 2005, in service to the United States in Operation Enduring Freedom;

(2196) honors the memory of Private First Class Nicholas J. Greer, 21, of Monroe, Michigan, who died on October 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2197) honors the memory of Lance Corporal Sergio H. Escobar, 18, of Pasadena, California, who died on October 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2198) honors the memory of Staff Sergeant Troy S. Ezernack, 39, of Lancaster, Pennsylvania, who died on October 9, 2005, in service to the United States in Operation Enduring Freedom;

(2199) honors the memory of Staff Sergeant Gary R. Harper, Jr., 29, of Virden, Illinois, who died on October 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2200) honors the memory of Staff Sergeant Jerry L. Bonifacio, Jr., 28, of Vacaville, California, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2201) honors the memory of Specialist Jeremy M. Hodge, 20, of Ridgeway, Ohio, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2202) honors the memory of Lieutenant Colonel Leon G. James II, 46, of Sackets Harbor, New York, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2203) honors the memory of Sergeant Leon M. Johnson, 28, of Jacksonville, Florida, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2204) honors the memory of Sergeant First Class Brandon K. Sneed, 33, of Norman, Oklahoma, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2205) honors the memory of Staff Sergeant Matthew A. Kimmell, 30, of Paxton, Indiana, who died on October 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2206) honors the memory of Sergeant Donald D. Furman, 30, of Burton, South Carolina, who died on October 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2207) honors the memory of Specialist James T. Grijalva, 26, of Burbank, Illinois, who died on October 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2208) honors the memory of Master Sergeant Kenneth E. Hunt, Jr., 40, of Tucson, Arizona, who died on October 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2209) honors the memory of Sergeant Lorenzo Ponce Ruiz, 26, of El Paso, Texas, who died on October 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2210) honors the memory of Specialist Robert W. Tucker, 20, of Hilham, Tennessee, who died on October 13, 2005, in service to the United States in Operation Iraqi Freedom;

(2211) honors the memory of Petty Officer First Class Howard E. Babcock IV, 33, of Houston, Texas, who died on October 13, 2005, in service to the United States in Operation Iraqi Freedom;

(2212) honors the memory of Specialist Samuel M. Boswell, 20, of Elkridge, Maryland, who died on October 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2213) honors the memory of Specialist Bernard L. Ceo, 23, of Baltimore, Maryland, who died on October 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2214) honors the memory of Sergeant Brian R. Conner, 36, of Baltimore, Maryland, who died on October 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2215) honors the memory of Petty Officer Third Class Fabricio Moreno, 26, of Brooklyn, New York, who died on October 14, 2005, in service to the United States in Operation Enduring Freedom;

(2216) honors the memory of Specialist Scott J. Mullen, 22, of Tucson, Arizona, who died on October 14, 2005, in service to the United States in Operation Enduring Freedom;

(2217) honors the memory of Sergeant Mark P. Adams, 24, of Morrisville, North Carolina, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2218) honors the memory of Specialist Thomas H. Byrd, 21, of Tucson, Arizona, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2219) honors the memory of Specialist Jeffrey Corban, 28, of Elkhart, Indiana, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2220) honors the memory of Specialist Richard Allen Hardy, 24, of Bolivar, Ohio, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2221) honors the memory of Staff Sergeant Vincent Summers, 38, of Detroit, Michigan, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2222) honors the memory of Specialist Timothy D. Watkins, 24, of San Bernardino, California, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2223) honors the memory of Private First Class Joseph Cruz, 22, of Whittier, California, who died on October 16, 2005, in service to the United States in Operation Enduring Freedom;

(2224) honors the memory of Lance Corporal Daniel Scott R. Bubb, 19, of Grottoes, Virginia, who died on October 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2225) honors the memory of Lance Corporal Chad R. Hildebrandt, 22, of Springer, New Mexico, who died on October 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2226) honors the memory of Chief Warrant Officer Paul J. Pillen, 28, of Keystone, South

Dakota, who died on October 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2227) honors the memory of Lance Corporal Christopher M. Poston, 20, of Glendale, Arizona, who died on October 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2228) honors the memory of Specialist Lucas A. Frantz, 22, of Tonganoxie, Kansas, who died on October 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2229) honors the memory of Lance Corporal Norman W. Anderson III, 21, of Parkton, Maryland, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2230) honors the memory of Specialist Daniel D. Bartels, 22, of Huron, South Dakota, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2231) honors the memory of Staff Sergeant Tommy Ike Folks, Jr., 31, of Amarillo, Texas, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2232) honors the memory of Specialist Kendall K. Frederick, 21, of Randallstown, Maryland, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2233) honors the memory of Sergeant Arthur A. Mora, Jr., 23, of Pico Rivera, California, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2234) honors the memory of Specialist Russell H. Nahvi, 24, of Arlington, Texas, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2235) honors the memory of Specialist Jose E. Rosario, 20, of St. Croix, Virgin Islands, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2236) honors the memory of Sergeant Jacob D. Dones, 21, of Dimmitt, Texas, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2237) honors the memory of Staff Sergeant Dennis P. Merck, 38, of Evans, Georgia, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2238) honors the memory of Staff Sergeant Richard T. Pummill, 27, of Cincinnati, Ohio, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2239) honors the memory of Lance Corporal Andrew D. Russoli, 21, of Greensboro, North Carolina, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2240) honors the memory of Lance Corporal Steven W. Szwydek, 20, of Warfordsburg, Pennsylvania, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2241) honors the memory of Lance Corporal Kenneth J. Butler, 19, of Rowan, North Carolina, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2242) honors the memory of Corporal Benny Gray Cockerham III, 21, of Conover, North Carolina, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2243) honors the memory of Corporal Seamus M. Davey, 25, of Lewis, New York, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2244) honors the memory of Captain Tyler B. Swisher, 35, of Cincinnati, Ohio, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2245) honors the memory of Petty Officer Third Class Christopher W. Thompson, 25, of North Wilkesboro, North Carolina, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2246) honors the memory of Staff Sergeant George T. Alexander, Jr., 34, of Killeen, Texas, who died on October 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2247) honors the memory of Lance Corporal Jonathan R. Spears, 21, of Molino, Florida, who died on October 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2248) honors the memory of Corporal Benjamin D. Hoeffner, 21, of Wheat Ridge, Colorado, who died on October 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2249) honors the memory of Specialist Christopher T. Monroe, 19, of Kendallville, Indiana, who died on October 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2250) honors the memory of Sergeant Michael T. Robertson, 28, of Houston, Texas, who died on October 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2251) honors the memory of Sergeant First Class Ramon A. Acevedoaponte, 51, of Watertown, New York, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2252) honors the memory of Staff Sergeant Lewis J. Gentry, 48, of Detroit, Michigan, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2253) honors the memory of Sergeant Evan S. Parker, 25, of Arkansas City, Kansas, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2254) honors the memory of Master Sergeant Thomas A. Wallsmith, 38, of Carthage, Missouri, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2255) honors the memory of Sergeant James Witkowski, 32, of Surprise, Arizona, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2256) honors the memory of Lance Corporal Robert F. Eckfield, Jr., 23, of Cleveland, Ohio, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2257) honors the memory of Lance Corporal Jared J. Kremm, 24, of Hauppage, New York, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2258) honors the memory of Staff Sergeant Daniel R. Lightner, Jr., 28, of Hollidaysburg, Pennsylvania, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2259) honors the memory of Captain Michael J. Mackinnon, 30, of Helena, Montana, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2260) honors the memory of Colonel William W. Wood, 44, of Panama City, Florida, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2261) honors the memory of First Lieutenant Debra A. Banaszak, 35, of Bloomington, Illinois, who died on October 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2262) honors the memory of Private First Class Dillon M. Jutras, 20, of Fairfax Station, Virginia, who died on October 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2263) honors the memory of Sergeant Shaker T. Guy, 23, of Pomona, California, who died on October 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2264) honors the memory of Captain Raymond D. Hill II, 39, of Turlock, California, who died on October 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2265) honors the memory of Staff Sergeant Travis W. Nixon, 24, of St. John, Washington, who died on October 29, 2005, in service to the United States in Operation Enduring Freedom;

(2266) honors the memory of Private First Class Kenny D. Rojas, 21, of Pembroke Pines, Florida, who died on October 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2267) honors the memory of Staff Sergeant Joel P. Dameron, 27, of Ellabell, Georgia, who died on October 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2268) honors the memory of Sergeant Michael Paul Hodshire, 25, of North Adams, Michigan, who died on October 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2269) honors the memory of Specialist William J. Byler, 23, of Ballinger, Texas, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2270) honors the memory of Specialist Derence W. Jack, 31, of Saipan, Northern Mariana Islands, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2271) honors the memory of Private Adam R. ''A.J.'' Johnson, 22, of Clayton, Ohio, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2272) honors the memory of Sergeant First Class Matthew R. Kading, 32, of Madison, Wisconsin, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2273) honors the memory of Staff Sergeant Wilgene T. Lieto, 28, of Saipan, Northern Mariana Islands, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2274) honors the memory of Private First Class David J. Martin, 21, of Edmond, Oklahoma, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2275) honors the memory of First Lieutenant Robert C. Oneto-Sikorski, 33, of Bay St. Louis, Mississippi, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2276) honors the memory of Sergeant First Class Jonathan Tessar, 36, of Simi Valley, California, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2277) honors the memory of Petty Officer Second Class Allan M. Espiritu, 28, of Oxnard, California, who died on November 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2278) honors the memory of Sergeant Daniel A. Tsue, 27, of Honolulu, Hawaii, who died on November 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2279) honors the memory of Major Gerald M. Bloomfield II, 38, of Ypsilanti, Michigan, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2280) honors the memory of Specialist Dennis J. Ferderer, Jr., 20, of New Salem, North Dakota, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2281) honors the memory of Private 1st Class Tyler R. MacKenzie, 20, of Evans, Colorado, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2282) honors the memory of Captain Michael D. Martino, 32, of Fairfax, Virginia, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2283) honors the memory of Specialist Joshua J. Munger, 22, of Maysville, Missouri, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2284) honors the memory of 2nd Lieutenant Mark J. Procopio, 28, of Stowe, Vermont, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2285) honors the memory of Specialist Benjamin A. Smith, 21, of Hudson, Wisconsin, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2286) honors the memory of Specialist Darren D. Howe, 21, of Beatrice, Nebraska, who died on November 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2287) honors the memory of Sergeant 1st Class Daniel J. Pratt, 48, of Youngstown, Ohio, who died on November 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2288) honors the memory of Captain Jeffrey P. Toczylowski, 30, of Upper Moreland, Pennsylvania, who died on November 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2289) honors the memory of Staff Sergeant Kyle B. Wehrly, 28, of Galesburg, Illinois, who died on November 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2290) honors the memory of Specialist Timothy D. Brown, 23, of Cedar Springs, Michigan, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2291) honors the memory of Staff Sergeant Jason A. Fegler, 24, of Virginia Beach, Virginia, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2292) honors the memory of Captain James M. Gurbisz, 25, of Eatontown, New Jersey, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2293) honors the memory of Private 1st Class Dustin A. Yancey, 22, of Goose Creek, South Carolina, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2294) honors the memory of Lieutenant Colonel Thomas A. Wren, 44, of Lorton, Virginia, who died on November 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2295) honors the memory of Captain Joel Cahill, 34, of Omaha, Nebraska, who died on November 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2296) honors the memory of Sergeant 1st Class James F. Hayes, 48, of Barstow, California, who died on November 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2297) honors the memory of Jeromy Tamburello, 19, of Adams County, Colorado, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2298) honors the memory of Lance Corporal Ryan J. Sorensen, 26, of Boca Raton, Florida, who died on November 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2299) honors the memory of Staff Sergeant Brian L. Freeman, 27, of Lucedale, Mississippi, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2300) honors the memory of Specialist Robert C. Pope II, 22, of East Islip, New York, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2301) honors the memory of Private 1st Class Mario A. Reyes, 19, of Las Cruces, New Mexico, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2302) honors the memory of 1st Lieutenant Justin S. Smith, 28, of Lansing, Michigan, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2303) honors the memory of Jeromy Tamburello, 19, of Adams County, Colorado, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2304) honors the memory of Gunnery Sergeant Darrell W. Boatman, 38, of Fayetteville, North Carolina, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2305) honors the memory of Sergeant 1st Class Alwyn C. ''Al'' Cashe, 35, of Oviedo, Florida, who died on November 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2306) honors the memory of Staff Sergeant Michael C. Parrott, 49, of Timnath, Colorado, who died on November 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2307) honors the memory of Lance Corporal Daniel Freeman Swaim, 19, of Yadkinville, North Carolina, who died on November 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2308) honors the memory of Sergeant Joshua A. Terando, 27, of Morris, Illinois, who died on November 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2309) honors the memory of Sergeant Tyrone L. Chisholm, 27, of Savannah, Georgia, who died on November 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2310) honors the memory of Corporal Donald E. Fisher II, 21, of Avon, Massachusetts, who died on November 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2311) honors the memory of Private 1st Class Antonio ''Tony'' Mendez Sanchez, 22, of Rincon, Puerto Rico, who died on November 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2312) honors the memory of Lance Corporal David A. Mendez Ruiz, 20, of Cleveland, Ohio, who died on November 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2313) honors the memory of Staff Sergeant Stephen J. Sutherland, 33, of West Deptford, New Jersey, who died on November 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2314) honors the memory of Lance Corporal Scott A. Zubowski, 20, of Manchester, Indiana, who died on November 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2315) honors the memory of Corporal John M. Longoria, 21, of Nixon, Texas, who died on November 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2316) honors the memory of Lance Corporal Christopher M. McCrackin, 20, of Liverpool, Texas, who died on November 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2317) honors the memory of Major Ramon J. Mendoza, Jr., 37, of Columbus, Ohio, who died on November 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2318) honors the memory of Staff Sergeant James E. Estep, 26, of Leesburg, Florida, who died on November 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2319) honors the memory of Private 1st Class Travis J. Grigg, 24, of Inola, Oklahoma, who died on November 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2320) honors the memory of Specialist Matthew J. Holley, 21, of San Diego, California, who died on November 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2321) honors the memory of Sergeant 1st Class James S. Ochsner, 36, of Waukegan, Illinois, who died on November 15, 2005, in service to the United States in Operation Enduring Freedom;

(2322) honors the memory of Lance Corporal Nickolas David Schiavoni, 26, of Haverhill, Massachusetts, who died on November 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2323) honors the memory of Lance Corporal Roger W. Deeds, 24, of Biloxi, Mississippi, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2324) honors the memory of Lance Corporal John A. ''JT'' Lucente, 19, of Grass Valley, California, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2325) honors the memory of 2nd Lieutenant Donald R. McGlothin, 26, of Lebanon, Virginia, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2326) honors the memory of Sergeant Jeremy E. Murray, 27, of Atwater, Ohio, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2327) honors the memory of Private Dylan R. Paytas, 20, of Freedom, Pennsylvania, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2328) honors the memory of Corporal Jeffry A. Rogers, 21, of Oklahoma City, Oklahoma, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2329) honors the memory of Specialist Alexis Roman-Cruz, 33, of Brandon, Florida, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2330) honors the memory of Corporal Joshua J. Ware, 20, of Apache, Oklahoma, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2331) honors the memory of Staff Sergeant Ivan Vargas Alarcon, 23, of Jerome, Idaho, who died on November 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2332) honors the memory of Specialist Vernon R. Widner, 34, of Redlands, California, who died on November 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2333) honors the memory of Private 1st Class Anthony Alexander ''Alex'' Gaunky, 19, of Sparta, Wisconsin, who died on November 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2334) honors the memory of Sergeant Luis R. Reyes, 26, of Aurora, Colorado, who died on November 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2335) honors the memory of Private Christopher M. Alcozer, 21, of Villa Park/DeKalb, Illinois, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2336) honors the memory of Corporal Jonathan F. Blair, 21, of Fort Wayne, Indiana, who died on November 19, 2005, in service to

the United States in Operation Iraqi Freedom;

(2337) honors the memory of Specialist Dominic Joseph Hinton, 24, of Jacksonville, Texas, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2338) honors the memory of Specialist Michael J. Idanan, 21, of Chula Vista, California, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2339) honors the memory of Staff Sergeant Edward Karolasz, 25, of Powder Springs, New Jersey, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2340) honors the memory of Lance Corporal Miguel Terrazas, 20, of El Paso, Texas, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2341) honors the memory of Lance Corporal Tyler J. Troyer, 21, of Tangent, Oregon, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2342) honors the memory of Master Sergeant Anthony R.C. Yost, 39, of Millington/Flint, Michigan, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2343) honors the memory of 1st Lieutenant Dennis W. Zilinski, 23, of Freehold, New Jersey, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2344) honors the memory of Sergeant Dominic J. Sacco, 32, of Albany, New York, who died on November 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2345) honors the memory of Petty Officer 3rd Class Emory J. Turpin, 23, of Dahlonega, Georgia, who died on November 20, 2005, in service to the United States in Operation Enduring Freedom;

(2346) honors the memory of Private 1st Class John Wilson ''J.W.'' Dearing, 21, of Hazel Park, Michigan, who died on November 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2347) honors the memory of Sergeant Denis J. Gallardo, 22, of St. Petersburg, Florida, who died on November 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2348) honors the memory of Specialist Matthew P. Steyart, 21, of Mount Shasta, California, who died on November 22, 2005, in service to the United States in Operation Enduring Freedom;

(2349) honors the memory of Staff Sergeant Aram J. Bass, 25, of Niagara Falls, New York, who died on November 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2350) honors the memory of Specialist Allen J. Knop, 22, of Willowick, Ohio, who died on November 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2351) honors the memory of Sergeant William B. Meeuwsen, 24, of Kingwood, Texas, who died on November 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2352) honors the memory of Private 1st Class Ryan D. Christensen, 22, of Spring Lake Heights, New Jersey, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2353) honors the memory of Private 1st Class Marc A. Delgado, 21, of Lithia, Florida, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2354) honors the memory of Sergeant 1st Class Eric P. Pearrow, 40, of Peoria, Illinois, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2355) honors the memory of Staff Sergeant Steven C. Reynolds, 32, of Jordan, New York, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2356) honors the memory of Specialist Javier A. Villanueva, 25, of Temple, Texas, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2357) honors the memory of Specialist Gregory L. Tull, 20, of Pocahontas, Iowa, who died on November 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2358) honors the memory of Master Sergeant Brett E. Angus, 40, of St. Paul, Minnesota, who died on November 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2359) honors the memory of Sergeant Donald J. Hasse, 28, of Wichita Falls, Texas, who died on November 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2360) honors the memory of Sergeant Jerry W. Mills, Jr., 23, of Arkansas City, Kansas, who died on November 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2361) honors the memory of Sergeant Grzegorz Jakoniuk, 25, of Schiller Park, Illinois, who died on November 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2362) honors the memory of Staff Sergeant William D. Richardson, 30, of Houston, Texas, who died on November 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2363) honors the memory of Corporal Joshua D. Snyder, 20, of Hampstead, Maryland, who died on November 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2364) honors the memory of Corporal William G. Taylor, 26, of Macon, Georgia, who died on November 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2365) honors the memory of Sergeant 1st Class Brent A. Adams, 40, of West View, Pennsylvania, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2366) honors the memory of Staff Sergeant Daniel J. Clay, 27, of Pensacola, Florida, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2367) honors the memory of Lance Corporal John M. Holmason, 20, of Suprise, Arizona, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2368) honors the memory of Lance Corporal David A. Huhn, 24, of Portland, Michigan, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2369) honors the memory of Lance Corporal Adam Wade Kaiser, 19, of Naperville, Illinois, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2370) honors the memory of Lance Corporal Robert Alexander Martinez, 20, of Splendora, Texas, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2371) honors the memory of Corporal Anthony T. McElveen, 20, of Little Falls, Minnesota, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2372) honors the memory of Lance Corporal Scott T. Modeen, 24, of Hennepin, Minnesota, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2373) honors the memory of Lance Corporal Andrew G. Patten, 19, of Byron, Illinois, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2374) honors the memory of Sergeant Andy A. Stevens, 29, of Tomah, Wisconsin, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2375) honors the memory of Lance Corporal Craig N. Watson, 21, of Union City, Michigan, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2376) honors the memory of Sergeant Philip Allan Dodson, Jr., 42, of Forsyth, Georgia, who died on December 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2377) honors the memory of Specialist Marcus S. Futrell, 20, of Macon, Georgia, who died on December 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2378) honors the memory of Staff Sergeant Philip L. Travis, 41, of Snellville, Georgia, who died on December 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2379) honors the memory of Corporal Jimmy Lee Shelton, 21, of Lehigh Acres, Florida, who died on December 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2380) honors the memory of Staff Sergeant Daniel M. Cuka, 27, of Yankton, South Dakota, who died on December 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2381) honors the memory of Sergeant 1st Class Richard L. Schild, 40, of Tabor, South Dakota, who died on December 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2382) honors the memory of Private 1st Class Thomas C. Siekert, 20, of Lovelock, Nevada, who died on December 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2383) honors the memory of Specialist Brian A. Wright, 19, of Keensburg, Illinois, who died on December 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2384) honors the memory of Corporal Joseph P. Bier, 22, of Centralia, Washington, who died on December 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2385) honors the memory of Sergeant Michael C. Taylor, 23, of Hockley, Texas, who died on December 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2386) honors the memory of Sergeant Spencer C. Akers, 35, of Traverse City, Michigan, who died on December 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2387) honors the memory of Staff Sergeant Milton Rivera-Vargas, 55, of Boqueron, Puerto Rico, who died on December 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2388) honors the memory of 1st Lieutenant Kevin J. Smith, 28, of Brandon, Florida, who died on December 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2389) honors the memory of Sergeant Adrian N. Orosco, 26, of Corcoran, California, who died on December 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2390) honors the memory of Sergeant Julia V. Atkins, 22, of Bossier City, Louisiana, who died on December 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2391) honors the memory of Sergeant Kenith Casica, 32, of Virginia Beach, Virginia, who died on December 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2392) honors the memory of Sergeant Clarence L. Floyd, Jr., 28, of Manhattan, New York, who died on December 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2393) honors the memory of Staff Sergeant Travis L. Nelson, 41, of Anniston, Alabama, who died on December 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2394) honors the memory of Staff Sergeant Keith A. Bennett, 32, of Holtwood, Pennsylvania, who died on December 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2395) honors the memory of Sergeant 1st Class James S. ''Shawn'' Moudy, 37, of Newark, Delaware, who died on December 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2396) honors the memory of Specialist Jared William Kubasak, 25, of Rocky Mount, Virginia, who died on December 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2397) honors the memory of Staff Sergeant Curtis A. Mitchell, 28, of Evansville, Indiana, who died on December 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2398) honors the memory of Specialist Lex S. Nelson, 21, of Salt Lake City, Utah, who died on December 12, 2005, in service to the United States in Operation Iraqi Freedom; and

(2399) will continue to honor the memory of all members of the Armed Forces of the United States who may fall in future service in Operation Enduring Freedom and Operation Iraqi Freedom.

SENATE RESOLUTION 339—URGING THE GOVERNMENT OF THE RUSSIAN FEDERATION TO WITHDRAW THE FIRST DRAFT OF THE PROPOSED LEGISLATION AS PASSED IN ITS FIRST READING IN THE STATE DUMA THAT WOULD HAVE THE EFFECT OF SEVERELY RESTRICTING THE ESTABLISHMENT, OPERATIONS, AND ACTIVITIES OF DOMESTIC, INTERNATIONAL, AND FOREIGN NONGOVERNMENTAL ORGANIZATIONS IN THE RUSSIAN FEDERATION, OR TO MODIFY THE PROPOSED LEGISLATION TO ENTIRELY REMOVE THESE RESTRICTIONS

Mr. MCCAIN (for himself, Mr. BIDEN, Mr. LIEBERMAN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 339

Whereas Russian Federation President Putin has stated that ''modern Russia's greatest achievement is the democratic process (and) the achievements of our civil society'';

Whereas the unobstructed establishment and free and autonomous operations and activities of nongovernmental organizations and a robust civil society free from excessive government control are central and indispensable elements of a democratic society;

Whereas the free and autonomous operations of nongovernmental organizations in any society necessarily encompass activities, including political activities, that may be contrary to government policies;

Whereas domestic, international, and foreign nongovernmental organizations are crucial in assisting the Russian Federation and the Russian people in tackling the many challenges they face, including in such areas as education, infectious diseases, and the establishment of a flourishing democracy;

Whereas the Government of the Russian Federation has proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, including erecting unprecedented barriers to foreign assistance;

Whereas the State Duma of the Russian Federation is considering the first draft of such legislation;

Whereas the restrictions in the first draft of this legislation would impose disabling restraints on the establishment, operations, and activities of nongovernmental organizations and on civil society throughout the Russian Federation, regardless of the stated intent of the Government of the Russian Federation;

Whereas the stated concerns of the Government of the Russian Federation regarding the use of nongovernmental organizations by foreign interests and intelligence agencies to undermine the Government of the Russian Federation and the security of the Russian Federation as a whole can be fully addressed without imposing disabling restraints on nongovernmental organizations and on civil society;

Whereas there is active debate underway in the Russian Federation over concerns regarding such restrictions on nongovernmental organizations;

Whereas the State Duma and the Federation Council of the Federal Assembly play a central role in the system of checks and balances that are prerequisites for a democracy;

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would ''correspond more closely to the principles according to which civil society functions''; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by democracies, including the provisions regarding foreign assistance.

SENATE CONCURRENT RESOLUTION 72—REQUESTING THE PRESIDENT TO ISSUE A PROCLAMATION ANNUALLY CALLING UPON THE PEOPLE OF THE UNITED STATES TO OBSERVE GLOBAL FAMILY DAY, ONE DAY OF PEACE AND SHARING, AND FOR OTHER PURPOSES

Mr. INOUYE (for himself, Mr. COLEMAN, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 72

Whereas, in the year 2005, the people of the world suffered many calamitous events, including devastation from tsunami, terror attacks, war, famine, genocide, hurricanes, earthquakes, political and religious conflict, disease, poverty, and rioting, all necessitating global cooperation, compassion, and unity previously unprecedented among diverse cultures, faiths, and economic classes;

Whereas grave global challenges in the year 2006 may require cooperation and innovative problem solving among citizens and nations on an even greater scale;

Whereas, on December 15, 2000, Congress adopted Senate Concurrent Resolution 138, expressing the sense of Congress that the President of the United States should issue a proclamation each year calling upon the people of the United States and interested organizations to observe an international day of peace and sharing at the beginning of each year;

Whereas, in 2001, the United Nations General Assembly adopted Resolution 56/2, which invited ''Member States, intergovernmental and non-governmental organizations and all the peoples of the world to celebrate One Day in Peace, 1 January 2002, and every year thereafter'';

Whereas many foreign heads of state have recognized the importance of establishing Global Family Day, a special day of international unity, peace, and sharing, on the first day of each year;

Whereas Congress desires to express and demonstrate its appreciation to the citizens of the more than 100 countries who offered aid to United States hurricane victims, to make tangible efforts to reverse the growing mistrust of the United States, and to improve relations with others; and

Whereas family is the basic structure of humanity, and we must all look to the stability and love within our individual families to create stability in the global community: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urgently requests the following:

(1) That the President issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, a day which is dedicated—

(A) to eradicating violence, hunger, poverty, and suffering; and

(B) to establishing greater trust and fellowship among peace-loving nations and families everywhere.

(2) That the President invite former Presidents of the United States, Nobel laureates, and other notables, including business, labor, faith, and civic leaders of the United States, to join the President in promoting appropriate activities for the people of the United States and in extending appropriate greetings from the families of the United States to families in the rest of the world.

Mr. INOUYE. Mr. President, I rise to submit a Senate Concurrent Resolution

requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, on the first of each January. This measure is co-sponsored by Mr. COLEMAN and Mr. KENNEDY.

The observance is dedicated to eradicating violence, hunger, poverty and suffering, and to establish greater trust and fellowship among nations and families everywhere. Global Family Day encourages families to reach out to each other on the first of January of each year. It is a day for sharing the idea and condition of peace, and the observance can take a concrete form such as sharing a meal or helping the needy.

The idea of Global Family Day originates from young supporters. In 1999, ninety nine children from Hine Middle School in the District of Columbia visited Capitol Hill, asking Congress to dedicate one day each year to a day of peace and sharing. In the following year, the footsteps of these intrepid young thinkers were followed by children from Brent Elementary School, also from the District of Columbia. Children from Stuart-Hobson Middle School also visited members of Congress on Capitol Hill.

The 106th Congress agreed with them, and in the year 2000, adopted a resolution similar to the one I am submitting today. However, with the onrush of events after the tragedy of September 11, 2001, a proclamation was not issued. Thus, there was little public knowledge that we have this important tool for peace, despite the international support from the United Nations General Assembly. We can remedy that today by showing our support for Global Family Day.

Many Americans are troubled by our deteriorating image in the world, by the dangers of terrorism and by the suffering of others, both at home and abroad. Yet they feel helpless to do anything about it. Global Family Day offers a potential solution. The observance of Global Family Day can lead to greater understanding among faith groups, people of different races and economic classes. Global Family Day provides a way in which every man, woman and child in the United States can help reduce suffering at home, repair our damaged image abroad, and help us remember that in the end, all peoples belong to the same family.

SENATE CONCURRENT RESOLUTION 73—URGING THE PRESIDENT TO ISSUE A PROCLAMATION FOR THE OBSERVANCE OF AN AMERICAN JEWISH HISTORY MONTH

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 73

Resolved by the Senate (the House of Representatives concurring), That Congress urges the President to issue each year a proclamation calling on State and local governments and the people of the United States to observe an American Jewish History Month with appropriate programs, ceremonies, and activities.

Mr. SPECTER. Mr. President, this year marked the 350th anniversary of Jewish life in America. The occasion has been commemorated with festivities and celebrations across the entire country. As this special year draws to a close, I am submitting a resolution urging the President to establish permanent recognition of the contributions the Jewish culture has made to life in America by annually issuing a proclamation for the observance of an American Jewish History Month.

Each year, we remember the achievements and contributions made by African-Americans and women to our Nation's development by designating February as African American History Month and March as Women's History Month. Similarly, Jewish American History Month would celebrate the legacy of the American Jewish experience and observe the many contributions Jewish-Americans have made in the areas of medicine, the arts, science, and technology.

American society is comprised of many cultures. Americans are proud of our history of acceptance and understanding. By establishing a Jewish American History Month, we will present an additional opportunity to raise our Nation's cultural awareness and celebrate our diversity.

An identical resolution was introduced in the House by Congresswoman WASSERMAN SCHULTZ, where it was cosponsored by 250 Members and passed unanimously.

I hope that the Senate will join our colleagues in the House by agreeing to this resolution, urging the President to annually issue a proclamation for the observance of an American Jewish History Month.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2680. Mr. LOTT (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY)) proposed an amendment to the bill H.R. 4440, to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

SA 2681. Mr. SANTORUM (for Mr. SPECTER (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 3402, to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

SA 2682. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

SA 2683. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

SA 2684. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1310, supra.

SA 2685. Mr. FRIST (for Mr. SARBANES) proposed an amendment to the bill S. 959, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

SA 2686. Mr. FRIST (for Mr. SHELBY) proposed an amendment to the bill S. 863, 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.

SA 2687. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1312, to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

SA 2688. Mr. FRIST (for Mr. HATCH (for himself, Mr. BURR, and Mr. ENZI)) proposed an amendment to the bill H.R. 2520, to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

SA 2689. Mr. FRIST (for Mr. SHELBY) proposed an amendment to the bill S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002.

SA 2690. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1892, to amend Public Law 107–153 to modify a certain date.

TEXT OF AMENDMENTS

SA 2680. Mr. LOTT (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY) proposed an amendment to the bill H.R. 4440, to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Gulf Opportunity Zone Act of 2005''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

"PART II—TAX BENEFITS FOR GO ZONES

"SEC. 1400M. DEFINITIONS.

''For purposes of this part—

''(1) GULF OPPORTUNITY ZONE.—The terms 'Gulf Opportunity Zone' and 'GO Zone' mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

''(2) HURRICANE KATRINA DISASTER AREA.—The term 'Hurricane Katrina disaster area' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

''(3) RITA GO ZONE.—The term 'Rita GO Zone' means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

''(4) HURRICANE RITA DISASTER AREA.—The term 'Hurricane Rita disaster area' means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

''(5) WILMA GO ZONE.—The term 'Wilma GO Zone' means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

''(6) HURRICANE WILMA DISASTER AREA.—The term 'Hurricane Wilma disaster area' means an area with respect to which a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

"SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

''(a) TAX-EXEMPT BOND FINANCING.—

''(1) IN GENERAL.—For purposes of this title—

''(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

''(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

''(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone Bond' means any bond issued as part of an issue if—

''(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

''(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

''(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

''(C) such bond is designated for purposes of this section by—

''(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

''(ii) in the case of any other bond, the Governor of such State,

''(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

''(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

''(3) LIMITATIONS ON BONDS.—

''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

''(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

''(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term 'qualified project costs' means—

''(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

''(B) the cost of acquisition, construction, reconstruction, and renovation of—

''(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

''(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

''(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

''(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

''(i) by substituting '60 percent' for '50 percent' in subparagraph (A) thereof, and

''(ii) by substituting '70 percent' for '60 percent' in subparagraph (B) thereof.

''(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans' mortgage bond) shall be applied—

''(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

''(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

''(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

''(iv) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

''(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

''(D) Section 146 (relating to volume cap) shall not apply.

''(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

''(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

''(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

''(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

''(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

''(1) IN GENERAL.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

''(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

''(B) the requirements of paragraph (5) are met.

''(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the

applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

''(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

''(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

''(A) $4,500,000,000 in the case of the State of Louisiana,

''(B) $2,250,000,000 in the case of the State of Mississippi, and

''(C) $1,125,000,000 in the case of the State of Alabama.

''(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

''(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

''(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

''(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

''(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

''(c) LOW-INCOME HOUSING CREDIT.—

''(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

''(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

''(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

''(ii) the Gulf Opportunity housing amount for such State for such calendar year.

''(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Gulf Opportunity housing amount' means, for any calendar year, the amount equal to the product of $18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

''(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

''(2) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR TEXAS AND FLORIDA.—For purposes of section 42, in the case of calendar year 2006, the State housing credit ceiling of Texas and Florida shall each be increased by $3,500,000.

''(3) DIFFICULT DEVELOPMENT AREA.—

''(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone, the Rita GO Zone, and the Wilma GO Zone—

''(i) shall be treated as difficult development areas designated under subclause (I) of section 42(d)(5)(C)(iii), and

''(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

''(B) APPLICATION.—Subparagraph (A) shall apply only to—

''(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

''(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

''(4) SPECIAL RULE FOR APPLYING INCOME TESTS.—In the case of property placed in service—

''(A) during 2006, 2007, or 2008,

''(B) in the Gulf Opportunity Zone, and

''(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting 'national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))' for 'area median gross income' in subparagraphs (A) and (B) of section 42(g)(1).

''(5) DEFINITIONS.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

''(d) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER AUGUST 28, 2005.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Opportunity Zone property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified Gulf Opportunity Zone property' means property—

''(i)(I) which is described in section 168(k)(2)(A)(i), or

''(II) which is nonresidential real property or residential rental property,

''(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

''(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

''(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

''(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

''(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'August 27, 2005' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2008' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified Gulf Opportunity Zone property' for 'qualified property' in clause (iv) thereof.

''(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

''(e) INCREASE IN EXPENSING UNDER SECTION 179.—

''(1) IN GENERAL.—For purposes of section 179—

''(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

''(i) $100,000, or

''(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

''(B) the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

''(i) $600,000, or

''(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

''(2) QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 Gulf Opportunity Zone property' means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

''(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

''(f) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

''(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

''(2) QUALIFIED GULF OPPORTUNITY ZONE CLEAN-UP COST.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone clean-up cost' means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

''(A) held by the taxpayer for use in a trade or business or for the production of income, or

''(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

''(g) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

''(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting 'December 31, 2007' for the date contained in section 198(h), and

''(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

''(h) INCREASE IN REHABILITATION CREDIT.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

''(1) by substituting '13 percent' for '10 percent' in paragraph (1) thereof, and

''(2) by substituting '26 percent' for '20 percent' in paragraph (2) thereof.

''(i) SPECIAL RULES FOR SMALL TIMBER PRODUCERS.—

''(1) INCREASED EXPENSING FOR QUALIFIED TIMBER PROPERTY.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

''(A) the limitation which would (but for this subsection) apply under such subparagraph, or

''(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

''(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

''(3) RULES NOT APPLICABLE TO CERTAIN ENTITIES.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

''(A) is a corporation the stock of which is publicly traded on an established securities market, or

''(B) is a real estate investment trust.

''(4) RULES NOT APPLICABLE TO LARGE TIMBER PRODUCERS.—

''(A) EXPENSING.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of qualified timber property at any time during the taxable year.

''(B) NOL CARRYBACK.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

''(i) such property was held by the taxpayer—

''(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone,

''(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or

''(III) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma GO Zone, and

''(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) SPECIFIED PORTION.—

''(i) IN GENERAL.—The term 'specified portion' means—

''(I) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before the termination date,

''(II) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before the termination date, or

''(III) in the case of qualified timber property (other than property described in clause (i) or (ii)) any portion of which is located in the Wilma GO Zone, that portion of the taxable year which is on or after October 23, 2005, and before the termination date.

''(ii) TERMINATION DATE.—The term 'termination date' means—

''(I) for purposes of paragraph (1), January 1, 2008, and

''(II) for purposes of paragraph (2), January 1, 2007.

''(B) QUALIFIED TIMBER PROPERTY.—The term 'qualified timber property' has the meaning given such term in section 194(c)(1).

''(j) SPECIAL RULE FOR GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSSES.—

''(1) IN GENERAL.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

''(2) GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSS.—For purposes of this subsection, the term 'Gulf Opportunity Zone public utility casualty loss' means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

''(A) such loss is allowed as a deduction under section 165 for the taxable year,

''(B) such loss is by reason of Hurricane Katrina, and

''(C) the taxpayer elects the application of this subsection with respect to such loss.

''(3) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of any Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

''(4) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Subsection (k) and section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

''(5) ELECTION.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

''(k) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO GULF OPPORTUNITY ZONE LOSSES.—

''(1) IN GENERAL.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Opportunity Zone loss, the following rules shall apply:

''(A) EXTENSION OF CARRYBACK PERIOD.—Section 172(b)(1) shall be applied with respect to such portion—

''(i) by substituting '5 taxable years' for '2 taxable years' in subparagraph (A)(i), and

''(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) thereof for the taxable year.

''(B) SUSPENSION OF 90 PERCENT AMT LIMITATION.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

''(2) QUALIFIED GULF OPPORTUNITY ZONE LOSS.—For purposes of paragraph (1), the term 'qualified Gulf Opportunity Zone loss' means the lesser of—

''(A) the excess of—

''(i) the net operating loss for such taxable year, over

''(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C), or

''(B) the aggregate amount of the following deductions to the extent taken into account in computing the net operating loss for such taxable year:

''(i) Any deduction for any qualified Gulf Opportunity Zone casualty loss.

''(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

''(I) whose principal place of abode was located in the Gulf Opportunity Zone before August 28, 2005,

''(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

''(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Opportunity Zone.

For purposes of this clause, the term 'moving expenses' has the meaning given such term by section 217(b), except that the taxpayer's former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

''(iii) Any deduction allowable under this chapter for expenses paid or incurred after August 27, 2005, and before January 1, 2008, to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Opportunity Zone.

''(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any

qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof)) for the taxable year such property is placed in service.

''(v) Any deduction allowable under this chapter for repair expenses (including expenses for removal of debris) paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Opportunity Zone.

''(3) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSS.—

''(A) IN GENERAL.—For purposes of paragraph (2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Opportunity Zone if—

''(i) such loss is allowed as a deduction under section 165 for the taxable year, and

''(ii) such loss is by reason of Hurricane Katrina.

''(B) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of qualified Gulf Opportunity Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Opportunity Zone.

''(C) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Section 165(i) shall not apply to any qualified Gulf Opportunity Zone casualty loss to the extent such loss is taken into account under this subsection.

''(4) SPECIAL RULES.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

''(l) CREDIT TO HOLDERS OF GULF TAX CREDIT BONDS.—

''(1) ALLOWANCE OF CREDIT.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

''(2) AMOUNT OF CREDIT.—

''(A) IN GENERAL.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(B) ANNUAL CREDIT.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

''(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

''(ii) the outstanding face amount of the bond.

''(C) DETERMINATION.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

''(D) CREDIT ALLOWANCE DATE.—For purposes of this subsection, the term 'credit allowance date' means March 15, June 15, September 15, and December 15. Such term also includes the last day on which the bond is outstanding.

''(E) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

''(4) GULF TAX CREDIT BOND.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'Gulf tax credit bond' means any bond issued as part of an issue if—

''(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

''(ii) 95 percent or more of the proceeds of such issue are to be used to—

''(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

''(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

''(iii) the Governor of such State designates such bond for purposes of this subsection,

''(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

''(v) the maturity of such bond does not exceed 2 years, and

''(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

''(B) STATE MATCHING REQUIREMENT.—A bond shall not be treated as a Gulf tax credit bond unless—

''(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

''(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i).

The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

''(C) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

''(i) $200,000,000 in the case of the State of Louisiana,

''(ii) $100,000,000 in the case of the State of Mississippi, and

''(iii) $50,000,000 in the case of the State of Alabama.

''(D) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

''(5) QUALIFIED BOND.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified bond' means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

''(B) EXCEPTION FOR PRIVATE ACTIVITY BONDS.—Such term shall not include any private activity bond.

''(C) EXCEPTION FOR ADVANCE REFUNDINGS.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

''(D) USE OF PROCEEDS REQUIREMENT.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue was (or is to be) used to provide any property described in section 144(c)(6)(B).

''(6) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3)) and the amount so included shall be treated as interest income.

''(7) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) BOND.—The term 'bond' includes any obligation.

''(B) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(i) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

''(ii) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

''(C) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(D) REPORTING.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

''(E) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

''(m) APPLICATION OF NEW MARKETS TAX CREDIT TO INVESTMENTS IN COMMUNITY DEVELOPMENT ENTITIES SERVING GULF OPPORTUNITY ZONE.—For purposes of section 45D—

''(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity is the recovery and redevelopment of the Gulf Opportunity Zone,

''(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

''(A) $300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Opportunity Zone, and

''(B) $400,000,000 for 2007, to be so allocated, and

''(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

''(n) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RESIDENTIAL RENTAL PROJECT REQUIREMENTS.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual's income will not exceed the applicable income limits of section 142(d)(1) upon commencement of the individual's tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

''(o) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—

''(1) IN GENERAL.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

''(A) section 165(i) shall be applied by substituting 'the fifth taxable year immediately preceding' for 'the taxable year immediately preceding',

''(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

''(C) section 6611 shall not apply to any overpayment attributable to such loss.

''(2) ELIGIBLE PUBLIC UTILITY PROPERTY LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'eligible public utility property loss' means any loss with respect to public utility property located in the Gulf Opportunity Zone and attributable to Hurricane Katrina.

''(B) PUBLIC UTILITY PROPERTY.—The term 'public utility property' has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

''(3) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

''(p) TAX BENEFITS NOT AVAILABLE WITH RESPECT TO CERTAIN PROPERTY.—

''(1) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of subsections (d), (e), and (k)(2)(B)(iv), the term 'qualified Gulf Opportunity Zone property' shall not include any property described in paragraph (3).

''(2) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSSES.—For purposes of subsection (k)(2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' shall not include any loss with respect to any property described in paragraph (3).

''(3) PROPERTY DESCRIBED.—

''(A) IN GENERAL.—For purposes of this subsection, property is described in this paragraph if such property is—

''(i) any property used in connection with any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

''(ii) any gambling or animal racing property.

''(B) GAMBLING OR ANIMAL RACING PROPERTY.—For purposes of subparagraph (A)(ii)—

''(i) IN GENERAL.—The term 'gambling or animal racing property' means—

''(I) any equipment, furniture, software, or other property used directly in connection with gambling, the racing of animals, or the on-site viewing of such racing, and

''(II) the portion of any real property (determined by square footage) which is dedicated to gambling, the racing of animals, or the on-site viewing of such racing.

''(ii) DE MINIMIS PORTION.—Clause (i)(II) shall not apply to any real property if the portion so dedicated is less than 100 square feet.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 54(c) is amended by inserting '', section 1400N(l),'' after ''subpart C''.

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting ''or 1400N(l)(6)'' after ''section 54(g)'', and

(B) by inserting ''or 1400N(l)(2)(D), as the case may be'' after ''section 54(b)(4)''.

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

''Subchapter Y—Short-Term Regional Benefits

''PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

''PART II—TAX BENEFITS FOR GO ZONES

''PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

''Sec. 1400L. Tax benefits for New York Liberty Zone.''.

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

''SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

(2) CARRYBACKS.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

SEC. 102. EXPANSION OF HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDIT FOR STUDENTS IN THE GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

''SEC. 1400O. EDUCATION TAX BENEFITS.

''In the case of an individual who attends an eligible educational institution (as defined in section 25A(f)(2)) located in the Gulf Opportunity Zone for any taxable year beginning during 2005 or 2006—

''(1) in applying section 25A, the term 'qualified tuition and related expenses' shall include any costs which are qualified higher education expenses (as defined in section 529(e)(3)),

''(2) each of the dollar amounts in effect under of subparagraphs (A) and (B) of section 25A(b)(1) shall be twice the amount otherwise in effect before the application of this subsection, and

''(3) section 25A(c)(1) shall be applied by substituting '40 percent' for '20 percent'.''.

(b) CONFORMING AMENDMENT.—The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400O.Education tax benefits.''.

SEC. 103. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

''SEC. 1400P. HOUSING TAX BENEFITS .

''(a) EXCLUSION OF EMPLOYER PROVIDED HOUSING FOR INDIVIDUAL AFFECTED BY HURRICANE KATRINA.—

''(1) IN GENERAL.—Gross income of a qualified employee shall not include the value of any lodging furnished in-kind to such employee (and such employee's spouse or any of such employee's dependents) by or on behalf of a qualified employer for any month during the taxable year.

''(2) LIMITATION.—The amount which may be excluded under paragraph (1) for any month for which lodging is furnished during the taxable year shall not exceed $600.

''(3) TREATMENT OF EXCLUSION.—The exclusion under paragraph (1) shall be treated as an exclusion under section 119 (other than for purposes of sections 3121(a)(19) and 3306(b)(14)).

''(b) EMPLOYER CREDIT FOR HOUSING EMPLOYEES AFFECTED BY HURRICANE KATRINA.—For purposes of section 38, in the case of a qualified employer, the Hurricane Katrina housing credit for any month during the taxable year is an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a) and not otherwise excludable under section 119.

''(c) QUALIFIED EMPLOYEE.—For purposes of this section, the term 'qualified employee' means, with respect to any month, an individual—

''(1) who had a principal residence (as defined in section 121) in the Gulf Opportunity Zone on August 28, 2005, and

''(2) who performs substantially all employment services—

''(A) in the Gulf Opportunity Zone, and

''(B) for the qualified employer which furnishes lodging to such individual.

''(d) QUALIFIED EMPLOYER.—For purposes of this section, the term 'qualified employer' means any employer with a trade or business located in the Gulf Opportunity Zone.

''(e) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(f) APPLICATION OF SECTION.—This section shall apply to lodging furnished during the period—

''(1) beginning on the first day of the first month beginning after the date of the enactment of this section, and

''(2) ending on the date which is 6 months after the first day described in paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking ''and'' at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting '', and'', and by adding at the end the following new paragraphs:

''(27) the Hurricane Katrina housing credit determined under section 1400P(b).''.

(2) Section 280C(a) is amended by striking ''and 1396(a)'' and inserting ''1396(a), and 1400P(b)''.

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400P.Housing tax benefits.''.

SEC. 104. EXTENSION OF SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

Section 404(d) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

SEC. 105. SPECIAL EXTENSION OF BONUS DEPRECIATION PLACED IN SERVICE DATE FOR TAXPAYERS AFFECTED BY HURRICANES KATRINA, RITA, AND WILMA.

In applying the rule under section 168(k)(2)(A)(iv) of the Internal Revenue Code of 1986 to any property described in subparagraph (B) or (C) of section 168(k)(2) of such Code—

(1) the placement in service of which—

(A) is to be located in the GO Zone (as defined in section 1400M(1) of such Code), the

Rita GO Zone (as defined in section 1400M(3) of such Code), or the Wilma GO Zone (as defined in section 1400M(5) of such Code), and

(B) is to be made by any taxpayer affected by Hurricane Katrina, Rita, or Wilma, or

(2) which is manufactured in such Zone by any person affected by Hurricane Katrina, Rita, or Wilma,

the Secretary of the Treasury may, on a taxpayer by taxpayer basis, extend the required date of the placement in service of such property under such section by such period of time as is determined necessary by the Secretary but not to exceed 1 year. For purposes of the preceding sentence, the determination shall be made by only taking into account the effect of one or more hurricanes on the date of such placement by the taxpayer.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

SEC. 201. EXTENSION OF CERTAIN EMERGENCY TAX RELIEF FOR HURRICANE KATRINA TO HURRICANES RITA AND WILMA.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new sections:

"SEC. 1400Q. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

''(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

''(1) IN GENERAL.—Section 72(t) shall not apply to any qualified hurricane distribution.

''(2) AGGREGATE DOLLAR LIMITATION.—

''(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

''(i) $100,000, over

''(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

''(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

''(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

''(A) IN GENERAL.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

''(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFIED HURRICANE DISTRIBUTION.—Except as provided in paragraph (2), the term 'qualified hurricane distribution' means—

''(i) any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina,

''(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita, and

''(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

''(B) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

''(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

''(A) IN GENERAL.—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

''(6) SPECIAL RULES.—

''(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified hurricane distributions shall not be treated as eligible rollover distributions.

''(B) QUALIFIED HURRICANE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes this title, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

''(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

''(1) RECONTRIBUTIONS.—

''(A) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

''(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

''(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified distribution' means any qualified Katrina distribution, any qualified Rita distribution, and any qualified Wilma distribution.

''(B) QUALIFIED KATRINA DISTRIBUTION.—The term 'qualified Katrina distribution' means any distribution—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before August 29, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

''(C) QUALIFIED RITA DISTRIBUTION.—The term 'qualified Rita distribution' means any distribution (other than a qualified Katrina distribution)—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before September 24, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but which was not so purchased or constructed on account of Hurricane Rita.

''(D) QUALIFIED WILMA DISTRIBUTION.—The term 'qualified Wilma distribution' means any distribution (other than a qualified Katrina distribution or a qualified Rita distribution)—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before October 24, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but which was not so purchased or constructed on account of Hurricane Wilma.

''(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means—

''(A) with respect to any qualified Katrina distribution, the period beginning on August 25, 2005, and ending on February 28, 2006,

''(B) with respect to any qualified Rita distribution, the period beginning on September 23, 2005, and ending on February 28, 2006, and

''(C) with respect to any qualified Wilma distribution, the period beginning on October 23, 2005, and ending on February 28, 2006.

''(c) LOANS FROM QUALIFIED PLANS.—

''(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4)) to a qualified individual made during the applicable period—

''(A) clause (i) of section 72(p)(2)(A) shall be applied by substituting '$100,000' for '$50,000', and

''(B) clause (ii) of such section shall be applied by substituting 'the present value of

the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

''(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4))—

''(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2006, such due date shall be delayed for 1 year,

''(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

''(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2), the period described in subparagraph (A) shall be disregarded.

''(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

''(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

''(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means an individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita.

''(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means an individual (other than a qualified Hurricane Katrina individual or a qualified Hurricane Rita individual) whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

''(4) APPLICABLE PERIOD; QUALIFIED BEGINNING DATE.—For purposes of this subsection—

''(A) HURRICANE KATRINA.—In the case of any qualified Hurricane Katrina individual—

''(i) the applicable period is the period beginning on September 24, 2005, and ending on December 31, 2006, and

''(ii) the qualified beginning date is August 25, 2005.

''(B) HURRICANE RITA.—In the case of any qualified Hurricane Rita individual—

''(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

''(ii) the qualified beginning date is September 23, 2005.

''(C) HURRICANE WILMA.—In the case of any qualified Hurricane Wilma individual—

''(i) the applicable period is the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2006, and

''(ii) the qualified beginning date is October 23, 2005.

''(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

''(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

''(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

''(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

''(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

''(ii) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

''(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

''(i) during the period—

''(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

''(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

''(ii) such plan or contract amendment applies retroactively for such period.

''SEC. 1400R. EMPLOYMENT RELIEF.

''(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Katrina employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on August 28, 2005, in the GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

''(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE RITA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Rita employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on September 23, 2005, in the Rita GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Rita.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on September 23, 2005, with such eligible employer was in the Rita GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Rita, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

''(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE WILMA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Wilma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect

to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on October 23, 2005, in the Wilma GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after October 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Wilma.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on October 23, 2005, with such eligible employer was in the Wilma GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 23, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Wilma, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or (b) or section 51 with respect to such employee for such period.

''SEC. 1400S. ADDITIONAL TAX RELIEF PROVISIONS.

''(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

''(1) IN GENERAL.—Except as otherwise provided in paragraph (2), section 170(b) shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 to other contributions.

''(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170—

''(A) INDIVIDUALS.—In the case of an individual—

''(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1)) over the amount of all other charitable contributions allowed under section 170(b)(1).

''(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1)) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

''(B) CORPORATIONS.—In the case of a corporation—

''(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b)) over the amount of all other charitable contributions allowed under such paragraph.

''(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

''(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution is paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) (other than an organization described in section 509(a)(3)),

''(ii) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

''(b) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Paragraphs (1) and (2)(A) of section 165(h) shall not apply to losses described in section 165(c)(3)—

''(1) which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina,

''(2) which arise in the Hurricane Rita disaster area on or after September 23, 2005, and which are attributable to Hurricane Rita, or

''(3) which arise in the Hurricane Wilma disaster area on or after October 23, 2005, and which are attributable to Hurricane Wilma.

In the case of any other losses, section 165(h)(2)(A) shall be applied without regard to the losses referred to in the preceding sentence.

''(c) REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A.—In the case of any taxpayer determined by the Secretary to be affected by the Presidentially declared disaster relating to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, any relief provided by the Secretary under section 7508A shall be for a period ending not earlier than February 28, 2006.

''(d) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

''(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 may, at the election of the taxpayer, be determined by substituting—

''(A) such earned income for the preceding taxable year, for

''(B) such earned income for the taxable year which includes the applicable date.

''(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

''(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means any individual whose principal place of abode on August 25, 2005, was located—

''(i) in the GO Zone, or

''(ii) in the Hurricane Katrina disaster area (but outside the GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

''(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means any individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, was located—

''(i) in the Rita GO Zone, or

''(ii) in the Hurricane Rita disaster area (but outside the Rita GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Rita.

''(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means any individual whose principal place of abode on October 23, 2005, was located—

''(i) in the Wilma GO Zone, or

''(ii) in the Hurricane Wilma disaster area (but outside the Wilma GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Wilma.

''(3) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

''(A) in the case of a qualified Hurricane Katrina individual, August 25, 2005,

''(B) in the case of a qualified Hurricane Rita individual, September 23, 2005, and

''(C) in the case of a qualified Hurricane Wilma individual, October 23, 2005.

''(4) EARNED INCOME.—For purposes of this subsection, the term 'earned income' has the meaning given such term under section 32(c).

''(5) SPECIAL RULES.—

''(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes the applicable date—

''(i) such paragraph shall apply if either spouse is a qualified individual, and

''(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

''(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both section 24(d) and section 32.

''(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

''(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, this title shall be applied without regard to any substitution under paragraph (1).

''(e) SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—With respect to taxable years beginning in 2005 or 2006, the Secretary

may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

''SEC. 1400T. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

''(a) IN GENERAL.—In the case of financing provided with respect to owner-occupied residences in the GO Zone, the Rita GO Zone, or the Wilma GO Zone, section 143 shall be applied—

''(1) by treating any such residence in the Rita GO Zone or the Wilma GO Zone as a targeted area residence,

''(2) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

''(3) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

''(b) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38, as amended by this Act, is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting a comma, and by adding at the end the following new paragraphs:

''(28) the Hurricane Katrina employee retention credit determined under section 1400R(a),

''(29) the Hurricane Rita employee retention credit determined under section 1400R(b), and

''(30) the Hurricane Wilma employee retention credit determined under section 1400R(c).''.

(2) Section 280C(a), as amended by this Act, is amended by striking ''and 1400P(b)'' and inserting ''1400P(b), and 1400R''.

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new items:

''Sec. 1400Q. Special rules for use of retirement funds.
''Sec. 1400R. Employment relief.
''Sec. 1400S. Additional tax relief provisions.''.

(4) The following provisions of the Katrina Emergency Tax Relief Act of 2005 are hereby repealed:

(A) Title I.

(B) Sections 202, 301, 402, 403(b), 406, and 407.

TITLE III—OTHER PROVISIONS

SEC. 301. GULF COAST RECOVERY BONDS.

It is the sense of the Congress that the Secretary of the Treasury, or the Secretary's delegate, should designate one or more series of bonds or certificates (or any portion thereof) issued under section 3105 of title 31, United States Code, as ''Gulf Coast Recovery Bonds'' in response to Hurricanes Katrina, Rita, and Wilma.

SEC. 302. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) is amended by striking ''January 1, 2006'' and inserting ''January 1, 2007''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 303. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) EFFECTIVE DATE MODIFICATION.—

(1) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

''(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

''(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

''(B) SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.—

''(i) IN GENERAL.—Except as provided in clauses (ii), (iii), and (iv), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

''(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

''(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005-80 with respect to such transaction, or

''(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative.

Subclause (I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

''(iii) TAXPAYERS ACTING IN GOOD FAITH.—The Secretary of the Treasury may except from the application of clause (i) any transaction in which the taxpayer has acted reasonably and in good faith.

''(iv) CLOSED TRANSACTIONS.—Clause (i) shall not apply to a transaction if, as of December 14, 2005—

''(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

''(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the transaction.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

(b) TREATMENT OF AMENDED RETURNS AND OTHER SIMILAR NOTICES OF ADDITIONAL TAX OWED.—

(1) IN GENERAL.—Section 6404(g)(1) (relating to suspension) is amended by adding at the end the following new sentence: ''If, after the return for a taxable year is filed, the taxpayer provides to the Secretary 1 or more signed written documents showing that the taxpayer owes an additional amount of tax for the taxable year, clause (i) shall be applied by substituting the date the last of the documents was provided for the date on which the return is filed.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to documents provided on or after the date of the enactment of this Act.

SEC. 304. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''January 1, 2006'' both places it appears and inserting ''January 1, 2007''.

SEC. 305. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2005.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2005.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2005.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Tax Technical Corrections Act of 2005''.

SEC. 402. AMENDMENTS RELATED TO ENERGY POLICY ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 1263.—

(1) Part VI of subchapter O of chapter 1 is repealed.

(2) Section 1223 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (16) as paragraphs (3) through (15), respectively.

(3) Section 121(g) is amended by striking ''1223(7)'' and inserting ''1223(6)''.

(4) Section 246(c)(3)(B) is amended by striking ''paragraph (4) of section 1223'' and inserting ''paragraph (3) of section 1223''.

(5) Section 247(b)(2)(D) is amended by inserting ''as in effect before its repeal'' after ''part VI of subchapter O''.

(6)(A) Section 1245(b) is amended by striking paragraph (5) and redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

(B) Section 1245(b)(3) is amended by striking ''paragraph (7)'' and inserting ''paragraph (6)''.

(7)(A) Section 1250(d) is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(B) Section 1250(e)(2) is amended by striking ''(3), or (5)'' and inserting ''or (3)''.

(b) AMENDMENT RELATED TO SECTION 1301.—Clause (ii) of section 45(c)(3)(A) is amended by striking ''nonhazardous lignin waste material'' and inserting ''lignin material''.

(c) AMENDMENTS RELATED TO SECTION 1303.—

(1) Subsection (l) of section 54 is amended by striking paragraph (5), and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) Subsection (e) of section 1303 of the Energy Policy Act of 2005 is amended to read as follows:

''(e) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to bonds issued after December 31, 2005.

''(2) SUBSECTION (C).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2005.''.

(d) AMENDMENTS RELATED TO SECTION 1306.—

(1) Paragraph (2) of section 45J(c) is amended to read as follows:

''(2) PHASEOUT OF CREDIT.—

''(A) IN GENERAL.—The amount of the credit determined under subsection (a) shall be reduced by an amount which bears the same

ratio to the amount of the credit (determined without regard to this paragraph) as—

''(i) the amount by which the reference price (as defined in section 45(e)(2)(C)) for the calendar year in which the sale occurs exceeds 8 cents, bears to

''(ii) 3 cents.

''(B) PHASEOUT ADJUSTMENT BASED ON INFLATION.—The 8 cent amount in subparagraph (A) shall be adjusted by multiplying such amount by the inflation adjustment factor (as defined in section 45(e)(2)(B)) for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.''.

(2) Subsection (e) of section 45J is amended by striking ''(2),''.

(e) AMENDMENT RELATED TO SECTION 1309.—Subparagraph (B) of section 169(d)(5) is amended by adding at beginning thereof ''in the case of facility placed in service in connection with a plant or other property placed in operation after December 31, 1975,''.

(f) AMENDMENTS RELATED TO SECTION 1311.—

(1) Clause (i) of section 172(b)(1)(I) is amended to read as follows:

''(i) IN GENERAL.—At the election of the taxpayer for any taxable year ending after December 31, 2005, and before January 1, 2009, in the case of a net operating loss for a taxable year ending after December 31, 2002, and before January 1, 2006, there shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss to the extent that such loss does not exceed 20 percent of the sum of the electric transmission property capital expenditures and the pollution control facility capital expenditures of the taxpayer for the taxable year preceding the taxable year for which such election is made.''.

(2) Clause (ii) of section 172(b)(1)(I) is amended by striking ''in a taxable year'' and inserting ''for a taxable year''.

(3) Subparagraph (I) of section 172(b)(1) is amended by striking clause (iv) and (v), by redesignating clause (vi) as clause (v), and by inserting after clause (iii) the following:

''(iv) SPECIAL RULES RELATING TO CREDIT OR REFUND.—In the case of the portion of the loss which is carried back 5 years by reason of clause (i)—

''(I) an application under section 6411(a) with respect to such portion shall not fail to be treated as timely filed if filed within 24 months after the due date specified under such section, and

''(II) references in sections 6501(h), 6511(d)(2)(A), and 6611(f)(1) to the taxable year in which such net operating loss arises or results in a net operating loss carryback shall be treated as references to the taxable year for which such election is made.''.

(g) AMENDMENT RELATED TO SECTION 1322.—Subsection (a) of section 45K is amended by striking ''if the taxpayer elects to have this section apply,''.

(h) AMENDMENT RELATED TO SECTION 1331.—Paragraph (3) of section 1250(b) is amended by striking ''or by section 179D''.

(i) AMENDMENTS RELATED TO SECTION 1335.—

(1) Paragraph (1) of section 25D(b) is amended by inserting ''(determined without regard to subsection (c))'' after ''subsection (a)''.

(2) Subparagraphs (A) and (B) of section 25D(e)(4) are amended to read as follows:

''(A) MAXIMUM EXPENDITURES.—The maximum amount of expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be—

''(i) $6,667 in the case of any qualified photovoltaic property expenditures,

''(ii) $6,667 in the case of any qualified solar water heating property expenditures, and

''(iii) $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) for which qualified fuel cell property expenditures are made.

''(B) ALLOCATION OF EXPENDITURES.—The expenditures allocated to any individual for the taxable year in which such calendar year ends shall be an amount equal to the lesser of—

''(i) the amount of expenditures made by such individual with respect to such dwelling during such calendar year, or

''(ii) the maximum amount of such expenditures set forth in subparagraph (A) multiplied by a fraction—

''(I) the numerator of which is the amount of such expenditures with respect to such dwelling made by such individual during such calendar year, and

''(II) the denominator of which is the total expenditures made by all such individuals with respect to such dwelling during such calendar year.''.

(3)(A)(i) The matter preceding subparagraph (A) of section 23(b)(4) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(ii) Subsection (c) of section 23 is amended to read as follows:

''(c) CARRYFORWARDS OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(3) LIMITATION.—No credit may be carried forward under this subsection to any taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.''.

(B)(i) The matter preceding subparagraph (A) of section 24(b)(3) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(ii) Paragraph (1) of section 24(d) is amended to read as follows:

''(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a)(2) or subsection (b)(3), as the case may be, or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 26(a)(2) or subsection (b)(3), as the case may be, were increased by the excess (if any) of—

''(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

''(ii) in the case of a taxpayer with 3 or more qualifying children, the excess (if any) of—

''(I) the taxpayer's social security taxes for the taxable year, over

''(II) the credit allowed under section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a)(2) or subsection (b)(3), as the case may be. For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(C) Subparagraph (C) of section 25(e)(1) is amended to read as follows:

''(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term 'applicable tax limit' means—

''(i) in the case of a taxable year to which section 26(a)(2) applies, the limitation imposed by section 26(a)(2) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C), and

''(ii) in the case of a taxable year to which section 26(a)(2) does not apply, the limitation imposed by section 26(a)(1) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, 25B, 25D, and 1400C).''.

(D) The matter preceding paragraph (1) of section 25B(g) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(E) Subsection (c) of section 25D is amended to read as follows:

''(c) CARRYFORWARD OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(F) Subsection (d) of section 1400C is amended to read as follows:

''(d) CARRYFORWARD OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other

than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and sections 23, 24, 25B, and 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

(G) Subsection (i) of section 904 is amended to read as follows:

''(i) COORDINATION WITH NONREFUNDABLE PERSONAL CREDITS.—In the case of any taxable year of an individual to which section 26(a)(2) does not apply, for purposes of subsection (a), the tax against which the credit is taken is such tax reduced by the sum of the credits allowable under subpart A of part IV of subchapter A of this chapter (other than sections 23, 24, and 25B).''.

(H) APPLICATION OF EGTRRA SUNSET.—The amendments made by this paragraph (and each part thereof) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment (or part thereof) relates.

(4) Subsection (b) of section 1335 of the Energy Policy Act of 2005 is amended by striking paragraphs (1), (2), and (3). The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made such paragraphs had never been enacted.

(j) AMENDMENT RELATED TO SECTION 1341.—Paragraph (6) of section 30B(h) is amended by adding at the end the following sentence: ''For purposes of subsection (g), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.''.

(k) AMENDMENT RELATED TO SECTION 1342.—Paragraph (2) of section 30C(e) is amended by adding at the end the following sentence: ''For purposes of subsection (d), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.''.

(l) AMENDMENTS RELATED TO SECTION 1351.—

(1) Paragraph (6) of section 41(f) (relating to special rules) is amended by adding at the end the following:

''(C) FOREIGN RESEARCH.—For purposes of subsection (a)(3), amounts paid or incurred for any energy research conducted outside the United States, the Commonwealth of Puerto Rico, or any possession of the United States shall not be taken into account.

''(D) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account under subsection (a)(3) shall not be taken into account under paragraph (1) or (2) of subsection (a).''.

(2) Clause (ii) of section 41(b)(3)(C) is amended by striking ''(other than an energy research consortium)''.

(m) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) REPEAL OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.—The amendments made by subsection (a) shall not apply with respect to any transaction ordered in compliance with the Public Utility Holding Company Act of 1935 before its repeal.

(3) COORDINATION OF PERSONAL CREDITS.—The amendments made by subsection (i)(3) shall apply to taxable years beginning after December 31, 2005.

SEC. 403. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 102 OF THE ACT.—

(1) Paragraph (1) of section 199(b) is amended by striking ''the employer'' and inserting ''the taxpayer''.

(2) Paragraph (2) of section 199(b) is amended to read as follows:

''(2) W–2 WAGES.—For purposes of this section, the term 'W–2 wages' means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year. Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.''.

(3) Subparagraph (B) of section 199(c)(1) is amended by inserting ''and'' at the end of clause (i), by striking clauses (ii) and (iii), and by inserting after clause (i) the following:

''(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.''.

(4) Paragraph (2) of section 199(c) is amended to read as follows:

''(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in paragraph (1) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.''.

(5) Subparagraph (A) of section 199(c)(4) is amended by striking clauses (ii) and (iii) and inserting the following new clauses:

''(ii) in the case of a taxpayer engaged in the active conduct of a construction trade or business, construction of real property performed in the United States by the taxpayer in the ordinary course of such trade or business, or

''(iii) in the case of a taxpayer engaged in the active conduct of an engineering or architectural services trade or business, engineering or architectural services performed in the United States by the taxpayer in the ordinary course of such trade or business with respect to the construction of real property in the United States.''.

(6) Subparagraph (B) of section 199(c)(4) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following:

''(iii) the lease, rental, license, sale, exchange, or other disposition of land.''.

(7) Paragraph (4) of section 199(c) is amended by adding at the end the following new subparagraphs:

''(C) SPECIAL RULE FOR CERTAIN GOVERNMENT CONTRACTS.—Gross receipts derived from the manufacture or production of any property described in subparagraph (A)(i)(I) shall be treated as meeting the requirements of subparagraph (A)(i) if—

''(i) such property is manufactured or produced by the taxpayer pursuant to a contract with the Federal Government, and

''(ii) the Federal Acquisition Regulation requires that title or risk of loss with respect to such property be transferred to the Federal Government before the manufacture or production of such property is complete.

''(D) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of this paragraph, if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.''.

(8) Paragraph (1) of section 199(d) is amended to read as follows:

''(1) APPLICATION OF SECTION TO PASS-THRU ENTITIES.—

''(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

''(i) this section shall be applied at the partner or shareholder level,

''(ii) each partner or shareholder shall take into account such person's allocable share of each item described in subparagraph (A) or (B) of subsection (c)(1) (determined without regard to whether the items described in such subparagraph (A) exceed the items described in such subparagraph (B)), and

''(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W–2 wages for the taxable year in an amount equal to the lesser of—

''(I) such person's allocable share of the W–2 wages of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary), or

''(II) 2 times 9 percent of so much of such person's qualified production activities income as is attributable to items allocated under clause (ii) for the taxable year.

''(B) TRUSTS AND ESTATES.—In the case of a trust or estate—

''(i) the items referred to in subparagraph (A)(ii) (as determined therein) and the W–2 wages of the trust or estate for the taxable year, shall be apportioned between the beneficiaries and the fiduciary (and among the beneficiaries) under regulations prescribed by the Secretary, and

''(ii) for purposes of paragraph (2), adjusted gross income of the trust or estate shall be determined as provided in section 67(e) with the adjustments described in such paragraph.

''(C) REGULATIONS.—The Secretary may prescribe rules requiring or restricting the allocation of items and wages under this paragraph and may prescribe such reporting requirements as the Secretary determines appropriate.''.

(9) Paragraph (3) of section 199(d) is amended to read as follows:

''(3) AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—

''(A) DEDUCTION ALLOWED TO PATRONS.—Any person who receives a qualified payment from a specified agricultural or horticultural cooperative shall be allowed for the taxable year in which such payment is received a deduction under subsection (a) equal to the portion of the deduction allowed under subsection (a) to such cooperative which is—

''(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

''(ii) identified by such cooperative in a written notice mailed to such person during the payment period described in section 1382(d).

''(B) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

''(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this section, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

''(D) SPECIAL RULE FOR MARKETING COOPERATIVES.—For purposes of this section, a specified agricultural or horticultural cooperative described in subparagraph (F)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

''(E) QUALIFIED PAYMENT.—For purposes of this paragraph, the term 'qualified payment' means, with respect to any person, any amount which—

''(i) is described in paragraph (1) or (3) of section 1385(a),

''(ii) is received by such person from a specified agricultural or horticultural cooperative, and

''(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under subsection (a).

''(F) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this paragraph, the term 'specified agricultural or horticultural cooperative' means an organization to which part I of subchapter T applies which is engaged—

''(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

''(ii) in the marketing of agricultural or horticultural products.''.

(10) Clause (i) of section 199(d)(4)(B) is amended—

(A) by striking ''50 percent'' and inserting ''more than 50 percent'', and

(B) by striking ''80 percent'' and inserting ''at least 80 percent''.

(11)(A) Paragraph (6) of section 199(d) is amended to read as follows:

''(6) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55—

''(A) qualified production activities income shall be determined without regard to any adjustments under sections 56 through 59, and

''(B) in the case of a corporation, subsection (a)(1)(B) shall be applied by substituting 'alternative minimum taxable income' for 'taxable income'.''.

(B) Paragraph (2) of section 199(a) is amended by striking ''subsections (d)(1) and (d)(6)'' and inserting ''subsection (d)(1)''.

(12) Subsection (d) of section 199 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, subsection (a)(1)(B) shall be applied by substituting 'unrelated business taxable income' for 'taxable income'.''.

(13) Paragraph (8) of section 199(d), as redesignated by paragraph (12), is amended by inserting '', including regulations which prevent more than 1 taxpayer from being allowed a deduction under this section with respect to any activity described in subsection (c)(4)(A)(i)'' before the period at the end.

(14) Clauses (i)(II) and (ii)(II) of section 56(d)(1)(A) are each amended by striking ''such deduction'' and inserting ''such deduction and the deduction under section 199''.

(15) Clause (i) of section 163(j)(6)(A) is amended by striking ''and'' at the end of subclause (II), by redesignating subclause (III) as subclause (IV), and by inserting after subclause (II) the following new subclause:

''(III) any deduction allowable under section 199, and''.

(16) Paragraph (2) of section 170(b) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) section 199,''.

(17) Subsection (d) of section 172 is amended by adding at the end the following new paragraph:

''(7) MANUFACTURING DEDUCTION.—The deduction under section 199 shall not be allowed.''.

(18) Paragraph (1) of section 613A(d) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) any deduction allowable under section 199,''.

(19) Subsection (e) of section 102 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(e) EFFECTIVE DATE.—

''(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

''(2) APPLICATION TO PASS-THRU ENTITIES, ETC.—In determining the deduction under section 199 of the Internal Revenue Code of 1986 (as added by this section), items arising from a taxable year of a partnership, S corporation, estate, or trust beginning before January 1, 2005, shall not be taken into account for purposes of subsection (d)(1) of such section.''.

(b) AMENDMENT RELATED TO SECTION 231 OF THE ACT.—Paragraph (1) of section 1361(c) is amended to read as follows:

''(1) MEMBERS OF A FAMILY TREATED AS 1 SHAREHOLDER.—

''(A) IN GENERAL.—For purposes of subsection (b)(1)(A), there shall be treated as one shareholder—

''(i) a husband and wife (and their estates), and

''(ii) all members of a family (and their estates).

''(B) MEMBERS OF A FAMILY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'members of a family' means a common ancestor, any lineal descendant of such common ancestor, and any spouse or former spouse of such common ancestor or any such lineal descendant.

''(ii) COMMON ANCESTOR.—An individual shall not be considered to be a common ancestor if, on the applicable date, the individual is more than 6 generations removed from the youngest generation of shareholders who would (but for this subparagraph) be members of the family. For purposes of the preceding sentence, a spouse (or former spouse) shall be treated as being of the same generation as the individual to whom such spouse is (or was) married.

''(iii) APPLICABLE DATE.—The term 'applicable date' means the latest of—

''(I) the date the election under section 1362(a) is made,

''(II) the earliest date that an individual described in clause (i) holds stock in the S corporation, or

''(III) October 22, 2004.

''(C) EFFECT OF ADOPTION, ETC.—Any legally adopted child of an individual, any child who is lawfully placed with an individual for legal adoption by the individual, and any eligible foster child of an individual (within the meaning of section 152(f)(1)(C)), shall be treated as a child of such individual by blood.''.

(c) AMENDMENT RELATED TO SECTION 235 OF THE ACT.—Subsection (b) of section 235 of the American Jobs Creation Act of 2004 is amended by striking ''taxable years beginning'' and inserting ''transfers''.

(d) AMENDMENTS RELATED TO SECTION 243 OF THE ACT.—

(1) Paragraph (7) of section 856(c) is amended to read as follows:

''(7) RULES OF APPLICATION FOR FAILURE TO SATISFY PARAGRAPH (4).—

''(A) IN GENERAL.—A corporation, trust, or association that fails to meet the requirements of paragraph (4) (other than a failure to meet the requirements of paragraph (4)(B)(iii) which is described in subparagraph (B)(i) of this paragraph) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) following the corporation, trust, or association's identification of the failure to satisfy the requirements of such paragraph for a particular quarter, a description of each asset that causes the corporation, trust, or association to fail to satisfy the requirements of such paragraph at the close of such quarter of any taxable year is set forth in a schedule for such quarter filed in accordance with regulations prescribed by the Secretary,

''(ii) the failure to meet the requirements of such paragraph for a particular quarter is due to reasonable cause and not due to willful neglect, and

''(iii)(I) the corporation, trust, or association disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation, trust, or association that fails to meet the requirements of paragraph (4)(B)(iii) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

''(I) 1 percent of the total value of the trust's assets at the end of the quarter for which such measurement is done, and

''(II) $10,000,000, and

''(ii)(I) the corporation, trust, or association, following the identification of such failure, disposes of assets in order to meet the requirements of such paragraph within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(C) TAX.—

''(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation, trust, or association for any taxable year, there is hereby imposed on such corporation, trust, or association a tax in an amount equal to the greater of—

''(I) $50,000, or

''(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

''(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of such paragraph (4) occurs as a result of the ownership

of such assets and ending on the earlier of the date on which the trust disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such paragraph (4).

''(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subparagraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.''.

(2) Subsection (m) of section 856 is amended by adding at the end the following new paragraph:

''(6) TRANSITION RULE.—

''(A) IN GENERAL.—Notwithstanding paragraph (2)(C), securities held by a trust shall not be considered securities held by the trust for purposes of subsection (c)(4)(B)(iii)(III) during any period beginning on or before October 22, 2004, if such securities—

''(i) are held by such trust continuously during such period, and

''(ii) would not be taken into account for purposes of such subsection by reason of paragraph (7)(C) of subsection (c) (as in effect on October 22, 2004) if the amendments made by section 243 of the American Jobs Creation Act of 2004 had never been enacted.

''(B) RULE NOT TO APPLY TO SECURITIES HELD AFTER MATURITY DATE.—Subparagraph (A) shall not apply with respect to any security after the later of October 22, 2004, or the latest maturity date under the contract (as in effect on October 22, 2004) taking into account any renewal or extension permitted under the contract if such renewal or extension does not significantly modify any other terms of the contract.

''(C) SUCCESSORS.—If the successor of a trust to which this paragraph applies acquires securities in a transaction to which section 381 applies, such trusts shall be treated as a single entity for purposes of determining the holding period of such securities under subparagraph (A).''.

(3) Subparagraph (E) of section 857(b)(2) is amended by striking ''section 856(c)(7)(B)(iii), and section 856(g)(1).'' and inserting ''section 856(c)(7)(C), and section 856(g)(5)''.

(4) Subsection (g) of section 243 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(g) EFFECTIVE DATES.—

''(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2000.

''(2) SUBSECTIONS (c) AND (e).—The amendments made by subsections (c) and (e) shall apply to taxable years beginning after the date of the enactment of this Act.

''(3) SUBSECTION (d).—The amendment made by subsection (d) shall apply to transactions entered into after December 31, 2004.

''(4) SUBSECTION (f).—

''(A) The amendment made by paragraph (1) of subsection (f) shall apply to failures with respect to which the requirements of subparagraph (A) or (B) of section 856(c)(7) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

''(B) The amendment made by paragraph (2) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (6) of section 856(c) of the Internal Revenue Code of 1986 (as amended by such paragraph) are satisfied after the date of the enactment of this Act.

''(C) The amendments made by paragraph (3) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (5) of section 856(g) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

''(D) The amendment made by paragraph (4) of subsection (f) shall apply to taxable years ending after the date of the enactment of this Act.

''(E) The amendments made by paragraph (5) of subsection (f) shall apply to statements filed after the date of the enactment of this Act.''.

(e) AMENDMENTS RELATED TO SECTION 244 OF THE ACT.—

(1) Paragraph (2) of section 181(d) is amended by striking the last sentence in subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULES FOR TELEVISION SERIES.—In the case of a television series—

''(i) each episode of such series shall be treated as a separate production, and

''(ii) only the first 44 episodes of such series shall be taken into account.''.

(2) Subparagraph (C) of section 1245(a)(2) is amended by inserting ''181,'' after ''179B,''.

(f) AMENDMENTS RELATED TO SECTION 245 OF THE ACT.—

(1) Subsection (b) of section 45G is amended to read as follows:

''(b) LIMITATION.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the product of—

''(A) $3,500, multiplied by

''(B) the sum of—

''(i) the number of miles of railroad track owned or leased by the eligible taxpayer as of the close of the taxable year, and

''(ii) the number of miles of railroad track assigned for purposes of this subsection to the eligible taxpayer by a Class II or Class III railroad which owns or leases such railroad track as of the close of the taxable year.

''(2) ASSIGNMENTS.—With respect to any assignment of a mile of railroad track under paragraph (1)(B)(ii)—

''(A) such assignment may be made only once per taxable year of the Class II or Class III railroad and shall be treated as made as of the close of such taxable year,

''(B) such mile may not be taken into account under this section by such railroad for such taxable year, and

''(C) such assignment shall be taken into account for the taxable year of the assignee which includes the date that such assignment is treated as effective.''.

(2) Paragraph (2) of section 45G(c) is amended to read as follows:

''(2) any person who transports property using the rail facilities of a Class II or Class III railroad or who furnishes railroad-related property or services to a Class II or Class III railroad, but only with respect to miles of railroad track assigned to such person by such Class II or Class III railroad for purposes of subsection (b).''.

(g) AMENDMENTS RELATED TO SECTION 248 OF THE ACT.—

(1)(A) Subsection (d) of section 1353 is amended by striking ''ownership and charter interests'' and inserting ''ownership, charter, and operating agreement interests''.

(B) Subsection (a) of section 1355 is amended by striking paragraph (8).

(C) Paragraph (1) of section 1355(b) is amended to read as follows:

''(1) IN GENERAL.—Except as provided in paragraph (2), a person is treated as operating any vessel during any period if—

''(A)(i) such vessel is owned by, or chartered (including a time charter) to, the person, or

''(ii) the person provides services for such vessel pursuant to an operating agreement, and

''(B) such vessel is in use as a qualifying vessel during such period.''.

(D) Paragraph (3) of section 1355(d) is amended to read as follows:

''(3) the extent of a partner's ownership, charter, or operating agreement interest in any vessel operated by the partnership shall be determined on the basis of the partner's interest in the partnership.''.

(2) Paragraph (3) of section 1355(c) is amended by striking ''determined—'' and all that follows and inserting ''determined by treating all members of such group as 1 person.''

(3) Subsection (c) of section 1356 is amended—

(A) by striking paragraph (3), and

(B) by adding at the end of paragraph (2) the following new flush sentence:

''Such term shall not include any core qualifying activities.''.

(4) The last sentence of section 1354(b) is amended by inserting ''on or'' after ''only if made''.

(h) AMENDMENT RELATED TO SECTION 314 OF THE ACT.—Paragraph (2) of section 55(c) is amended by striking ''regular tax'' and inserting ''regular tax liability''.

(i) AMENDMENTS RELATED TO SECTION 322 OF THE ACT.—

(1)(A) Subparagraph (B) of section 194(b)(1) is amended to read as follows:

''(B) DOLLAR LIMITATION.—The aggregate amount of reforestation expenditures which may be taken into account under subparagraph (A) with respect to each qualified timber property for any taxable year shall not exceed—

''(i) except as provided in clause (ii) or (iii), $10,000,

''(ii) in the case of a separate return by a married individual (as defined in section 7703), $5,000, and

''(iii) in the case of a trust, zero.''.

(B) Paragraph (4) of section 194(c) is amended to read as follows:

''(4) TREATMENT OF TRUSTS AND ESTATES.—The aggregate amount of reforestation expenditures incurred by any trust or estate shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account as expenditures incurred by such beneficiary in applying this section to such beneficiary.''.

(2) Subparagraph (C) of section 1245(a)(2) is amended by striking ''or 193'' and inserting ''193, or 194''.

(j) AMENDMENTS RELATED TO SECTION 336 OF THE ACT.—

(1) Clause (iv) of section 168(k)(2)(A) is amended by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraph (B) or (C)''.

(2) Clause (iii) of section 168(k)(4)(B) is amended by striking ''and paragraph (2)(C)'' and inserting ''or paragraph (2)(C) (as so modified)''.

(k) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—Paragraph (2) of section 904(g) is amended to read as follows:

''(2) OVERALL DOMESTIC LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'overall domestic loss' means—

''(i) with respect to any qualified taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding qualified taxable year by reason of a carryback, and

''(ii) with respect to any other taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for any preceding qualified taxable year by reason of a carryback.

''(B) DOMESTIC LOSS.—For purposes of subparagraph (A), the term 'domestic loss'

means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

''(C) QUALIFIED TAXABLE YEAR.—For purposes of subparagraph (A), the term 'qualified taxable year' means any taxable year for which the taxpayer chose the benefits of this subpart.''.

(l) AMENDMENT RELATED TO SECTION 403 OF THE ACT.—Section 403 of the American Jobs Creation Act of 2004 is amended by adding at the end the following new subsection:

''(d) TRANSITION RULE.—If the taxpayer elects (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to have the rules of this subsection apply—

''(1) the amendments made by this section shall not apply to taxable years beginning after December 31, 2002, and before January 1, 2005, and

''(2) in the case of taxable years beginning after December 31, 2004, clause (iv) of section 904(d)(4)(C) of the Internal Revenue Code of 1986 (as amended by this section) shall be applied by substituting 'January 1, 2005' for 'January 1, 2003' both places it appears.''.

(m) AMENDMENT RELATED TO SECTION 412 OF THE ACT.—Subparagraph (B) of section 954(c)(4) is amended by adding at the end the following: ''If a controlled foreign corporation is treated as owning a capital or profits interest in a partnership under constructive ownership rules similar to the rules of section 958(b), the controlled foreign corporation shall be treated as owning such interest directly for purposes of this subparagraph.''.

(n) AMENDMENTS RELATED TO SECTION 413 OF THE ACT.—

(1) Subsection (b) of section 532 is amended by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subsection (b) of section 535 is amended by adding at the end the following new paragraph:

''(10) CONTROLLED FOREIGN CORPORATIONS.—There shall be allowed as a deduction the amount of the corporation's income for the taxable year which is included in the gross income of a United States shareholder under section 951(a). In the case of any corporation the accumulated taxable income of which would (but for this sentence) be determined without allowance of any deductions, the deduction under this paragraph shall be allowed and shall be appropriately adjusted to take into account any deductions which reduced such inclusion.''.

(3)(A) Section 6683 is repealed.

(B) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6683.

(o) AMENDMENT RELATED TO SECTION 415 OF THE ACT.—Subparagraph (D) of section 904(d)(2) is amended by inserting ''as in effect before its repeal'' after ''section 954(f)''.

(p) AMENDMENTS RELATED TO SECTION 418 OF THE ACT.—

(1) The second sentence of section 897(h)(1) is amended—

(A) by striking ''any distribution'' and all that follows through ''any class of stock'' and inserting ''any distribution by a real estate investment trust with respect to any class of stock'', and

(B) by striking ''the taxable year'' and inserting ''the 1-year period ending on the date of the distribution''.

(2) Subsection (c) of section 418 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

''(1) any distribution by a real estate investment trust which is treated as a deduction for a taxable year of such trust beginning after the date of the enactment of this Act, and

''(2) any distribution by a real estate investment trust made after such date which is treated as a deduction under section 860 for a taxable year of such trust beginning on or before such date.''.

(q) AMENDMENTS RELATED TO SECTION 422 OF THE ACT.—

(1) Subparagraph (B) of section 965(a)(2) is amended by inserting ''from another controlled foreign corporation in such chain of ownership'' before '', but only to the extent''.

(2) Subparagraph (A) of section 965(b)(2) is amended by inserting ''cash'' before ''dividends''.

(3) Paragraph (3) of section 965(b) is amended by adding at the end the following: ''The Secretary may prescribe such regulations as may be necessary or appropriate to prevent the avoidance of the purposes of this paragraph, including regulations which provide that cash dividends shall not be taken into account under subsection (a) to the extent such dividends are attributable to the direct or indirect transfer (including through the use of intervening entities or capital contributions) of cash or other property from a related person (as so defined) to a controlled foreign corporation.''.

(4) Paragraph (1) of section 965(c) is amended to read as follows:

''(1) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means—

''(A) with respect to a United States shareholder which is required to file a financial statement with the Securities and Exchange Commission (or which is included in such a statement so filed by another person), the most recent audited annual financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

''(i) which was so filed on or before June 30, 2003, and

''(ii) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(B) with respect to any other United States shareholder, the most recent audited financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

''(i) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(ii) which is used for the purposes of a statement or report—

''(I) to creditors,

''(II) to shareholders, or

''(III) for any other substantial nontax purpose.''.

(5) Paragraph (2) of section 965(d) is amended by striking ''properly allocated and apportioned'' and inserting ''directly allocable''.

(6) Subsection (d) of section 965 is amended by adding at the end the following new paragraph:

''(4) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax which is not allowable as a credit under section 901 by reason of this subsection.''.

(7) The last sentence of section 965(e)(1) is amended by inserting ''which are imposed by foreign countries and possessions of the United States and are'' after ''taxes''.

(8) Subsection (f) of section 965 is amended by inserting ''on or'' before ''before the due date''.

(r) AMENDMENTS RELATED TO SECTION 501 OF THE ACT.—

(1) Subparagraph (A) of section 164(b)(5) is amended to read as follows:

''(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

''(i) without regard to the reference to State and local income taxes, and

''(ii) as if State and local general sales taxes were referred to in a paragraph thereof.''.

(2) Clause (ii) of section 56(b)(1)(A) is amended by inserting ''or clause (ii) of section 164(b)(5)(A)'' before the period at the end.

(s) AMENDMENTS RELATED TO SECTION 708 OF THE ACT.—Section 708 of the American Jobs Creation Act of 2004 is amended—

(1) in subsection (a), by striking ''contract commencement date'' and inserting ''construction commencement date'', and

(2) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

''(d) CERTAIN ADJUSTMENTS NOT TO APPLY.—Section 481 of the Internal Revenue Code of 1986 shall not apply with respect to any change in the method of accounting which is required by this section.''.

(t) AMENDMENT RELATED TO SECTION 710 OF THE ACT.—Clause (i) of section 45(c)(7)(A) is amended by striking ''synthetic''.

(u) AMENDMENT RELATED TO SECTION 801 OF THE ACT.—Paragraph (3) of section 7874(a) is amended to read as follows:

''(3) COORDINATION WITH SUBSECTION (b).—A corporation which is treated as a domestic corporation under subsection (b) shall not be treated as a surrogate foreign corporation for purposes of paragraph (2)(A).''.

(v) AMENDMENTS RELATED TO SECTION 804 OF THE ACT.—

(1) Subparagraph (C) of section 877(g)(2) is amended by striking ''section 7701(b)(3)(D)(ii)'' and inserting ''section 7701(b)(3)(D)''.

(2) Subsection (n) of section 7701 is amended to read as follows:

''(n) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—For purposes of this chapter—

''(1) UNITED STATES CITIZENS.—An individual who would (but for this paragraph) cease to be treated as a citizen of the United States shall continue to be treated as a citizen of the United States until such individual—

''(A) gives notice of an expatriating act (with the requisite intent to relinquish citizenship) to the Secretary of State, and

''(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).

''(2) LONG-TERM RESIDENTS.—A long-term resident (as defined in section 877(e)(2)) who would (but for this paragraph) be described in section 877(e)(1) shall be treated as a lawful permanent resident of the United States and as not described in section 877(e)(1) until such individual—

''(A) gives notice of termination of residency (with the requisite intent to terminate residency) to the Secretary of Homeland Security, and

''(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).''.

(w) AMENDMENT RELATED TO SECTION 811 OF THE ACT.—Subsection (c) of section 811 of the American Jobs Creation Act of 2004 is amended by inserting ''and which were not filed before such date'' before the period at the end.

(x) AMENDMENTS RELATED TO SECTION 812 OF THE ACT.—

(1) Subsection (b) of section 6662 is amended by adding at the end the following new

sentence: ''Except as provided in paragraph (1) or (2)(B) of section 6662A(e), this section shall not apply to the portion of any underpayment which is attributable to a reportable transaction understatement on which a penalty is imposed under section 6662A.''

(2) Paragraph (2) of section 6662A(e) is amended to read as follows:

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) COORDINATION WITH FRAUD PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6663.

''(B) COORDINATION WITH GROSS VALUATION MISSTATEMENT PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662 if the rate of the penalty is determined under section 6662(h).''.

(3) Subsection (f) of section 812 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(f) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

''(2) DISQUALIFIED OPINIONS.—Section 6664(d)(3)(B) of the Internal Revenue Code of 1986 (as added by subsection (c)) shall not apply to the opinion of a tax advisor if—

''(A) the opinion was provided to the taxpayer before the date of the enactment of this Act,

''(B) the opinion relates to one or more transactions all of which were entered into before such date, and

''(C) the tax treatment of items relating to each such transaction was included on a return or statement filed by the taxpayer before such date.''.

(y) AMENDMENT RELATED TO SECTION 814 OF THE ACT.—Subparagraph (B) of section 6501(c)(10) is amended by striking ''(as defined in section 6111)''.

(z) AMENDMENT RELATED TO SECTION 815 OF THE ACT.—Paragraph (1) of section 6112(b) is amended by inserting ''(or was required to maintain a list under subsection (a) as in effect before the enactment of the American Jobs Creation Act of 2004)'' after ''a list under subsection (a)''.

(aa) AMENDMENTS RELATED TO SECTION 832 OF THE ACT.—

(1) Subsection (e) of section 853 is amended to read as follows:

''(e) TREATMENT OF CERTAIN TAXES NOT ALLOWED AS A CREDIT UNDER SECTION 901.—This section shall not apply to any tax with respect to which the regulated investment company is not allowed a credit under section 901 by reason of subsection (k) or (l) of such section.''.

(2) Clause (i) of section 901(l)(2)(C) is amended by striking ''if such security were stock''.

(bb) AMENDMENTS RELATED TO SECTION 833 OF THE ACT.—

(1) Subsection (a) of section 734 is amended by inserting ''with respect to such distribution'' before the period at the end.

(2) So much of subsection (b) of section 734 as precedes paragraph (1) is amended to read as follows:

''(b) METHOD OF ADJUSTMENT.—In the case of a distribution of property to a partner by a partnership with respect to which the election provided in section 754 is in effect or with respect to which there is a substantial basis reduction, the partnership shall—''.

(cc) AMENDMENT RELATED TO SECTION 835 OF THE ACT.—Paragraph (3) of section 860G(a) is amended—

(1) in subparagraph (A)(iii)(I), by striking ''the obligation'' and inserting ''a reverse mortgage loan or other obligation'', and

(2) by striking all that follows subparagraph (C) and inserting the following:

''For purposes of subparagraph (A), any obligation secured by stock held by a person as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as so defined) shall be treated as secured by an interest in real property. For purposes of subparagraph (A), any obligation originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) shall be treated as principally secured by an interest in real property if more than 50 percent of such obligations which are transferred to, or purchased by, the REMIC are principally secured by an interest in real property (determined without regard to this sentence).''.

(dd) AMENDMENTS RELATED TO SECTION 836 OF THE ACT.—

(1) Paragraph (1) of section 334(b) is amended by striking ''except that'' and all that follows and inserting ''except that, in the hands of such distributee—

''(A) the basis of such property shall be the fair market value of the property at the time of the distribution in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, and

''(B) the basis of any property described in section 362(e)(1)(B) shall be the fair market value of the property at the time of the distribution in any case in which such distributee's aggregate adjusted basis of such property would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''.

(2) Clause (ii) of section 362(e)(2)(C) is amended to read as follows:

''(ii) ELECTION.—Any election under clause (i) shall be made at such time and in such form and manner as the Secretary may prescribe, and, once made, shall be irrevocable.''.

(ee) AMENDMENT RELATED TO SECTION 840 OF THE ACT.—Subsection (d) of section 121 is amended—

(1) by redesignating the paragraph (10) relating to property acquired from a decedent as paragraph (11) and by moving such paragraph to the end of such subsection, and

(2) by amending the paragraph (10) relating to property acquired in like-kind exchange to read as follows:

''(10) PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.—If a taxpayer acquires property in an exchange with respect to which gain is not recognized (in whole or in part) to the taxpayer under subsection (a) or (b) of section 1031, subsection (a) shall not apply to the sale or exchange of such property by such taxpayer (or by any person whose basis in such property is determined, in whole or in part, by reference to the basis in the hands of such taxpayer) during the 5-year period beginning with the date of such acquisition.''.

(ff) AMENDMENT RELATED TO SECTION 849 OF THE ACT.—Subsection (a) of section 849 of the American Jobs Creation Act of 2004 is amended by inserting '', and in the case of property treated as tax-exempt use property other than by reason of a lease, to property acquired after March 12, 2004'' before the period at the end.

(gg) AMENDMENT RELATED TO SECTION 884 OF THE ACT.—Subparagraph (B) of section 170(f)(12) is amended by adding at the end the following new clauses:

''(v) Whether the donee organization provided any goods or services in consideration, in whole or in part, for the qualified vehicle.

''(vi) A description and good faith estimate of the value of any goods or services referred to in clause (v) or, if such goods or services consist solely of intangible religious benefits (as defined in paragraph (8)(B)), a statement to that effect.''.

(hh) AMENDMENTS RELATED TO SECTION 885 OF THE ACT.—

(1) Paragraph (2) of section 26(b) is amended by striking ''and'' at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting '', and'', and by adding at the end the following new subparagraph:

''(T) subsections (a)(1)(B)(i) and (b)(4)(A) of section 409A (relating to interest and additional tax with respect to certain deferred compensation).''.

(2) Clause (ii) of section 409A(a)(4)(C) is amended by striking ''first''.

(3)(A) Notwithstanding section 885(d)(1) of the American Jobs Creation Act of 2004, subsection (b) of section 409A of the Internal Revenue Code of 1986 shall take effect on January 1, 2005.

(B) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance under which a nonqualified deferred compensation plan which is in violation of the requirements of section 409A(b) of such Code shall be treated as not having violated such requirements if such plan comes into conformance with such requirements during such limited period as the Secretary may specify in such guidance.

(4) Subsection (f) of section 885 of the American Jobs Creation Act of 2004 is amended by striking ''December 31, 2004'' the first place it appears and inserting ''January 1, 2005''.

(ii) AMENDMENT RELATED TO SECTION 888 OF THE ACT.—Paragraph (2) of section 1092(a) is amended by striking the last sentence and adding at the end the following new subparagraph:

''(C) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph. Such regulations or other guidance may specify the proper methods for clearly identifying a straddle as an identified straddle (and for identifying the positions comprising such straddle), the rules for the application of this section to a taxpayer which fails to comply with those identification requirements, and the ordering rules in cases where a taxpayer disposes (or otherwise ceases to be the holder) of any part of any position which is part of an identified straddle.''.

(jj) AMENDMENTS RELATED TO SECTION 898 OF THE ACT.—

(1) Paragraph (3) of section 361(b) is amended by inserting ''(reduced by the amount of the liabilities assumed (within the meaning of section 357(c)))'' before the period at the end.

(2) Paragraph (1) of section 357(d) is amended by inserting ''section 361(b)(3),'' after ''section 358(h),''.

(kk) AMENDMENT RELATED TO SECTION 899 OF THE ACT.—Subparagraph (A) of section 351(g)(3) is amended by adding at the end the following: ''If there is not a real and meaningful likelihood that dividends beyond any limitation or preference will actually be paid, the possibility of such payments will be disregarded in determining whether stock is limited and preferred as to dividends.''.

(ll) AMENDMENT RELATED TO SECTION 902 OF THE ACT.—Paragraph (1) of section 709(b) is amended by striking ''taxpayer'' both places it appears and inserting ''partnership''.

(mm) AMENDMENTS RELATED TO SECTION 907 OF THE ACT.—Clause (ii) of section 274(e)(2)(B) is amended—

(1) in subclause (I), by inserting ''or a related party to the taxpayer'' after ''the taxpayer'',

(2) in subclause (II), by inserting ''(or such related party)'' after ''the taxpayer'', and

(3) by adding at the end the following new flush sentence:

''For purposes of this clause, a person is a related party with respect to another person if such person bears a relationship to such other person described in section 267(b) or 707(b).''.

(nn) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 404. AMENDMENTS RELATED TO THE WORKING FAMILIES TAX RELIEF ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Subsection (e) of section 152 is amended to read as follows:

''(e) SPECIAL RULE FOR DIVORCED PARENTS, ETC.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and—

''(B) such child is in the custody of 1 or both of the child's parents for more than one-half of the calendar year, such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) or (3) are met.

''(2) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

''(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

''(B) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

''(3) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

''(A) IN GENERAL .—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

''(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

''(ii) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

''(B) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this paragraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

''(i) which is executed before January 1, 1985,

''(ii) which on such date contains the provision described in subparagraph (A)(i), and

''(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

''(4) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent having custody for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(5) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENT.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(6) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.''.

(b) AMENDMENT RELATED TO SECTION 203 OF THE ACT.—Subparagraph (B) of section 21(b)(1) is amended by inserting ''(as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B))'' after ''dependent of the taxpayer''.

(c) AMENDMENT RELATED TO SECTION 207 OF THE ACT.—Subparagraph (A) of section 223(d)(2) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Working Families Tax Relief Act of 2004 to which they relate.

SEC. 405. AMENDMENTS RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENTS RELATED TO SECTION 201 OF THE ACT.—

(1) Clause (ii) of section 168(k)(4)(B) is amended to read as follows:

''(ii) which is—

''(I) acquired by the taxpayer after May 5, 2003, and before January 1, 2005, but only if no written binding contract for the acquisition was in effect before May 6, 2003, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after May 5, 2003, and before January 1, 2005, and''.

(2) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''September 11, 2004'' and inserting ''January 1, 2005''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 201 of the Jobs and Growth Tax Relief and Reconciliation Act of 2003.

SEC. 406. AMENDMENT RELATED TO THE VICTIMS OF TERRORISM TAX RELIEF ACT OF 2001.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Paragraph (17) of section 6103(l) is amended by striking ''subsection (f), (i)(7), or (p)'' and inserting ''subsection (f), (i)(8), or (p)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 407. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Clause (ii) of section 402(g)(7)(A) is amended to read as follows:

''(ii) $15,000 reduced by the sum of—

''(I) the amounts not included in gross income for prior taxable years by reason of this paragraph, plus

''(II) the aggregate amount of designated Roth contributions (as defined in section 402A(c)) for prior taxable years, or''.

(2) Subparagraph (A) of section 402(g)(1) is amended by inserting ''to'' after ''shall not apply''.

(b) AMENDMENT RELATED TO SECTION 632 OF THE ACT.—Subparagraph (C) of section 415(c)(7) is amended by striking ''the greater of $3,000'' and all that follows and inserting ''$3,000. This subparagraph shall not apply with respect to any taxable year to any individual whose adjusted gross income for such taxable year (determined separately and without regard to community property laws) exceeds $17,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 408. AMENDMENTS RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENTS RELATED TO SECTION 3415 OF THE ACT.—

(1) Paragraph (2) of section 7609(c) is amended by inserting ''or'' at the end of subparagraph (D), by striking ''; or'' at the end of subparagraph (E) and inserting a period, and by striking subparagraph (F).

(2) Subsection (c) of section 7609 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) JOHN DOE AND CERTAIN OTHER SUMMONSES.—Subsection (a) shall not apply to any summons described in subsection (f) or (g).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 3415 of the Internal Revenue Service Restructuring and Reform Act of 1998.

SEC. 409. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 1055 OF THE ACT.—

(1) The last sentence of section 6411(a) is amended by striking ''6611(f)(3)(B)'' and inserting ''6611(f)(4)(B)''.

(2) Paragraph (4) of section 6601(d) is amended by striking ''6611(f)(3)(A)'' and inserting ''6611(f)(4)(A)''.

(b) AMENDMENT RELATED TO SECTION 1112 OF THE ACT.—Subsection (c) of section 961 is amended to read as follows:

''(c) BASIS ADJUSTMENTS IN STOCK HELD BY FOREIGN CORPORATIONS.—Under regulations prescribed by the Secretary, if a United States shareholder is treated under section 958(a)(2) as owning stock in a controlled foreign corporation which is owned by another controlled foreign corporation, then adjustments similar to the adjustments provided by subsections (a) and (b) shall be made to—

''(1) the basis of such stock, and

''(2) the basis of stock in any other controlled foreign corporation by reason of which the United States shareholder is considered under section 958(a)(2) as owning the stock described in paragraph (1),

but only for the purposes of determining the amount included under section 951 in the gross income of such United States shareholder (or any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder by reason of which such shareholder was treated as owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations). The preceding sentence shall not apply with respect to any stock to which a basis adjustment applies under subsection (a) or (b).''.

(c) AMENDMENT RELATED TO SECTION 1144 OF THE ACT.—Subparagraph (B) of section 6038B(a)(1) is amended by inserting ''or'' at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if

included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 410. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) AMENDMENT RELATED TO SECTION 11813 OF THE ACT.—Subclause (I) of section 168(e)(3)(B)(vi) is amended by striking ''if 'solar and wind' were substituted for 'solar' in clause (i) thereof'' and inserting ''if 'solar or wind energy' were substituted for 'solar energy' in clause (i) thereof''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 11813 of the Omnibus Budget Reconciliation Act of 1990.

SEC. 411. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) AMENDMENT RELATED TO SECTION 10227 OF THE ACT.—Section 1363(d) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE.—Sections 1367(a)(2)(D) and 1371(c)(1) shall not apply with respect to any increase in the tax imposed by reason of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 10227 of the Omnibus Budget Reconciliation Act of 1987.

SEC. 412. CLERICAL CORRECTIONS.

(a) Subparagraph (C) of section 2(b)(2) is amended by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''.

(b) Paragraph (2) of section 25C(b) is amended by striking ''subsection (c)(3)(B)'' and inserting ''subsection (c)(2)(B)''.

(c) Subparagraph (E) of section 26(b)(2) is amended by striking ''section 530(d)(3)'' and inserting ''section 530(d)(4)''.

(d) Subparagraph (A) of section 30B(g)(2) and subparagraph (A) of section 30C(d)(2) are each amended by striking ''regular tax'' and inserting ''regular tax liability (as defined in section 26(b))''.

(e) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30C and inserting the following new item:

''Sec. 30C. Alternative fuel vehicle refueling property credit.''.

(f)(1) Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking ''or the New York Liberty Zone business employee credit or the specified credits'' and inserting '', the New York Liberty Zone business employee credit, and the specified credits''.

(2) Subclause (II) of section 38(c)(3)(A)(ii) is amended by striking ''or the specified credits'' and inserting ''and the specified credits''.

(3) Subparagraph (B) of section 38(c)(4) is amended—

(A) by striking ''includes'' and inserting ''means'', and

(B) by inserting ''and'' at the end of clause (i).

(g)(1) Subparagraph (A) of section 39(a)(1) is amended by striking ''each of the 1 taxable years'' and inserting ''the taxable year''.

(2) Subparagraph (B) of section 39(a)(3) is amended to read as follows:

''(B) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and''.

(h) Subparagraph (B) of section 40A(b)(5) is amended by striking ''(determined without regard to the last sentence of subsection (d)(2))''.

(i) Paragraph (5) of section 43(c) is amended to read as follows:

''(5) ALASKA NATURAL GAS.—For purposes of paragraph (1)(D)—

''(A) IN GENERAL.—The term 'Alaska natural gas' means natural gas entering the Alaska natural gas pipeline (as defined in section 168(i)(16) (determined without regard to subparagraph (B) thereof)) which is produced from a well—

''(i) located in the area of the State of Alaska lying north of 64 degrees North latitude, determined by excluding the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(1)), and

''(ii) pursuant to the applicable State and Federal pollution prevention, control, and permit requirements from such area (including the continental shelf thereof within the meaning of section 638(1)).

''(B) NATURAL GAS.—The term 'natural gas' has the meaning given such term by section 613A(e)(2).''.

(j) Subsection (d) of section 45 is amended—

(1) in paragraph (8) by striking ''The term'' and inserting ''In the case of a facility that produces refined coal, the term'', and

(2) in paragraph (10) by striking ''The term'' and inserting ''In the case of a facility that produces Indian coal, the term''.

(k) Paragraph (2) of section 45I(a) is amended by striking ''qualified credit oil production'' and inserting ''qualified crude oil production''.

(l) Subsection (g) of section 45K, as redesignated by section 1322 of the Energy Policy Act of 2005, is amended—

(1) in the matter preceding paragraph (1), by striking ''subsection (f)'' and inserting ''subsection (e)'', and

(2) in paragraph (2)(C), by striking ''subsection (g)'' and inserting ''subsection (f)''.

(m) Paragraph (1) of section 48(a), as amended by section 1336 of the Energy Policy Act of 2005, is amended by striking ''paragraph (1)(B) or (2)(B) of subsection (d)'' and inserting ''paragraphs (1)(B) and (2)(B) of subsection (c)''.

(n) Subparagraph (A) of section 48(a)(3) is amended—

(1) by redesignating clause (iii) (relating to qualified fuel cell property or qualified microturbine property), as added by section 1336 of the Energy Policy Act of 2005, as clause (iv) and by moving such clause to the end of such subparagraph, and

(2) by striking ''or'' at the end of clause (ii).

(o) Subparagraph (E) of section 50(a)(2) is amended by striking ''section 48(a)(5)'' and inserting ''section 48(b)''.

(p)(1) Paragraph (3) of section 55(c) is amended by inserting ''30B(g)(2), 30C(d)(2),'' after ''30(b)(3),''.

(2) Section 1341(b)(3) of the Energy Policy Act of 2005 is repealed.

(3) Section 1342(b)(3) of the Energy Policy Act of 2005 is repealed.

(q)(1) Subsection (a) of section 62 is amended—

(A) by redesignating paragraph (19) (relating to costs involving discrimination suits, etc.), as added by section 703 of the American Jobs Creation Act of 2004, as paragraph (20), and

(B) by moving such paragraph after paragraph (19) (relating to health savings accounts).

(2) Subsection (e) of section 62 is amended by striking ''subsection (a)(19)'' and inserting ''subsection (a)(20)''.

(r) Paragraph (3) of section 167(f) is amended by striking ''section 197(e)(7)'' and inserting ''section 197(e)(6)''.

(s) Subparagraph (D) of section 168(i)(15) is amended by striking ''This paragraph shall not apply to'' and inserting ''Such term shall not include''.

(t) Paragraph (2) of section 221(d) is amended by striking ''this Act'' and inserting ''the Taxpayer Relief Act of 1997''.

(u) Paragraph (8) of section 318(b) is amended by striking ''section 6038(d)(2)'' and inserting ''section 6038(e)(2)''.

(v) Subparagraph (B) of section 332(d)(1) is amended by striking ''distribution to which section 301 applies'' and inserting ''distribution of property to which section 301 applies''.

(w) Subparagraph (B) of section 403(b)(9) is amended by inserting ''or'' before ''a convention''.

(x)(1) Clause (i) of section 412(m)(4)(B) is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(2) Clause (i) of section 302(e)(4)(B) of the Employee Retirement Income Security Act of 1974 is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(y) Paragraph (1) of section 415(l) is amended by striking ''individual medical account'' and inserting ''individual medical benefit account''.

(z) The matter following clause (iv) of section 415(n)(3)(C) is amended by striking ''clauses'' and inserting ''clause''.

(aa) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 6662(d)(2)(C)(ii)''.

(bb) Paragraph (12) of section 501(c) is amended—

(1) by striking ''subparagraph (C)(iii)'' in subparagraph (F) and inserting ''subparagraph (C)(iv)'', and

(2) by striking ''subparagraph (C)(iv)'' in subparagraph (G) and inserting ''subparagraph (C)(v)''.

(cc) Clause (ii) of section 501(c)(22)(B) is amended by striking ''clause (ii) of paragraph (21)(B)'' and inserting ''clause (ii) of paragraph (21)(D)''.

(dd) Paragraph (1) of section 512(b) is amended by striking ''section 512(a)(5)'' and inserting ''subsection (a)(5)''.

(ee)(1) Subsection (b) of section 512 is amended—

(A) by redesignating paragraph (18) (relating to the treatment of gain or loss on sale or exchange of certain brownfield sites), as added by section 702 of the American Jobs Creation Act of 2004, as paragraph (19), and

(B) by moving such paragraph to the end of such subsection.

(2) Subparagraph (E) of section 514(b)(1) is amended by striking ''section 512(b)(18)'' and inserting ''section 512(b)(19)''.

(3) Paragraph (6) of section 529(c) is amended by striking ''education individual retirement account'' and inserting ''Coverdell education savings account''.

(ff)(1) Subsection (b) of section 530 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Clause (ii) of section 530(b)(2)(A) is amended by striking ''paragraph (4)'' and inserting ''paragraph (3)''.

(gg) Subparagraph (H) of section 613(c)(4) is amended by inserting ''(including in situ retorting)'' after ''and retorting''.

(hh) Subparagraph (A) of section 856(g)(5) is amended by striking ''subsection (c)(6) or (c)(7) of section 856'' and inserting ''paragraph (2), (3), or (4) of subsection (c)''.

(ii) Paragraph (6) of section 857(b) is amended—

(1) in subparagraph (E), by striking ''subparagraph (C)'' and inserting ''subparagraphs (C) and (D)'', and

(2) in subparagraph (F)—

(A) by striking ''subparagraph (C) of this paragraph'' and inserting ''subparagraph (C) or (D)'', and

(B) by striking ''subparagraphs (C) and (D)'' and inserting ''subparagraphs (C), (D), and (E)''.

(jj) Subparagraph (C) of section 881(e)(1) is amended by inserting ''interest-related dividend received by a controlled foreign corporation'' after ''shall apply to any''.

(kk) Clause (ii) of section 952(c)(1)(B) is amended—

(1) by striking ''clause (iii)(III) or (IV)'' and inserting ''subclause (II) or (III) of clause (iii)'', and

(2) by striking ''clause (iii)(II)'' and inserting ''clause (iii)(I)''.

(ll) Clause (i) of section 954(c)(1)(C) is amended by striking ''paragraph (4)(A)'' and inserting ''paragraph (5)(A)''.

(mm) Subparagraph (F) of section 954(c)(1) is amended by striking ''Net income from notional principal contracts.'' after ''Income from notional principal contracts.—''.

(nn) Paragraph (23) of section 1016(a) is amended by striking ''1045(b)(4)'' and inserting ''1045(b)(3)''.

(oo) Paragraph (1) of section 1256(f) is amended by striking ''subsection (e)(2)(C)'' and inserting ''subsection (e)(2)''.

(pp) The matter preceding clause (i) of section 1031(h)(2)(B) is amended by striking ''subparagraph'' and inserting ''subparagraphs''.

(qq) Paragraphs (1) and (2) of section 1375(d) are each amended by striking ''subchapter C'' and inserting ''accumulated''.

(rr) Each of the following provisions are amended by striking ''General Accounting Office'' each place it appears therein and inserting ''Government Accountability Office'':

(1) Clause (ii) of section 1400E(c)(4)(A).

(2) Paragraph (1) of section 6050M(b).

(3) Subparagraphs (A), (B)(i), and (B)(ii) of section 6103(i)(8).

(4) Paragraphs (3)(C)(i), (4), (5), and (6)(B) of section 6103(p).

(5) Subsection (e) of section 8021.

(ss)(1) Clause (ii) of section 1400L(b)(2)(C) is amended by striking ''section 168(k)(2)(C)(i)'' and inserting ''section 168(k)(2)(D)(i)''.

(2) Clause (iv) of section 1400L(b)(2)(C) is amended by striking ''section 168(k)(2)(C)(iii)'' and inserting ''section 168(k)(2)(D)(iii)''.

(3) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''section 168(k)(2)(D)'' and inserting ''section 168(k)(2)(E)''.

(4) Subparagraph (E) of section 1400L(b)(2) is amended by striking ''section 168(k)(2)(F)'' and inserting ''section 168(k)(2)(G)''.

(5) Paragraph (5) of section 1400L(c) is amended by striking ''section 168(k)(2)(C)(iii)'' and inserting ''section 168(k)(2)(D)(iii)''.

(tt) Section 3401 is amended by redesignating subsection (h) as subsection (g).

(uu) Paragraph (2) of section 4161(a) is amended to read as follows:

''(2) 3 PERCENT RATE OF TAX FOR ELECTRIC OUTBOARD MOTORS.—In the case of an electric outboard motor, paragraph (1) shall be applied by substituting '3 percent' for '10 percent'.''.

(vv) Subparagraph (C) of section 4261(e)(4) is amended by striking ''imposed subsection (b)'' and inserting ''imposed by subsection (b)''.

(ww) Subsection (a) of section 4980D is amended by striking ''plans'' and inserting ''plan''.

(xx) The matter following clause (iii) of section 6045(e)(5)(A) is amended by striking ''for '$250,000'.'' and all that follows through ''to the Treasury.'' and inserting ''for '$250,000'. The Secretary may by regulation increase the dollar amounts under this subparagraph if the Secretary determines that such an increase will not materially reduce revenues to the Treasury.''.

(yy) Subsection (p) of section 6103 is amended—

(1) by striking so much of paragraph (4) as precedes subparagraph (A) and inserting the following:

''(4) SAFEGUARDS.—Any Federal agency described in subsection (h)(2), (h)(5), (i)(1), (2), (3), (5), or (7), (j)(1), (2), or (5), (k)(8), (l)(1), (2), (3), (5), (10), (11), (13), (14), or (17) or (o)(1), the Government Accountability Office, the Congressional Budget Office, or any agency, body, or commission described in subsection (d), (i)(3)(B)(i) or 7(A)(ii), or (l)(6), (7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16), (18), (19), or (20) shall, as a condition for receiving returns or return information—'',

(2) by amending paragraph (4)(F)(i) to read as follows:

''(i) in the case of an agency, body, or commission described in subsection (d), (i)(3)(B)(i), or (l)(6), (7), (8), (9), or (16), or any other person described in subsection (l)(16), (18), (19), or (20) return to the Secretary such returns or return information (along with any copies made therefrom) or make such returns or return information undisclosable in any manner and furnish a written report to the Secretary describing such manner,'', and

(3) by striking the first full sentence in the matter following subparagraph (F) of paragraph (4) and inserting the following: ''If the Secretary determines that any such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, has failed to, or does not, meet the requirements of this paragraph, he may, after any proceedings for review established under paragraph (7), take such actions as are necessary to ensure such requirements are met, including refusing to disclose returns or return information to such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, until he determines that such requirements have been or will be met.''.

(zz) Clause (ii) of section 6111(b)(1)(A) is amended by striking ''advice or assistance'' and inserting ''aid, assistance, or advice''.

(aaa) Paragraph (3) of section 6662(d) is amended by striking ''the'' before ''1 or more''.

SEC. 413. OTHER CORRECTIONS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 233 OF THE ACT.—

(1) Clause (vi) of section 1361(c)(2)(A) is amended—

(A) by inserting ''or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))'' after ''a bank (as defined in section 581)'', and

(B) by inserting ''or company'' after ''such bank''.

(2) Paragraph (16) of section 4975(d) is amended—

(A) in subparagraph (A), by inserting ''or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))'' after ''a bank (as defined in section 581)'', and

(B) in subparagraph (C), by inserting ''or company'' after ''such bank''.

(b) AMENDMENT RELATED TO SECTION 237 OF THE ACT.—Subparagraph (F) of section 1362(d)(3) is amended by striking ''a bank holding company'' and all that follows through ''section 2(p) of such Act)'' and inserting ''a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))''.

(c) AMENDMENTS RELATED TO SECTION 239 OF THE ACT.—Paragraph (3) of section 1361(b) is amended—

(1) in subparagraph (A), by striking ''and in the case of information returns required under part III of subchapter A of chapter 61'', and

(2) by adding at the end the following new subparagraph:

''(E) INFORMATION RETURNS.—Except to the extent provided by the Secretary, this paragraph shall not apply to part III of subchapter A of chapter 61 (relating to information returns).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

Subtitle B—Trade Technicals

SEC. 421. TECHNICAL CORRECTIONS TO REGIONAL VALUE-CONTENT METHODS FOR RULES OF ORIGIN UNDER PUBLIC LAW 109–53.

Section 203(c) of the Dominican Republic–Central America–United States Free Trade Agreement Implementation Act (Public Law 109–53; 19 U.S.C. 4033(c)) is amended as follows:

(1) In paragraph (2)(A), by striking all that follows ''the following build-down method:'' and inserting the following:

$$\text{``RVC} = \frac{\text{AV} - \text{VNM}}{\text{AV}} \times 100\text{''}.$$

(2) In paragraph (3)(A), by striking all that follows ''the following build-up method:'' and inserting the following:

$$\text{``RVC} = \frac{\text{VOM}}{\text{AV}} \times 100\text{''}.$$

(3) In paragraph (4)(A), by striking all that follows ''the following net cost method:'' and inserting the following:

$$\text{``RVC} = \frac{\text{NC} - \text{VNM}}{\text{NC}} \times 100\text{''}.$$

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 2681. Mr. SANTORUM (for Mr. SPECTER (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 3402, to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Violence Against Women and Department of Justice Reauthorization Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

(a) IN GENERAL.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after section 40001 the following:

''SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

''(a) DEFINITIONS.—In this title:

''(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

''(2) CHILD ABUSE AND NEGLECT.—The term 'child abuse and neglect' means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

''(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means an organization that—

''(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

''(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

''(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

''(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

''(4) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

''(5) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

''(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

''(B) court security personnel;

''(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

''(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

''(6) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

''(7) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

''(A) the length of the relationship;

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.

''(8) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) The length of the relationship.

''(ii) The type of relationship.

''(iii) The frequency of interaction between the persons involved in the relationship.

''(9) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 50 years of age or older that constitutes the willful—

''(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

''(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

''(10) INDIAN.—The term 'Indian' means a member of an Indian tribe.

''(11) INDIAN COUNTRY.—The term 'Indian country' has the same meaning given such term in section 1151 of title 18, United States Code.

''(12) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described

in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq., as amended).

''(13) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(14) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

''(15) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

''(16) LEGAL ASSISTANCE.—The term 'legal assistance' includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

''(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

''(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

''(17) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.

''(18) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

''(19) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

''(20) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

''(21) RURAL AREA AND RURAL COMMUNITY.—The term 'rural area' and 'rural community' mean—

''(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

''(B) any area or community, respectively, that is—

''(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

''(ii) located in a rural census tract.

''(22) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

''(23) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

''(24) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer substantial emotional distress.

''(25) STATE.—The term 'State' means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

''(26) STATE DOMESTIC VIOLENCE COALITION.—The term 'State domestic violence coalition' means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

''(27) STATE SEXUAL ASSAULT COALITION.—The term 'State sexual assault coalition' means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

''(28) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term 'territorial domestic violence or sexual assault coalition' means a program addressing domestic or sexual violence that is—

''(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

''(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

''(29) TRIBAL COALITION.—The term 'tribal coalition' means—

''(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

''(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaska Native women.

''(30) TRIBAL GOVERNMENT.—The term 'tribal government' means—

''(A) the governing body of an Indian tribe; or

''(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(31) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

''(A) the governing body of any Indian tribe;

''(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

''(C) any tribal nonprofit organization.

''(32) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

''(33) VICTIM ADVOCATE.—The term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

''(34) VICTIM ASSISTANT.—The term 'victim assistant' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

''(35) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term 'victim services' or 'victim service provider' means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

''(36) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

''(b) GRANT CONDITIONS.—

''(1) MATCH.—No matching funds shall be required for a grant or subgrant made under this title for any tribe, territory, victim service provider, or any entity that the Attorney General determines has adequately demonstrated financial need.

''(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title

shall protect the confidentiality and privacy of persons receiving services.

''(B) NONDISCLOSURE.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

''(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

''(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

''(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

''(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

''(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

''(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

''(4) NON-SUPPLANTATION.—Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

''(5) USE OF FUNDS.—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

''(6) REPORTS.—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

''(7) EVALUATION.—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

''(A) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or

''(B) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

''(8) NONEXCLUSIVITY.—Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.

''(9) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program under this title may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

''(10) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

''(11) TECHNICAL ASSISTANCE.—If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this title, the Office has the authority to continue setting aside amounts greater than 8 percent.''.

(b) CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.—

(1) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (42 U.S.C. 14039) is amended by striking ''The Attorney General shall submit to the Congress an annual report, beginning 1 year after the date of the enactment of this Act, that provides'' and inserting ''Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides''.

(2) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking ''Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,'' and inserting ''Not later than 1 month after the end of each even-numbered fiscal year,''.

(3) STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.—Section 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–3) is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

(4) TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—Section 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking ''shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section.'' and inserting ''shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.''.

(c) DEFINITIONS AND GRANT CONDITIONS IN CRIME CONTROL ACT.—

(1) PART T.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by striking section 2008 and inserting the following:

''SEC. 2008. DEFINITIONS AND GRANT CONDITIONS.

''In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(2) PART U.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

''SEC. 2105. DEFINITIONS AND GRANT CONDITIONS.

''In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(d) DEFINITIONS AND GRANT CONDITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–2 note) is amended to read as follows:

''SEC. 1002. DEFINITIONS AND GRANT CONDITIONS.

''In this division the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 101. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking ''$185,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$225,000,000 for each of fiscal years 2007 through 2011''.

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

''(13) supporting the placement of special victim assistants (to be known as 'Jessica Gonzales Victim Assistants') in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

''(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

''(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

''(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

''(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; and

''(14) to provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—

''(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as 'Crystal Judson Victim Advocates,' to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

''(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police ('Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project' July 2003));

''(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (14) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol.''.

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: ''and describe how the State will address the needs of underserved populations''; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

''(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.''.

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''5 percent'' and inserting ''10 percent'';

(B) in paragraph (2), striking by ''1/54'' and inserting ''1/56'';

(C) in paragraph (3), by striking ''and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54'' and inserting ''coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56''; and

(D) in paragraph (4), by striking ''1/54'' and inserting ''1/56'';

(2) in subsection (c)(3)(B), by inserting after ''victim services'' the following: '', of which at least 10 percent shall be distributed to culturally specific community-based organization''; and

(3) in subsection (d)—

(A) in paragraph (3), by striking the period and inserting ''; and''; and

(B) by adding at the end the following:

''(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.''.

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended by adding at the end the following:

''(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

''(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities.

''(2) INDIAN TRAINING.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law.''.

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

''(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

''(e) JUDICIAL NOTIFICATION.—

''(1) IN GENERAL.—A State or unit of local government shall not be entitled to funds under this part unless the State or unit of local government—

''(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

''(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

''(i) the period ending on the date on which the next session of the State legislature ends; or

''(ii) 2 years.

''(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under subsection (a) shall be distributed to other States and units of local government, pro rata.''.

(g) POLYGRAPH TESTING PROHIBITION.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

''SEC. 2013. POLYGRAPH TESTING PROHIBITION.

''(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

''(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.''.

SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking ''$65,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$75,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this paragraph shall remain available until expended.''.

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence, dating violence, sexual assault, and stalking as serious violations'';

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after ''State'' the following: '', tribal, territorial,'';

(B) in paragraph (1), by—

(i) striking ''mandatory arrest or''; and

(ii) striking ''mandatory arrest programs and'';

(C) in paragraph (2), by—

(i) inserting after ''educational programs,'' the following: ''protection order registries,'';

(ii) striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking'';

(D) in paragraph (3), by—

(i) striking ''domestic violence cases'' and inserting ''domestic violence, dating violence, sexual assault, and stalking cases''; and

(ii) striking ''groups'' and inserting ''teams'';

(E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(F) in paragraph (6), by—

(i) striking ''other'' and inserting ''civil''; and

(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and

(G) by adding at the end the following:

''(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence,

sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

''(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from nonprofit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

''(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

''(12) To develop, enhance, and maintain protection order registries.

''(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.'';—

(3) in subsection (c)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that—

''(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

''(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense.''; and

(4) by striking subsections (d) and (e) and inserting the following:

''(d) SPEEDY NOTICE TO VICTIMS.—A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this part unless the State or unit of local government—

''(1) certifies that it has a law or regulation that requires—

''(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;

''(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

''(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

''(2) gives the Attorney General assurances that it laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

''(A) the period ending on the date on which the next session of the State legislature ends; or

''(B) 2 years.

''(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: '', dating violence, sexual assault, or stalking''.

(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

''SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.

''Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities.''.

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before ''legal assistance'' the following: ''civil and criminal'';

(B) inserting after ''effective aid to'' the following: ''adult and youth''; and

(C) inserting at the end the following: ''Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.'';

(2) by striking subsection (b) and inserting the following:

''(b) DEFINITIONS.—In this section, the definitions provided in section 40002 of the Violence Against Women Act of 1994 shall apply.'';

(3) in subsection (c), by inserting ''and tribal organizations, territorial organizations'' after ''Indian tribal governments'';

(4) in subsection (d) by striking paragraph (2) and inserting the following:

''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;'';

(5) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(6) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2007 through 2011.''; and

(B) in paragraph (2)(A), by—

(i) striking ''5 percent'' and inserting ''10 percent''; and

(ii) inserting ''adult and youth'' after ''that assist''.

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by striking ''using funds derived from a source other than the Corporation to provide'' and inserting ''providing'';

(B) in clause (i), by striking ''in the United States'' and all that follows and inserting ''or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or''; and

(C) in clause (ii), by striking ''has been battered'' and all that follows and inserting '', without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).''; and

(2) in subsection (b)(2), by striking ''described in such subsection'' and inserting '', sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))''.

(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle J—Violence Against Women Act Court Training and Improvements

''SEC. 41001. SHORT TITLE.

''This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

''SEC. 41002. PURPOSE.

''The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

''(1) improved internal civil and criminal court functions, responses, practices, and procedures;

''(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

''(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

''(4) enabling courts or court-based or court-related programs to develop new or enhance current—

''(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

''(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

''(C) offender management, monitoring, and accountability programs;

''(D) safe and confidential information-storage and -sharing databases within and between court systems;

''(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

''(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

''(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

''SEC. 41003. GRANT REQUIREMENTS.

''Grants awarded under this subtitle shall be subject to the following conditions:

''(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

''(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

''(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

''(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

''(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

''(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

''(C) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

''SEC. 41004. NATIONAL EDUCATION CURRICULA.

''(a) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

''(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

''(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

''(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

''SEC. 41005. TRIBAL CURRICULA.

''(a) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

''(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

''(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

''(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

''SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2007 to 2011.

''(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

''(c) SET ASIDE.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.''.

SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended by—

(1) striking ''or Indian tribe'' each place it appears and inserting '', Indian tribe, or territory''; and

(2) striking ''State or tribal'' each place it appears and inserting ''State, tribal, or territorial''.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking ''and enforced as if it were'' and inserting ''and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were''.

(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

''(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.''.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) PROTECTION ORDER.—The term 'protection order' includes—

''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.''; and

(2) in clauses (i) and (ii) of paragraph (7)(A), by striking ''2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser'' and inserting ''2261A—

''(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

''(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship''.

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

''SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

''SEC. 41102. PURPOSE AREAS.

''Grants made under this subtitle may be used—

''(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

''(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

''(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

''(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

''SEC. 41103. ELIGIBLE ENTITIES.

''Entities eligible for grants under this subtitle include—

''(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

''(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

''(3) States or State agencies;

''(4) local governments or agencies;

''(5) Indian tribal governments or tribal organizations;

''(6) territorial governments, agencies, or organizations; or

''(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

''SEC. 41104. GRANT CONDITIONS.

''Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

''SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2007 through 2011.

''(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault.

''(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.''.

SEC. 108. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 109. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking ''2001'' and inserting ''2007''; and

(2) by striking ''2006'' and inserting ''2011''.

SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322) is amended to read as follows:

''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

''There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ACT OF TRAFFICKING.—The term ''act of trafficking'' means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or a local government.

(3) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means a person subjected to an act of trafficking.

(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

(c) USE OF FUNDS.—A grant awarded under this section shall be used to—

(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) RESTRICTIONS.—

(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect; and

''(2) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.''.

(b) IMPLEMENTATION DATE.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking ''January 1, 1995'' and inserting ''January 1, 2010''.

(c) CLARIFICATION OF PROGRAM GOALS.—Section 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013) is amended—

(1) in subsection (a), by striking ''to expand'' and inserting ''to initiate, sustain, and expand'';

(2) subsection (b)—

(A) in paragraph (1)—

(i) by striking ''subsection (a) shall be'' and inserting the following: ''subsection (a)—

''(A) shall be'';

(ii) by striking ''(2) may be'' and inserting the following:

''(B) may be''; and

(iii) in subparagraph (B) (as redesignated), by striking ''to initiate or expand'' and inserting ''to initiate, sustain, and expand''; and

(B) in the first sentence of paragraph (2)—

(i) by striking ''(1)(a)'' and inserting ''(1)(A)''; and

(ii) striking ''to initiate and to expand'' and inserting ''to initiate, sustain, and expand''; and

(3) by adding at the end the following:

''(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation's criminal history database for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.''.

(d) REPORT.—Subtitle B of title II of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011 et seq.) is amended—

(1) by redesignating section 218 as section 219; and

(2) by inserting after section 217 the following new section:

''SEC. 218. REPORT.

''(a) REPORT REQUIRED.—Not later than December 31, 2006, the Inspector General of the Department of Justice shall submit to Congress a report on the types of activities funded by the National Court-Appointed Special Advocate Association and a comparison of outcomes in cases where court-appointed special advocates are involved and cases where court-appointed special advocates are not involved.

''(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

''(1) The types of activities the National Court-Appointed Special Advocate Association has funded since 1993.

''(2) The outcomes in cases where court-appointed special advocates are involved as compared to cases where court-appointed special advocates are not involved, including—

''(A) the length of time a child spends in foster care;

''(B) the extent to which there is an increased provision of services;

''(C) the percentage of cases permanently closed; and

''(D) achievement of the permanent plan for reunification or adoption.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d), is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $12,000,000 for each of fiscal years 2007 through 2011.''.

(2) PROHIBITION ON LOBBYING.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d) and amended by paragraphs (1) and (2), is further amended by adding at the end the following new subsection:

''(c) PROHIBITION ON LOBBYING.—No funds authorized under this subtitle may be used for lobbying activities in contravention of OMB Circular No. A–122.''.

SEC. 113. PREVENTING CYBERSTALKING.

(a) IN GENERAL.—Paragraph (1) of section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).''.

(b) RULE OF CONSTRUCTION.—This section and the amendment made by this section may not be construed to affect the meaning given the term ''telecommunications device'' in section 223(h)(1) of the Communications Act of 1934, as in effect before the date of the enactment of this section.

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

''§ 2261A. Stalking

''Whoever—

''(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or causes substantial emotional distress to that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

''(2) with the intent—

''(A) to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate, or cause substantial emotional distress to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

''(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

''(i) that person;

''(ii) a member of the immediate family (as defined in section 115 of that person; or

''(iii) a spouse or intimate partner of that person;

uses the mail, any interactive computer service, or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional distress to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);

shall be punished as provided in section 2261(b) of this title.''.

(b) ENHANCED PENALTIES FOR STALKING.—Section 2261(b) of title 18, United States Code, is amended by adding at the end the following:

''(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.''.

SEC. 115. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

''§ 2265A. Repeat offenders

''(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior domestic violence or stalking offense shall be twice the term otherwise provided under this chapter.

''(b) DEFINITION.—For purposes of this section—

''(1) the term 'prior domestic violence or stalking offense' means a conviction for an offense—

''(A) under section 2261, 2261A, or 2262 of this chapter; or

''(B) under State law for an offense consisting of conduct that would have been an offense under a section referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States, or in interstate or foreign commerce; and

''(2) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.''.

SEC. 116. PROHIBITING DATING VIOLENCE.

(a) IN GENERAL.—Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), striking ''or intimate partner'' and inserting '', intimate partner, or dating partner''; and

(2) in paragraph (2), striking ''or intimate partner'' and inserting '', intimate partner, or dating partner''.

(b) DEFINITION.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:

''(10) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—

''(A) the length of the relationship; and

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.''.

SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

(a) DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after ''Indian country'' the following: ''or within the special maritime and territorial jurisdiction of the United States''.

(b) PROTECTION ORDER.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after ''Indian country'' the following: ''or within the special maritime and territorial jurisdiction of the United States''.

SEC. 118. UPDATING PROTECTION ORDER DEFINITION.

Section 534 of title 28, United States Code, is amended by striking subsection (e)(3)(B) and inserting the following:

''(B) the term 'protection order' includes—

''(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 119. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

SEC. 120. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal and underserved populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal and underserved populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal and underserved populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or

local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various underserved and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns;

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2007 through 2011.

SEC. 121. ENHANCING CULTURALLY AND LINGUISTICALLY SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Of the amounts appropriated under certain grant programs identified in paragraph (a)(2) of this Section, the Attorney General, through the Director of the Violence Against Women Office (referred to in this section as the ''Director''), shall take 5 percent of such appropriated amounts and combine them to establish a new grant program to enhance culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director.

(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

(B) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6), Legal Assistance for Victims.

(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

(D) Section _____ of the Violence Against Women Act of 1994 (42 U.S.C. _____), Older Battered Women.

(E) Section _____ of the Violence Against Women Act of 2000 (42 U.S.C. _____), Disabled Women Program.

(b) PURPOSE OF PROGRAM AND GRANTS.—

(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to promote:

(A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources.

(B) The development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director shall make grants to community-based programs for the purpose of enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural and linguistic responses to domestic violence, dating violence, sexual assault, and stalking.

(3) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally and linguistically specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally and linguistically specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) ELIGIBLE ENTITIES.—Eligible entities for grants under this Section include—

(1) community-based programs whose primary purpose is providing culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally and linguistically specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

(d) REPORTING.—The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally and linguistically accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) GRANT PERIOD.—The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.

(f) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural and linguistic access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(g) NON-EXCLUSIVITY.—Nothing in this Section shall be interpreted to exclude linguistic and culturally specific community-based programs from applying to other grant programs authorized under this Act.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 201. FINDINGS.

Congress finds the following:

(1) Nearly ⅓ of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

(3) Rape and sexual assault in the United States is estimated to cost $127,000,000,000 per year, including—

(A) lost productivity;

(B) medical and mental health care;

(C) police and fire services;

(D) social services;

(E) loss of and damage to property; and

(F) reduced quality of life.

(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.

(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

(7) Barriers for older victims leaving abusive relationships include—

(A) the inability to support themselves;

(B) poor health that increases their dependence on the abuser;

(C) fear of being placed in a nursing home; and

(D) ineffective responses by domestic abuse programs and law enforcement.

(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

(10) Of the 598 battered women's programs surveyed—

(A) only 35 percent of these programs offered disability awareness training for their staff; and

(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin

Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.

SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:

"SEC. 2014. SEXUAL ASSAULT SERVICES.

''(a) PURPOSES.—The purposes of this section are—

''(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

''(A) adult, youth, and child victims of sexual assault;

''(B) family and household members of such victims; and

''(C) those collaterally affected by the victimization, except for the perpetrator of such victimization;

''(2) to provide for technical assistance and training relating to sexual assault to—

''(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

''(B) professionals working in legal, social service, and health care settings;

''(C) nonprofit organizations;

''(D) faith-based organizations; and

''(E) other individuals and organizations seeking such assistance.

''(b) GRANTS TO STATES AND TERRITORIES.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

''(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

''(i) 24 hour hotline services providing crisis intervention services and referral;

''(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

''(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

''(iv) information and referral to assist the sexual assault victim and family or household members;

''(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

''(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

''(3) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

''(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

''(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

''(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

''(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

''(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of the combined States or the population of the combined territories.

''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

''(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

''(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

''(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

''(4) DISTRIBUTION.—

''(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

''(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

''(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

''(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

''(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

''(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

''(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

''(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

''(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

''(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

''(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

''(D) design and conduct public education campaigns;

''(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

''(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

''(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

''(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

''(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those State and territorial coalitions.

''(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

''(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

''(e) GRANTS TO TRIBES.—

''(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian country and Alaska Native villages to support the establishment, maintenance, and expansion of

programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

''(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

''(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

''(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

''(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

''(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).''.

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

''SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

''(a) PURPOSES.—The purposes of this section are—

''(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

''(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

''(B) law enforcement agencies;

''(C) prosecutors;

''(D) courts;

''(E) other criminal justice service providers;

''(F) human and community service providers;

''(G) educational institutions; and

''(H) health care providers;

''(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

''(3) to increase the safety and well-being of women and children in rural communities, by—

''(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

''(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

''(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

''(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

''(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters; and

''(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

''(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

''(d) ALLOTMENTS AND PRIORITIES.—

''(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

''(2) ALLOTMENT FOR SEXUAL ASSAULT.—

''(A) IN GENERAL.—Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of $45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of $50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of $55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

''(B) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

''(3) ALLOTMENT FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this subsection, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

''(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of underserved populations.

''(5) ALLOCATION OF FUNDS FOR RURAL STATES.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $55,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

''(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.''.

SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.

(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–7) is amended to read as follows:

''SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

''(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

''(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

''(2) to enhance direct services to such individuals.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used—

''(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

''(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

''(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

''(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

''(5) to provide training and technical assistance on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

''(A) the Americans with Disabilities Act of 1990; and

''(B) section 504 of the Rehabilitation Act of 1973;

''(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

''(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

''(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

''(A) a State;

''(B) a unit of local government;

''(C) an Indian tribal government or tribal organization; or

''(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

''(2) LIMITATION.—A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5).

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.''.

SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

(a) TRAINING PROGRAMS.—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:

''SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.

''(a) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

''(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older;

''(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

''(3) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older; and

''(4) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older.

''(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if the entity is—

''(1) a State;

''(2) a unit of local government;

''(3) an Indian tribal government or tribal organization; or

''(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

''(c) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that services are culturally and linguistically relevant and that the needs of underserved populations are being addressed.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 40803 of the Violence Against Women Act of 1994 (42 U.S.C. 14041b) is amended by striking ''$5,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$10,000,000 for each of the fiscal years 2007 through 2011''.

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in subsection (d)(2), by inserting ''(including technology training)'' after ''train;''

(2) in subsection (f)(2)(A), by inserting '', including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline'' after ''hotline personnel''; and

(3) in subsection (g)(2), by striking ''shall'' and inserting ''may''.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of nonfatal intimate partner violence.

(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

(6) Only one State specifically allows for minors to petition the court for protection orders.

(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim's residence.

(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.

SEC. 302. RAPE PREVENTION AND EDUCATION.

Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b–1c(c)) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2007 through 2011.

''(2) NATIONAL SEXUAL VIOLENCE RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not less than $1,500,000 shall be available for allotment under subsection (b).''.

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 (Public Law 103–322, Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

''SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.

''(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Department of Health and Human Services, shall award grants to eligible entities to conduct programs to serve youth victims of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;

''(2) a community-based organization specializing in intervention or violence prevention services for youth;

''(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

''(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

''(2) TYPES OF PROGRAMS.—Such a program—

''(A) shall provide direct counseling and advocacy for youth and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

''(B) shall include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

''(C) may include mental health services for youth and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

''(D) may include legal advocacy efforts on behalf of youth and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

''(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

''(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

''(d) AWARDS BASIS.—

''(1) GRANTS TO INDIAN TRIBES.—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

''(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and

evaluation of grants made available under this section.

''(3) TECHNICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

''(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2007 through 2011.

''SEC. 41202. ACCESS TO JUSTICE FOR YOUTH.

''(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

''(b) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to carry out the purposes of this section.

''(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 2 fiscal years.

''(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

''(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

''(B) shall include a court or law enforcement agency partner; and

''(C) may include—

''(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

''(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and underserved communities;

''(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

''(iv) faith-based entities that deal with the concerns and problems faced by youth;

''(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of youth;

''(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens;

''(vii) Indian Health Service, tribal child protective services, the Bureau of Indian Affairs, or the Federal Bureau of Investigations; or

''(viii) law enforcement agencies of the Bureau of Indian Affairs providing tribal law enforcement.

''(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

''(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

''(2) to establish and enhance linkages and collaboration between—

''(A) domestic violence and sexual assault service providers; and

''(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

''(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

''(ii) to include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

''(iii) to include where appropriate legal assistance, referral services, and parental support;

''(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

''(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against teens and young adults and meet the needs of young victims of violence; and

''(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

''(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

''(f) DISTRIBUTION.—In awarding grants under this section—

''(1) not less than 10 percent of funds appropriated under this section in any year shall be available to Indian tribal governments to establish and maintain collaborations involving the appropriate tribal justice and social services departments or domestic violence or sexual assault service providers, the purpose of which is to provide culturally appropriate services to American Indian women or youth;

''(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

''(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

''(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

''(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

''(1) the activities implemented by the recipients of the grants awarded under this section; and

''(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

''(A) the staffs of courts;

''(B) domestic violence, dating violence, sexual assault, and stalking victim service providers; and

''(C) law enforcement agencies and community organizations.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 in each of fiscal years 2007 through 2011.

''SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

''(a) PURPOSE.—The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim services providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

''(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the 'Secretary'), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

''(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

''(2) set aside not more than 7 percent for grants to Indian tribes to develop programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

''(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and

domestic violence or dating violence, whether or not they are receiving funds under this section.

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of underserved populations.

''(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

''(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

''(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

''(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

''(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

''(B) domestic violence or dating violence in child protection cases; and

''(C) the needs of both the child and nonabusing parent;

''(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and nonabusing parents and caretakers;

''(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

''(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

''(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of certain populations in the court and child welfare system; and

''(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to underserved populations, and other necessary supportive services.

''(h) GRANTEE REQUIREMENTS.—

''(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

''(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

''(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

''(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

''(A) shall include a State or local child welfare agency or Indian Tribe;

''(B) shall include a domestic violence or dating violence victim service provider;

''(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

''(D) may include a court; and

''(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.

''SEC. 41204. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

''(a) SHORT TITLE.—This section may be cited as the 'Supporting Teens through Education and Protection Act of 2005' or the 'STEP Act'.

''(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

''(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

''(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

''(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

''(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

''(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

''(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

''(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

''(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

''(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

''(f) GRANT TERM AND ALLOCATION.—

''(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

''(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b),(5), and (b)(6).

''(g) DISTRIBUTION.—

''(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

''(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

''(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

''(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

''(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

''(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

''(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

''(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

''(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

''(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

''(k) REPORTING AND DISSEMINATION OF INFORMATION.—

''(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

''(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

''(l) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.

''(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.''.

SEC. 304. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any nonprofit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2007 through 2011 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities

and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(3) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $12,000,000 for fiscal year 2007 and $15,000,000 for each of fiscal years 2008 through 2011.

(f) REPEAL.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is repealed.

SEC. 305. JUVENILE JUSTICE.

Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (7)(B)—

(A) by redesignating clauses (i), (ii) and (iii), as clauses (ii), (iii), and (iv), respectively; and

(B) by inserting before clause (ii) the following:

''(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;''.

SEC. 306. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 10402. SAFE HAVENS FOR CHILDREN.'';

(2) in subsection (a)—

(A) by inserting '', through the Director of the Office on Violence Against Women,'' after ''Attorney General'';

(B) by inserting ''dating violence,'' after ''domestic violence,'';

(C) by striking ''to provide'' and inserting the following:

''(1) to provide'';

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

''(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

''(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.''; and

(3) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.

''(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(A) set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;

''(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

''(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.''.

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

''SEC. 41301. FINDINGS.

''Congress finds that—

''(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

''(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

''(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;

''(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

''(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

''(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;

''(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

''(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

''SEC. 41302. PURPOSE.

''The purpose of this subtitle is to—

''(1) prevent crimes involving violence against women, children, and youth;

''(2) increase the resources and services available to prevent violence against women, children, and youth;

''(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

''(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

''(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

''(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

''SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

''(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of underserved populations;

''(B) awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

''(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

''(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2011.

''(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

''(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

''(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual

assault, or stalking that can provide the training and direct services referenced in this subsection.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—

''(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

''(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

''(B) ensure linguistically, culturally, and community relevant services for underserved communities.

''SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

''(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall—

''(A) consider the needs of underserved populations;

''(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2007 through 2011.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

''(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

''(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

''(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

''(B) ensure linguistically, culturally, and community relevant services for underserved communities;

''(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

''(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

''(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

''(iii) link new parents with existing community resources in communities where resources exist; and

''(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

''SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

''(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of underserved populations;

''(B) awarding not less than 10 percent of such amounts for the funding of Indian tribes from the amounts made available under this section for a fiscal year; and

''(C) awarding up to 8 percent for the funding of technical assistance for grantees and non-grantees working in this area from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2011.

''(c) USE OF FUNDS.—

''(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities—

''(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

''(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

''(ii) that include at a minimum—

''(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

''(II) strategies to help participants be as safe as possible; or

''(B) to create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

''(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

''(d) ELIGIBLE ENTITIES.—

''(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

''(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

''(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

''(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

''(D) a program that provides culturally specific services.

''(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

''(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

''(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) eligible entities pursuant to subsection (c)(1)(A) shall describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

''(B) ensure linguistically, culturally, and community relevant services for underserved communities;

''(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

''(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.''.

SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PURPOSES.—The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention shall make grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

(b) USE OF FUNDS.—The research conducted under this section shall include evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in Department of Health and Human Services-related provisions this title, including strategies addressing underserved communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2007 through 2011.

SEC. 403. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.

(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.

(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.

(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify, and provide followup care and information to address the violence.

(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

"SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

''(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

''(1) be an accredited school of allopathic or osteopathic medicine;

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

''(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

''(C) a plan for consulting with community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.

''(c) USE OF FUNDS.—

''(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

''(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have experienced domestic violence, sexual assault, and stalking or dating violence; and

''(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

''(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—

''(A) offer community-based training opportunities in rural areas for medical, nursing, and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

''(B) provide stipends to students who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other offsite training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

''(3) REQUIREMENTS.—

''(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coalitions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

''(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

''(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

''(d) REQUIREMENTS OF GRANTEES.—

''(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

''(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 25 percent of the total cost of such activities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section, $3,000,000 for each of fiscal years 2007 through 2011. Amounts appropriated under this subsection shall remain available until expended.''.

SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) AUTHORITY TO AWARD GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be—

''(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or

''(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

''(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

''(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.

''(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

''(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety and prohibits insurance discrimination.

''(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

''(C) The evaluation of practice and the institutionalization of identification, intervention, and documentation including quality improvement measurements.

''(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

''(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

''(A) Where appropriate, the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse as well as childhood exposure to domestic violence.

''(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

''(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials to patients and health care professionals and behavioral and public health staff.

''(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

''(E) The integration of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards.

''(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, $5,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

Subtitle B of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as amended by the Violence Against Women Act of 2000 (114 Stat. 1491 et seq.), and as amended by this Act, is further amended by adding at the end the following:

''CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

''SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

''(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

''(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

''(1) With respect to the authority of the Centers for Disease Control and Prevention—

''(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health conditions, and the health status of individuals, families, and populations;

''(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

''(C) measure the comparative effectiveness and outcomes of efforts under this Act to reduce violence and increase women's safety.

''(2) With respect to the authority of the Agency for Healthcare Research and Quality—

''(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic violence, dating violence, and childhood exposure to domestic and dating violence, sexual violence and stalking and childhood exposure; and

''(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

''(c) USE OF DATA.—Research funded under this section shall be utilized by eligible entities under section 399O of the Public Health Service Act.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.''.

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

''Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

''SEC. 41401. FINDINGS.

''Congress finds that:

''(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

''(2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

''(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

''(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

''(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

''(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

''(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

''(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

''(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

''(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

''(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

''(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

''SEC. 41402. PURPOSE.

''The purpose of this subtitle is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

''(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, tribally designated housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

''(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

''(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

''(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

''SEC. 41403. DEFINITIONS.

''For purposes of this subtitle—

''(1) the term 'assisted housing' means housing assisted—

''(A) under sections 213, 220, 221(d)(3), 221(d)(4), 223(e), 231, or 236 of the National Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

''(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

''(C) under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

''(D) under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013);

''(E) under title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12701 et seq.);

''(F) under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

''(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

''(H) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(2) the term 'continuum of care' means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

''(3) the term 'low-income housing assistance voucher' means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(4) the term 'public housing' means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

''(5) the term 'public housing agency' means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

''(6) the terms 'homeless', 'homeless individual', and 'homeless person'—

''(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

''(B) includes—

''(i) an individual who—

''(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

''(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

''(III) is living in an emergency or transitional shelter;

''(IV) is abandoned in a hospital; or

''(V) is awaiting foster care placement;

''(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

''(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

''(7) the term 'homeless service provider' means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness;

''(8) the term 'tribally designated housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

''(9) the term 'tribally designated housing entity' means a housing entity described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(21));

''SEC. 41404. COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration of Children and Families, in partnership with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

''(2) AMOUNT.—The Secretary of Health and Human Services shall award funds in amounts—

''(A) not less than $25,000 per year; and

''(B) not more than $1,000,000 per year.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

''(1) shall include a domestic violence victim service provider;

''(2) shall include—

''(A) a homeless service provider;

''(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

''(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

''(3) may include a dating violence, sexual assault, or stalking victim service provider;

''(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

''(5) may include a public housing agency or tribally designated housing entity;

''(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

''(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

''(8) may include a State, tribal, territorial, or local government or government agency; and

''(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) APPLICATION.—Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims

of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless.

''(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1) shall develop sustainable long-term living solutions in the community by—

''(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

''(B) assisting with the placement of individuals and families in long-term housing; and

''(C) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

''(3) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

''(4) may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

''(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

''(e) LIMITATION.—Funds provided under paragraph (a) shall not be used for construction, modernization or renovation.

''(f) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

''(1) give priority to linguistically and culturally specific services;

''(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

''(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

''(g) DEFINITIONS.—For purposes of this section:

''(1) AFFORDABLE HOUSING.—The term 'affordable housing' means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

''(2) LONG-TERM HOUSING.—The term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

''(A) rented or owned by the individual;

''(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

''(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

''(h) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

''(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

''(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

''SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

''(a) PURPOSE.—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

''(1) education and training of eligible entities;

''(2) development and implementation of appropriate housing policies and practices;

''(3) enhancement of collaboration with victim service providers and tenant organizations; and

''(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice ('Director'), and in consultation with the Secretary of Housing and Urban Development ('Secretary'), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families ('ACYF'), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

''(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

''(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

''(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsection (f).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—Eligible grantees are—

''(A) public housing agencies;

''(B) principally managed public housing resident management corporations, as determined by the Secretary;

''(C) public housing projects owned by public housing agencies;

''(D) tribally designated housing entities; and

''(E) private, for-profit, and nonprofit owners or managers of assisted housing.

''(2) SUBMISSION REQUIRED FOR ALL GRANTEES.—To receive assistance under this section, an eligible grantee shall certify that—

''(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

''(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

''(C) it does not discriminate against any person—

''(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

''(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

''(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

''(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

''(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

''(e) CERTIFICATION.—

''(1) IN GENERAL.—A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

''(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—

''(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

''(B) producing a Federal, State, tribal, territorial, or local police or court record.

''(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing agency, assisted housing provider, tribally designated housing entity, owner, or manager may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(4) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable law.

''(B) NOTIFICATION.—Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

''(f) USE OF FUNDS.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

''(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

''(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

''(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

''(4) assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

''(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

''(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

''(7) developing and implementing more effective security policies, protocols, and services;

''(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

''(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

''(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

''(h) TECHNICAL ASSISTANCE.—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.''.

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(a) IN GENERAL.—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

(1) in subsection (a)—

(A) by inserting ''the Department of Housing and Urban Development, and the Department of Health and Human Services,'' after ''Department of Justice,'';

(B) by inserting '', including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking'' after ''other organizations''; and

(C) in paragraph (1), by inserting '', dating violence, sexual assault, or stalking'' after ''domestic violence'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) in paragraph (3), as redesignated, by inserting '', dating violence, sexual assault, or stalking'' after ''violence'';

(C) by inserting before paragraph (2), as redesignated, the following:

''(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing.''; and

(D) in paragraph (3)(B) as redesignated, by inserting ''Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.'' after ''assistance.'';

(3) in paragraph (1) of subsection (c), by striking ''18 months'' and inserting ''24 months'';

(4) in subsection (d)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and'';

(5) in subsection (e)(2)—

(A) in subparagraph (A), by inserting ''purpose and'' before ''amount'';

(B) in clause (ii) of subparagraph (C), by striking ''and'';

(C) in subparagraph (D), by striking the period and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources.''; and

(6) in subsection (g)—

(A) in paragraph (1), by striking ''$30,000,000'' and inserting ''$40,000,000'';

(B) in paragraph (1), by striking ''2004'' and inserting ''2007'';

(C) in paragraph (1), by striking ''2008'' and inserting ''2011'';

(D) in paragraph (2), by striking ''not more than 3 percent'' and inserting ''up to 5 percent'';

(E) in paragraph (2), by inserting ''evaluation, monitoring, technical assistance,'' before ''salaries''; and

(F) in paragraph (3), by adding at the end the following new subparagraphs:

''(C) UNDERSERVED POPULATIONS.—

''(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

''(ii) Priority shall be given to projects developed under subsection (b) that primarily serve underserved populations.''.

SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.'';

(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

(3) by inserting after paragraph (12) the following:

''(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

''(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

''(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

''(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.''.

SEC. 604. HOUSING STRATEGIES.

Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after ''immunodeficiency syndrome,'' the following: ''victims of domestic violence, dating violence, sexual assault, and stalking''.

SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

(1) by adding at the end of subsection (a) the following:

''(8) CONFIDENTIALITY.—

''(A) VICTIM SERVICE PROVIDERS.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of a Homeless Management Information System personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of a Homeless Management Information System nonpersonally identifying data that has been deidentified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this paragraph for victims of domestic violence, dating violence, sexual assault, or stalking.

''(B) DEFINITIONS.—

''(i) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal

information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(I) a first and last name;

''(II) a home or other physical address;

''(III) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(IV) a social security number; and

''(V) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.

''(ii) VICTIM SERVICE PROVIDER.—The term 'victim service provider' or 'victim service providers' means a nonprofit, nongovernmental organization including rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(9)(A) That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

''(B) An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

''(C)(i) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

''(ii) Notwithstanding clause (i), an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

''(iii) Nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

''(iv) Nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.

''(v) Nothing in clause (i) may be construed to limit the authority of an owner, manager, or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

''(vi) Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(2) in subsection (d)—

(A) in paragraph (1)(A), by inserting after ''public housing agency'' the following: ''and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission'';

(B) in paragraph (1)(B)(ii), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(C) in paragraph (1)(B)(iii), by inserting after ''termination of tenancy'' the following: '', except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights or program assistance, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (II) notwithstanding subclause (I), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager under this section may bifurcate a lease, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (III) nothing in subclause (I) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (IV) nothing in subclause (I) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (V) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate assistance, to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (VI) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(3) in subsection (f)—

(A) in paragraph (6), by striking ''and'';

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(8) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

''(9) the term 'dating violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

''(10) the term 'stalking' means—

''(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and

''(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

''(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

''(i) that person;

''(ii) a member of the immediate family of that person; or

''(iii) the spouse or intimate partner of that person; and

''(11) the term 'immediate family member' means, with respect to a person—

''(A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

''(B) any other person living in the household of that person and related to that person by blood and marriage.'';

(4) in subsection (o)—

(A) by inserting at the end of paragraph (6)(B) the following new sentence: ''That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by or for denial of admission if the applicant otherwise qualifies for assistance for admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(B) in paragraph (7)(C), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence'';

(C) in paragraph (7)(D), by inserting after ''termination of tenancy'' the following: ''; except that (i) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be

cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (ii) notwithstanding clause (i), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (iii) nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (iv) nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (v) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate, assistance to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (vi) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.''; and

(D) by adding at the end the following new paragraph:

''(20) PROHIBITED BASIS FOR TERMINATION OF ASSISTANCE.—

''(A) IN GENERAL.—A public housing agency may not terminate assistance to a participant in the voucher program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant.

''(B) CONSTRUAL OF LEASE PROVISIONS.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.

''(C) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is a victim of the domestic violence, dating violence, or stalking.

''(D) EXCEPTIONS.—

''(i) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE FOR CRIMINAL ACTS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.

''(ii) COMPLIANCE WITH COURT ORDERS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution possession of property among the household members in cases where a family breaks up.

''(iii) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR LEASE VIOLATIONS.—Nothing in subparagraphs (A), (B), or (C) limit any otherwise available authority of the public housing agency to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate.

''(iv) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraphs (A), (B), (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.

''(v) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(5) in subsection (r)(5), by inserting after ''violation of a lease'' the following: '', except that a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit''; and

(6) by adding at the end the following new subsection:

''(ee) CERTIFICATION AND CONFIDENTIALITY.—

''(1) CERTIFICATION.—

''(A) IN GENERAL.—An owner, manager, or public housing agency responding to subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the owner, manager, or public housing agency requests such certification.

''(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing, nothing in this subsection or in subsection (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager, public housing agency, or assisted housing provider may extend the 14-day deadline at their discretion.

''(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

''(i) providing the requesting owner, manager, or public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

''(ii) producing a Federal, State, tribal, territorial, or local police or court record.

''(D) LIMITATION.—Nothing in this subsection shall be construed to require an owner, manager, or public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, or public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(E) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by an owner, manager, public housing agency, or assisted housing provider based on the certification specified in paragraph (1)(A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by paragraph (1)(C) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manger, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5).

''(F) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to an owner, manager, or public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by an owner, manager, or public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing;

''(ii) required for use in an eviction proceeding under subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), or (o)(20),; or

''(iii) otherwise required by applicable law.

''(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted

under Section 8 of the United States Housing Act of 1937 of their rights under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5), including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5).''.

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following:

''(3) the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking'';

(3) in subsection (l)(5), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence'';

(4) in subsection (l)(6), by inserting after ''termination of tenancy'' the following: ''; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (B) notwithstanding subparagraph (A), a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (D) nothing in subparagraph (A) limits any otherwise available authority of a public housing agency to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (E) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated; and (F) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.''; and

(5) by inserting at the end of subsection (t) the following new subsection:

''(u) CERTIFICATION AND CONFIDENTIALITY.—

''(1) CERTIFICATION.—

''(A) IN GENERAL.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the public housing agency requests such certification.

''(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the public housing agency has requested such certification in writing, nothing in this subsection, or in paragraph (5) or (6) of subsection (l), may be construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.

''(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

''(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

''(ii) producing a Federal, State, tribal, territorial, or local police or court record.

''(D) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(E) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

''(F) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by a public housing agency, or assisted housing provider based on the certification specified in subparagraphs (A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by subparagraph (D) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by a public housing agency or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsection (l)(5) and (6).

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing;

''(ii) required for use in an eviction proceeding under subsections (l)(5) or (6); or

''(iii) otherwise required by applicable law.

''(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 6 of the United States Housing Act of 1937 of their rights under this subsection and subsections (l)(5) and (6), including their right to confidentiality and the limits thereof.

''(3) DEFINITIONS.—For purposes of this subsection, subsection (c)(3), and subsection (l)(5) and (6)—

''(A) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

''(B) the term 'dating violence' has the same meaning given the term in

''(C) the term 'stalking' means—

''(i)(I) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

''(II) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

''(ii) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

''(I) that person;

''(II) a member of the immediate family of that person; or

''(III) the spouse or intimate partner of that person; and

''(D) the term 'immediate family member' means, with respect to a person—

''(i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

''(ii) any other person living in the household of that person and related to that person by blood and marriage.''.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle N of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902) is amended by adding at the end the following:

''Subtitle O—National Resource Center

''SEC. 41501. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

''(a) AUTHORITY.—The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and

sexual violence. The resource center shall provide information and assistance to employers and labor organizations to aid in their efforts to develop and implement responses to such violence.

''(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

''(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;

''(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments) and labor organizations described in subsection (a) concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and

''(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of underserved communities.

''(c) USE OF GRANT AMOUNT.—

''(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assistance concerning workplace responses to assist victims of domestic or sexual violence.

''(2) RESPONSES.—Responses referred to in paragraph (1) may include—

''(A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence;

''(B) providing conferences and other educational opportunities; and

''(C) developing protocols and model workplace policies.

''(d) LIABILITY.—The compliance or noncompliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 through 2011.

''(f) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.''.

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly;'';

(B) in subclause (III)(aa)—

(i) by inserting ''Federal, State, or local'' before ''investigation''; and

(ii) by striking '', or'' and inserting ''or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; or''; and

(C) in subclause (IV), by striking ''and'' at the end;

(2) by amending clause (ii) to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and''; and

(3) by inserting after clause (ii) the following:

''(iii) if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.''.

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(2) by amending clause (ii) to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and''.

(c) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(2) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

''(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that the severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) was at least one central reason for the alien's unlawful presence in the United States.''.

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 803. ADJUSTMENT OF STATUS.

(a) VICTIMS OF TRAFFICKING.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security, or in the case of subparagraph (C)(i), the Attorney General,''; and

(B) in subparagraph (A), by inserting at the end ''or has been physically present in the United States for a continuous period during the investigation or prosecution of acts of trafficking and that, in the opinion of the Attorney General, the investigation or prosecution is complete, whichever period of time is less;'';

(2) in paragraph (2), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(3) in paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(b) VICTIMS OF CRIMES AGAINST WOMEN.—Section 245(m) of the Immigration and Nationality Act (8 U.S.C. 12255(m)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General may adjust'' and inserting ''Secretary of Homeland Security may adjust''; and

(B) in subparagraph (B), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in paragraph (3)—

(A) by striking ''Attorney General may adjust'' and inserting ''Secretary of Homeland Security may adjust''; and

(B) by striking ''Attorney General considers'' and inserting ''Secretary considers''; and

(3) in paragraph (4), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) CLARIFICATION OF DEPARTMENT OF JUSTICE AND DEPARTMENT OF HOMELAND SECURITY ROLES.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended—

(1) in subsections (b)(1)(E), (e)(5), and (g), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) in subsection (c), by inserting '', the Secretary of Homeland Security'' after ''Attorney General''.

(b) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by inserting ''and the Secretary of Homeland Security'' after ''Attorney General''; and

(B) in subclause (II)(bb), by inserting ''and the Secretary of Homeland Security'' after ''Attorney General''.

(2) in clause (ii), by inserting ''Secretary of Homeland Security'' after ''Attorney General'';

(3) in clause (iii)—

(A) in subclause (II), by striking ''and'' at the end;

(B) in subclause (III), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(IV) responding to and cooperating with requests for evidence and information.''.

(c) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 107(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)) is amended by striking ''Attorney General'' each place it occurs and inserting ''Secretary of Homeland Security''.

(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting ''or the Secretary of Homeland Security'' after ''Attorney General''.

SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting ''or section 204(a)(1)(B)(iii)'' after ''204(a)(1)(A)'' each place it appears; and

(B) in subclause (III), by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable,'' and inserting ''a VAWA self-petitioner''; and

(2) by adding at the end the following:

''(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).''.

(b) APPLICATION OF CSPA PROTECTIONS.—

(1) IMMEDIATE RELATIVE RULES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

''(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

(2) CHILDREN RULES.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

(c) LATE PETITION PERMITTED FOR IMMIGRANT SONS AND DAUGHTERS BATTERED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

''(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subparagraph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age and the individual shows that the abuse was at least one central reason for the filing delay. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).''.

(d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

Subtitle B—VAWA Self-Petitioners

SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(51) The term 'VAWA self-petitioner' means an alien, or a child of the alien, who qualifies for relief under—

''(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

''(B) clause (ii) or (iii) of section 204(a)(1)(B);

''(C) section 216(c)(4)(C);

''(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

''(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

''(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

''(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).''.

SEC. 812. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

''(1) IN GENERAL.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

''(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

''(2) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), if the extreme cruelty or battery was at least one central reason for the alien's overstaying the grant of voluntary departure.

''(3) NOTICE OF PENALTIES.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.''.

SEC. 813. REMOVAL PROCEEDINGS.

(a) EXCEPTIONAL CIRCUMSTANCES.—

(1) IN GENERAL.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking ''serious illness of the alien'' and inserting ''battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to a failure to appear that occurs before, on, or after the date of the enactment of this Act.

(b) DISCRETION TO CONSENT TO AN ALIEN'S REAPPLICATION FOR ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Attorney General, and the Secretary of State shall continue to have discretion to consent to an alien's reapplication for admission after a previous order of removal, deportation, or exclusion.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the officials described in paragraph (1) should particularly consider exercising this authority in cases under the Violence Against Women Act of 1994, cases involving nonimmigrants described in subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and relief under section 240A(b)(2) or 244(a)(3) of such Act (as in effect on March 31, 1997) pursuant to regulations under section 212.2 of title 8, Code of Federal Regulations.

(c) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)'';

(B) in paragraph (2)(A)(iv), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)''; and

(C) by adding at the end the following:

''(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The authority provided under section 237(a)(7) may apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.''.

SEC. 814. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS AND LIMITATION ON PETITIONING FOR ABUSERS.

(a) APPLICATION OF VAWA DEPORTATION PROTECTIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

''(i) if the basis of the motion is to apply for relief under—

''(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

''(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

''(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

''(IV) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

''(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and''; and

(B) in clause (ii), by inserting ''or adjustment of status'' after ''suspension of deportation''; and

(2) in subparagraph (B)(ii), by striking ''for relief'' and all that follows through ''1101 note))'' and inserting ''for relief described in subparagraph (A)(i)''.

(b) EMPLOYMENT AUTHORIZATION FOR VAWA SELF-PETITIONERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

''(K) Upon the approval of a petition as a VAWA self-petitioner, the alien—

''(i) is eligible for work authorization; and

''(ii) may be provided an 'employment authorized' endorsement or appropriate work permit incidental to such approval.''.

(c) EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.—Title I of the Immigration and Nationality Act is amended by adding at the end the following new section:

''SEC. 106. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

''(a) IN GENERAL.—In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H) of such section, respectively, the Secretary of Homeland Security may authorize the alien spouse to engage in employment in the United States and provide the spouse with an 'employment authorized' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse.

Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).

''(b) CONSTRUCTION.—The grant of employment authorization pursuant to this section shall not confer upon the alien any other form of relief.''.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 105 the following new item:

''Sec. 106. Employment authorization for battered spouses of certain nonimmigrants.''.

(e) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

''(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child) eligibility as a VAWA petitioner or for such nonimmigrant status.''.

SEC. 815. APPLICATION FOR VAWA-RELATED RELIEF.

(a) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and

(2) in subparagraph (E), by inserting '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005'' after ''April 1, 2000''.

(b) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 816. SELF-PETITIONING PARENTS.

Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

''(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

''(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

''(II) is a person of good moral character;

''(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

''(IV) resides, or has resided, with the citizen daughter or son; and

''(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.''.

SEC. 817. VAWA CONFIDENTIALITY NONDISCLOSURE.

Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(including any bureau or agency of such Department)'' and inserting '', the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)''; and

(B) in paragraph (1)—

(i) in subparagraph (D), by striking ''or'' at the end; and

(ii) by inserting after subparagraph (E) the following:

''(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator,'';

(2) in subsection (b), by adding at the end the following new paragraphs:

''(6) Subsection (a) may not be construed to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

''(7) Government entities adjudicating applications for relief under subsection (a)(2), and government personnel carrying out mandated duties under section 101(i)(1) of the Immigration and Nationality Act, may, with the prior written consent of the alien involved, communicate with nonprofit, nongovernmental victims' service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims. Agencies receiving referrals are bound by the provisions of this section. Nothing in this paragraph shall be construed as affecting the ability of an applicant to designate a safe organization through whom governmental agencies may communicate with the applicant.'';

(3) in subsection (c), by inserting ''or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act'' after ''in violation of this section''; and

(4) by adding at the end the following new subsection:

''(d) GUIDANCE.—The Attorney General and the Secretary of Homeland Security shall provide guidance to officers and employees of the Department of Justice or the Department of Homeland Security who have access to information covered by this section regarding the provisions of this section, including the provisions to protect victims of domestic violence from harm that could result from the inappropriate disclosure of covered information.''.

Subtitle C—Miscellaneous Amendments

SEC. 821. DURATION OF T AND U VISAS.

(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

''(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

''(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.''.

(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

''(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be for a period of not more than 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity.''.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

(A) by striking ''The Attorney General'' and inserting ''(a) The Secretary of Homeland Security'';

(B) by inserting ''(subject to subsection (b))'' after ''except''; and

(C) by adding at the end the following:

''(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).''.

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking ''248(2)'' and inserting ''248(a)(2)''.

SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(1) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

(2) in the fourth sentence, by striking ''subsection (b)(2)(B) of this section'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).

SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

(1) in the last sentence, by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''; and

(2) by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005) if there is demonstrated a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification'';

(2) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

(3) in clause (iii), by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 825. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subparagraph (A), by inserting '', except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)'' before the period at the end; and

(2) in subparagraph (C)—

(A) in the heading of clause (iv), by striking ''SPOUSES AND CHILDREN'' and inserting ''SPOUSES, CHILDREN, AND PARENTS'';

(B) in the matter before subclause (I) of clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply'' and inserting ''Any limitation under this section on the deadlines for filing such motions shall not apply'';

(C) in clause (iv)(I), by striking ''or section 240A(b)'' and inserting '', section 240A(b), or section 244(a)(3) (as in effect on March 31, 1997)'';

(D) by striking ''and'' at the end of clause (iv)(II);

(E) by striking the period at the end of clause (iv)(III) and inserting ''; and''; and

(F) by adding at the end the following:

''(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.''.

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A)(i) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note))—

''(I) there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

''(aa) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

''(bb) if the motion is accompanied by a suspension of deportation application to be filed with the Secretary of Homeland Security or by a copy of the self-petition that will be filed with the Department of Homeland Security upon the granting of the motion to reopen; and

''(II) any such limitation shall not apply so as to prevent the filing of one motion to reopen described in section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)).

''(ii) PRIMA FACIE CASE.—The filing of a motion to reopen under this subparagraph shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.'';

(2) in subparagraph (B), in the matter preceding clause (i), by inserting ''who are physically present in the United States and'' after ''filed by aliens''; and

(3) in subparagraph (B)(i), by inserting ''or exclusion'' after ''deportation''.

(c) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

''(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—

''(1) IN GENERAL.—In cases where an enforcement action leading to a removal proceeding was taken against an alien at any of the locations specified in paragraph (2), the Notice to Appear shall include a statement that the provisions of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) have been complied with.

''(2) LOCATIONS.—The locations specified in this paragraph are as follows:

''(A) At a domestic violence shelter, a rape crisis center, supervised visitation center, family justice center, a victim services, or victim services provider, or a community-based organization.

''(B) At a courthouse (or in connection with that appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (V) of section 101(a)(15).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 30 days after the date of the enactment of this Act and shall apply to apprehensions occurring on or after such date.

SEC. 826. PROTECTING ABUSED JUVENILES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following new clause:

''(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.''.

SEC. 827. PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION.

In developing regulations or guidance with regard to identification documents, including driver's licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

SEC. 828. RULEMAKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106-386), this Act, and the amendments made by this Act.

Subtitle D—International Marriage Broker Regulation

SEC. 831. SHORT TITLE.

This subtitle may be cited as the ''International Marriage Broker Regulation Act of 2005''.

SEC. 832. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—

(1) 214(D) AMENDMENT.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(A) by striking ''(d)'' and inserting ''(d)(1)'';

(B) by inserting after the second sentence ''Such information shall include information on any criminal convictions of the petitioner for any specified crime.'';

(C) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(D) by adding at the end the following:

''(2)(A) Subject to subparagraphs (B) and (C), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

''(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and

''(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

''(B) The Secretary of Homeland Security may, in the Secretary's discretion, waive the limitations in subparagraph (A) if justification exists for such a waiver. Except in extraordinary circumstances and subject to subparagraph (C), such a waiver shall not be granted if the petitioner has a record of violent criminal offenses against a person or persons.

''(C)(i) The Secretary of Homeland Security is not limited by the criminal court record and shall grant a waiver of the condition described in the second sentence of subparagraph (B) in the case of a petitioner described in clause (ii).

''(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty and who is or was not the primary perpetrator of violence in the relationship upon a determination that—

''(I) the petitioner was acting in self-defense;

''(II) the petitioner was found to have violated a protection order intended to protect the petitioner; or

''(III) the petitioner committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime and the petitioner's having been battered or subjected to extreme cruelty.

''(iii) In acting on applications under this subparagraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

''(3) In this subsection:

''(A) The terms 'domestic violence', 'sexual assault', 'child abuse and neglect', 'dating violence', 'elder abuse', and 'stalking' have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

''(B) The term 'specified crime' means the following:

''(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

''(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

''(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.''.

(2) 214(R) AMENDMENT.—Section 214(r) of such Act (8 U.S.C. 1184(r)) is amended—

(A) in paragraph (1), by inserting after the second sentence ''Such information shall include information on any criminal convictions of the petitioner for any specified crime.''; and

(B) by adding at the end the following:

''(4)(A) The Secretary of Homeland Security shall create a database for the purpose of tracking multiple visa petitions filed for fiancé(e)s and spouses under clauses (i) and (ii) of section 101(a)(15)(K). Upon approval of a second visa petition under section 101(a)(15)(K) for a fiancé(e) or spouse filed by the same United States citizen petitioner, the petitioner shall be notified by the Secretary that information concerning the petitioner has been entered into the multiple visa petition tracking database. All subsequent fiancé(e) or spouse nonimmigrant visa petitions filed by that petitioner under such section shall be entered in the database.

''(B)(i) Once a petitioner has had two fiancé(e) or spousal petitions approved under clause (i) or (ii) of section 101(a)(15)(K), if a subsequent petition is filed under such section less than 10 years after the date the first visa petition was filed under such section, the Secretary of Homeland Security shall notify both the petitioner and beneficiary of any such subsequent petition about the number of previously approved fiancé(e) or spousal petitions listed in the database.

''(ii) A copy of the information and resources pamphlet on domestic violence developed under section 833(a) of the International Marriage Broker Regulation Act of 2005 shall be mailed to the beneficiary along with the notification required in clause (i).

''(5) In this subsection:

''(A) The terms 'domestic violence', 'sexual assault', 'child abuse and neglect', 'dating violence', 'elder abuse', and 'stalking' have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

''(B) The term 'specified crime' means the following:

''(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

''(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

''(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(b) LIMITATION ON USE OF CERTAIN INFORMATION.—The fact that an alien described in clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is aware of any information disclosed under the amendments made by this section or under section 833 shall not be used to deny the alien eligibility for relief under any other provision of law.

SEC. 833. DOMESTIC VIOLENCE INFORMATION AND RESOURCES FOR IMMIGRANTS AND REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) INFORMATION FOR K NONIMMIGRANTS ON LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described in paragraph (2), on legal rights and resources for immigrant victims of domestic violence and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) INFORMATION PAMPHLET.—The information pamphlet developed under paragraph (1) shall include information on the following:

(A) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(B) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(C) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(D) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters, including access to protection orders.

(E) The obligations of parents to provide child support for children.

(F) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(G) A warning concerning the potential use of K nonimmigrant visas by United States citizens who have a history of committing domestic violence, sexual assault, child abuse, or other crimes and an explanation that such acts may not have resulted in a criminal record for such a citizen.

(H) Notification of the requirement under subsection (d)(3)(A) that international marriage brokers provide foreign national clients with background information gathered on United States clients from searches of Federal and State sex offender public registries and collected from United States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate because the United States client may not have a criminal record or may not have truthfully reported their marital or criminal record.

(3) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under paragraph (1) that shall be used by Federal officials when reviewing the pamphlet in interviews under subsection (b).

(4) TRANSLATION.—

(A) IN GENERAL.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(B) REVISION.—Every 2 years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(5) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under paragraph (1) shall be made available and distributed as follows:

(A) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(i) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant or in English if no translation into the applicant's primary language is available.

(ii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under clause (i), a copy of the petition submitted by the petitioner for such applicant under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184).

(iii) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184). The Secretary of State, in turn, shall

share any such criminal background information that is in government records or databases with the K nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this clause shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(B) CONSULAR ACCESS.—The pamphlet developed under paragraph (1) shall be made available to the public at all consular posts. The summaries described in paragraph (3) shall be made available to foreign service officers at all consular posts.

(C) POSTING ON FEDERAL WEBSITES.—The pamphlet developed under paragraph (1) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all consular posts processing applications for K nonimmigrant visas.

(D) INTERNATIONAL MARRIAGE BROKERS AND VICTIM ADVOCACY ORGANIZATIONS.—The pamphlet developed under paragraph (1) shall be made available to any international marriage broker, government agency, or nongovernmental advocacy organization.

(6) DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION.—The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 120 days after the date of the enactment of this Act.

(b) VISA AND ADJUSTMENT INTERVIEWS.—

(1) FIANCÉ(E)S, SPOUSES AND THEIR DERIVATIVES.—During an interview with an applicant for a K nonimmigrant visa, a consular officers shall—

(A) provide information, in the primary language of the visa applicant, on protection orders or criminal convictions collected under subsection (a)(5)(A)(iii);

(B) provide a copy of the pamphlet developed under subsection (a)(1) in English or another appropriate language and provide an oral summary, in the primary language of the visa applicant, of that pamphlet; and

(C) ask the applicant, in the primary language of the applicant, whether an international marriage broker has facilitated the relationship between the applicant and the United States petitioner, and, if so, obtain the identity of the international marriage broker from the applicant and confirm that the international marriage broker provided to the applicant the information and materials required under subsection (d)(3)(A)(iii).

(2) FAMILY-BASED APPLICANTS.—The pamphlet developed under subsection (a)(1) shall be distributed directly to applicants for family-based immigration petitions at all consular and adjustment interviews for such visas. The Department of State or Department of Homeland Security officer conducting the interview shall review the summary of the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English or another appropriate language.

(c) CONFIDENTIALITY.—In fulfilling the requirements of this section, no official of the Department of State or the Department of Homeland Security shall disclose to a nonimmigrant visa applicant the name or contact information of any person who was granted a protection order or restraining order against the petitioner or who was a victim of a crime of violence perpetrated by the petitioner, but shall disclose the relationship of the person to the petitioner.

(d) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—

(1) PROHIBITION ON MARKETING CHILDREN.—An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(2) REQUIREMENTS OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO MANDATORY COLLECTION OF BACKGROUND INFORMATION.—

(A) IN GENERAL.—

(i) SEARCH OF SEX OFFENDER PUBLIC REGISTRIES.—Each international marriage broker shall search the National Sex Offender Public Registry or State sex offender public registry, as required under paragraph (3)(A)(i).

(ii) COLLECTION OF BACKGROUND INFORMATION.—Each international marriage broker shall also collect the background information listed in subparagraph (B) about the United States client to whom the personal contact information of a foreign national client would be provided.

(B) BACKGROUND INFORMATION.—The international marriage broker shall collect a certification signed (in written, electronic, or other form) by the United States client accompanied by documentation or an attestation of the following background information about the United States client:

(i) Any temporary or permanent civil protection order or restraining order issued against the United States client.

(ii) Any Federal, State, or local arrest or conviction of the United States client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or stalking.

(iii) Any Federal, State, or local arrest or conviction of the United States client for—

(I) solely, principally, or incidentally engaging in prostitution;

(II) a direct or indirect attempt to procure prostitutes or persons for the purpose of prostitution; or

(III) receiving, in whole or in part, of the proceeds of prostitution.

(iv) Any Federal, State, or local arrest or conviction of the United States client for offenses related to controlled substances or alcohol.

(v) Marital history of the United States client, including whether the client is currently married, whether the client has previously been married and how many times, how previous marriages of the client were terminated and the date of termination, and whether the client has previously sponsored an alien to whom the client was engaged or married.

(vi) The ages of any of the United States client's children who are under the age of 18.

(vii) All States and countries in which the United States client has resided since the client was 18 years of age.

(3) OBLIGATION OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO INFORMED CONSENT.—

(A) LIMITATION ON SHARING INFORMATION ABOUT FOREIGN NATIONAL CLIENTS.—An international marriage broker shall not provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has—

(i) performed a search of the National Sex Offender Public Registry, or of the relevant State sex offender public registry for any State not yet participating in the National Sex Offender Public Registry in which the United States client has resided during the previous 20 years, for information regarding the United States client;

(ii) collected background information about the United States client required under paragraph (2);

(iii) provided to the foreign national client—

(I) in the foreign national client's primary language, a copy of any records retrieved from the search required under paragraph (2)(A)(i) or documentation confirming that such search retrieved no records;

(II) in the foreign national client's primary language, a copy of the background information collected by the international marriage broker under paragraph (2)(B); and

(III) in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed under subsection (a)(1); and

(iv) received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

(B) CONFIDENTIALITY.—In fulfilling the requirements of this paragraph, an international marriage broker shall disclose the relationship of the United States client to individuals who were issued a protection order or restraining order as described in clause (i) of paragraph (2)(B), or of any other victims of crimes as described in clauses (ii) through (iv) of such paragraph, but shall not disclose the name or location information of such individuals.

(C) PENALTY FOR MISUSE OF INFORMATION.—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of the obligations imposed on it under paragraph (2) and this paragraph for any purpose other than the disclosures required under this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than 1 year, or both. These penalties are in addition to any other civil or criminal liability under Federal or State law which a person may be subject to for the misuse of that information, including to threaten, intimidate, or harass any individual. Nothing in this section shall prevent the disclosure of such information to law enforcement or pursuant to a court order.

(4) LIMITATION ON DISCLOSURE.—An international marriage broker shall not provide the personal contact information of any foreign national client to any person or entity other than a United States client. Such information shall not be disclosed to potential United States clients or individuals who are being recruited to be United States clients or representatives.

(5) PENALTIES.—

(A) FEDERAL CIVIL PENALTY.—

(i) VIOLATION.—An international marriage broker that violates (or attempts to violate) paragraph (1), (2), (3), or (4) is subject to a civil penalty of not less than $5,000 and not more than $25,000 for each such violation.

(ii) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty may be imposed under clause (i) by the Attorney General only after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act).

(B) FEDERAL CRIMINAL PENALTY.—In circumstances in or affecting interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

(C) ADDITIONAL REMEDIES.—The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law.

(6) NONPREEMPTION.—Nothing in this subsection shall preempt—

(A) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker; or

(B) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker.

(7) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(B) ADDITIONAL TIME ALLOWED FOR INFORMATION PAMPHLET.—The requirement for the distribution of the pamphlet developed under subsection (a)(1) shall not apply until 30 days after the date of its development and initial distribution under subsection (a)(6).

(e) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the meaning given such term in section 16 of title 18, United States Code.

(2) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given such term in section 3 of this Act.

(3) FOREIGN NATIONAL CLIENT.—The term ''foreign national client'' means a person who is not a United States citizen or national or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international marriage broker. Such term includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker and any alien recruited by an international marriage broker or representative of such broker.

(4) INTERNATIONAL MARRIAGE BROKER.—

(A) IN GENERAL.—The term ''international marriage broker'' means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals.

(B) EXCEPTIONS.—Such term does not include—

(i) a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; or

(ii) an entity that provides dating services if its principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals and it charges comparable rates and offers comparable services to all individuals it serves regardless of the individual's gender or country of citizenship.

(5) K NONIMMIGRANT VISA.—The term ''K nonimmigrant visa'' means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

(6) PERSONAL CONTACT INFORMATION.—

(A) IN GENERAL.—The term ''personal contact information'' means information, or a forum to obtain such information, that would permit individuals to contact each other, including—

(i) the name or residential, postal, electronic mail, or instant message address of an individual;

(ii) the telephone, pager, cellphone, or fax number, or voice message mailbox of an individual; or

(iii) the provision of an opportunity for an in-person meeting.

(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

(7) REPRESENTATIVE.—The term ''representative'' means, with respect to an international marriage broker, the person or entity acting on behalf of such broker. Such a representative may be a recruiter, agent, independent contractor, or other international marriage broker or other person conveying information about or to a United States client or foreign national client, whether or not the person or entity receives remuneration.

(8) STATE.—The term ''State'' includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(9) UNITED STATES.—The term ''United States'', when used in a geographic sense, includes all the States.

(10) UNITED STATES CLIENT.—The term ''United States client'' means a United States citizen or other individual who resides in the United States and who utilizes the services of an international marriage broker, if a payment is made or a debt is incurred to utilize such services.

(f) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study—

(A) on the impact of this section and section 832 on the K nonimmigrant visa process, including specifically—

(i) annual numerical changes in petitions for K nonimmigrant visas;

(ii) the annual number (and percentage) of such petitions that are denied under subsection (d)(2) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act;

(iii) the annual number of waiver applications submitted under such a subsection, the number (and percentage) of such applications granted or denied, and the reasons for such decisions;

(iv) the annual number (and percentage) of cases in which the criminal background information collected and provided to the applicant as required by subsection (a)(5)(A)(iii) contains one or more convictions;

(v) the annual number and percentage of cases described in clause (iv) that were granted or were denied waivers under section 214(d)(2) of the Immigration and Nationality Act, as amended by this Act;

(vi) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have previously filed other fiancé(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions;

(vii) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have concurrently filed other fiancé(e) or spousal K nonimmigrant visa petitioners or family-based immigration petitions; and

(viii) the annual and cumulative number of petitioners and applicants tracked in the multiple filings database established under paragraph (4) of section 214(r) of the Immigration and Nationality Act, as added by this Act;

(B) regarding the number of international marriage brokers doing business in the United States, the number of marriages resulting from the services provided, and the extent of compliance with the applicable requirements of this section;

(C) that assesses the accuracy and completeness of information gathered under section 832 and this section from clients and petitioners by international marriage brokers, the Department of State, or the Department of Homeland Security;

(D) that examines, based on the information gathered, the extent to which persons with a history of violence are using either the K nonimmigrant visa process or the services of international marriage brokers, or both, and the extent to which such persons are providing accurate and complete information to the Department of State or the Department of Homeland Security and to international marriage brokers in accordance with subsections (a) and (d)(2)(B); and

(E) that assesses the accuracy and completeness of the criminal background check performed by the Secretary of Homeland Security at identifying past instances of domestic violence.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3) DATA COLLECTION.—The Secretary of Homeland Security and the Secretary of State shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the study required by paragraph (1).

(g) REPEAL OF MAIL-ORDER BRIDE PROVISION.—Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1375) is hereby repealed.

SEC. 834. SHARING OF CERTAIN INFORMATION.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information regarding a United States petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)) for the limited purposes of fulfilling disclosure obligations imposed by the amendments made by section 832(a) or by section 833, including reporting obligations of the Comptroller General of the United States under section 833(f).

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. FINDINGS.

Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to

respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

(a) IN GENERAL.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(i) domestic violence;

(ii) dating violence;

(iii) sexual assault;

(iv) stalking; and

(v) murder.

(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

(i) national tribal domestic violence and sexual assault nonprofit organizations;

(ii) tribal governments; and

(iii) the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 and 2008, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2007 and 2008, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.''.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended.

SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

''SEC. 2007. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

''(a) GRANTS.—The Attorney General may make grants to Indian tribal governments and tribal organizations to—

''(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

''(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

''(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

''(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;

''(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

''(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children; and

''(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community.

''(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

''(c) NONEXCLUSIVITY.—The Federal share of a grant made under this section may not exceed 90 percent of the total costs of the project described in the application submitted, except that the Attorney General may grant a waiver of this match requirement on the basis of demonstrated financial hardship. Funds appropriated for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.''.

(b) AUTHORIZATION OF FUNDS FROM GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Section 2007(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(b)(1)) is amended to read as follows:

''(1) Ten percent shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.''.

(c) AUTHORIZATION OF FUNDS FROM GRANTS TO ENCOURAGE STATE POLICIES AND ENFORCEMENT OF PROTECTION ORDERS PROGRAM.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

''(e) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.''.

(d) AUTHORIZATION OF FUNDS FROM RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE GRANTS.—Subsection

40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)(3)) is amended by striking paragraph (3) and inserting the following:

''(3) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.''.

(e) AUTHORIZATION OF FUNDS FROM THE SAFE HAVENS FOR CHILDREN PROGRAM.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420) is amended by striking subsection (f) and inserting the following:

''(f) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this subsection shall not apply to funds allocated for such program.''.

(f) AUTHORIZATION OF FUNDS FROM THE TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT PROGRAM.—Section 40299(g) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(g)) is amended by adding at the end the following:

''(4) TRIBAL PROGRAM.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.''.

(g) AUTHORIZATION OF FUNDS FROM THE LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS PROGRAM.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:

''(4) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.''.

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.), as amended by section 906, is amended by adding at the end the following:

''SEC. 2008. TRIBAL DEPUTY.

''(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

''(b) DUTIES.—

''(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

''(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

''(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

''(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

''(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

''(E) represent the Office on Violence Against Women in the annual consultations under section 903;

''(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

''(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

''(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

''(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

''(c) AUTHORITY.—

''(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

''(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

''(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

''(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

''(C) development of tribal educational awareness programs and materials;

''(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

''(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.''.

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: ''(i) is a misdemeanor under Federal, State, or Tribal law; and''.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3) is amended—

(1) in subparagraph (A), by striking ''or'';

(2) in subparagraph (B), by striking the semicolon and inserting '', or''; and

(3) by adding at the end the following:

''(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;''.

SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 117. Domestic assault by an habitual offender

''(a) IN GENERAL.—Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

''(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

''(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

''(b) DOMESTIC ASSAULT DEFINED.—In this section, the term 'domestic assault' means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.''.

TITLE X—DNA FINGERPRINTING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''DNA Fingerprint Act of 2005''.

SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking ''DNA profiles'' and all that follows through '', and'';

(2) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

''(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

''(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned; or

''(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.'';

(3) in subsection (d)(2)(A)(ii), by striking ''all charges for'' and all that follows, and inserting the following: ''the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a

final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.''; and

(4) by striking subsection (e).

SEC. 1003. EXPANDED USE OF CODIS GRANTS.

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking ''taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))'' and inserting ''collected under applicable legal authority''.

SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.

(a) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''The Director'' and inserting the following:

''(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or from non-United States persons who are detained under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

''(B) The Director''; and

(B) in paragraphs (3) and (4), by striking ''Director of the Bureau of Prisons'' each place it appears and inserting ''Attorney General, the Director of the Bureau of Prisons,''; and

(2) in subsection (b), by striking ''Director of the Bureau of Prisons'' and inserting ''Attorney General, the Director of the Bureau of Prisons,''.

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting ''and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)'' after ''period of release''.

SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEXUAL-ABUSE OFFENSES.

Section 3297 of title 18, United States Code, is amended by striking ''except for a felony offense under chapter 109A,''.

TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION

Subtitle A—AUTHORIZATION OF APPROPRIATIONS

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,173,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 1102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,991,686,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $125,949,000 for the Office of Justice Programs.

(B) $15,600,000 for the Office on Violence Against Women.

(C) $32,597,000 for the Office of Community Oriented Policing Services.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $233,934,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,856,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $195,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $130,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $33,901,000 for the Office of Community Oriented Policing Services.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $764,526,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,480,608,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,930,462,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $203,755,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,837,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

SEC. 1105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—(1) The Attorney General and the Federal Bureau of Investigation, in consultation with the retail community, shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United Sates. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail

companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, ''organized retail theft'' means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

SEC. 1106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) TASK FORCE.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009, for—

(1) the establishment and operation of the United States-Mexico Border Violence Task Force; and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico.

SEC. 1107. NATIONAL GANG INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

(1) the Federal Bureau of Investigation;

(2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(3) the Drug Enforcement Administration;

(4) the Bureau of Prisons;

(5) the United States Marshals Service;

(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(7) the Department of Housing and Urban Development;

(8) State and local law enforcement;

(9) Federal, State, and local prosecutors;

(10) Federal, State, and local probation and parole offices;

(11) Federal, State, and local prisons and jails; and

(12) any other entity as appropriate.

(b) INFORMATION.—The Center established under subsection (a) shall make available the information referred to in subsection (a) to—

(1) Federal, State, and local law enforcement agencies;

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

(c) ANNUAL REPORT.—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

Subtitle B—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

CHAPTER 1—ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES

SEC. 1111. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

''Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program'';

(B) by amending section 500 to read as follows:

''SEC. 500. NAME OF PROGRAM.

''(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

''(b) REFERENCES TO FORMER PROGRAMS.—(1) Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).

''(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.''; and

(C) by inserting after section 500 the following new sections:

''SEC. 501. DESCRIPTION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

''(A) Law enforcement programs.

''(B) Prosecution and court programs.

''(C) Prevention and education programs.

''(D) Corrections and community corrections programs.

''(E) Drug treatment and enforcement programs.

''(F) Planning, evaluation, and technology improvement programs.

''(G) Crime victim and witness programs (other than compensation).

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

''(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

''(1) neighborhood or community-based organizations that are private and nonprofit;

''(2) units of local government; or

''(3) tribal governments.

''(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

''(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

''(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

''(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

''(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

''(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

''(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);

''(B) luxury items;

''(C) real estate;

''(D) construction projects (other than penal or correctional institutions); or

''(E) any similar matters.

''(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

''(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

''(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

''SEC. 502. APPLICATIONS.

''To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

''(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

''(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

''(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

''(A) the application (or amendment) was made public; and

''(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

''(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

''(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

''(A) the programs to be funded by the grant meet all the requirements of this subpart;

''(B) all the information contained in the application is correct;

''(C) there has been appropriate coordination with affected agencies; and

''(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

''SEC. 503. REVIEW OF APPLICATIONS.

''The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

''SEC. 504. RULES.

''The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

''SEC. 505. FORMULA.

''(a) ALLOCATION AMONG STATES.—

''(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

''(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the total population of a State to—

''(ii) the total population of the United States; and

''(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

''(ii) the average annual number of such crimes reported by all States for such years.

''(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a 'minimum allocation State'), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

''(A) allocate 0.25 percent of the total amount to each State; and

''(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

''(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

''(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

''(2) 40 percent shall be for grants to be allocated under subsection (d).

''(c) ALLOCATION FOR STATE GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

''(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

''(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

''(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

''(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

''(2) ALLOCATION.—

''(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

''(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

''(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

''(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

''(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

''(ii) but for this paragraph, the amount of funds allocated under this section to—

''(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

''(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

''(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

''(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

''(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

''(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

''(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of

local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

''(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

''(g) SPECIAL RULES FOR PUERTO RICO.—

''(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

''(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

''(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

''SEC. 506. RESERVED FUNDS.

''(a) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

''(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

''(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

''(b) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General may reserve not more than 5 percent, to be granted to 1 or more States or units of local government, for 1 or more of the purposes specified in section 501, pursuant to his determination that the same is necessary—

''(1) to combat, address, or otherwise respond to precipitous or extraordinary increases in crime, or in a type or types of crime; or

''(2) to prevent, compensate for, or mitigate significant programmatic harm resulting from operation of the formula established under section 505.

''SEC. 507. INTEREST-BEARING TRUST FUNDS.

''(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

''(b) EXPENDITURES.—

''(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

''(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

''(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

''(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

''SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.''.

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking ''such as'' and all that follows through ''the M.O.R.E. program'' and inserting ''such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program''.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking ''pursuant to section 511 or 515'' and inserting ''pursuant to section 515'';

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking ''the program evaluations as required by section 501(c) of this part'' and inserting ''program evaluations'';

(ii) in subsection (a)(2), by striking ''evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part'' and inserting ''evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part''; and

(iii) in subsection (b)(2), by striking ''programs funded under section 506 (formula grants) and section 511 (discretionary grants)'' and inserting ''programs funded under section 505 (formula grants)'';

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''section 506'' and inserting ''section 505''; and

(ii) in subsection (a)(1), by striking ''an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503'' and inserting ''an assessment of the impact of such activities on meeting the purposes of subpart 1'';

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking ''the purposes of section 501 of this title'' and inserting ''the purposes of such subpart 1''; and

(ii) by striking ''the application submitted pursuant to section 503 of this title.'' and inserting ''the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).'';

(E) in section 808 (42 U.S.C. 3789), by striking ''the State office described in section 507 or 1408'' and inserting ''the State office responsible for the trust fund required by section 507, or the State office described in section 1408,'';

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking ''for the purposes of section 506(a)'' and inserting ''for the purposes of section 505(a)'';

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking ''section 506(a)'' and inserting ''section 505(a)'';

(ii) in paragraph (2)—

(I) by striking ''section 503(a)'' and inserting ''section 502''; and

(II) by striking ''section 506'' and inserting ''section 505'';

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking ''The office designated under section 507 of title I'' and inserting ''The office responsible for the trust fund required by section 507'';

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking ''and reflects consideration of the statewide strategy under section 503(a)(1)''; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking ''The Office designated under section 507'' and inserting ''The office responsible for the trust fund required by section 507''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 1112. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking ''more than 5 recipients'' and inserting ''more than 5 individuals, or groups of individuals, as recipients''.

SEC. 1113. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking ''the Director of the Office of Justice Assistance'' and inserting ''the Assistant Attorney General for the Office of Justice Programs''.

SEC. 1114. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting ''regional'' before ''information sharing systems'';

(2) by amending paragraph (3) to read as follows:

''(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State,

tribal, and local law enforcement agencies;''; and

(3) by striking ''(5)'' at the end of paragraph (4).

SEC. 1115. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: ''The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.'';

(2) by amending paragraph (19) of subsection (c) to read as follows:

''(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;''; and

(3) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.''.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking ''particular individual'' and inserting ''private person or public agency''.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking ''Except as provided by Federal law other than this title, no'' and inserting ''No''.

SEC. 1116. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2007'' and inserting ''2009''.

CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME

SEC. 1121. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

''SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

''(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

''SEC. 104. WEED AND SEED STRATEGIES.

''(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

''(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

''(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

''(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

''(B) community revitalization efforts, including enforcement of building codes and development of the economy.

''(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

''(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

''(A) in a voting capacity, representatives of—

''(i) appropriate law enforcement agencies; and

''(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

''(B) in a voting capacity, both—

''(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

''(ii) the United States Attorney for the District encompassing the community;

''(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

''(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

''(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

''(1) the United States Attorney for the District encompassing the community must certify to the Director that—

''(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

''(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

''(C) the steering committee is capable of implementing the strategy appropriately; and

''(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

''(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

''(1) a sustainable Weed and Seed strategy that includes—

''(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

''(B) a significant community-oriented policing component; and

''(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

''(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

''(e) GRANTS.—

''(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

''(2) USES.—For each grant under this subsection, the community receiving that grant may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

''(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

''(A) for a period of more than 10 fiscal years;

''(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

''(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

''(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

''(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

''(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

''(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

''(B) The requirement of subparagraph (A)—

''(i) may be satisfied in cash or in kind; and

''(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

''(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be

used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

"SEC. 105. INCLUSION OF INDIAN TRIBES.

''For purposes of sections 103 and 104, the term 'State' includes an Indian tribal government.''.

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

CHAPTER 3—ASSISTING VICTIMS OF CRIME

SEC. 1131. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after ''Director'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraphs (1)(A) and (1)(C)''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).''.

SEC. 1132. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: '', which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

''(A) attaches conditions inconsistent with applicable laws or regulations; or

''(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.''.

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking ''expended'' and inserting ''obligated''.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking '', acting through the Director,'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.''.

SEC. 1133. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

SEC. 1134. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(3)(A), by striking ''police'' and inserting ''law enforcement''; and

(2) in subsection (d)—

(A) in the second sentence, by inserting after ''each application'' the following: ''submitted by a State''; and

(B) in the third sentence, by striking ''An application'' and inserting ''In addition, each application submitted by a State or tribal government''.

(b) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3) is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

SEC. 1135. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking ''The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides'' and inserting ''Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides''.

(b) SAFE HAVENS FOR CHILDREN.—Subsection 1301(d)(l) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(l)) is amended in the matter preceding subparagraph (A) by striking ''Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,'' and inserting ''Not later than 1 month after the end of each even-numbered fiscal year,''.

(c) STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.—Subsection 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-3), is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

(d) GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.—Subsection 826(d)(3) of the Higher Education Amendments Act of 1998 (20 U.S.C. 1152 (d)(3)) is amended by striking from ''Not'' through and including ''under this section'' and inserting ''Not later than 1 month after the end of each even-numbered fiscal year''.

(e) TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—Subsection 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking ''shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section.'' and inserting ''shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than one month after the end of each even-numbered fiscal year.''.

SEC. 1136. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) DEFINITIONS.—In this section:

(1) The term ''juvenile'' means an individual who is age 17 or younger.

(2) The term ''young adult'' means an individual who is age 21 or younger but not a juvenile.

(3) The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

CHAPTER 4—PREVENTING CRIME

SEC. 1141. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking ''an offense that'' and inserting ''a felony-level offense that''.

SEC. 1142. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b) and inserting the following:

''(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State,

together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part, and to strengthen existing State drug court systems. In providing such technical assistance and training, the Community Capacity Development Office shall consider and respond to the unique needs of rural States, rural areas and rural communities.''

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(25)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(25)(A)) is amended by adding at the end the following:

''(v) $70,000,000 for each of fiscal years 2007 and 2008.''.

SEC. 1143. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking ''offenders with substance abuse problems'' and inserting ''offenders, and other individuals under the jurisdiction of the court, with substance abuse problems''.

SEC. 1144. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

''(d) DEFINITION.—In this section, the term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

''(1) directed at the substance abuse problems of the prisoners; and

''(2) intended to develop the prisoner's cognitive, behavioral, social, vocational and other skills so as to solve the prisoner's substance abuse and other problems; and

''(3) which may include the use of pharmacotherapies, where appropriate, that may extend beyond the treatment period.''.

SEC. 1145. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) ENHANCED DRUG SCREENINGS REQUIREMENT.—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff—1(b)) is amended to read as follows:

''(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

''(1) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

''(2) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State.''.

(b) AFTERCARE SERVICES REQUIREMENT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''**ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT**'' and inserting ''**AFTERCARE SERVICES REQUIREMENT**''; and

(2) by amending paragraph (1) to read as follows:

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with after care services.''; and

(3) by adding at the end the following new paragraph:

''(4) After care services required by this subsection shall be funded through funds provided for this part.''.

(c) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—Section 1903 of such Act (42 U.S.C. 3796ff—2) is amended by adding at the end the following new subsection:

''(e) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.''.

SEC. 1146. RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR FEDERAL FACILITIES.

Section 3621(e) of title 18, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this subsection such sums as may be necessary for each of fiscal years 2007 through 2011.''; and

(2) in paragraph (5)(A)—

(A) in clause (i) by striking ''and'' after the semicolon'

(B) in clause (ii) by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(iii) which may include the use of pharmacoptherapies, if appropriate, that may extend beyond the treatment period;''.

CHAPTER 5—OTHER MATTERS

SEC. 1151. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking ''section 6503(d)'' and inserting ''sections 3335(b) or 6503(d)''; and

(2) by striking ''section 6503'' and inserting ''sections 3335(b) or 6503''.

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking ''pursuant to section 501(a)'' and inserting ''pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)''.

(c) ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 1152. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after ''the Bureau of Justice Statistics,'' the following: ''the Office for Victims of Crime,''.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting '', including placing special conditions on all grants, and determining priority purposes for formula grants'' before the period at the end.

SEC. 1153. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking ''unless such requirement is terminated under'' and inserting ''for the time period specified in''.

SEC. 1154. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAM.—The Criminal Justice Facility Construction Pilot program (part F; 42 U.S.C. 3769–3769d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 1155. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking ''(a)'' before ''Whenever,''.

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking '', after reasonable notice and opportunity for a hearing,''; and

(B) by striking '', except as otherwise provided herein''.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 1156. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking ''(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))''.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking ''program or project'' and inserting ''program, plan, or project''.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking ''which'' and inserting '', including faith-based, that''.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking ''and'' at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).''.

SEC. 1157. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after ''The Attorney General'' the following: ''or the Secretary of Homeland Security, as applicable,''; and

(2) in subsection (b)(1)—

(A) by striking ''the Immigration and Naturalization Service'' and inserting ''the Department of Homeland Security'';

(B) by striking ''shall not exceed the lesser of the amount'' and inserting ''shall be the amount billed, not to exceed the amount'';

(C) by striking ''items and services'' and all that follows through ''the Medicare program'' and inserting ''items and services under the Medicare program''; and

(D) by striking ''; or'' and all that follows through the period at the end and inserting a period.

SEC. 1158. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

''SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate program assessments of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

''(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

''(1) The program under part Q of this title.

''(2) Any grant program carried out by the Office of Justice Programs.

''(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

''(c) PROGRAM ASSESSMENTS REQUIRED.—

''(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out program assessments on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

''(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

''(3) TIMING OF PROGRAM ASSESSMENTS.—The program assessment required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

''(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

''(B) at the end of each year of the grant period, if the grant period is more than 1 year.

''(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a program assessment under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

''(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

''(f) AVAILABILITY OF FUNDS.—Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the Office of Audit, Assessment and Management for the activities authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1159. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

''SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

''(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

''(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

''(2) Providing information, training, and technical assistance.

''(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

''(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

''(5) Any other similar means.

''(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

''(d) BEST PRACTICES.—The Director shall—

''(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

''(2) incorporate those characteristics into the training provided under this section.

''(e) AVAILABILITY OF FUNDS.—not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the Community Capacity Development Office for the activities authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1160. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

''SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Office of Science and Technology, the Division of Applied Law Enforcement Technology, headed by an individual appointed by the Attorney General. The purpose of the Division shall be to provide leadership and focus to those grants of the Department of Justice that are made for the

purpose of using or improving law enforcement computer systems.

''(b) DUTIES.—In carrying out the purpose of the Division, the head of the Division shall—

''(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

''(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department, such as Uniform Crime Reports or the National Incident-Based Reporting System.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1161. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

''SEC. 108. AVAILABILITY OF FUNDS.

''(a) PERIOD FOR AWARDING GRANT FUNDS.—

''(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

''(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

''(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

''(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

''(c) DEFINITION.—In this section, the term 'DOJ grant funds' means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

''(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1162. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2006, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 1163. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking ''**ADDITIONAL GRANT PROJECTS**.—Grants made under subsection (a) may include programs, projects, and other activities to—'' and inserting ''**USES OF GRANT AMOUNTS**.—The purposes for which grants made under subsection (a) may be made are—'';

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

''(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

''(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

''(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

''(4) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;''; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

''(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;'';

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively; and

(5) in subsection (c) (as so redesignated) by striking ''subsection (i)'' and inserting ''subsection (g)''.

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking ''section 1701(d)'' and inserting ''section 1701(b)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking ''expended—'' and all that follows through ''2000'' and inserting ''expended $1,047,119,000 for each of fiscal years 2006 through 2009''; and

(2) in subparagraph (B)—

(A) by striking ''section 1701(f)'' and inserting ''section 1701(d)''; and

(B) by striking the third sentence.

SEC. 1164. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

''(7) 'member of a rescue squad or ambulance crew' means an officially recognized or designated public employee member of a rescue squad or ambulance crew;''; and

(3) in paragraph (4) by striking ''and'' and all that follows through the end and inserting a semicolon.

(4) in paragraph (6) by striking ''enforcement of the laws'' and inserting ''enforcement of the criminal laws (including juvenile delinquency).''

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting ''with respect'' before ''to any individual''.

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

''(m) The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or otherwise disbursed in error under subsection (a) or (c), where such collection would be impractical, or would cause undue hardship to a debtor who acted in good faith.''.

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

''(4) if there is no surviving spouse or surviving child—

''(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's

most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

''(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or''.

(e) CONFIDENTIALITY.—Section 1201(1)(a) of such Act (42 U.S.C. 3796(a)) is amended by adding at the end the following:

''(6) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or recently executed life insurance policy pursuant to paragraph (4) shall maintain the confidentiality of such designation or policy in the same manner as it maintains personnel or other similar records of the officer.''.

SEC. 1165. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking ''or'' at the end;

(2) in paragraph (16) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.''.

SEC. 1166. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended by striking ''2002 through 2005'' and inserting ''2006 through 2009''.

SEC. 1167. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 1168. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting '', including the extent to which evidence-based approaches are utilized'' after ''part''; and

(2) in subsection (b)(1)(A)(ii) by inserting '', including the extent to which evidence-based approaches are utilized'' after ''part''.

SEC. 1169. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) IN GENERAL.—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking ''2003'' and inserting ''2009''.

(b) PROGRAM TO REMAIN UNDER COPS OFFICE.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after ''The Attorney General'' the following: '', acting through the Office of Community Oriented Policing Services,''.

SEC. 1170. TECHNICAL AMENDMENTS TO AIMEE'S LAW.

Section 2001 of Div. C, Pub. L. 106–386 (42 U.S.C. 13713), is amended—

(1) in each of subsections (b), (c)(1), (c)(2), (c)(3), (e)(1), and (g) by striking the first upper-case letter after the heading and inserting a lower case letter of such letter and the following: ''Pursuant to regulations promulgated by the Attorney General hereunder,''

(2) in subsection (c), paragraphs (1) and (2), respectively, by—

(A) striking ''a State'', the first place it appears, and inserting ''a criminal-records-reporting State''; and

(B) striking ''(3),'' and all that follows through ''subsequent offense'' and inserting ''(3), it may, under subsection (d), apply to the Attorney General for $10,000, for its related apprehension and prosecution costs, and $22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation'';

(3) in subsection (c)(3), by—

(A) striking ''if—'' and inserting ''unless—'';

(B) striking—

(i) ''average'';

(ii) ''individuals convicted of the offense for which,''; and

(iii) ''convicted by the State is''; and

(C) inserting ''not'' before ''less'' each place it appears;

(4) in subsections (d) and (e), respectively, by striking ''transferred'';

(5) in subsection (e)(1), by—

(A) inserting ''pursuant to section 506 of the Omnibus Crime Control and Safe Streets Act of 1968'' before ''that''; and

(B) striking the last sentence and inserting ''No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31, United States Code.'';

(6) in subsection (i)(1), by striking ''State-'' and inserting ''State (where practicable)-''; and

(7) by striking subsection (i)(2) and inserting:

''(2) REPORT.—The Attorney General shall submit to Congress—

''(A) a report, by not later than 6 months after the date of enactment of this Act, that provides national estimates of the nature and extent of recidivism (with an emphasis on interstate recidivism) by State inmates convicted of murder, rape, and dangerous sexual offenses;

''(B) a report, by not later than October 1, 2007, and October 1 of each year thereafter, that provides statistical analysis and criminal history profiles of interstate recidivists identified in any State applications under this section; and

''(C) reports, at regular intervals not to exceed every five years, that include the information described in paragraph (1).''.

Subtitle C—MISCELLANEOUS PROVISIONS

SEC. 1171. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking ''or'' at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking ''to be used to be used'' and inserting ''to be used''.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking ''sections'' and inserting ''section''.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking ''title 18'' and inserting ''title 28''.

SEC. 1172. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

''3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives''.

(b) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103–322 is amended by striking subsection (c).

SEC. 1173. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless authorized in writing by the Attorney General, or the Assistant Attorney General for Administration, if so delegated by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 1174. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include advising the Attorney General regarding—

(1) appropriate privacy protections, relating to the collection, storage, use, disclosure, and security of personally identifiable information, with respect to the Department's existing or proposed information technology and information systems;

(2) privacy implications of legislative and regulatory proposals affecting the Department and involving the collection, storage, use, disclosure, and security of personally identifiable information;

(3) implementation of policies and procedures, including appropriate training and auditing, to ensure the Department's compliance with privacy-related laws and policies, including section 552a of title 5, United States Code, and Section 208 of the E-Government Act of 2002 (Pub. L. 107–347);

(4) ensuring that adequate resources and staff are devoted to meeting the Department's privacy-related functions and obligations;

(5) appropriate notifications regarding the Department's privacy policies and privacy-related inquiry and complaint procedures; and

(6) privacy-related reports from the Department to Congress and the President.

(c) REVIEW OF PRIVACY RELATED FUNCTIONS, RESOURCES, AND REPORT.—Within 120 days of his designation, the privacy official shall prepare a comprehensive report to the Attorney General and to the Committees on the Judiciary of the House of Representatives and of the Senate, describing the organization and resources of the Department

with respect to privacy and related information management functions, including access, security, and records management, assessing the Department's current and future needs relating to information privacy issues, and making appropriate recommendations regarding the Department's organizational structure and personnel.

(d) ANNUAL REPORT.—The privacy official shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on an annual basis on activities of the Department that affect privacy, including a summary of complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters.

SEC. 1175. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 1176. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 1177. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting ''or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''in a Federal prison,'':

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking ''one year'' and inserting ''five years''.

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking ''six months'' and inserting ''two years'' in each of subsections (a)(4) and (b).

SEC. 1178. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(d)(4) of title 18, United States Code, is amended by inserting ''or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''penal facility''.

SEC. 1179. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: ''In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.''.

SEC. 1180. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108–358), is amended by—

(1) striking clause (xvii) and inserting the following:

''(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;''; and

(2) striking clause (xliv) and inserting the following:

''(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);''.

SEC. 1181. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking ''2 years'' and inserting ''3 years''.

SEC. 1182. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 3298. Trafficking-related offenses

''No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3298. Trafficking-related offenses''.

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting '', or for ten years after the offense, whichever is longer'' after ''of the child''.

SEC. 1183. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) IN GENERAL.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit ''center of excellence'' that provides technology assistance and expertise to the criminal justice community.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $7,500,000 for fiscal year 2006;

(2) $7,500,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

SEC. 1184. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $4,000,000 for each of fiscal years 2006 through 2009.

SEC. 1185. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking ''2006'' and inserting ''2009''.

SEC. 1186. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs;''.

SEC. 1187. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

''Sec.

''599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives

''599B. Personnel management demonstration project''.

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

''§ 599A. Bureau of alcohol, tobacco, firearms, and Explosives'';

and

(B) in subsection (b)(2), by inserting ''of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)'' after ''subsection (c)'',

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

''§ 599B. Personnel Management demonstration project'',

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

''40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives ..... 599A''.

SEC. 1188. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $20,000,000 for fiscal year 2006;

''(2) $20,000,000 for fiscal year 2007;

''(3) $20,000,000 for fiscal year 2008;

''(4) $20,000,000 for fiscal year 2009; and

''(5) $20,000,000 for fiscal year 2010.''.

SEC. 1189. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a

national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $2,500,000 for fiscal year 2006.
(2) $3,000,000 for fiscal year 2007.
(3) $3,000,000 for fiscal year 2008.
(4) $3,000,000 for fiscal year 2009.

SEC. 1190. SENSE OF CONGRESS RELATING TO "GOOD TIME" RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a ''good time'' release program for non-violent criminals in the Federal prison system.

SEC. 1191. PUBLIC EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 716 of title 18, United States Code, is amended—

(1) by striking ''police badge'' each place it appears in subsections (a) and (b) and inserting ''official insignia or uniform'';

(2) in each of paragraphs (2) and (4) of subsection (a), by striking ''badge of the police'' and inserting ''official insignia or uniform'';

(3) in subsection (b)—

(A) by striking ''the badge'' and inserting ''the insignia or uniform'';

(B) by inserting ''is other than a counterfeit insignia or uniform and'' before ''is used or is intended to be used''; and

(C) by inserting ''is not used to mislead or deceive, or'' before ''is used or intended'';

(4) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and'';

(C) by adding at the end the following:

''(3) the term 'official insignia or uniform' means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee;

''(4) the term 'public employee' means any officer or employee of the Federal Government or of a State or local government; and

''(5) the term 'uniform' means distinctive clothing or other items of dress, whether real or counterfeit, worn during the performance of official duties and which identifies the wearer as a public agency employee.''; and

(5) by adding at the end the following:

''(d) It is a defense to a prosecution under this section that the official insignia or uniform is not used or intended to be used to mislead or deceive, or is a counterfeit insignia or uniform and is used or is intended to be used exclusively—

''(1) for a dramatic presentation, such as a theatrical, film, or television production; or

''(2) for legitimate law enforcement purposes.''; and

(6) in the heading for the section, by striking ''**POLICE BADGES**'' and inserting ''**PUBLIC EMPLOYEE INSIGNIA AND UNIFORM**''.

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended by striking ''Police badges'' and inserting ''Public employee insignia and uniform''.

(c) DIRECTION TO SENTENCING COMMISSION.—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and uniform received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

SEC. 1192. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: ''Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.''.

SEC. 1193. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 1194. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

SEC. 1195. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, the Secretary shall submit to Congress a report on the results of the study.

SEC. 1196. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''appropriated'' and all that follows through the period and inserting the following: ''appropriated to carry out this subsection—

''(A) $750,000,000 for fiscal year 2006;
''(B) $850,000,000 for fiscal year 2007; and
''(C) $950,000,000 for each of the fiscal years 2008 through 2011.''.

(b) LIMITATION ON USE OF FUNDS.—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

''(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

(c) STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security's efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) IDENTIFICATION.—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

SEC. 1197. EXTENSION OF CHILD SAFETY PILOT PROGRAM.

Section 108 of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by striking ''A volunteer organization in a participating State may not submit background check requests under paragraph (3).'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''a 30-month'' and inserting ''a 60-month'';

(ii) in subparagraph (A), by striking ''100,000'' and inserting ''200,000''; and

(iii) by striking subparagraph (B) and inserting the following:

''(B) PARTICIPATING ORGANIZATIONS.—

''(i) ELIGIBLE ORGANIZATIONS.—Eligible organizations include—

''(I) the Boys and Girls Clubs of America;

''(II) the MENTOR/National Mentoring Partnership;

''(III) the National Council of Youth Sports; and

''(IV) any nonprofit organization that provides care, as that term is defined in section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c), for children.

''(ii) PILOT PROGRAM.—The eligibility of an organization described in clause (i)(IV) to participate in the pilot program established under this section shall be determined by the National Center for Missing and Exploited Children, with the rejection or concurrence within 30 days of the Attorney General, according to criteria established by such Center, including the potential number of applicants and suitability of the organization to the intent of this section. If the Attorney General fails to reject or concur within 30 days, the determination of the National Center for Missing and Exploited Children shall be conclusive.'';

(iv) by striking subparagraph (C) and inserting the following:

''(C) APPLICANTS FROM PARTICIPATING ORGANIZATIONS.—Participating organizations may request background checks on applicants for positions as volunteers and employees who will be working with children or supervising volunteers.'';

(v) in subparagraph (D), by striking ''the organizations described in subparagraph (C)'' and inserting ''participating organizations''; and

(vi) in subparagraph (F), by striking ''14 business days'' and inserting ''10 business days'';

(2) in subsection (c)(1), by striking ''and 2005'' and inserting ''through 2008''; and

(3) in subsection (d)(1), by adding at the end the following:

''(O) The extent of participation by eligible organizations in the state pilot program.''.

SEC. 1198. TRANSPORTATION AND SUBSISTENCE FOR SPECIAL SESSIONS OF DISTRICT COURTS.

(a) TRANSPORTATION AND SUBSISTENCE.—Section 141(b) of title 28, United States Code, as added by section 2(b) of Public Law 109-63, is amended by adding at the end the following:

''(5) If a district court issues an order exercising its authority under paragraph (1), the court shall direct the United States marshal of the district where the court is meeting to furnish transportation and subsistence to the same extent as that provided in sections 4282 and 4285 of title 18.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (5) of section 141(b) of title 28, United States Code, as added by subsection (a) of this section.

SEC. 1199. YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT OF YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Attorney General shall make up to 5 grants for the purpose of carrying out Youth Violence Demonstration Projects to reduce juvenile and young adult violence, homicides, and recidivism among high-risk populations.

(2) ELIGIBLE ENTITIES.—An entity is eligible for a grant under paragraph (1) if it is a unit of local government or a combination of local governments established by agreement for purposes of undertaking a demonstration project.

(b) SELECTION OF GRANT RECIPIENTS.—

(1) AWARDS.—The Attorney General shall award grants for Youth Violence Reduction Demonstration Projects on a competitive basis.

(2) AMOUNT OF AWARDS.—No single grant award made under subsection (a) shall exceed $15,000,000 per fiscal year.

(3) APPLICATION.—An application for a grant under paragraph (1) shall be submitted to the Attorney General in such a form, and containing such information and assurances, as the Attorney General may require, and at a minimum shall propose—

(A) a program strategy targeting areas with the highest incidence of youth violence and homicides;

(B) outcome measures and specific objective indicia of performance to assess the effectiveness of the program; and

(C) a plan for evaluation by an independent third party.

(4) DISTRIBUTION.—In making grants under this section, the Attorney General shall ensure the following:

(A) No less than 1 recipient is a city with a population exceeding 1,000,000 and an increase of at least 30 percent in the aggregated juvenile and young adult homicide victimization rate during calendar year 2005 as compared to calendar year 2004.

(B) No less than one recipient is a nonmetropolitan county or group of counties with per capita arrest rates of juveniles and young adults for serious violent offenses that exceed the national average for nonmetropolitan counties by at least 5 percent.

(5) CRITERIA.—In making grants under this section, the Attorney General shall give preference to entities operating programs that meet the following criteria:

(A) A program focus on

(i) reducing youth violence and homicides, with an emphasis on juvenile and young adult probationers and other juveniles and young adults who have had or are likely to have contact with the juvenile justice system;

(ii) fostering positive relationships between program participants and supportive adults in the community; and

(iii) accessing comprehensive supports for program participants through coordinated community referral networks, including job opportunities, educational programs, counseling services, substance abuse programs, recreational opportunities, and other services;

(B) A program goal of almost daily contacts with and supervision of participating juveniles and young adults through small caseloads and a coordinated team approach among case managers drawn from the community, probation officers, and police officers;

(C) The use of existing structures, local government agencies, and nonprofit organizations to operate the program;

(D) Inclusion in program staff of individuals who live or have lived in the community in which the program operates; have personal experiences or cultural competency that build credibility in relationships with program participants; and will serve as a case manager, intermediary, and mentor;

(E) Fieldwork and neighborhood outreach in communities where the young violent offenders live, including support of the program from local public and private organizations and community members;

(F) Imposition of graduated probation sanctions to deter violent and criminal behavior.

(G) A record of program operation and effectiveness evaluation over a period of at least five years prior to the date of enactment of this Act;

(H) A program structure that can serve as a model for other communities in addressing the problem of youth violence and juvenile and young adult recidivism.

(c) AUTHORIZED ACTIVITIES.—Amounts paid to an eligible entity under a grant award may be used for the following activities:

(1) Designing and enhancing program activities;

(2) Employing and training personnel.

(3) Purchasing or leasing equipment.

(4) Providing services and training to program participants and their families.

(5) Supporting related law enforcement and probation activities, including personnel costs.

(6) Establishing and maintaining a system of program records.

(7) Acquiring, constructing, expanding, renovating, or operating facilities to support the program.

(8) Evaluating program effectiveness.

(9) Undertaking other activities determined by the Attorney General as consistent with the purposes and requirements of the demonstration program.

(d) EVALUATION AND REPORTS.—

(1) INDEPENDENT EVALUATION.—The Attorney General may use up to $500,000 of funds appropriated annually under this such section to—

(A) prepare and implement a design for interim and overall evaluations of performance and progress of the funded demonstration projects;

(B) provide training and technical assistance to grant recipients; and

(C) disseminate broadly the information generated and lessons learned from the operation of the demonstration projects.

(2) REPORTS TO CONGRESS.—Not later than 120 days after the last day of each fiscal year for which 1 or more demonstration grants are awarded, the Attorney General shall submit to Congress a report which shall include—

(A) a summary of the activities carried out with such grants;

(B) an assessment by the Attorney General of the program carried out; and

(C) such other information as the Attorney General considers appropriate.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant awarded under this Act shall not exceed 90 percent of the total program costs.

(2) NON-FEDERAL SHARE.—The non-Federal share of such cost may be provided in cash or in-kind.

(f) DEFINITIONS.—In this section:

(1) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes.

(2) JUVENILE.—The term ''juvenile'' means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term ''young adult'' means an individual who is 18 through 24 years of age.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2009, to remain available until expended.

SA 2682. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; as follows:

On page 2, line 16, strike ''2002'' and insert ''2003''.

On page 3, line 19, strike ''2002'' and insert ''2003''.

SA 2683. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commerial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Delaware Water Gap National Recreation Area Improvement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term ''Corporation'' means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term ''pipeline'' means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) RECREATION AREA.—The term ''Recreation Area'' means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) SUPERINTENDENT.—The term ''Superintendent'' means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—

(A) the recreational values of the Recreation Area; and

(B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

(1) IN GENERAL.—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1–2002–1004–H).

(e) FERC CONSULTATION.—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) LIMITATION.—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101–337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

(i) an easement authorized under subsection (a); or

(ii) a permit issued under subsection (c); or

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(2)(C); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101–337 (16 U.S.C. 19jj)).

SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.

Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended—

(1) in subsection (a), by striking ''at noon on September 30, 2005'' and inserting ''on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''September 30, 2005'' and inserting ''on the earlier of the date on which a feasible alternative is available or September 30, 2015''; and

(B) in paragraph (2)—

(i) by striking ''noon on September 30, 2005'' and inserting ''the earlier of the date on which a feasible alternative is available or noon of September 30, 2015''; and

(ii) by striking ''not exceed $25 per trip'' and inserting the following: ''be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed $40 per trip''.

SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking ''2006'' and inserting ''2007''.

SA 2684. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007; as follows:

Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.''.

SA 2685. Mr. FRIST (for Mr. SARBANES) proposed an amendment to the bill S. 959, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; as follows:

On page 4, strike lines 6 through 8, and insert the following:

(A) means the States of Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin; and

On page 4, line 18, strike ''23'' and insert ''42''.

On page 4, line 19, strike ''9'' and insert ''28''.

SA 2686. Mr. FRIST (for Mr. SHELBY) proposed an amendment to the bill S. 863, 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; as follows:

On page 11, after line 15, add the following:

SEC. 8. CONTINUED ISSUANCE OF 5-CENT COINS MINTED IN 2004 AND 2005.

Notwithstanding the fifth sentence of section 5112(d)(1) of title 31, United States Code, the Secretary of the Treasury may continue to issue, after December 31, 2005, numismatic items that contain 5-cent coins minted in the years 2004 and 2005.

SEC. 9. LEWIS AND CLARK COIN AMENDMENTS.

Section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act (31 U.S.C. 5112 note) is amended—

(1) in subsection (a), by striking ''Secretary as:'' and all that follows through the end of the subsection and inserting the following: ''Secretary for expenditure on activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, as follows:

''(1) NATIONAL COUNCIL OF THE LEWIS AND CLARK BICENTENNIAL.—One-half to the National Council of the Lewis and Clark Bicentennial.

''(2) MISSOURI HISTORICAL SOCIETY.—One-half to the Missouri Historical Society.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) TRANSFER OF UNEXPENDED FUNDS.—Any proceeds referred to in subsection (a) that were dispersed by the Secretary and remain unexpended by the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society as of June 30, 2007, shall be transferred to the Lewis and Clark Trail Heritage Foundation for the purpose of establishing a trust for the stewardship of the Lewis and Clark National Historic Trail.''.

SA 2687. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1312, to amend a provision relating to employees of the United States assigned to, or employed by, and Indian tribe, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reducing Conflicts of Interests in the Representation of Indian Tribes Act of 2005''.

SEC. 2. ADDITIONAL EMPLOYMENT RIGHTS.

Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

''(j) ADDITIONAL EMPLOYMENT RIGHTS.—

''(1) DEFINITION OF TRIBAL EMPLOYEE.—In this subsection, the term 'tribal employee', with respect to an Indian tribal government, means an individual acting under the day-to-day control or supervision of the Indian tribal government, unaffected by the control or supervision of any independent contractor,

agency or organization, or intervening sovereignty.

''(2) RIGHTS OF CERTAIN EMPLOYEES.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is a tribal employee or an elected or appointed official of an Indian tribe carrying out an official duty of the tribal employee or official may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe on any matter, including any matter in which the United States is a party or has a direct and substantial interest.

''(3) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (2) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter.''.

SEC. 3. EFFECTIVE DATE.

The effective date of the amendment made by this Act shall be the date that is 1 year after the date of enactment of this Act.

SA 2688. Mr. FRIST (for Mr. HATCH (for himself, Mr. BURR, and Mr. ENZI)) proposed an amendment to the bill H.R. 2520, to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stem Cell Therapeutic and Research Act of 2005''.

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of cord blood acquired with the informed consent of the donor, as determined by the Secretary pursuant to section 379(c) of the Public Health Service Act, in a manner that complies with applicable Federal and State regulations;

(2) to encourage donation from a genetically diverse population;

(3) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for transplantation;

(4) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(5) to make data available, as required by the Secretary and consistent with section 379(d)(3) of the Public Health Service Act (42 U.S.C. 274k(d)(3)), as amended by this Act, in a standardized electronic format, as determined by the Secretary, for the C.W. Bill Young Cell Transplantation Program; and

(6) to submit data in a standardized electronic format for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) RELATED CORD BLOOD DONORS.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration project under which qualified cord blood banks receiving a contract under this section may use a portion of the funding under such contract for the collection and storage of cord blood units for a family where a first-degree relative has been diagnosed with a condition that will benefit from transplantation (including selected blood disorders, malignancies, metabolic storage disorders, hemoglobinopathies, and congenital immunodeficiencies) at no cost to such family. Qualified cord blood banks collecting cord blood units under this paragraph shall comply with the requirements of paragraphs (1), (2), (3), and (5) of subsection (b).

(2) AVAILABILITY.—Qualified cord blood banks that are operating a program under paragraph (1) shall provide assurances that the cord blood units in such banks will be available for directed transplantation until such time that the cord blood unit is released for transplantation or is transferred by the family to the C.W. Bill Young Cell Transplantation Program in accordance with guidance or regulations promulgated by the Secretary.

(3) INVENTORY.—Cord blood units collected through the program under this section shall not be counted toward the 150,000 inventory goal under the C.W. Bill Young Cell Transplantation Program.

(4) REPORT.—Not later than 90 days after the date on which the project under paragraph (1) is terminated by the Secretary, the Secretary shall submit to Congress a report on the outcomes of the project that shall include the recommendations of the Secretary with respect to the continuation of such project.

(d) APPLICATION.—To seek to enter into a contract under this section, a qualified cord blood bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include a requirement that the applicant—

(1) will participate in the C.W. Bill Young Cell Transplantation Program for a period of at least 10 years;

(2) will make cord blood units collected pursuant to this section available through the C.W. Bill Young Cell Transplantation Program in perpetuity or for such time as determined viable by the Secretary; and

(3) if the Secretary determines through an assessment, or through petition by the applicant, that a cord blood bank is no longer operational or does not meet the requirements of section 379(d)(4) of the Public Health Service Act (as added by this Act) and as a result may not distribute the units, transfer the units collected pursuant to this section to another qualified cord blood bank approved by the Secretary to ensure continued availability of cord blood units.

(e) DURATION OF CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term of each contract entered into by the Secretary under this section shall be for 10 years. The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the earlier of—

(A) the date that is 3 years after the date on which the contract is entered into; or

(B) September 30, 2010.

(2) EXTENSIONS.—Subject to paragraph (1)(B), the Secretary may extend the period of funding under a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 new units of high-quality cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any qualified cord blood bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood banks that have submitted an application for a contract under this section.

(3) PREFERENCE.—In considering contract extensions under paragraph (2), the Secretary shall give preference to qualified cord blood banks that the Secretary determines have demonstrated a superior ability to satisfy the requirements described in subsection (b) and to achieve the overall goals for which the contract was awarded.

(f) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term ''C. W. Bill Young *Cell Transplantation Program*'' means the C.W. Bill Young Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term ''cord blood donor'' means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term ''cord blood unit'' means the neonatal blood collected from the placenta and umbilical cord of a single newborn baby.

(4) The term ''first-degree relative'' means a sibling or parent who is one meiosis away from a particular individual in a family.

(5) The term ''qualified cord blood bank'' has the meaning given to that term in section 379(d)(4) of the Public Health Service Act, as amended by this Act.

(6) The term ''Secretary'' means the Secretary of Health and Human Services.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) EXISTING FUNDS.—Any amounts appropriated to the Secretary for fiscal year 2004 or 2005 for the purpose of assisting in the collection or maintenance of cord blood shall remain available to the Secretary until the end of fiscal year 2007.

(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(3) LIMITATION.—Not to exceed 5 percent of the amount appropriated under this section in each of fiscal years 2007 through 2009 may be used to carry out the demonstration project under subsection (c).

SEC. 3. C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended to read as follows:

''SEC. 379. NATIONAL PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a C.W. Bill Young Cell Transplantation Program (referred to in this section as the 'Program'), successor to the National Bone Marrow Donor Registry, that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program

described in paragraphs (1) and (2) of subsection (d) if deemed necessary by the Secretary to operate an effective and efficient system that is in the best interest of patients. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program shall be under the general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary on matters related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:

''(1) Each member of the Advisory Council shall serve for a term of 2 years, and each such member may serve as many as 3 consecutive 2-year terms, except that

''(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

''(B) 1 additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, governance, or financial affiliation with any donor center, recruitment organization, transplant center, or cord blood bank.

''(2) A member of the Advisory Council may continue to serve after the expiration of the term of such member until a successor is appointed.

''(3) In order to ensure the continuity of the Advisory Council, the Advisory Council shall be appointed so that each year the terms of approximately one-third of the members of the Advisory Council expire.

''(4) The membership of the Advisory Council—

''(A) shall include as voting members a balanced number of representatives including representatives of marrow donor centers and marrow transplant centers, representatives of cord blood banks and participating birthing hospitals, recipients of a bone marrow transplant, recipients of a cord blood transplant, persons who require such transplants, family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood, persons with expertise in bone marrow and cord blood transplantation, persons with expertise in typing, matching, and transplant outcome data analysis, persons with expertise in the social sciences, basic scientists with expertise in the biology of adult stem cells, and members of the general public; and

''(B) shall include as nonvoting members representatives from the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.

''(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Secretary shall establish bylaws and procedures—

''(A) to prohibit any member of the Advisory Council who has an employment, governance, or financial affiliation with a donor center, recruitment organization, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment organization, transplant center, or cord blood bank; and

''(B) to limit the number of members of the Advisory Council with any such affiliation.

''(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

''(A) an annual report on the activities carried out under this section; and

''(B) not later than 6 months after the date of the enactment of the Stem Cell Therapeutic and Research Act of 2005, a report of recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.

''(b) ACCREDITATION.—The Secretary shall, through a public process, recognize one or more accreditation entities for the accreditation of cord blood banks.

''(c) INFORMED CONSENT.—The Secretary shall, through a public process, examine issues of informed consent, including—

''(1) the appropriate timing of such consent; and

''(2) the information provided to the maternal donor regarding all of her medically appropriate cord blood options.

Based on such examination, the Secretary shall require that the standards used by the accreditation entities recognized under subsection (b) ensure that a cord blood unit is acquired with the informed consent of the maternal donor.

''(d) FUNCTIONS.—

''(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

''(A) operate a system for identifying, matching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients;

''(B) consistent with paragraph (3), permit transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available bone marrow donors listed in the Program;

''(C) carry out a program for the recruitment of bone marrow donors in accordance with subsection (e), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Program;

''(D) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

''(E) carry out informational and educational activities in accordance with subsection (e);

''(F) at least annually update information to account for changes in the status of individuals as potential donors of bone marrow;

''(G) provide for a system of patient advocacy through the office established under subsection (h);

''(H) provide case management services for any potential donor of bone marrow to whom the Program has provided a notice that the potential donor may be suitably matched to a particular patient through the office established under subsection (h);

''(I) with respect to searches for unrelated donors of bone marrow that are conducted through the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances;

''(J) support studies and demonstration and outreach projects for the purpose of increasing the number of individuals who are willing to be marrow donors to ensure a genetically diverse donor pool; and

''(K) facilitate research with the appropriate Federal agencies to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Program operations.

''(2) CORD BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

''(A) operate a system for identifying, matching, and facilitating the distribution of donated cord blood units that are suitably matched to candidate patients and meet all applicable Federal and State regulations (including informed consent and Food and Drug Administration regulations) from a qualified cord blood bank;

''(B) consistent with paragraph (3), allow transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available cord blood units made available through the Program;

''(C) allow transplant physicians and other appropriate health care professionals to reserve, as defined by the Secretary, a cord blood unit for transplantation;

''(D) support studies and demonstration and outreach projects for the purpose of increasing cord blood donation to ensure a genetically diverse collection of cord blood units;

''(E) provide for a system of patient advocacy through the office established under subsection (h);

''(F) coordinate with the qualified cord blood banks to support informational and educational activities in accordance with subsection (g);

''(G) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

''(H) with respect to the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format, as required by the Secretary, on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances.

''(3) SINGLE POINT OF ACCESS; STANDARD DATA.—

''(A) SINGLE POINT OF ACCESS.—The Secretary shall ensure that health care professionals and patients are able to search electronically for and facilitate access to, in the manner and to the extent defined by the Secretary and consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from bone marrow donors and cord blood units through a single point of access.

''(B) STANDARD DATA.—The Secretary shall require all recipients of contracts under this section to make available a standard dataset for purposes of subparagraph (A) in a standardized electronic format that enables transplant physicians to compare among and between bone marrow donors and cord blood units to ensure the best possible match for the patient.

''(4) DEFINITION.—The term 'qualified cord blood bank' means a cord blood bank that—

''(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood bank;

''(B) has implemented donor screening, cord blood collection practices, and processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes, including with respect to the transmission of potentially harmful infections and other diseases;

''(C) is accredited by an accreditation entity recognized by the Secretary under subsection (b);

''(D) has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing Federal and State law;

''(E) has established a system for encouraging donation by a genetically diverse group of donors; and

''(F) has established a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

''(e) BONE MARROW RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

''(1) RECRUITMENT; PRIORITIES.—The Program shall carry out activities for the recruitment of bone marrow donors. Such recruitment program shall identify populations that are underrepresented among potential donors enrolled with the Program. In the case of populations that are identified under the preceding sentence:

''(A) The Program shall give priority to carrying out activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

''(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

''(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND ENROLLMENT.—

''(A) IN GENERAL.—The Program shall carry out informational and educational activities, in coordination with organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Program potential bone marrow donors. Such information and educational activities shall include the following:

''(i) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

''(ii) Educating and providing information to individuals who are willing to serve as potential bone marrow donors.

''(iii) Training individuals in requesting individuals to serve as potential bone marrow donors.

''(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (1).

''(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding bone marrow transplants from unrelated donors as a treatment option.

''(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(1).

''(f) BONE MARROW CRITERIA, STANDARDS, AND PROCEDURES.—The Secretary shall enforce, for participating entities, including the Program, individual marrow donor centers, marrow donor registries, marrow collection centers, and marrow transplant centers—

''(1) quality standards and standards for tissue typing, obtaining the informed consent of donors, and providing patient advocacy;

''(2) donor selection criteria, based on established medical criteria, to protect both the donor and the recipient and to prevent the transmission of potentially harmful infectious diseases such as the viruses that cause hepatitis and the etiologic agent for Acquired Immune Deficiency Syndrome;

''(3) procedures to ensure the proper collection and transportation of the marrow;

''(4) standards for the system for patient advocacy operated under subsection (h), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

''(5) standards that—

''(A) require the establishment of a system of strict confidentiality of records relating to the identity, address, HLA type, and managing marrow donor center for marrow donors and potential marrow donors; and

''(B) prescribe the purposes for which the records described in subparagraph (A) may be disclosed, and the circumstances and extent of the disclosure; and

''(6) in the case of a marrow donor center or marrow donor registry participating in the program, procedures to ensure the establishment of a method for integrating donor files, searches, and general procedures of the center or registry with the Program.

''(g) CORD BLOOD RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

''(1) RECRUITMENT; PRIORITIES.—The Program shall support activities, in cooperation with qualified cord blood banks, for the recruitment of cord blood donors. Such recruitment program shall identify populations that are underrepresented among cord blood donors. In the case of populations that are identified under the preceding sentence:

''(A) The Program shall give priority to supporting activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable cord blood unit that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

''(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall support activities under subparagraph (A) with respect to such populations.

''(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND DONATION.—

''(A) IN GENERAL.—In carrying out the recruitment program under paragraph (1), the Program shall support informational and educational activities in coordination with qualified cord blood banks and organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting pregnant women to serve as donors of cord blood. Such information and educational activities shall include the following:

''(i) Making information available to the general public, including information describing the needs of patients with respect to cord blood units.

''(ii) Educating and providing information to pregnant women who are willing to donate cord blood units.

''(iii) Training individuals in requesting pregnant women to serve as cord blood donors.

''(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to supporting the recruitment of pregnant women to serve as donors of cord blood for populations that are identified under paragraph (1).

''(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding cord blood transplants from donors as a treatment option.

''(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(2).

''(h) PATIENT ADVOCACY AND CASE MANAGEMENT FOR BONE MARROW AND CORD BLOOD.—

''(1) IN GENERAL.—The Secretary shall establish and maintain, through a contract or other means determined appropriate by the Secretary, an office of patient advocacy (in this subsection referred to as the 'Office').

''(2) GENERAL FUNCTIONS.—The Office shall meet the following requirements:

''(A) The Office shall be headed by a director.

''(B) The Office shall be staffed by individuals with expertise in bone marrow and cord blood therapy covered under the Program.

''(C) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Program is conducting, or has been requested to conduct, a search for a bone marrow donor or cord blood unit.

''(D) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under paragraphs (1) and (2) of subsection (d) to conduct an ongoing search for a bone marrow donor or cord blood unit and assist with information regarding third party payor matters.

''(E) In carrying out subparagraph (D), the Office shall monitor the system under paragraphs (1) and (2) of subsection (d) to determine whether the search needs of the patient involved are being met, including with respect to the following:

''(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding bone marrow donors or cord blood units that are suitably matched to the patient, and other information regarding the progress being made in the search.

''(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

''(iii) Identifying and resolving problems in the search, to the extent practicable.

''(F) The Office shall ensure that the following data are made available to patients:

''(i) The resources available through the Program.

''(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

''(iii) The post-transplant outcomes for individual transplant centers.

''(iv) Information concerning issues that patients may face after a transplant.

''(v) Such other information as the Program determines to be appropriate.

''(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of patients) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved to best meet the needs of patients.

''(3) CASE MANAGEMENT.—

''(A) IN GENERAL.—In serving as an advocate for a patient under paragraph (2), the Office shall provide individualized case management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

''(i) individualized case assessment; and

''(ii) the functions described in paragraph (2)(D) (relating to progress in the search process).

''(B) POSTSEARCH FUNCTIONS.—In addition to the case management services described in paragraph (1) for patients, the Office shall, on behalf of patients who have completed the search for a bone marrow donor or cord blood unit, provide information and education on the process of receiving a transplant, including the post-transplant process.

''(i) COMMENT PROCEDURES.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carrying out the duties of the Program. The Secretary may promulgate regulations under this section.

''(j) CONSULTATION.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.

''(k) CONTRACTS.—

''(1) APPLICATION.—To be eligible to enter into a contract under this section, an entity shall submit to the Secretary and obtain approval of an application at such time, in such manner, and containing such information as the Secretary shall by regulation prescribe.

''(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give consideration to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.

''(l) ELIGIBILITY.—Entities eligible to receive a contract under this section shall include private nonprofit entities.

''(m) RECORDS.—

''(1) RECORDKEEPING.—Each recipient of a contract or subcontract under subsection (a) shall keep such records as the Secretary shall prescribe, including records that fully disclose the amount and disposition by the recipient of the proceeds of the contract, the total cost of the undertaking in connection with which the contract was made, and the amount of the portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

''(2) EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States shall have access to any books, documents, papers, and records of the recipient of a contract or subcontract entered into under this section that are pertinent to the contract, for the purpose of conducting audits and examinations.

''(n) PENALTIES FOR DISCLOSURE.—Any person who discloses the content of any record referred to in subsection (d)(4)(D) or (f)(5)(A) without the prior written consent of the donor or potential donor with respect to whom the record is maintained, or in violation of the standards described in subsection (f)(5)(B), shall be imprisoned for not more than 2 years or fined in accordance with title 18, United States Code, or both.''.

(b) STEM CELL THERAPEUTIC OUTCOMES DATABASE.—Section 379A of the Public Health Service Act (42 U.S.C. 274l) is amended to read as follows:

''SEC. 379A. STEM CELL THERAPEUTIC OUTCOMES DATABASE.

''(a) ESTABLISHMENT.—The Secretary shall by contract establish and maintain a scientific database of information relating to patients who have been recipients of a stem cell therapeutics product (including bone marrow, cord blood, or other such product) from a donor.

''(b) INFORMATION.—The outcomes database shall include information in a standardized electronic format with respect to patients described in subsection (a), diagnosis, transplant procedures, results, long-term follow-up, and such other information as the Secretary determines to be appropriate, to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of a stem cell therapeutics product from a donor.

''(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

''(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379 donor registries, and cord blood banks.''.

(c) DEFINITIONS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended by inserting after section 379A the following:

''SEC. 379A–1. DEFINITIONS.

''In this part:

''(1) The term 'Advisory Council' means the advisory council established by the Secretary under section 379(a)(1).

''(2) The term 'bone marrow' means the cells found in adult bone marrow and peripheral blood.

''(3) The term 'outcomes database' means the database established by the Secretary under section 379A.

''(4) The term 'Program' means the C.W. Bill Young Cell Transplantation Program established under section 379.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended to read as follows:

''SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $34,000,000 for fiscal year 2006 and $38,000,000 for each of fiscal years 2007 through 2010.''.

(e) CONFORMING AMENDMENTS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended in the part heading, by striking ''**NATIONAL BONE MARROW DONOR REGISTRY**'' and inserting ''**C. W. BILL YOUNG CELL TRANSPLANTATION PROGRAM**''.

SEC. 4. REPORT ON LICENSURE OF CORD BLOOD UNITS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall submit to Congress a report concerning the progress made by the Food and Drug Administration in developing requirements for the licensing of cord blood units.

SA 2689. Mr. FRIST (for Mr. SHELBY) proposed an amendment to the bill S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002; as folllows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Terrorism Risk Insurance Extension Act of 2005''.

SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by striking ''2005'' and inserting ''2007''.

(b) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2327) is amended—

(1) by striking paragraph (2);

(2) by striking ''**AVAILABILITY**.—'' and all that follows through ''each entity'' and inserting ''**AVAILABILITY**.—During each Program Year, each entity''; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

SEC. 3. AMENDMENTS TO DEFINED TERMS.

(a) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by adding at the end the following:

''(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

''(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.''.

(b) EXCLUSIONS FROM COVERED LINES.—

(1) IN GENERAL.—Section 102(12)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) in clause (vi), by striking ''or'' at the end;

(B) in clause (vii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(viii) commercial automobile insurance;

''(ix) burglary and theft insurance;

''(x) surety insurance;

''(xi) professional liability insurance; or

''(xii) farm owners multiple peril insurance.''.

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking ''surety insurance'' and inserting ''directors and officers liability insurance''.

(c) INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2325) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting after subparagraph (D), the following:

''(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

''(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent; and''; and

(4) in subparagraph (G), as so redesignated, by striking ''through (D)'' and all that follows through ''Year 3''and inserting the following: ''through (F), for the Transition Period or any Program Year''.

SEC. 4. INSURED LOSS SHARED COMPENSATION.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2328) is amended—

(1) in paragraph (1)—

(A) by inserting ''through Program Year 4'' before ''shall be equal''; and

(B) by inserting '', and during Program Year 5 shall be equal to 85 percent,'' after ''90 percent''; and

(2) in each of paragraphs (2) and (3), by striking ''Program Year 2 or Program Year 3'' each place that term appears and inserting ''any of Program Years 2 through 5''.

SEC. 5. AGGREGATE RETENTION AMOUNTS AND RECOUPMENT OF FEDERAL SHARE.

(a) AGGREGATE RETENTION AMOUNTS.—Section 103(e)(6) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) for Program Year 4, the lesser of—

''(i) $25,000,000,000; and

''(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

''(E) for Program Year 5, the lesser of—

''(i) $27,500,000,000; and

''(ii) the aggregate amount, for all insurers, of insured losses during such Program Year.''.

(b) RECOUPMENT OF FEDERAL SHARE.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (A), by striking '', (B), and (C)'' and inserting ''through (E)''; and

(2) in each of subparagraphs (B) and (C), by striking ''subparagraph (A), (B), or (C)'' each place that term appears and inserting ''any of subparagraphs (A) through (E)''.

SEC. 6. PROGRAM TRIGGER.

Section 103(e)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. note, 116 Stat. 2328) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) PROGRAM TRIGGER.—In the case of a certified act of terrorism occurring after March 31, 2006, no compensation shall be paid by the Secretary under subsection (a), unless the aggregate industry insured losses resulting from such certified act of terrorism exceed—

''(i) $50,000,000, with respect to such insured losses occurring in Program Year 4; or

''(ii) $100,000,000, with respect to such insured losses occurring in Program Year 5.''.

SEC. 7. LITIGATION MANAGEMENT.

Section 107(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2335) is amended by adding at the end the following:

''(6) AUTHORITY OF THE SECRETARY.—Procedures and requirements established by the Secretary under section 50.82 of part 50 of title 31 of the Code of Federal Regulations (as in effect on the date of issuance of that section in final form) shall apply to any cause of action described in paragraph (1) of this subsection.''.

SEC. 8. ANALYSIS AND REPORT ON TERRORISM RISK COVERAGE CONDITIONS AND SOLUTIONS.

Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by adding at the end the following:

''(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

''(1) IN GENERAL.—The President's Working Group on Financial Markets, in consultation with the National Association of Insurance Commissioners, representatives of the insurance industry, representatives of the securities industry, and representatives of policy holders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including—

''(A) group life coverage; and

''(B) coverage for chemical, nuclear, biological, and radiological events.

''(2) REPORT.—Not later than September 30, 2006, the President's Working Group on Financial Markets shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its findings pursuant to the analysis conducted under subsection (a).''.

SA 2690. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1892, to amend Public Law 107–153 to modify a certain date; as follows:

On page 1, line 6, strike ''2005'' and insert ''2000''.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 16, 2005, at 10:30 a.m., in closed session to receive a classified briefing regarding future naval force structure requirements.

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

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Friday, December 16, 2005, immediately following a vote on the Senate Floor, tentatively scheduled to occur at 11:30 a.m., in the President's Room, S–216 of the Capitol, to consider favorably reporting the nominations of Antonio Fratto, to be Assistant Secretary of the Treasury for Public Affairs, U.S. Department of the Treasury, Washington, DC; David M. Spooner, to be Assistant Secretary of Commerce for Import Administration, U.S. Department of Commerce, Washington, DC; David Steele Bohigian, Assistant Secretary of Commerce, Market Access and Compliance, U.S. Department of Commerce, Washington, DC; and, Richard T. Crowder, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, Washington, DC.

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

PRIVILEGES OF THE FLOOR

Mr. ISAKSON. Mr. President, I ask unanimous consent that Tom Cremins, a fellow on the Commerce Committee staff, and Michael Dodson, a fellow on the staff of Senator NELSON of Florida, be granted the privilege of the floor for the debate on the NASA conference report.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the aide to our committee clerk for the Science and Space Subcommittee be permitted the privilege of the floor, Tom Cremins.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. FRIST. Mr. President, we will be finishing tonight. I say that because we will be leaving the floor tonight, but there is a lot of work going on here in the Nation's Capital as we try to bring to closure the Nation's business for this first session. So a lot of work is going on—productive work.

All of our colleagues are wondering when they will be able to leave and go back to their States. The Democratic leader and I were talking about that. As soon as we have some schedule, we will let our colleagues know.

I will have more to say on the schedule shortly.

STEM CELL THERAPEUTIC AND RESEARCH ACT of 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 256, H.R. 2520, the cord blood stem cell bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2688) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 2520), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, this bill, the Stem Cell Therapeutic and Research Act of 2005, is a hugely important bill that is now passed and, once signed by the President, will save lives.

There is amazing, remarkable work with these cord blood transplants. Cord blood is basically blood cells that are gathered from the placenta after birth.

The power of these cells is truly remarkable, as we treat diseases such as leukemia, sickle cell anemia, and a range of very rare genetic disorders.

This bill establishes a registry of about 150,000 units initially all over the country that people will be able to access instantaneously in order to have this tissue that will bring, literally, lifesaving therapy to individuals who are currently waiting for transplants. So it is with a great deal of pride that we pass this particular bill in the Senate.

TERRORISM RISK INSURANCE ACT OF 2005

Mr. FRIST. I ask unanimous consent the Chair now lay before the Senate the House message to accompany S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved that the bill from the Senate S. 467 entitled '' An Act to extend the applicability of the Terrorism Risk Insurance Act of 2002,'' do pass with an amendment.

Mr. REID. Mr. President, make a few remarks about final passage of the Terrorism Risk Insurance Extension Act of 2005. Let me start by thanking Senators SARBANES, DODD, SHELBY and BENNETT for their tireless effort in the last several months to pass this critical piece of legislation. These Senators worked through significant differences on the substance of this bill and ultimately reached a compromise with the House that extends the basic structure of this important program for another 2 years, and I commend them for those efforts.

The Terrorism Risk Insurance Act, commonly referred to as TRIA, has proven to be an effective program that has made terrorism risk insurance available to commercial propertyholders and has provided businesses meaningful access to coverage in a post-9/11 world. The program has made sure that the American economy and markets function in the face of a stillpresent threat of a terrorist attack. In my home State of Nevada, large construction projects and jobs were threatened because of uncertainty in the terrorism insurance market created by TRIA's imminent expiration. Extending TRIA will eliminate that uncertainty and provide an economic backstop in the event of another terrorist attack in this country.

Our Nation's economy will be more stable now that TRIA will be extended, but I remind my colleagues that this legislation only extends the program through the end of 2007. Fortunately, the legislation mandates that the President's Working Group on Financial Markets consult with other stakeholders and come up with an analysis of the long-term availability and affordability of terrorism risk insurance. I look forward to future discussions and continued work on crafting a permanent solution to these problems.

Mr. SARBANES. Mr. President, I join my colleagues in support of the Terrorism Risk Insurance Extension Act of 2005. This legislation represents a bipartisan, bi-cameral compromise to extend the Terrorism Risk Insurance Act of 2002 for 2 years, through December 31, 2007. I want to take this opportunity to congratulate my colleagues, as it is through the hard work of Banking Committee Chairman SHELBY and Senators DODD and BENNETT, along with the House negotiators, led by Financial Services Committee Chairman OXLEY and ranking member FRANK, that we have been able to work out this compromise and ensure that TRIA continues.

As I said when the Senate first considered a TRIA extension bill in November of this year, the original TRIA was designed to address the adverse impact on the terrorism insurance marketplace of the sudden lack of terrorism reinsurance after the September 11th attacks. Reinsurance is a mechanism by which insurance companies spread their own risks, allowing them to write more policies; without it, insurers' capacity to offer coverage for losses due to terrorism shrank considerably. By all accounts, the federal backstop provided by TRIA achieved its goal of making terrorism insurance coverage available and affordable once again. The Treasury Department reported this summer, ''TRIA was effective in terms of the purposes it was designed to achieve. TRIA provided a transitional period during which insurers had enhanced financial capacity to write terrorism risk insurance coverage. . . . More generally, TRIA provided an adjustment period allowing both insurers and policyholders to adjust to the post-September 11th view of terrorism risk.''

However, after the Treasury Department released its report, serious disagreements emerged as to what would be the most efficient, effective, and equitable way to assure the continued availability of terrorism insurance. This is an issue that deserves careful analysis, which is why this extension bill contains a requirement for a study by the President's Working Group on Financial Markets on the long-term availability and affordability of terrorism risk insurance. I hope that this requirement will result in a thorough examination of the issues and will include input from all stakeholders, which will help us answer the question of how to insure against terrorism over the long-term.

To allow time for that examination to take place, this compromise legislation continues the TRIA program for 2 additional years, with certain modifications, which I will briefly summarize.

Following the model of the extension bill passed by the Senate in November of this year, this legislation narrows the scope of the TRIA program, further targeting the program toward the types of terrorism insurance that are the most difficult to provide. Under the terms of the extension, the federal backstop will no longer be available for insurance policies covering commercial automobiles, professional liability, burglary and theft, farm owners, multiple peril, and surety.

Just as the original TRIA did, this extension places more of the risk on the insurance industry, and correspondingly less on the Federal Government, in each year. For example, in 2005, under the current program, the amount of terrorism losses that an insurer must cover before federal assistance becomes available is 15 percent of the premiums collected by that insurer in lines covered by the TRIA program. Under this extension, this ''insurance company deductible'' will rise to 17.5 percent of premiums in 2006, and 20 percent of premiums in 2007. Moreover, the amount that insurers must pay above their deductible also increases, rising from 10 percent of losses in 2006, to 15 percent of losses in 2007.

In addition to the individual insurance companies' deductible, the insurance industry as a whole must cover a certain amount of losses before federal assistance becomes available. In 2005, the last year of the current TRIA program, that amount is $15 billion. Under this legislation, that amount will rise to $25 billion in 2006, and $27.5 billion in 2007, an increase from the amounts included in the legislation originally passed by the Senate in November.

Also, after March 31, 2006, no federal assistance will be available at all under the program for a terrorist attack in which total losses do not exceed $50 million, a level which rises to $100 million in 2007. The starting date for this increase in the trigger level is later than it was in the bill passed by the Senate in November, to allow the insurance industry and policyholders a grace period in which to adapt to the new level.

Finally, I want to emphasize that this compromise legislation, like the extension bills passed by both the Senate and the House earlier this year, retains a critically important piece of the current TRIA program: the requirement that insurers make terrorism coverage available to policyholders in all of the lines covered by TRIA.

These provisions follow the framework of the existing TRIA program, keeping the federal backstop in place so that insurers will continue writing terrorism policies, while placing progressively more of the costs onto the industry itself. As with any compromise product, no one would say that

the legislation is perfect. But it is a serious effort to address the concerns we have heard raised regarding TRIA and the potential effects of its expiration, and I urge my colleagues to join me in supporting it.

Mr. SCHUMER. Mr. President, I express my unwavering support for S. 467, the Terrorism Risk Insurance Revision Act of 2005, introduced by my friend, Senator DODD of Connecticut.

I would like to commend Senators DODD, BENNETT, SHELBY, and SARBANES for getting a bill done that we can all stand here and be proud to support. A bill that is good for this country and good for the State of New York.

At long last builders and insurers of major projects in large cities, particularly New York, can breathe a sigh of relief; terrorism insurance will be renewed. It never should have taken this long, but at least we know this protection will be available for another 2 years.

We still live in America, and particularly in my city of New York, in the shadow of 9/11, of the terrorism that occurred. Obviously, the thousands of families who have had a loved one taken from their midst live with it every moment of their remaining lives, but the rest of us live with it too, not only in empathy for them but also in terms of the economic consequences of terrorism.

The bottom line is very simple, and that is, because of terrorism, the insurance industry, in terms of insuring risk of large structures in America—whether it be large buildings that make us so proud of the Manhattan skyline, or large arenas such as the football stadiums that dot America, or larger facilities such as Disneyland, Disney World, and amusement parks—all have difficulty getting insurance.

Insurers are worried that if, God forbid, another terrorist act occurs it will be so devastating that it will put them out of business.

So 2 years ago, the Senate, House, and the President got together at sort of the end of the day, just like today, and passed terrorism risk insurance.

It has been a large success. That no one can dispute.

Insurance rates have come down, terrorism insurance is available, and insurance companies know if, God forbid, the worst happens there will be a backstop, and they are willing to issue policies.

In turn, that meant developers, builders who wanted to build new large structures in America, did so, employing thousands and thousands of people, creating profits and new businesses as well.

Well today we are all here to do the right thing. Yesterday, the Banking Committee, of which I am member, passed unanimously a bill to extend the TRIA. In this bill we have kept the trigger levels manageable for the policyholder community. We kept the retention levels at a responsible level for the private market, retaining the public/private nature of the program.

The bottom line is that we have made some necessary modifications to the program without losing the major protections. We did not all agree what should have been in the bill. Many of us felt strongly about including Group Life and protections against nuclear, biological, chemical and radiological attacks. But the beauty of the process is that it is a negotiation where we all give and take.

This bill is a good compromise.

The continuation of this program is vital to our Nation's economic stability. By passing this bill on the floor today, we will be sending a message to the world that our financial markets will be protected. That our country will be able to bounce back in the event of any disruptions or financial dislocation caused by another possible terrorist attack.

It is still my strong belief that there needs to be a long-term solution—a permanent program. The President has continued to say that we are fighting a war on terrorism.

The bombing in Jordan last week, the London bombings this past July, and the recent threat to the New York subway system are a few examples of why we must continue fighting this war on terrorism.

It would have been my preference to get a bill that extended beyond 2 years. But I am at least pleased to know that there was a serious effort to address this concern by including a provision to create a commission that would begin to analyze the long-term availability and affordability of insurance for terrorism risk.

I would particularly like to thank Senators DODD and SHELBY for specifically including the language I requested which directs the President's Working Group to analyze the long-term affordability and availability of coverage for chemical, nuclear, biological and radiological events.

This is an issue of great importance to many New Yorkers. Many retailers and business owners in Lower Manhattan are afraid of a possible dirty bombs attack and the availability of insurance for such an event. This must be addressed and right away.

The bottom line is that financial dislocation caused by another possible terrorist attack—God forbid—is too much for our country to risk. I urge the entire Senate to pass this legislation today. It is only right that we let the markets, let the insurance world, and, most of all, let jobs and construction go forth.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr President, I rise to lend my strong support for S. 467, the Terrorism Risk Insurance Extension Act of 2005, which I originally introduced with Senator BENNETT and 34 cosponsors earlier this year. The product before the Senate today was amended in committee with the hard work and leadership of Banking Committee Chairman SHELBY and Ranking Member SARBANES. Additionally, S. 467 addresses many of the ideas and concerns raised by the House in its version of the legislation. I would like to thank House Financial Services Committee Chairman OXLEY and Ranking Member FRANK for their hard work in finding consensus on this measure.

I would like to commend the members on the Banking Committee: Senators JOHNSON, REED, SCHUMER, BAYH, CARPER, STABENOW, CORZINE, HAGEL, BUNNING and DOLE as well as the other cosponsors of the legislation for recognizing— very early on—how important extending the Terrorism Risk Insurance Act, TRIA, was to our Nation's economy and for their efforts on this legislation.

I would also like to thank the staff who worked on this legislation, particularly Sarah Kline and Steve Harris from Senator SARBANE's staff, Mike Nielsen from Senator BENNETT's staff, Alex Sternhell from my staff and Jim Johnson, Andrew Olmem, Mark Oesterle and Kathy Casey from Senator SHELBY's staff.

Like many bills, this legislation is a document of compromise. We have carefully taken into consideration the recommendations of policyholders, insurers, consumers, academics, thinktanks, the Treasury Department and others to craft this important extension legislation.

Let me take a few brief moments to provide my colleagues with a little background on TRIA and why it needs to be extended today.

As a result of the tragic terrorist acts events of 9/11, we repeatedly heard from businesses, large and small, from labor unions and manufacturers, from hospitals to hotels, from professional sports teams to utility companies, from insurers and the insured about the need for the Federal Governmment to act to help them receive financial protection from future terrorist attacks.

Congress listened, and we acted—creating the Terrorism Risk Insurance Act, TRIA.

In November 2002, TRIA was passed by both the House and Senate by significant margins and was signed into law. It created a 3-year program establishing a Federal backstop against catastrophic losses in the property and casualty insurance marketplace.

And we heard an ovehelming response trom policyholders across the country—TRIA has worked. It has achieved its primary goal—continued availability and affordability of insurance against future terrorist attacks.

Industries as diverse as commercial real estate, shipping, construction, manufacturing, and even ''mom and pop'' retailers require insurance to obtain credit, loans, and investments necessary for their normal business operations. TRIA was designed to do just that—restore ''business as usual'' in every State across our Nation.

I believe that the greatest indicator of the success of TRIA is what we have

heard over the past 3 years since the enactment of TRIA—public outcry from businesses and workers whose livelihoods are threatened by their inability to purchase coverage against acts of terror.

Construction projects are no longer stalled, mortgages are no longer in doubt, jobs are no longer in jeopardy as a result of the inability to receive terrorism insurance.

Not only has TRIA been effective in ensuring that terrorism is available and affordable, and that our economy remains vibrant, it is also an incredibly important taxpayer protection law. With relatively little money necessary to fund the administration of the TRIA program, we have ensured that insurers and policyholders take the first $30 to $40 billion of losses of a potential terrorist attack.

Additionally, there is one provision in this legislation that I believe is an important component—the mandate for the President's Working Group—our Nation's Federal financial regulators—to do an analysis of the long-term availability and affordability of terrorism risk insurance.

This legislation provides for a 2-year extension of TRIA—and in these next 2 years we need to find a long-term solution to this issue. It may be determined that this is an unwritable risk for the private sector and that a continued Federal role is needed or we may find that insurers are able to return to underwriting this risk without a Federal backstop. But we need to start work on developing this information and potential solutions as soon as possible.

The enactment of this legislation will extend the TRIA program and will ensure that our Nation and its economy are best prepared to deal with a future terrorist attack. I urge my colleagues to support this important legislation.●

Mr. FRIST. Mr. President, I ask unanimous consent the Senate concur in the House amendment with a further amendment which is at the desk, the amendment be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The amendment (No. 2689) was agreed to, as follows:

(Purpose: To provide for a complete substitute)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Terrorism Risk Insurance Extension Act of 2005''.

SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by striking ''2005'' and inserting ''2007''.

(b) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2327) is amended—

(1) by striking paragraph (2);

(2) by striking ''**AVAILABILITY**.—'' and all that follows through ''each entity'' and inserting ''**AVAILABILITY**.—During each Program Year, each entity''; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

SEC. 3. AMENDMENTS TO DEFINED TERMS.

(a) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by adding at the end the following:

''(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

''(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.''.

(b) EXCLUSIONS FROM COVERED LINES.—

(1) IN GENERAL.—Section 102(12)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) in clause (vi), by striking ''or'' at the end;

(B) in clause (vii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(viii) commercial automobile insurance;

''(ix) burglary and theft insurance;

''(x) surety insurance;

''(xi) professional liability insurance; or

''(xii) farm owners multiple peril insurance.''.

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking ''surety insurance'' and inserting ''directors and officers liability insurance''.

(c) INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2325) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting after subparagraph (D), the following:

''(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

''(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent; and''; and

(4) in subparagraph (G), as so redesignated, by striking ''through (D)'' and all that follows through ''Year 3''and inserting the following: ''through (F), for the Transition Period or any Program Year''.

SEC. 4. INSURED LOSS SHARED COMPENSATION.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2328) is amended—

(1) in paragraph (1)—

(A) by inserting ''through Program Year 4'' before ''shall be equal''; and

(B) by inserting '', and during Program Year 5 shall be equal to 85 percent,'' after ''90 percent''; and

(2) in each of paragraphs (2) and (3), by striking ''Program Year 2 or Program Year 3'' each place that term appears and inserting ''any of Program Years 2 through 5''.

SEC. 5. AGGREGATE RETENTION AMOUNTS AND RECOUPMENT OF FEDERAL SHARE.

(a) AGGREGATE RETENTION AMOUNTS.—Section 103(e)(6) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) for Program Year 4, the lesser of—

''(i) $25,000,000,000; and

''(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

''(E) for Program Year 5, the lesser of—

''(i) $27,500,000,000; and

''(ii) the aggregate amount, for all insurers, of insured losses during such Program Year.''.

(b) RECOUPMENT OF FEDERAL SHARE.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (A), by striking '', (B), and (C)'' and inserting ''through (E)''; and

(2) in each of subparagraphs (B) and (C), by striking ''subparagraph (A), (B), or (C)'' each place that term appears and inserting ''any of subparagraphs (A) through (E)''.

SEC. 6. PROGRAM TRIGGER.

Section 103(e)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. note, 116 Stat. 2328) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) PROGRAM TRIGGER.—In the case of a certified act of terrorism occurring after March 31, 2006, no compensation shall be paid by the Secretary under subsection (a), unless the aggregate industry insured losses resulting from such certified act of terrorism exceed—

''(i) $50,000,000, with respect to such insured losses occurring in Program Year 4; or

''(ii) $100,000,000, with respect to such insured losses occurring in Program Year 5.''.

SEC. 7. LITIGATION MANAGEMENT.

Section 107(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2335) is amended by adding at the end the following:

''(6) AUTHORITY OF THE SECRETARY.—Procedures and requirements established by the Secretary under section 50.82 of part 50 of title 31 of the Code of Federal Regulations (as in effect on the date of issuance of that section in final form) shall apply to any cause of action described in paragraph (1) of this subsection.''.

SEC. 8. ANALYSIS AND REPORT ON TERRORISM RISK COVERAGE CONDITIONS AND SOLUTIONS.

Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by adding at the end the following:

''(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

''(1) IN GENERAL.—The President's Working Group on Financial Markets, in consultation with the National Association of Insurance Commissioners, representatives of the insurance industry, representatives of the securities industry, and representatives of policy holders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including—

''(A) group life coverage; and

''(B) coverage for chemical, nuclear, biological, and radiological events.

''(2) REPORT.—Not later than September 30, 2006, the President's Working Group on Financial Markets shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its findings pursuant to the analysis conducted under subsection (a).''.

The bill (S. 467), as amended, was passed.

Mr. FRIST. This bill, the Terrorism Risk Extension Act, was enacted 3

years ago in the aftermath of the September 11 attacks and was intended at the time to provide temporary mechanisms to allow the marketplace to adapt after the economic dislocations that resulted from those attacks on September 11.

This summer, Treasury Secretary Snow issued a report highlighting the importance of allowing private insurance companies to regain their hold in the marketplace. As the report showed, TRIA successfully bridged that gap created by the September 11 terrorist attacks and very effectively enabled the insurance marks to stabilize.

The continued presence of the federally backed subsidy risked crowding out private market initiatives and slowing down, impeding the development of private market solutions. That is why I called for an extension of TRIA that was narrow, that was targeted and minimized interference with our markets.

The bill we just passed achieves that goal. The taxpayers' exposure is lessened by reducing the lines of coverage subject to the Federal backstop, and the insurance industry's exposure is increased.

I am gratified we passed the bill. Over the long term the Federal Government cannot be a substitute for market-based solutions.

I thank Chairman SHELBY and Senator DODD for their hard work on this very important bill. It hasn't been easy, but it has now been accomplished.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate en bloc consideration of the following bills reported out by the Energy and Natural Resources Committee: Calendar Nos. 307, 308, 309, 310, 311, 312, 313, and 314; that the Energy and Natural Resources Committee be discharged from further consideration of H.R. 4195, and the Senate proceed to its immediate consideration.

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

The measures will be considered en bloc.

Mr. FRIST. I ask unanimous consent the amendments at the desk be agreed to; the committee-reported amendments, as amended, be agreed to; the bills, as amended, if amended, be read the third time and passed; and the title amendment be agreed to, all en bloc.

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

NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY TRANSFER ACT

The bill (S. 310) to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada, was read the third time and passed, as follows:

S. 310

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 ''Newlands Project Headquarters and Maintenance Yard Facility Transfer Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the memorandum of agreement between the District and the Secretary identified as Contract No. 3–LC–20–805 and dated June 9, 2003.

(2) DISTRICT.—The term ''District'' means the Truckee-Carson Irrigation District in the State of Nevada.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.

(a) CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act and in accordance with the Agreement and any applicable laws, the Secretary shall convey to the District all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The real property referred to in paragraph (1) is the real property within the Newlands Projects, Nevada, that is—

(A) known as ''2666 Harrigan Road, Fallon, Nevada''; and

(B) identified for disposition on the map entitled ''Newlands Project Headquarters and Maintenance Yard Facility''.

(b) CONSIDERATION.—Notwithstanding any other provision of law, amounts received by the United States for the lease or sale of Newlands Project land comprising the Fallon Freight Yard shall, for purposes of this section, be treated as consideration for the real property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed the conveyance under subsection (a) within 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) explains the reasons why the conveyance has not been completed; and

(2) specifies the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—In accordance with the Agreement, the Secretary may not convey the real property under subsection (a) until—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable requirements relating to cultural resources have been complied with for the real property to be conveyed under subsection (a); and

(2) any required environmental site assessment, remediation, or removal has been completed with respect to the real property to be conveyed under subsection (a).

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission by, or occurrence relating to, the District or any employee, agent, or contractor of the District with respect to the real property conveyed under subsection (a) that occurs before, on, or after the date of the conveyance.

LOWER FARMINGTON RIVER AND SALMON BROOK WILD AND SCENIC RIVERS STUDY ACT OF 2005

The Senate proceeded to consider the bill (S. 435) to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 435

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 ''Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005''.

SEC. 2. DESIGNATION OF ADDITIONAL SEGMENT OF FARMINGTON RIVER AND SALMON BROOK IN CONNECTICUT FOR STUDY FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

''(139) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—The segment of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstream and east and west branches.''.

(b) TIME FOR SUBMISSION.—Not later than 3 years after the date [of enactment of] *on which funds are made available to carry out* this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by the amendment made by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 435), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

TO AMEND RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991

The bill (S. 648) to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance, was read the third time and passed, as follows:

S. 648

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

SECTION 1. EXTENSION OF THE RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991.

Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

WICHITA PROJECT EQUUS BEDS DIVISION AUTHORIZATION ACT OF 2005

The Senate proceeded to consider the bill (S. 1025) to amend the Act entitled

''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1025

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 ''Wichita Project Equus Beds Division Authorization Act of 2005''.

SEC. 2. EQUUS BEDS DIVISION.

The Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' (Public Law 86–787; 74 Stat. 1026) is amended by adding the following new section:

''SEC. 10. EQUUS BEDS DIVISION.

''(a) AUTHORIZATION.—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the 'Integrated Local Water Supply Plan, Wichita, Kansas' (referred to in this section as the 'Equus Beds Division'). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

''(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

''(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

''(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

''(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations, [including principles and guidelines used in preparing feasibility level project studies].

''(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to not exceed 25 percent of the total cost or $30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

''(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Interior to carry out any provision of this section shall terminate 10 years after the date of enactment of this section.''.

The committee amendment was agreed to.

The bill (S. 1025), as amended, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

MUSCONETCONG WILD AND SCENIC RIVERS ACT

The Senate proceeded to consider the bill (S. 1096) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

The amendment (No. 2682) was agreed to, as follows:

AMENDMENT NO. 2682

(Purpose: To make technical corrections)

On page 2, line 16, strike ''2002'' and insert ''2003''.

On page 3, line 19, strike ''2002'' and insert ''2003''.

The bill (S. 1096), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

DELAWARE WATER GAP NATIONAL RECREATION AREA NATURAL GAS PIPELINE ENLARGEMENT ACT

The Senate proceeded to consider the bill (S. 1310) to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area which had been reported from the Committee on Energy and Natural Resources, with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1310

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 ''Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term ''Corporation'' means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term ''pipeline'' means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. [16414] *16413*.

(3) RECREATION AREA.—The term ''Recreation Area'' means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) SUPERINTENDENT.—The term ''Superintendent'' means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation [, for no consideration,] an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—

(A) the recreational values of the Recreation Area; and

(B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

(1) IN GENERAL.—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1–2002–1004–H).

(e) FERC CONSULTATION.—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) LIMITATION.—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a

civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101–337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

(i) an easement authorized under subsection (a); or

(ii) a permit issued under subsection (c); or

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(3); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101–337 (16 U.S.C. 19jj)).

SEC. 4. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking ''2006'' and inserting ''2008''.

Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area and to extend the termination date of the National Park System Advisory Board to January 1, 2008.''.

The amendments (Nos. 2683 and 2684) were agreed to, as follows:

AMENDMENT NO. 2683

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Delaware Water Gap National Recreation Area Improvement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term ''Corporation'' means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term ''pipeline'' means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) RECREATION AREA.—The term ''Recreation Area'' means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) SUPERINTENDENT.—The term ''Superintendent'' means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—

(A) the recreational values of the Recreation Area; and

(B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

(1) IN GENERAL.—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1–2002–1004–H).

(e) FERC CONSULTATION.—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) LIMITATION.—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101–337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

(i) an easement authorized under subsection (a); or

(ii) a permit issued under subsection (c); or

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(2)(C); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101–337 (16 U.S.C. 19jj)).

SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.

Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended—

(1) in subsection (a), by striking ''at noon on September 30, 2005'' and inserting ''on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''September 30, 2005'' and inserting ''on the earlier of the date on which a feasible alternative is available or September 30, 2015''; and

(B) in paragraph (2)—

(i) by striking ''noon on September 30, 2005'' and inserting ''the earlier of the date on which a feasible alternative is available or noon of September 30, 2015''; and

(ii) by striking ''not exceed $25 per trip'' and inserting the following: ''be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed $40 per trip''.

SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking ''2006'' and inserting ''2007''.

AMENDMENT NO. 2684

Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.''.

The bill (S. 1310), as amended, was read the third time and passed.

AMENDING PUBLIC LAW 97–435

The bill (S. 1552) to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, was read the third time, and passed, as follows:

S. 1552

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

SECTION 1. EASTERN WASHINGTON UNIVERSITY LAND TRANSFER AUTHORIZATION EXTENSION.

Section 1(c) of Public Law 97–435 (96 Stat. 2281) is amended by striking ''five years after the enactment of this Act'' and inserting ''on December 31, 2009''.

UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY PROGRAMS REAUTHORIZATION ACT OF 2005

The bill (S. 1578) to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, was read the third time and passed, as follows:

S. 1578

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 ''Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005''.

SEC. 2. UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS.

Section 3 of Public Law 106–392 (114 Stat. 1602; 116 Stat. 3113) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$46,000,000'' and inserting ''$61,000,000'';

(B) in paragraph (2), by striking ''2008'' and inserting ''2010''; and

(C) in paragraph (3), by striking ''2008'' and inserting ''2010'';

(2) in subsection (b)—

(A) by striking ''$100,000,000'' and inserting ''$126,000,000'';

(B) in paragraph (1)—

(i) by striking $82,000,000'' and inserting ''$108,000,000''; and

(ii) by striking ''2008'' and inserting ''2010''; and

(C) in paragraph (2), by striking ''2008'' and inserting ''2010''; and

(3) in subsection (c)(4)—

(A) in the first sentence, by inserting ''and the Elkhead Reservoir enlargement'' after ''Wolford Mountain Reservoir''; and

(B) in the second sentence, by striking ''$20,000,000'' and inserting ''$31,000,000''.

SOUTHERN OREGON BUREAU OF RECLAMATION REPAYMENT ACT OF 2005

The bill (H.R. 4195) to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District, was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to H.R 3963, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3963) to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3963) was read the third time and passed.

COAST GUARD HURRICANE RELIEF ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4508, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4508) to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4508) was read the third time and passed.

Mr. FRIST. Mr. President, that particular bill, the Coast Guard Hurricane Relief Act of 2005, again gives me the opportunity to comment and really praise the tremendous work that was carried out by our Coast Guard in the recent hurricanes.

Many of us had the opportunity to tell them directly, both in Mississippi and in Louisiana, and thank them for their tremendous and heroic effort. We had the opportunity to witness much of that on television over those first few days after the hurricane. But to have the opportunity to look these individuals in the eyes and thank them and shake their hand has been a privilege that some of us on the floor have had. It has been a tremendous job that makes America proud.

RECOGNIZING COMMODORE JOHN BARRY AS THE FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 38, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 38) recognizing Commodore John Barry as the first flag officer of the United States Navy.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 38) was read the third time and passed.

The preamble was agreed to.

RECOGNIZING THE CONTRIBUTIONS OF KOREAN AMERICANS TO THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 283.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 283) recognizing the contributions of Korean Americans to the United States and encouraging the celebration of ''Korean American Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. 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. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 283

Whereas on January 13, 1903, the arrival of 102 pioneer immigrants to the United States initiated the first chapter of Korean immigration to the United States;

Whereas members of the early Korean American community served with distinction in the Armed Forces of the United States during World War I, World War II, and the conflict in Korea;

Whereas in the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities;

Whereas Korean Americans, like waves of immigrants to the United States before them, have taken root and thrived as a result of strong family ties, robust community support, and countless hours of hard work;

Whereas the contributions of Korean Americans to the United States include the invention of the first beating heart operation for coronary artery heart disease, development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, architecture, medicine, acting, singing, sculpture, and writing;

Whereas Korean Americans play a crucial role in maintaining the strength and vitality of the United States-Korean partnership;

Whereas the centennial year of 2003 marked an important milestone in the now more than 100-year history of Korean immigration; and

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13th of each year as ''Korean American Day'' to memorialize the more than 100-year journey of Korean Americans in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a ''Korean American Day'';

(2) commemorates the 103rd anniversary of the arrival of the first Korean immigrants to the United States; and

(3) encourages the people of the United States to—

(A) share in such commemoration in order to greater appreciate the valuable contributions Korean Americans have made to the United States; and

(B) to observe ''Korean American Day'' with appropriate programs, ceremonies, and activities.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 286, 303, and 305, en bloc.

I ask unanimous consent that the committee-reported amendments be

agreed to, the bills, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD en bloc.

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

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2005

The Senate proceeded to consider the bill (S. 1869) to reauthorize the Coastal Barrier Resources Act, and for other purposes, which had been reported from the Committee on Environment and Public Works with an amendment.

[Strike the part shown in black brackets.]

S. 1869

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 ''Coastal Barrier Resources Reauthorization Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) OTHERWISE PROTECTED AREA.—The term ''otherwise protected area'' has the meaning given the term in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591).

(2) PILOT PROJECT.—The term ''pilot project'' means the digital mapping pilot project authorized under section 6 of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106–514).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SYSTEM UNIT.—The term ''System unit'' has the meaning given the term in section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502).

SEC. 3. DIGITAL MAPPING PILOT PROJECT FINALIZATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps of the System units and otherwise protected areas created under the pilot project.

(b) CONSULTATION.—The Secretary shall prepare the report required under subsection (a)—

(1) in consultation with the Governors of the States in which any System units and otherwise protected areas are located; and

(2) after—

(A) providing an opportunity for the submission of public comments; and

(B) considering any public comments submitted under subparagraph (A).

(c) CONTENTS.—The report required under subsection (a) shall contain—

(1) the final recommended digital maps created under the pilot project;

(2) recommendations for the adoption of the digital maps by Congress;

(3) a summary of the comments received from the Governors of the States, other government officials, and the public regarding the digital maps;

(4) a summary and update of the protocols and findings of the report required under section 6(d) of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106–514); and

(5) an analysis of any benefits that the public would receive by using digital mapping technology for all System units and otherwise protected areas.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2006 through 2007.

SEC. 4. DIGITAL MAPPING PROJECT FOR THE REMAINING JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS AND OTHERWISE PROTECTED AREAS.

(a) IN GENERAL.—The Secretary shall carry out a project to create digital versions of all of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), including maps of otherwise protected areas, that were not included in the pilot project.

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the project under this section, the Secretary shall use any digital spatial data in the possession of Federal, State, and local agencies, including digital orthophotos, color infrared photography, wetlands data, and property parcel data.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses any data referred to in paragraph (1) shall, on request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) PROVISION OF DATA BY NON-FEDERAL AGENCIES.—State and local agencies and any other non-Federal entities that possess data referred to in paragraph (1) are encouraged, on request of the Secretary, to promptly provide the data to the Secretary at no cost.

(4) ADDITIONAL DATA.—If the Secretary determines that any data necessary to carry out the project under this section does not exist, the Director of the United States Fish and Wildlife Service shall enter into an agreement with the Director of the United States Geological Survey under which the United States Geological Survey, in cooperation with the heads of other Federal agencies, as appropriate, shall obtain and provide to the Director of the United States Fish and Wildlife Service the data required to carry out this section.

(5) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order No. 12906 (59 Fed. Reg. 17671); and

(B) any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget circular numbered A–16.

(c) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the submission of the report under section 3(a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps created under this section.

(2) CONSULTATION.—The Secretary shall prepare the report required under paragraph (1)—

(A) in consultation with the Governors of the States in which the System units and otherwise protected areas are located; and

(B) after—

(i) providing an opportunity for the submission of public comments; and

(ii) considering any public comments submitted under clause (i).

(3) CONTENTS.—The report required under paragraph (1) shall contain—

(A) a description of the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps;

(B) a summary of the comments received from Governors, other government officials, and the public regarding the digital maps created under this section;

(C) recommendations for the adoption of the digital maps created under this section by Congress;

(D) recommendations for expansion of the John H. Chafee Coastal Barrier Resources System and otherwise protected areas, as in existence on the date of enactment of this Act;

(E) a summary and update on the implementation and use of the digital maps created under the pilot project; and

(F) a description of the feasibility of, and the amount of funding necessary for—

(i) making all of the System unit and otherwise protected area maps available to the public in digital format; and

(ii) facilitating the integration of digital System unit and otherwise protected area boundaries into Federal, State, and local planning tools.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended by striking ''2001, 2002, 2003, 2004, and 2005'' and inserting ''[each of fiscal years] 2006 through 2010''.

The committee amendment was agreed to.

The bill (S. 1869), as amended, was read the third time and passed.

JAMES CAMPBELL NATIONAL WILDLIFE REFUGE EXPANSION ACT OF 2005

The Senate proceeded to consider the bill (S. 1165) to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii, which had been reported from the Committee on Environment and Public Works with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1165

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 ''James Campbell National Wildlife Refuge Expansion Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States Fish and Wildlife Service manages the James Campbell National Wildlife Refuge for the purpose of promoting the recovery of 4 species of endangered Hawaiian waterbirds;

(2) the United States Fish and Wildlife Service leases approximately 240 acres of high-value wetland habitat (including ponds, marshes, freshwater springs, and adjacent land) and manages the habitat in accordance with the National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd note; Public Law 105–312);

(3) the United States Fish and Wildlife Service entered into a contract to purchase in fee title the land described in paragraph (2) from the estate of James Campbell for the purposes of—

(A) permanently protecting the endangered species habitat; and

(B) improving the management of the Refuge;

(4) the United States Fish and Wildlife Service has identified for inclusion in the Refuge approximately 800 acres of additional high-value wildlife habitat adjacent to the Refuge that are owned by the estate of James Campbell;

(5) the land of the estate of James Campbell on the Kahuku Coast features coastal dunes, coastal wetlands, and coastal strand that promote biological diversity for threatened and endangered species, including—

(A) the 4 species of endangered Hawaiian waterbirds described in paragraph (1);

(B) migratory shorebirds;

(C) waterfowl;

(D) seabirds;

(E) endangered and native plant species;

(F) endangered monk seals; and

(G) green sea turtles;

(6) because of extensive coastal development, habitats of the type within the Refuge are increasingly rare on the Hawaiian islands;

(7) expanding the Refuge will provide increased opportunities for wildlife-dependent public uses, including wildlife observation, photography, and environmental education and interpretation; and

(8) acquisition of the land described in paragraph (4)—

(A) will create a single, large, manageable, and ecologically-intact unit that includes sufficient buffer land to reduce impacts on the Refuge; and

(B) is necessary to reduce flood damage following heavy rainfall to residences, businesses, and public buildings in the town of Kahuku.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(2) REFUGE.—The term ''Refuge'' means the James Campbell National Wildlife Refuge established pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. EXPANSION OF REFUGE.

(a) EXPANSION.—The boundary of the Refuge is expanded to include the approximately 1,100 acres of land (including any water and interest in the land) depicted on the map entitled ''James Campbell National Wildlife Refuge—Expansion'', [and on file] *dated October 20, 2005, and on file* in the office of the Director.

(b) BOUNDARY REVISIONS.—[Not later than 90 days after the date of enactment of this Act, the Secretary may] *The Secretary may* make such minor modifications to the boundary of the Refuge as the Secretary determines to be appropriate to—

(1) achieve the goals of the United States Fish and Wildlife Service relating to the Refuge; or

(2) facilitate the acquisition of property within the Refuge.

(c) AVAILABILITY OF MAP.—

(1) IN GENERAL.—The map described in subsection (a) shall remain available for inspection in an appropriate office of the United States Fish and Wildlife Service, as determined by the Secretary.

(2) NOTICE.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register and any publication of local circulation in the area of the Refuge notice of the availability of the map.

SEC. 5. ACQUISITION OF LAND AND WATER.

(a) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary may acquire the land described in section 4(a).

(b) INCLUSION.—Any land, water, or interest acquired by the Secretary pursuant to this section shall—

(1) become part of the Refuge; and

(2) be administered in accordance with applicable law.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 1165), as amended, was read the third time and passed.

ELECTRONIC DUCK STAMP ACT OF 2005

The Senate proceeded to consider the bill (S. 1496) to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps, which had been reported from the Committee on Environment and Public Works with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1496

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 ''Electronic Duck Stamp Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) on March 16, 1934, Congress passed and President Roosevelt signed the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the ''Duck Stamp Act''), which requires all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually;

(2) the Federal Duck Stamp program has become one of the most popular and successful conservation programs ever initiated;

(3) because of that program, the United States again is teeming with migratory waterfowl and other wildlife that benefit from wetland habitats;

(4) as of the date of enactment of this Act, 1,700,000 migratory bird hunting and conservation stamps are sold each year;

(5) as of 2003, those stamps have generated more than $600,000,000 in revenue that has been used to preserve more than 5,000,000 acres of migratory waterfowl habitat in the United States; and

(6) many of the more than 540 national wildlife refuges have been paid for wholly or partially with that revenue.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACTUAL STAMP.—The term ''actual stamp'' means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the ''Duck Stamp Act''), that is printed on paper and sold through a means in use immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term ''automated licensing system'' means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term ''automated licensing system'' includes a point-of-sale, Internet, or telephonic system used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term ''electronic stamp'' means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under section 4(b).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ELECTRONIC DUCK STAMP PILOT PROGRAM.

(a) REQUIREMENT TO CONDUCT PROGRAM.—The Secretary shall conduct a 3-year pilot program under which up to 15 States authorized by the Secretary may issue electronic stamps.

(b) COMMENCEMENT AND DURATION OF PROGRAM.—The Secretary shall—

(1) use all means necessary to expeditiously implement this section by the date that is 1 year after the beginning of the first full Federal migratory waterfowl hunting season after the date of enactment of this Act; and

(2) carry out the pilot program for 3 Federal migratory waterfowl hunting seasons.

(c) CONSULTATION.—The Secretary shall carry out the program in consultation with State management agencies.

SEC. 5. STATE APPLICATION.

(a) APPROVAL OF APPLICATION REQUIRED.—A State may not participate in the pilot program under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section.

(b) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(1) a description of the format of the electronic stamp that the State will issue under the pilot program, including identifying features of the licensee that will be specified on the stamp;

(2) a description of any fee the State will charge for issuance of an electronic stamp;

(3) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(4) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(5) the manner by which actual stamps will be delivered;

(6) the policies and procedures under which the State will issue duplicate electronic stamps; and

(7) such other policies, procedures, and information as may be reasonably required by the Secretary.

(c) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications for participation in the pilot program, the Secretary shall publish—

(1) deadlines for submission of applications to participate in the program;

(2) eligibility requirements for participation in the program; and

(3) criteria for selecting States to participate in the program.

SEC. 6. STATE OBLIGATIONS AND AUTHORITIES.

(a) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to

whom a State sells an electronic stamp under the pilot program shall receive an actual stamp—

(1) by not later than the date on which the electronic stamp expires under section 7(c); and

(2) in a manner agreed upon by the State and Secretary.

(b) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(1) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State participating in the pilot program to collect and submit to the Secretary in accordance with this section—

(A) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(B) the face value amount of each electronic stamp sold by the State; and

(C) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(2) TIME OF TRANSMITTAL.—The Secretary shall require the submission under paragraph (1) to be made with respect to sales of electronic stamps by a State occurring in a month—

(A) by not later than the 15th day of the subsequent month; or

(B) as otherwise specified in the application of the State approved by the Secretary under section 5.

(3) ADDITIONAL FEES NOT AFFECTED.—This section shall not apply to the State portion of any fee collected by a State under subsection (c).

(c) ELECTRONIC STAMP ISSUANCE FEE.—A State participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.

(d) DUPLICATE ELECTRONIC STAMPS.—A State participating in the pilot program may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(e) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under the pilot program.

SEC. 7. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

(a) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under the pilot program—

(1) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(2) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(b) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under the pilot program shall, during the effective period of the electronic stamp—

(1) bestow upon the licensee the same privileges as are bestowed by an actual stamp;

(2) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(c) DURATION.—An electronic stamp issued by a State under the pilot program shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

SEC. 8. TERMINATION OF STATE PARTICIPATION.

Participation by a State in the pilot program may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under section 5; and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

SEC. 9. EVALUATION.

(a) EVALUATION.—The Secretary, in consultation with State fish and wildlife management agencies and appropriate stakeholders with expertise specific to the duck stamp program, shall evaluate the pilot program and determine whether the pilot program has provided a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps, including whether the program has—

(1) increased the availability of those stamps;

(2) assisted States in meeting the customer service objectives of the States with respect to those stamps;

(3) maintained actual stamps as an effective and viable conservation tool; and

(4) maintained adequate retail availability of the ⟦traditional paper⟧ *actual* stamp.

(b) REPORT.—The Secretary shall submit to Congress a report on the findings of the Secretary under subsection (a).

SEC. 10. TECHNICAL CORRECTIONS.

(a) PROHIBITION ON TAKING.—The first section of the Act of March 16, 1934 (16 U.S.C. 718a) is amended by striking ''That no person who has attained the age of sixteen years'' and all that follows through the end of the section and inserting the following:

''SECTION 1. PROHIBITION ON TAKING.

''(a) PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no individual who has attained the age of 16 years shall take any migratory waterfowl unless, at the time of the taking, the individual carries on the person of the individual a valid Migratory Bird Hunting and Conservation Stamp, validated by the signature of the individual written in ink across the face of the stamp prior to the time of the taking by the individual of the waterfowl.

''(2) EXCEPTION.—No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

''(A) by Federal or State agencies;

''(B) for propagation; or

''(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property.

''(b) DISPLAY OF STAMP.—Any individual to whom a stamp has been sold under this Act shall, upon request, display the stamp for inspection to—

''(1) any officer or employee of the Department of the Interior who is authorized to enforce this Act; or

''(2) any officer of any State or political subdivision of a State authorized to enforce State game laws.

''(c) OTHER LICENSES.—Nothing in this section requires any individual to affix the Migratory Bird Hunting and Conservation Stamp to any other license prior to taking 1 or more migratory waterfowl.''.

(b) SALES; FUND DISPOSITION; UNSOLD STAMPS.—Section 2 of the Act of March 16, 1934 (16 U.S.C. 718b) is amended by striking ''SEC. 2.'' and all that follows through the end of subsection (a) and inserting the following:

''SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.

''(a) SALES.—

''(1) IN GENERAL.—The stamps required under section 1 shall be sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations promulgated jointly by the Postal Service and the Secretary, at—

''(A) any post office; and

''(B) such other establishments, facilities, or locations as the Postal Service or the Secretary (or a designee) may direct or authorize.

''(2) PROCEEDS.—The funds received from the sale of stamps under this Act by the Department of the Interior shall be deposited in the Migratory Bird Conservation Fund in accordance with section 4.

''(3) MINIMUM AND MAXIMUM VALUES.—Except as provided in subsection (b), the Postal Service shall collect the full face value of each stamp sold under this section for the applicable hunting year.

''(4) VALIDITY.—No stamp sold under this Act shall be valid under any circumstances to authorize the taking of migratory waterfowl except—

''(A) in compliance with Federal and State laws (including regulations);

''(B) on the condition that the individual so taking the waterfowl wrote the signature of the individual in ink across the face of the stamp prior to the taking; and

''(C) during the hunting year for which the stamp was issued.

''(5) UNUSED STAMPS.—

''(A) DEFINITION OF RETAIL DEALER.—In this paragraph, the term 'retail dealer' means—

''(i) any individual or entity that is regularly engaged in the business of retailing hunting or fishing equipment; and

''(ii) any individual or entity duly authorized to act as an agent of a State or political subdivision of a State for the sale of State or county hunting or fishing licenses.

''(B) REDEMPTION OF UNUSED STAMPS.—The Department of the Interior, pursuant to regulations promulgated by the Secretary, shall provide for the redemption, on or before the 30th day of June of each year, of unused stamps issued for the year under this Act that—

''(i) were sold on consignment to any person authorized by the Secretary to sell stamps on consignment (including retail dealers for resale to customers); and

''(ii) have not been resold by any such person.

''(6) PROHIBITION ON CERTAIN STAMP SALES.—The Postal Service shall not—

''(A) sell on consignment any stamps issued under this Act to any individual, business, or organization; or

''(B) redeem stamps issued under this Act that are sold on consignment by the Secretary (or any agent of the Secretary).''.

(c) COST OF STAMPS.—Section 2(b) of the Act of March 16, 1934 (16 U.S.C. 718b(b)) is amended—

(1) by striking ''(b) The'' and inserting the following:

''(b) COST OF STAMPS.—The'';

(2) by striking ''Secretary of the Interior'' and inserting ''Secretary'';

(3) by striking ''migratory bird conservation fund'' and inserting ''Migratory Bird Conservation Fund''; and

(4) in paragraph (2), by striking ''For purposes'' and all that follows through ''of any such year.''.

(d) AUTHORIZATION AND EXEMPTION.—Section 3 of the Act of March 16, 1934 (16 U.S.C. 718c) is amended by striking ''SEC. 3. Nothing'' and inserting the following:

''SEC. 3. AUTHORIZATION AND EXEMPTION.

''Nothing''.

(e) EXPENDITURE OF FUNDS.—Section 4 of the Act of March 16, 1934 (16 U.S.C. 718d) is amended—

(1) by redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively, and indenting appropriately;

(2) by striking ''SEC. 4. All moneys'' and all that follows through ''expended:'' and inserting the following:

''SEC. 4. EXPENDITURE OF FUNDS.

''(a) IN GENERAL.—All funds received for stamps sold under this Act shall be—

''(1) accounted for by the Postal Service or the Secretary, as appropriate;

''(2) paid into the Treasury of the United States; and

''(3) reserved and set aside as a special fund, to be known as the 'Migratory Bird Conservation Fund' (referred to in this section as the 'fund'), to be administered by the Secretary.

''(b) USE OF FUNDS.—All funds received into the fund are appropriated for the following purposes, to remain available until expended:'';

(3) in subsection (b)(1) (as redesignated by paragraphs (1) and (2))—

(A) by striking ''(1) So much'' and all that follows through ''for engraving'' and inserting the following:

''(1) ADVANCE ALLOTMENTS.—So much as may be necessary shall be used by the Secretary for engraving'';

(B) by striking ''migratory bird hunting stamps'' and inserting ''Migratory Bird Hunting and Conservation Stamps'';

(C) by striking ''personal'' and inserting ''personnel''; and

(D) by striking ''postal service'' and inserting ''Postal Service'';

(4) in subsection (b)(2) (as so redesignated)—

(A) by striking ''(2) Except as provided in subsections (c) and (d) of this section'' and inserting the following:

''(2) AREAS FOR REFUGES.—Except as provided in paragraph (3) and subsection (c)''; and

(B) by inserting ''(16 U.S.C. 715 et seq.)'' after ''Conservation Act'';

(5) in subsection (b)(3) (as so redesignated)—

(A) by striking ''(3) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection,'' and inserting the following:

''(3) CONDITIONS ON USE OF FUNDS.—The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph,''; and

(B) in the second sentence—

(i) by inserting ''(16 U.S.C. 715 et seq.)'' after ''Conservation Act''; and

(ii) by striking ''this subsection'' and inserting ''this paragraph'';

(6) by redesignating subsection (d) as subsection (c); and

(7) in subsection (c) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking ''(1) The Secretary of the Interior may utilize'' and inserting the following:

''(1) IN GENERAL.—The Secretary may use''; and

(ii) by striking ''migratory bird hunting and conservation stamps'' and inserting ''Migratory Bird Hunting and Conservation Stamps''; and

(B) in paragraph (2), by striking ''(2) The Secretary of the Interior'' and inserting the following:

''(2) COMPONENTS OF REPORT.—The Secretary''.

(f) LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.—Section 5 of the Act of March 16, 1934 (16 U.S.C. 718e) is amended—

(1) by striking ''SEC. 5. (a) That no person to whom has been sold a migratory-bird hunting stamp,'' and inserting the following:

''SEC. 5. LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.

''(a) IN GENERAL.—No person to whom has been sold a Migratory Bird Hunting and Conservation Stamp,'';

(2) in subsection (b), by striking ''(b)'' and all that follows through ''shall alter'' and inserting the following:

''(b) ALTERATION.—Except as provided in clauses (i) and (ii) of section 504(l)(D) of title 18, United States Code, no person shall alter'';

(3) in subsection (c)—

(A) by striking ''(c) Notwithstanding'' and inserting the following:

''(c) REPRODUCTION.—Notwithstanding'';

(B) by striking ''Secretary of the Interior'' each place it appears and inserting ''Secretary''; and

(C) in the matter following paragraph (2)—

(i) by striking ''migratory bird hunting stamps'' and inserting ''Migratory Bird Hunting and Conservation Stamps''; and

(ii) by striking ''shall be paid into the migratory bird conservation fund'' and inserting ''shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund''.

(g) ENFORCEMENT.—Section 6 of the Act of March 16, 1934 (16 U.S.C. 718f) is amended—

(1) by striking ''SEC. 6. For the efficient'' and inserting the following:

''SEC. 6. ENFORCEMENT.

''For the efficient''; and

(2) in the first sentence—

(A) by striking ''Secretary of Agriculture'' and inserting ''Secretary'';

(B) by striking ''Department of Agriculture'' and inserting ''Department of the Interior''; and

(C) by inserting ''(16 U.S.C. 703 et seq.)'' after ''Treaty Act''.

(h) VIOLATIONS; COOPERATION; USE OF CONTEST FEES; DEFINITIONS; SHORT TITLE.—The Act of March 16, 1934 is amended by striking sections 7 through 10 (16 U.S.C. 718g–718j) and inserting the following:

''SEC. 7. VIOLATIONS.

''Any person that violates or fails to comply with any provision of this Act (including a regulation promulgated under this Act) shall be subject to the penalties described in section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707).

''SEC. 8. COOPERATION.

''The Secretary is authorized to cooperate with the States and the territories and possessions of the United States in the enforcement of this Act.

''SEC. 9. USE OF CONTEST FEES.

''Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited—

''(1) first, to the appropriation account from which expenditures for the administration of the contest are made; and

''(2) second, to the extent any funds remain, to the Migratory Bird Conservation Fund.

''SEC. 10. DEFINITIONS.

''(a) IN GENERAL.—In this Act, the terms defined in the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) have the meanings given those terms in those Acts.

''(b) OTHER DEFINITIONS.—In this Act:

''(1) HUNTING YEAR.—The term 'hunting year' means the 1-year period beginning on July 1 of each year.

''(2) MIGRATORY WATERFOWL.—The term 'migratory waterfowl' means the species enumerated in paragraph (a) of subdivision 1 of article I of the Convention between the United States and Great Britain for the Protection of Migratory Birds, signed at Washington on August 16, 1916 (USTS 628) (16 U.S.C. 703 et seq.).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(4) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico;

''(D) Guam;

''(E) American Samoa;

''(F) the Commonwealth of the Northern Mariana Islands;

''(G) the Federated States of Micronesia;

''(H) the Republic of the Marshall Islands;

''(I) the Republic of Palau; and

''(J) the United States Virgin Islands.

''(5) TAKE.—The term 'take' means—

''(A) to pursue, hunt, shoot, capture, collect, or kill; or

''(B) to attempt to pursue, hunt, shoot, capture, collect, or kill.

''SEC. 11. SHORT TITLE.

''This Act may be cited as the 'Migratory Bird Hunting and Conservation Stamp Act'.''.

(i) DISPOSITION OF UNSOLD STAMPS.—Section 3 of the Act of July 30, 1956 (Public Law 84–838; 70 Stat. 722), is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a) (16 U.S.C. 718b–1)—

(A) by striking ''SEC. 3. (a) Hereafter'' and all that follows through the end of the first sentence and inserting the following:

''SEC. 3. DISPOSITION OF UNSOLD STAMPS.

''(a) DISPOSITION OF UNSOLD STAMPS.—A Migratory Bird Hunting and Conservation Stamp shall be transferred to the Postal Service or the Secretary of the Interior (or a designee) for sale to a collector if the stamp—

''(1) has not been sold by the end of the hunting year (as that term is defined in section 10 of the Migratory Bird Hunting and Conservation Stamp Act) during which the stamp is issued; and

''(2) as determined by the Postal Service or the Secretary of the Interior—

''(A) is appropriate to supply a market for sale to collectors; and

''(B) is in suitable condition for sale to a collector.''; and

(B) by striking the second sentence and inserting the following:

''(b) SURPLUS STOCK.—The Postal Service or the Secretary of the Interior may destroy any surplus stock of Migratory Bird Hunting and Conservation Stamps at such time and in such manner as the Postal Service or the Secretary of the Interior determines to be appropriate.''.

The committee amendments were agreed to.

The bill (S. 1496), as amended, was read the third time and passed.

STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMISSION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 959 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 959) to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the Sarbanes amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2685) was agreed to, as follows:

(Purpose: To include all of the 28 States originally on the National Park Service's list in the commission)

On page 4, strike lines 6 through 8, and insert the following:

(A) means the States of Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin; and

On page 4, line 18, strike ''23'' and insert ''42''.

On page 4, line 19, strike ''9'' and insert ''28''.

The bill (S. 959), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

THEODORE ROOSEVELT COMMEMORATIVE COIN ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 863 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 863) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2686) was agreed to, as follows:

(Purpose: To authorize the Secretary of the Treasury to issue, after December 31, 2005, numismatic items that contain 5-cent coins minted in the years 2004 and 2005, and for other purposes)

On page 11, after line 15, add the following:

SEC. 8. CONTINUED ISSUANCE OF 5-CENT COINS MINTED IN 2004 AND 2005.

Notwithstanding the fifth sentence of section 5112(d)(1) of title 31, United States Code, the Secretary of the Treasury may continue to issue, after December 31, 2005, numismatic items that contain 5-cent coins minted in the years 2004 and 2005.

SEC. 9. LEWIS AND CLARK COIN AMENDMENTS.

Section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act (31 U.S.C. 5112 note) is amended—

(1) in subsection (a), by striking ''Secretary as:'' and all that follows through the end of the subsection and inserting the following: ''Secretary for expenditure on activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, as follows:

''(1) NATIONAL COUNCIL OF THE LEWIS AND CLARK BICENTENNIAL.—One-half to the National Council of the Lewis and Clark Bicentennial.

''(2) MISSOURI HISTORICAL SOCIETY.—One-half to the Missouri Historical Society.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) TRANSFER OF UNEXPENDED FUNDS.—Any proceeds referred to in subsection (a) that were dispersed by the Secretary and remain unexpended by the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society as of June 30, 2007, shall be transferred to the Lewis and Clark Trail Heritage Foundation for the purpose of establishing a trust for the stewardship of the Lewis and Clark National Historic Trail.''.

The bill (S. 863), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

HONORING MEMBERS OF THE ARMED FORCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 338, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 338) honoring the memory of the members of the Armed Forces of the United States who have given their lives in service to the United States in Operation Iraqi Freedom and Operation Enduring Freedom.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. 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. 338) was agreed to.

The preamble was agreed to.

(The text of the resolution is printed in today's RECORD under ''Submitted Resolutions.'')

URGING THE RUSSIAN FEDERATION TO WITHDRAW THE FIRST DRAFT OF PROPOSED LEGISLATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 339, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 339) urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. 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. 339) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 339

Whereas Russian Federation President Putin has stated that ''modern Russia's greatest achievement is the democratic process (and) the achievements of our civil society'';

Whereas the unobstructed establishment and free and autonomous operations and activities of nongovernmental organizations and a robust civil society free from excessive government control are central and indispensable elements of a democratic society;

Whereas the free and autonomous operations of nongovernmental organizations in any society necessarily encompass activities, including political activities, that may be contrary to government policies;

Whereas domestic, international, and foreign nongovernmental organizations are crucial in assisting the Russian Federation and the Russian people in tackling the many challenges they face, including in such areas as education, infectious diseases, and the establishment of a flourishing democracy;

Whereas the Government of the Russian Federation has proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, including erecting unprecedented barriers to foreign assistance;

Whereas the State Duma of the Russian Federation is considering the first draft of such legislation;

Whereas the restrictions in the first draft of this legislation would impose disabling restraints on the establishment, operations, and activities of nongovernmental organizations and on civil society throughout the Russian Federation, regardless of the stated intent of the Government of the Russian Federation;

Whereas the stated concerns of the Government of the Russian Federation regarding the use of nongovernmental organizations by foreign interests and intelligence agencies to undermine the Government of the Russian Federation and the security of the Russian Federation as a whole can be fully addressed without imposing disabling restraints on nongovernmental organizations and on civil society;

Whereas there is active debate underway in the Russian Federation over concerns regarding such restrictions on nongovernmental organizations;

Whereas the State Duma and the Federation Council of the Federal Assembly play a central role in the system of checks and balances that are prerequisites for a democracy;

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would ''correspond more closely to the principles according to which civil society functions''; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by democracies, including the provisions regarding foreign assistance.

REDUCING CONFLICTS OF INTERESTS IN THE REPRESENTATION OF INDIAN TRIBES ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 329, S. 1312.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1312) to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the McCain amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The amendment (No. 2687) was agreed to, as follows:

AMENDMENT NO. 2687

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reducing Conflicts of Interests in the Representation of Indian Tribes Act of 2005''.

SEC. 2. ADDITIONAL EMPLOYMENT RIGHTS.

Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

''(j) ADDITIONAL EMPLOYMENT RIGHTS.—

''(1) DEFINITION OF TRIBAL EMPLOYEE.—In this subsection, the term 'tribal employee', with respect to an Indian tribal government, means an individual acting under the day-to-day control or supervision of the Indian tribal government, unaffected by the control or supervision of any independent contractor, agency or organization, or intervening sovereignty.

''(2) RIGHTS OF CERTAIN EMPLOYEES.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is a tribal employee or an elected or appointed official of an Indian tribe carrying out an official duty of the tribal employee or official may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe on any matter, including any matter in which the United States is a party or has a direct and substantial interest.

''(3) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (2) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter.''.

SEC. 3. EFFECTIVE DATE.

The effective date of the amendment made by this Act shall be the date that is 1 year after the date of enactment of this Act.

The bill, as amended, was read the third time and passed.

PUBLIC LAW 107–153 MODIFICATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 318, S. 1892.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1892) to amend Public Law 107–153 to modify a certain date.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2690) was agreed to, as follows:

AMENDMENT NO. 2690

On page 1, line 6, strike ''2005'' and insert ''2000''.

The bill (S. 1892), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

MEASURE PLACED ON THE CALENDAR—H.R. 2892

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2892) to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR SATURDAY, DECEMBER 17, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Saturday, December 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will return to session. As I stated this morning, we are waiting for additional legislative items to come from the House. The House may vote on the Defense authorization conference report later this evening or tomorrow morning. I am unaware of anyone who has requested a rollcall vote on that conference report and, therefore, we expect to debate that during tomorrow's session if that measure is received.

We also have a number of nominations we have been working on over the last several days. We expect to get those wrapped up tomorrow. At this point, we anticipate acting on those nominations without the need for rollcall votes.

Having said that, we will be in session working on the important business that remains. At this juncture, after discussion with the Democratic leader, we do not anticipate a need for rollcall votes tomorrow. I want to say that in a very careful way because we have so much happening right now and, as I said, we will be working through much of the night, and we want to continue to move forward on measures. Senators have been patient. We have said for some time that we would be in this weekend, Saturday and in all likelihood Sunday as well, working through our final business.

Tomorrow, I will continue to work with the Democratic leader to clear as much as we possibly can by unanimous consent. We also expect the Defense appropriations conference report to be ready at some point this weekend, and we will turn to that measure just as

soon as we possibly can, as soon as it is ready.

We will remain in session to receive items from the House, and we will remain available to begin any necessary procedural options that are warranted. We will need to act on a continuing resolution tomorrow, and we will pass that when received from the House.

As I mentioned, Members continue to ask about the schedule. We are doing our very best to keep our colleagues apprised as we go forward. There is a lot of work going on with negotiations off the floor. We will monitor those discussions and alert all Members as we get closer to having these last bills ready.

Again, at this point, I do not see a need for rollcall votes tomorrow, although we will have to wait to see what we receive from the House.

With regard to a Sunday session and Monday session, just as soon as we make final decisions in terms of timing, we will let people know as quickly as possible. If we do not vote on Sunday—and we are not prepared to say that yet—we would notify people as soon as that decision could be made. We are going to have a very busy Monday and votes will in all likelihood begin early Monday morning. This will not be a typical Monday where we do not vote until late in the afternoon. Again, I will have more to say regarding Sunday's schedule tomorrow.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. I understand the difficulties of the distinguished Republican leader, especially these last few days of this session of the Congress, but I would say that one way to expedite this is to get the Defense appropriations bill over here as quickly as possible and move in the ordinary course. I have said on the record and off the record, trying to stick this ANWR provision in a place it does not belong is going to create for this body untoward problems in the future.

I am a long timer of the Appropriations Committee and the rule that is now in effect dealing with the scope of the conference; that is, the matters in the conference report that come back to the Senate floor have to be pertinent to the subject matter of the legislation that is taken to conference.

We could complete the Defense appropriations bill in a matter of minutes but for this. There are people of goodwill on both sides of the aisle who do not like that process of trying to stick on this bill the unimaginable. I was not happy when earlier this year we lost on ANWR. The bill went out of here and the place where it could legally be put in a bill, that is reconciliation spending, was stripped by the House of Representatives. As a result of that, now we come back with this suggestion that they are going to stick it on the Defense appropriations bill.

This is a body that lives by rules. We cannot be changing them just because the other side has more votes. So I would simply say to the distinguished majority leader, I hope he would help us stop this mischievous thing. I hope we have more of my friends on the other side of the aisle join with us in this, which is the right thing to do.

I have heard the senior Senator from Arizona give speeches on this matter numerous times: Why did you put that in conference? Those are things within the scope. I cannot imagine how the Senator from Arizona must feel about putting something in a bill that has nothing relating to the scope.

I say to all Senators that one way to wind up this session in a very positive vein is passing the Defense appropriations bill, not having to go through steps that would take us to have to invoke cloture on the Defense appropriations bill, change the rules of the Senate, change precedence in the Senate.

I am terribly disappointed this is even being contemplated. I am willing to work with the distinguished leader and try to work things out this weekend. I do not contemplate any votes that would be necessary. We have to do the continuing resolution and we will complete that as soon as we get it. On my side I am not aware of any amendments on that. I spoke earlier this evening to the distinguished ranking member of the Armed Services Committee and he said he and the chairman, Senator WARNER, are at a point where they can complete that legislation very quickly, and I hope that is the case. If we could finish Defense authorization, Defense appropriations, we could be out of here on Sunday.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise to address the Senate on the status of the progress the conferees are making with regard to the Defense authorization bill. We have been in constant negotiations throughout the week and I am pleased to say that Chairman HUNTER, who has exhibited extraordinary leadership, together with myself, Senator LEVIN, and Congressman IKE SKELTON, we concluded our final conference with Members today. It was my understanding the bill would be filed in the House tonight.

Accordingly, I provided a signature sheet, which is the standard protocol. All 13 members of the Armed Services Committee on the Republican side signed the sheet and Senator LEVIN likewise authorized me to include his sheet of those Democrats which signed. So they are now in the possession of the House of Representatives again in anticipation that the bill will be filed.

Congressman HUNTER is a man I have dealt with for many years and have the greatest respect for, and because of our close working and trusting relationship, he called me tonight, about half an hour ago, to advise me there was some interest among some Members of the House to have that conference report on the House side reopened and another measure inserted. He described the measure, but as a matter of courtesy and privacy I will not describe it.

I indicated to Congressman HUNTER and other members of the House leadership that I would be in opposition; that I felt duty bound as chairman to withdraw the signatures of the 13 Republicans. I called Senator LEVIN and acquainted him with the status of this matter and he asked that I ask Congressman HUNTER to return his sheet with all signatures if the House, in its wisdom, opens that bill and inserts another provision in it. So that is the status.

In the very unfortunate event that we have our signature sheets returned to us and this particular provision is placed in the House bill, I would have to go to my Members on the Republican side and indicate to them that I could not support this measure if it were to be placed in this bill. I might support it in the context of other legislative means, but I would not on this. Therefore, there is a question of whether with my signature being withdrawn—Senator LEVIN said he expressed doubt that his members would join, so there would probably be insufficient signatures for the filing of this bill.

I do not take the floor by means of threatening those with good intentions to try every avenue to foster their interest in legislation, but our Nation is at war, and this bill has been, for various reasons, on a very long journey in getting to this moment in time. Many Members of this body, most especially the members of the Armed Services Committee, both sides of the aisle, have worked diligently on this bill. Our collective staffs have gone around the clock for days in this abbreviated session to try and produce the conference report, and I commend them for the work, and that report has been produced. It is our understanding that it was finalized about 2:30 today and the House was in the process of filing the bill tonight.

So I indicate that this Senator will not in any way allow this bill to come to the floor—I will exercise every right I have—with this provision in it. At this point in time, if, for example, for some reason—my colleagues and I do not in any way threaten my fellow colleagues who I presume might have an interest in this position—were to send over the report without my signature and such signatures that they may get on the other side and that comes over, then I am prepared to exercise my rights under rule XVIII and every available means not to allow this bill to contain this provision, because I think we are absolutely dutybound to the men and women of the Armed Forces and to their families and to the Commander in Chief, with whom I was privileged to meet yesterday, the President of the United States, on a matter that was of great importance to him and other members of our committee, most particularly one member, Senator MCCAIN, who was with me. It was understood that we were finally resolving what we considered the last major issue.

I commend the President on the manner in which he and his staff worked with me and Congressman HUNTER and others to resolve this question. So we had finally concluded and listened diligently today to the members of the committee who had some views and closed it out at 2:30.

Now this has arisen. Again, people over on the other side, the other body, have a perfect right to exercise their rights, but I have to indicate, and I think in fairness to the leadership of the Senate and the leadership of the House, my steadfast opposition to this procedure. There has to come a time around here when conference reports are closed, as it was indicated to us, signature sheets provided, and we should go forward.

This bill is vitally necessary to this Nation at this hour. When every day we are losing men, killed and wounded, and the horrific damages to them and their families, we must be steadfast in our resolve.

I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

COMMENDING SENATOR WARNER

Mr. REID. Mr. President, I wish I had the words to express the thoughts I have in my heart now. I love history. I love the Senate. I have spent a lot of my life here. The mere fact that I am a Senator is, every day, hard for me to comprehend. But I am, and I am so thankful to the people in Nevada for allowing me to serve.

But I want to say to the senior Senator from the State of Virginia that when the history books are written about this institution and someone flips through like a dictionary, wanting to have described what a U.S. Senator should be, JOHN WARNER has to be near the top of that list, if not at the top. He is a man who is a gentleman. I have served with him now for 23 years. He is a man who believes in this institution and has the record to prove it. He is a person who is a good member of his political party, but he is also a patriot. As important as the two-party system is to our country, to the Senator from Virginia, party comes second, country comes first.

As I said, I don't have the ability to express my conviction about this man. But the statement he just made, his off-the-cuff statement, is what the Senate is all about. It is about protecting this country, the individual rights of Members of the Senate, and that is why JOHN WARNER is a great Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with a deep sense of humility, I thank my colleague. I am undeserving of those remarks. Each day I am here, each day I grow a little older, I grow more humble and thankful to the good Lord for allowing me to greet each day and do what I feel is best in the interests of this country.

ADJOURNMENT UNTIL 4 P.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate this evening, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:42 p.m., adjourned until Saturday, December 17, 2005, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate December 16, 2005:

THE JUDICIARY

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MICHAEL RYAN BARRETT, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE WALTER HERBERT RICE RETIRED.

DEPARTMENT OF JUSTICE

REGINALD I. LLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE J. STROM THURMOND, JR., RESIGNED.

FEDERAL ELECTION COMMISSION

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009. (REAPPOINTMENT)

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE SCOTT E. THOMAS, TERM EXPIRED.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE BRADLEY A. SMITH, RESIGNED.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN WESTGATE

Daily Digest

HIGHLIGHTS

The House passed H.R. 4437, Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

Senate

Chamber Action

Routine Proceedings, pages S13689–S13945

Measures Introduced: Twenty-two bills and seven resolutions were introduced, as follows: S. 2119–2140, S. Res. 335–339, and S. Con. Res. 72–73. **Pages S13786–87**

Measures Reported:

H.R. 2113, to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346, To designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel, Jr. Post Office Building".

H.R. 2413, to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 2630, to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

H.R. 2894, to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building".

H.R. 3256, to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368, to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3439, to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

H.R. 3548, to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

H.R. 3703, to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building".

H.R. 3770, to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

H.R. 3825, to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

H.R. 3830, to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 3989, to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

H.R. 4053, to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California as the "Lillian Kinkella Keil Post Office".

S. 1445, to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the "William H. Emery Post Office".

S. 1792, to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

S. 1820, to designate the facility of the United States Postal Service located at 6110 East 51st Place

in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

S. 2036, to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

S. 2064, to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office.

S. 2089, to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building". **Pages S13785–86**

Measures Passed:

Milk Marketing Regulatory Equity: Senate passed S. 2120, to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas. **Pages S13701–02**

Gulf Opportunity Zone Act: Senate passed H.R. 4440, to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, after taking action on the following amendment proposed thereto: **Pages S13702–08**

Lott (for Grassley) Amendment No. 2680, in the nature of a substitute. **Page S13707**

Department of Justice Authorization: Committee on the Judiciary was discharged from further consideration of H.R. 3402, to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S13749–66**

Santorum (for Specter) Amendment No. 2681, in the nature of a substitute. **Page S13749**

Condemning Anti-Semitic Statements: Senate agreed to S. Res. 337, to condemn the harmful, destructive, and anti-Semitic statements of Mahmoud Ahmadinejad, the President of Iran, and to demand an apology for those statements of hate and animosity towards all Jewish people of the world. **Pages S13767–68**

Stem Cell Therapeutic and Research Act: Senate passed H.R. 2520, to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program, after agreeing to the following amendment proposed thereto: **Pages S13930–31**

Frist (for Hatch) Amendment No. 2688, in the nature of a substitute. **Page S13930**

Newlands Project Headquarters and Maintenance Yard Facility Transfer Act: Senate passed S. 310, to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada. **Page S13934**

Lower Farmington River and Salmon Brook Wild and Scenic River Study Act: Senate passed S. 435, to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, after agreeing to the committee amendment. **Page S13934**

Reclamation States Emergency Drought Relief Act Amendment: Senate passed S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance. **Page S13934**

Wichita Project Equus Beds Division Authorization Act: Senate passed S. 1025, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance, after agreeing to the committee amendment. **Pages S13934–35**

Musconetcong Wild and Scenic Rivers Act: Senate passed S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, after agreeing to the following amendment proposed thereto: **Page S13935**

Frist (for Domenici) Amendment No. 2682, of a technical nature. **Page S13935**

Delaware Water Gap National Recreation Area Improvement Act: Senate passed S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S13935–36**

Frist (for Domenici) Amendment No. 2683, in the nature of a substitute. **Page S13936**

Frist (for Domenici) Amendment No. 2684, to amend the title. **Page S13936**

Secretary of the Interior Authorization: Senate passed S. 1552, to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009. **Page S13936**

Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act: Senate passed S. 1578, to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs. **Pages S13936–37**

Southern Oregon Bureau of Reclamation Repayment Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 4195, to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District, and the bill was then passed, clearing the measure for the President. **Page S13937**

Federal Water Pollution Control Act Amendment: Senate passed H.R. 3963, to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound, clearing the measure for the President. **Page S13937**

Coast Guard Hurricane Relief Act: Senate passed H.R. 4508, to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, clearing the measure for the President. **Page S13937**

Recognizing Commodore John Barry: Senate passed H.J. Res. 38, recognizing Commodore John Barry as the first flag officer of the United States Navy, clearing the measure for the President. **Page S13937**

Korean American Day: Committee on the Judiciary was discharged from further consideration of S. Res. 283, recognizing the contributions of Korean Americans to the United States and encouraging the celebration of ''Korean American Day'', and the resolution was then agreed to. **Page S13937**

Coast Barrier Resources Reauthorization Act: Senate passed S. 1869, to reauthorize the Coastal Barrier Resources Act, after agreeing to the committee amendment. **Page S13938**

James Campbell National Wildlife Refuge Expansion Act: Senate passed S. 1165, to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii, after agreeing to the committee amendments. **Pages S13938–39**

Electronic Duck Stamp Act: Senate passed S. 1496, to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps, after agreeing to the committee amendments. **Pages S13939–41**

Star-Spangled Banner and War of 1812 Bicentennial Commission Act: Committee on the Judiciary was discharged from further consideration of S. 959, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S13941–42**

Frist (for Sarbanes) Amendment No. 2685, to include all of the 28 States originally on the National Park Service's list in the commission. **Pages S13941–42**

President Roosevelt Nobel Peace Prize Commemoration: Committee on Banking, Housing and Urban Affairs was discharged from further consideration of S. 863, 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 the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S13942**

Frist (for Shelby) Amendment No. 2686, to authorize the Secretary of the Treasury to issue, after December 31, 2005, numismatic items that contain 5-cent coins minted in the years 2004 and 2005. **Page S13942**

Honoring Armed Forces in Iraq and Afghanistan: Senate agreed to S. Res. 338, honoring the memory of the members of the Armed Forces of the United States who have given their lives in service to the United States in Operation Iraqi Freedom and Operation Enduring Freedom. **Page S13942**

Russian Federation Legislation: Senate agreed to S. Res. 339, urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions. **Pages S13942–43**

Indian Tribe Employees: Senate passed S. 1312, to amend a provision relating to employees of the United States assigned to, or employed by, and Indian tribe. **Page S13943**

Frist (for McCain) Amendment No. 2687, in the nature of a substitute. **Page S13943**

Modification of Certain Date: Senate passed S. 1892, to amend Public Law 107–153 to modify a certain date. **Page S13943**

Frist (for McCain) Amendment No. 2690, of a technical nature. **Page S13943**

USA PATRIOT Act Reauthorization Conference Report: Senate continued consideration of the conference report to accompany H.R. 3199, to extend and modify authorities needed to combat terrorism. **Pages S13699–S13701, S13708–49**

During consideration of this measure today, Senate also took the following action:

By 52 yeas to 47 nays (Vote No. 358), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the conference report. **Pages S13719–20**

Senator Frist entered a motion to reconsider the vote by which the motion to invoke cloture on the conference report was not invoked. **Page S13720**

Terrorism Risk Insurance Extension Act: Senate concurred in the amendment of the House of Representatives to S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002, with the following amendment proposed thereto: **Pages S13931–34**

Frist (for Shelby) Amendment No. 2689, in the nature of a substitute. **Page S13933**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report of guidelines and requirements relative to implementation of the Information Sharing Environment called for by section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004; which was referred to the Select Committee on Intelligence. (PM–34) **Pages S13780–81**

Nominations Received: Senate received the following nominations:

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio.

Reginald I. Lloyd, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

David M. Mason, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

Steven T. Walther, of Nevada, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

Hans von Spakovsky, of Georgia, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

Robert D. Lenhard, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

1 Air Force nomination in the rank of general. **Page S13945**

Messages From the House: **Pages S13781–82**

Measures Placed on Calendar: **Page S13782**

Enrolled Bills Presented: **Page S13782**

Executive Communications: **Pages S13782–85**

Executive Reports of Committees: **Page S13786**

Additional Cosponsors: **Pages S13787–88**

Statements on Introduced Bills/Resolutions: **Pages S13788–S13857**

Additional Statements: **Pages S13778–80**

Amendments Submitted: **Pages S13857–S13930**

Authorities for Committees to Meet: **Page S13930**

Privileges of the Floor: **Page S13930**

Record Votes: One record vote was taken today. (Total—358) **Pages S13719–20**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:42 p.m., until 4 p.m., on Saturday, December 17, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S13943–45.)

Committee Meetings

(Committees not listed did not meet)

NAVAL FORCE STRUCTURE

Committee on Armed Services: Committee met in closed session to receive a briefing regarding future naval force structure requirements from Admiral Michael G. Mullen, USN, Chief of Naval Operations.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nominations of Antonio Fratto, of Pennsylvania, to be Assistant Secretary of the Treasury for Public Affairs, David M. Spooner, of Virginia, to be Assistant Secretary of Commerce for Import Administration, David Steele Bohigian, of Missouri, to be an Assistant Secretary of Commerce, and Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 47 public bills, H.R. 4567–4613; 4 private bills, H.R. 4614–4617; and 13 resolutions, H. Con. Res. 319–323; and H. Res. 622, 624, and 630, were introduced. **Pages H12047–49**

Additional Cosponsors: **Pages H1050–51**

Reports Filed: Reports were filed today as follows:

H. Res. 549, requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address, with an amendment (H. Rept. 109–351); and

The Methamphetamine Epidemic: International Roots of the Problem, and Recommended Solutions (H. Rept. 109–352);

H.R. 3699, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, with an amendment (H. Rept. 109–316, Pt. 2); and Report of the Joint Economic Committee on the 2005 Economic Report of the President (H. Rept. 109–353);

Conference report on S. 1281, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, for fiscal years 2006, 2007, 2008, 2009, and 2010 (H. Rept. 109–354); and

H. Res. 623, providing for consideration of motions to suspend the rules (H. Rept. 109–355).

Pages H11920–21, H12015–31, H12047

Speaker: Read a letter from the Speaker wherein he appointed Representative Terry to act as Speaker pro tempore for today. **Page H11883**

Discharge Petitions: Representative Boswell moved to discharge the Committee on Rules from the consideration of H. Res. 584, providing for the consideration of H.R. 752, to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program (Discharge Petition No. 9); and

Representative Herseth moved to discharge the Committee on Rules from the consideration of H. Res. 585, providing for the consideration of H.R. 3861, 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 (Discharge Petition No. 10).

National Defense Authorization Act for Fiscal Year 2006: 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. Motion to go to conference was agreed to on December 15th.

Agreed to close portions of the conference when classified national security material is being discussed by a yea-and-nay vote of 409 yeas to 12 nays, Roll No. 642. **Page H11901**

The House agreed to the Skelton motion to instruct conferees by a yea-and-nay vote of 228 yeas to 187 nays, Roll No. 643, which was debated yesterday, December 15th. **Pages H11901–02**

The Chair appointed as conferees: from the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Hunter, Weldon of Pennsylvania, Hefley, Saxton, McHugh, Everett, Bartlett of Maryland, McKeon, Thornberry, Hostettler, Ryun of Kansas, Gibbons, Hayes, Calvert, Simmons, Mrs. Drake, Messrs. Skelton, Spratt, Ortiz, Evans, Taylor of Mississippi, Abercrombie, Meehan, Reyes, Snyder, Smith of Washington, Ms. Loretta Sanchez of California, and Mrs. Tauscher; **Page H11905**

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. Hoekstra, LaHood, and Ms. Harman; **Page H11905**

From the Committee on Education and the Workforce, for consideration of secs. 561–563, 571, and 815 of the House bill, and secs. 581–584 of the Senate amendment, and modifications committed to conference: Messrs. Castle, Wilson of South Carolina, and Holt; **Page H11905**

From the Committee on Energy and Commerce, for consideration of secs. 314, 601, 1032, and 3201 of the House bill, and secs. 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. Barton of Texas, Gillmor, and Dingell; **Page H11905**

From the Committee on Financial Services, for consideration of secs. 676 and 1073 of the Senate amendment, and modifications committed to conference: Messrs. Oxley, Ney, and Frank of Massachusetts; **Page H11905**

From the Committee on Government Reform, for consideration of secs. 322, 665, 811, 812, 820A, 822–825, 901, 1101–1106, 1108, Title XIV, secs. 2832, 2841, and 2852 of the House bill, and secs. 652, 679, 801, 802, 809E, 809F, 809G, 809H, 811, 824, 831, 843–845, 857, 922, 1073, 1106, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. Tom Davis of Virginia, Shays, and Waxman; **Page H11905**

From the Committee on Homeland Security, for consideration of secs. 1032, 1033, and 1035 of the House bill, and sec. 907 of the Senate amendment, and modifications committed to conference: Messrs. Linder, Daniel E. Lungren of California, and Thompson of Mississippi; **Page H11905**

From the Committee on International Relations, for consideration of secs. 814, 1021, 1203–1206, and 1301–1305 of the House bill, and secs. 803, 1033, 1203, 1205–1207, and 1301–1306 of the Senate amendment, and modifications committed to conference: Messrs. Hyde, Leach, and Lantos; **Page H11905**

From the Committee on the Judiciary, for consideration of secs. 551, 673, 1021, 1043, and 1051 of the House bill, and secs. 553, 615, 617, 619, 1072, 1075, 1077, and 1092 of the Senate amendment, and modifications committed to conference: Messrs. Sensenbrenner, Chabot, and Conyers; **Page H11905**

From the Committee on Resources, for consideration of secs. 341–346, 601, and 2813 of the House bill, and secs. 1078, 2884, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. Pombo, Brown of South Carolina, and Rahall; **Page H11905**

From the Committee on Science, for consideration of sec. 223 of the House bill and secs. 814 and 3115 of the Senate amendment, and modifications committed to conference: Messrs. Boehlert, Akin, and Gordon; **Page H11905**

From the Committee on Small Business, for consideration of sec. 223 of the House bill, and secs. 814, 849–852, 855, and 901 of the Senate amendment, and modifications committed to conference: Mr. Manzullo, Mrs. Kelly, and Ms. Velázquez; **Page H11905**

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 508, 601, and 1032–1034 of the House bill, and secs. 312, 2890, 2893, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. Young of Alaska, Duncan, and Salazar; **Page H11905**

From the Committee on Veterans' Affairs, for consideration of secs. 641, 678, 714, and 1085 of the Senate amendment, and modifications committed to conference: Messrs. Buyer, Miller of Florida, and Ms. Berkley; and **Page H11905**

From the Committee on Ways and Means, for consideration of sec. 677 of the Senate amendment, and modifications committed to conference: Messrs. Thomas, Herger, and McDermott. **Page H11905**

Suspensions: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, December 14th:

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. Con. Res. 294, amended, to call 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, by a yea-and-nay vote of 413 yeas to 1 nay, Roll No. 647; **Pages H11904–05**

Condemning the Government of Zimbabwe's "Operation Murambatsvina" under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to "restore order" to the country: H. Res. 409, amended, condemning the Government of Zimbabwe's ''Operation Murambatsvina'' under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to ''restore order'' to the country, by a yea-and-nay vote of 421 yeas to 1 nay, Roll No. 649; **Page H11921**

Providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority: H. Res. 575, amended, providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, by a yea-and-nay vote of 397 yeas to 17 nays, Roll No. 650; **Pages H11921–22**

Agreed to amend the title so as to read ''Asserting that Hamas and other terrorist organizations should not participate in elections held by the Palestinian, Authority, and for other purposes.''. **Page H11922**

Recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq: H. Res. 534, amended, to recognize the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq, by a yea-and-nay vote of 408 yeas to 1 nay, Roll No. 651; and **Pages H11922–23**

Agreed to amend the title so as to read "Recognizing the importance of an independent Iraqi judiciary in the formation of a new and democratic Iraq.". Page H11923

Condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC), expressing support for extending the UNIIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty: H. Res. 598, amended, to condemn actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC), expressing support for extending the UNIIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty, by a yea-and-nay vote of 404 yeas to 5 nays with 1 voting "present", Roll No. 662. Pages H12014–15

Expressing the commitment of the House of Representatives to achieving victory in Iraq: The House agreed to H. Res. 612, to express the commitment of the House of Representatives to achieving victory in Iraq by a yea-and-nay vote of 279 yeas to 109 nays with 34 voting "present", Roll No. 648. Pages H11905–20

H. Res. 619, the rule providing for consideration of the resolution was agreed to by a recorded vote of 217 ayes to 202 noes, Roll No. 645, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 200 nays, Roll No. 644. Pages H11885–93, H11902–03

Gulf Opportunity Zone Act of 2005: The House passed by unanimous consent H.R. 4440, amended in the Senate, to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma. Pages H11923–40

Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005: The House passed H.R. 4437, to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, in which consideration began yesterday, December 15th, by a recorded vote of 239 ayes to 182 noes, Roll No. 661. Pages H11940–59, H11968–H12014

Rejected the Reyes motion to recommit the bill to the Committee on Homeland Security with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 198 ayes to 221 noes, Roll No. 660. Pages H11995–H12013

Agreed to:

Filner amendment (No. 2 printed in H. Rept. 109–350) makes technical changes to the current statute governing the distribution of fraudulent documents. The statute does not mention "distribution" of illegal documents, which applies to the re-sale or sale of fraudulent documents. By adding distribution to the criminal code those convicted of distributing illegal documents will be held to the same penalties as those who create, alter, or falsify any immigration related document; Pages H11942–43

Sensenbrenner amendment (No. 4 printed in H. Rept. 109–350) that prohibits localities from requiring businesses to set up day labor sites as a condition for conducting or expanding a business. Requires the Attorney General to report on the status of criminal alien prosecutions, including prosecutions of smugglers. Authorizes ICE's current Forensic Document Laboratory. At the Administration's request: Sets mandatory minimums for repeated marriage fraud. Removes reference to aggravated felonies and substitutes language referring to length of sentence, for sentencing enhancements for aliens who enter illegally after convictions. Makes various technical and conforming changes; Pages H11944–49

Price of Georgia amendment (No. 5 printed in H. Rept. 109–350) which establishes a hard deadline to achieve operational control over the entire international land and maritime borders of the United States. Operational control entails the prevention of all unlawful entries into the United States; Pages H11949–50

Velázquez amendment (No. 8 printed in H. Rept. 109–350) which requires the U.S. Citizenship and Immigration Services (USCIS) to reduce the immigration application processing backlog to 6 months within a period of 1 year. Authorizes the Director of USCIS to implement innovative pilot initiatives to eliminate the backlog and prevent further backlog from recurring. Encourages initiatives such as increasing or transferring personnel to areas with the greatest backlog, streamlining regulations and paperwork filing processes, upgrading information technology, and increasing the number of immigration service centers; Pages H11953–54

Goodlatte amendment (No. 1 printed in H. Rept. 109–350) that eliminates the visa lottery program (by a recorded vote of 273 ayes to 148 noes, Roll No. 653); Pages H11940–42, H11968–69

Stearns amendment No. 6 printed in H. Rept. 109–350) that prohibits Department of Homeland Security, the U.S. Attorney General, and all courts

from granting any kind of legal immigration status (i.e. ''benefits'') to an alien until the relevant databases of criminal records and terrorist watch lists are checked (by a recorded vote of 420 ayes with none voting ''nay,'' Roll No. 654); **Pages H11950–51, H11969**

Norwood amendment (No. 9 printed in H. Rept. 109–350) that reaffirms state and local law enforcement's existing inherent authority to assist in the enforcement of immigration law, provide training on this issue at no cost to the local agency, increase law enforcement's access to vital information on illegal criminal aliens, and provide increased and additional resources (SCAAP grants, Institutional Removal Program, and a new grant program) to help assist in the enforcement of immigration laws (by a recorded vote of 237 ayes to 180 noes, Roll No. 656);

Pages H11954–57, H11970–71

Myrick amendment (No. 12 printed in H. Rept. 109–350) modified, that amends section 606 of the bill to require the removal of an unauthorized alien on the first conviction of drunk driving. Authorizes State and local law enforcement officers to detain and transport unauthorized alien drunk drivers and be reimbursed by the Department of Homeland Security. Information on unauthorized alien drunk drivers shall be reported to the Department of Homeland Security, the National Criminal Information Center and the Drivers License Agreement of the American Association of Motor Vehicle Administrators; **Pages H11971–73**

Shadegg amendment (No. 13 printed in H. Rept. 109–350) that increases penalties for document fraud and for crimes of violence and drug trafficking offenses committed by illegal aliens; **Pages H11973–75**

Shadegg amendment (No. 14 printed in H. Rept. 109–350) that adds human trafficking and human smuggling to the list of predicate acts under the federal money laundering statute; **Pages H11975–76**

Bradley amendment (No. 17 printed in H. Rept. 109–350) that requires the Department of Homeland Security to provide a report both one and two years after implementation of the Employment Eligibility Verification System to Congress. Reports would contain information relating to problems reported by businesses during implementation as well as progress made up to the report's date. Report would contain information relating to the most efficient use of the system by small businesses;

Pages H11979–80

Ryun amendment (No. 19 printed in H. Rept. 109–350) that establishes the Oath of Renunciation and Allegiance as Federal law so that it cannot be changed without an act of Congress. Also requires the Secretary of Homeland Security, in cooperation with the Secretary of State, to notify a foreign embassy of which a new citizen was a citizen or subject that the citizen has: (1) renounced allegiance to that foreign country; and (2) sworn allegiance to the United States; **Pages H11982–84**

Royce amendment (No. 20 printed in H. Rept. 109–350) which states that no immigration benefit may be granted until, at a minimum, an FBI fingerprint check has been submitted and the results show that the alien does not have a criminal or immigration history that would render him or her ineligible for the benefit have been to U.S. Citizenship and Immigration Services; **Pages H11984–87**

Westmoreland amendment (No. 15 printed in H. Rept. 109–350) that sets caps on the monetary penalties set forth in Title VII of the bill for hiring or employing unauthorized aliens of $7,500 for first time offenses, $15,000 for second offenses, and $40,000 for all subsequent offenses; Provides an exemption from penalty for initial good faith violations; and provides a safe harbor for contractors if their subcontractor employees an unauthorized alien (provided the contractor did not know the employee was an unauthorized alien) (by a recorded vote of 247 ayes to 170 noes, Roll No. 657);

Pages H11976–78, H11987–88

Rejected:

Sensenbrenner amendment (No. 7 printed in H. Rept. 109–350) which sought to, at the Administration's request, reduce the maximum sentence for illegal entry and illegal presence to six months (by a recorded vote of 164 ayes to 257 noes, Roll No. 655);

Page H11951–53, H11969–70

Gonzalez amendment (No. 16 printed in H. Rept. 109–350) that sought to increase the fines on businesses for knowingly hiring unauthorized aliens to $50,000. Proceeds would be shared with state and local government and are restricted for use to help cover the costs associated with providing services to undocumented immigrants (by a recorded vote of 87 ayes to 332 noes, Roll No. 658); and

Pages H11978–79, H11988

Sullivan amendment (No. 18 printed in H. Rept. 109–350) that sought to require all non-citizens who enter or exit the country to be processed through the automated entry-exit control system Congress mandated in 1996 (by a recorded vote of 163 ayes to 251 noes with 1 voting ''present'', Roll No. 659).

Pages H11980–82, H11988–89

Withdrawn:

Hayworth amendment (No. 3 printed in H. Rept. 109–350) that was offered and subsequently withdrawn, which sought to increase the number of employment-based visas available through a reduction in other non-employment-based immigration categories; and **Pages H11943–44**

Tancredo amendment (No. 10 printed in H. Rept. 109–350) that was offered and subsequently withdrawn, which sought to prohibit the Attorney General from allocating funds under the State Criminal Alien Assistance Program to any state or local government which maintains a ''sanctuary policy'' in violation of federal law (8 U.S.C. 1373). Also requires the Attorney General to report annually to Congress on which state and local governments maintain ''sanctuary policies''. **Pages H11957–58**

Agreed by unanimous consent that staff be authorized to make technical and conforming corrections to the text of H.R. 4377, as passed by the House. **Page H12014**

H. Res. 621, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 216 yeas to 203 nays, Roll No. 646.

Pages H11893–H11901, H11903–04

Deficit Reduction Act of 2005—Motion to go to Conference: The House insisted on its amendment and agreed to a conference on S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). **Pages H11959–68**

The House agreed to the Spratt motion to instruct conferees by a yea-and-nay vote of 246 yeas to 175 nays, Roll No. 652. **Pages H11959–67**

The Chair appointed conferees for consideration of the Senate bill, and the House amendment thereto, and modifications committed to conference: Messrs. Nussle, Ryun of Kansas, Crenshaw, Putnam, Wicker, Hulshof, Ryan of Wisconsin, Blunt, DeLay, Spratt, Moore of Kansas, Neal of Massachusetts, Ms. DeLauro, Messrs. Edwards, and Ford; **Page H11967**

From the Committee on Agriculture, for consideration of title I of the Senate bill and title I of the House amendment, and modifications committed to conference: Messrs. Goodlatte, Peterson of Minnesota, and Lucas; **Page H11968**

From the Committee on Education and the Workforce, for consideration of title VII of the Senate bill and title II and subtitle C of title III of the House amendment, and modifications committed to conference: Messrs. Boehner, George Miller of California, and McKeon; **Page H11968**

From the Committee on Energy and Commerce, for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Messrs. Upton, Dingell, and Deal of Georgia; **Page H11968**

From the Committee on Financial Services, for consideration of title II of the Senate bill and title IV of the House amendment, and modifications committed to conference: Messrs. Oxley, Frank of Massachusetts, and Bachus; **Page H11968**

Provided that Mr. Ney is appointed in lieu of Mr. Bachus for consideration of subtitles C and D of title II of the Senate bill and subtitle B of title IV of the House amendment; **Page H11968**

From the Committee on the Judiciary, for consideration of title VIII of the Senate bill and title V of the House amendment, and modifications committed to conference: Messrs. Sensenbrenner, Conyers, and Smith of Texas; **Page H11968**

From the Committee on Resources, for consideration of title IV of the Senate bill and title VI of the House amendment, and modifications committed to conference: Messrs. Pombo, Rahall, and Gibbons; **Page H11968**

From the Committee on Transportation and Infrastructure, for consideration of title V and Division A of the Senate bill and title VII of the House amendment, and modifications committed to conference: Messrs. Young of Alaska, Oberstar, and LoBiondo; and **Page H11968**

From the Committee on Ways and Means, for consideration of sections 6039, 6071, and subtitle B of title VI of the Senate bill and title VIII of the House amendment, and modifications committed to conference: Messrs. Thomas, Rangel, and Herger. **Page H11968**

Presidential Message: Read a message from the President whereby he notified Congress of the issuance of a set of guidelines and requirements that significantly aid in the establishment of the Information Sharing Environment (ISE)—referred to the Permanent Select Committee on Intelligence and ordered printed (H. Doc. 109–75). **Pages H12031–32**

Reassignment of Conferee: The Chair announced the removal of Mr. Upton as a conferee on S. 1932, and appoints Mr. Barton of Texas to fill the vacancy. **Page H12031**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 2 p.m. on Saturday, December 17th. **Page H12014**

Senate Message: Messages received from the Senate today appear on pages H11920 and H12035–36.

Senate Referrals: S. 2116 was referred to the Committee on Transportation and Infrastructure and S. 2120 was referred to the Committee on Agriculture. **Page H12042**

Quorum Calls—Votes: Eleven yea-and-nay votes and ten recorded vote developed during the proceedings of today and appear on pages H11901, H11901–02, H11902–03, H11903, H11903–04, H11904–05, H11920, H11921, H11921–22, H11922–23, H11967, H11968–69, H11969, H11970, H11970–71, H11987–88, H11988,

H11988–89, H12013, H12013–14, and H12014–15. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 12 midnight.

Committee Meetings

BRIEFING—CHANGES ALLOWING AIRLINE PASSENGERS TO BOARD AIRCRAFT WITH SCISSORS, PLIERS AND WRENCHES

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity met in executive session to receive a briefing on announced changes to the prohibited items list that would allow airline passengers to board an aircraft with scissors, pliers and wrenches. The Subcommittee was briefed by a departmental witness.

BORDER SURVEILLANCE SYSTEM MISMANAGEMENT

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight held a hearing entitled ''Mismanagement of the Border Surveillance System and Lessons for the New Secure Border Initiative''. Testimony was heard from Richard L. Skinner, Inspector General, Department of Homeland Security.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Committee on Rules: Granted, by voice vote, a rule providing that certain specified measures may be considered under suspension of the rules at any time on the legislative day of Saturday, December 17, 2005.

Joint Meetings

NATIONAL DEFENSE AUTHORIZATION

Conferees met to resolve the differences between the Senate and House passed versions 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.

COMMITTEE MEETINGS FOR SATURDAY, DECEMBER 17, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

4 p.m., Saturday, December 17

Senate Chamber

Program for Saturday: After the transaction of any morning business, Senate expects to begin debate on the conference report to accompany H.R. 1815, National Defense Authorization Act. Also, Senate expects to consider any cleared legislative and executive matters.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Saturday, December 17

House Chamber

Program for Saturday: To be announced.

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